

THE UNIVERSITY OF SHEFFIELD

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THEOLOGY OF THE INCARCERATED:

VIEWS FROM THE UNDERSIDE

Submitted for the Degree of

Doctor of Philosophy

2006

**THEOLOGY OF THE INCARCERATED:
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Submitted for the Degree of

DOCTOR OF PHILOSOPHY

in the

Department of Biblical Studies

UNIVERSITY OF SHEFFIELD

and the

URBAN THEOLOGY UNIT, SHEFFIELD

September 2006

SUMMARY OF THESIS

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This thesis deals with the development of a contextual theology that explores the use of prison as punishment and its consequences from the perspective of those who have served a prison sentence.

My painful journey through imprisonment and the early years following my release, are paralleled by my early struggles in the development of this thesis and my theological reflection. The result is the development of a hermeneutical model that begins with a critical reflection on the historical use of imprisonment as punishment. The next chapter contains extracts from my diaries of my time in prison (1996-97) and the years following my release up to 2001. Chapter Three contains an analysis of my interviews with sixty-two former prisoners in order to record their 'dangerous memories'.

The second half of my thesis begins with the exploration of consciousness-raising in an attempt to understand control and surveillance techniques that continue to exclude the incarcerated and are used to govern our lives. Chapter Four also explores the concept of knowledge-power on the part of the Establishment, including the Church. Yet I find the powerless and excluded also have a knowledge-power.

The fifth chapter is a biblical and theological reflection, based on the previous chapters that draw on contextual and liberation theologies. Due to my experiences that challenged my preconceived ideas of God, I produce a number of theological perspectives in my postmodern understanding of God in Jesus: the non-violent God who was incarcerated and executed, and in so doing, became our Liberator. The final chapter deals with post-incarceration praxis that challenges the scapegoat mentality that permeates our society, calling on the Church to recover its founding roots to become the Community of the Reconciled and to embrace the excluded.

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER ONE – THE USE OF PRISON AS PUNISHMENT	6
1.1 Justifying the use of prison as punishment	9
1.2 The penal system prior to the nineteenth century	13
1.3 Reform of the penal system during the nineteenth century	15
1.4 The modern penal system: 1900-1945	20
1.5 Post-war influences on the penal system (1945-1979)	22
1.6 Politicisation of the criminal justice system (1979-1997)	24
1.7 ‘Tough on crime, tough on the causes of crime’ (1997-2001)	27
1.8 A ‘New’ Labour Agenda: ‘not tough enough on crime’	30
CHAPTER TWO – CAPTIVITY AND EXILE: EXTRACTS FROM MY DIARY	35
2.1 Journey into captivity (1994-1997)	35
2.1.1 Pre-trial	37
2.1.2 Remanded in custody to await sentence	39
2.1.3 Doing time	43
2.1.4 Reflections	52
2.2 From captivity to exile (1997-2001)	53
2.2.1 Coming to terms with freedom	55
2.2.2 Encountering the ‘glass wall’	57
2.2.3 Reflections	60
CHAPTER THREE – DANGEROUS MEMORIES: OTHER PEOPLE’S EXPERIENCES	64
3.1 Sociological insights on the effects of incarceration	67
3.2 Prisoner criminology	68
3.3 A theoretical basis for exploring motivation and obstacles to change	70
3.4 Research design and methodology of my four-year study	71
3.5 Main findings: more control, less care	77
3.5.1 Pre-incarceration: influence of home, school and caring agencies	77
3.5.2 Coping with alcohol and drug problems	83
3.5.3 Sexual health	86
3.5.4 Other health and social findings	88
3.5.5 Effects of incarceration on the family	89
3.5.6 Obstacles to rehabilitation and remaining crime-free	91
3.5.7 Care and treatment of older prisoners	92
3.5.8 ‘Dead Men Walking’: the effects of long-term incarceration	98

CHAPTER FOUR – VIOLATED SPACES: RAISING CONSCIOUSNESS	105
4.1 Main findings: the value of family, faith and community networks	106
4.1.1 Family and social networks	106
4.1.2 The important role of local services and caring agencies	109
4.1.3 Faith-based groups	111
4.1.4 Two examples of faith-based initiatives	113
4.1.5 Prisoner and family-led agencies	114
4.2 Motivating change: revisiting Paulo Freire’s ‘conscientization’	116
4.3 Foucault and the concept of knowledge-power	120
4.4 Social control in a disciplined world	124
4.5 Knowledge-power: Christian influences and theological insights	127
CHAPTER FIVE – THEOLOGY OF THE INCARCERATED	133
5.1 Reconstructing my image of God and the Church	135
5.2 Emphasising the contextuality of a theology of the incarcerated	141
5.3 Jesus the Incarcerated	146
5.4 Jesus as Liberator of the incarcerated	150
5.5 A theology of the incarcerated	156
5.6 Faith and hope: a basis for survival	160
CHAPTER SIX – RECONCILIATION: A NEW PRAXIS FOR THE INCARCERATED	165
6.1 Insights and judgements for a new praxis	167
6.2 Removing obstacles to a new praxis	173
6.3 A new praxis for a Community of Reconciliation	178
6.4 A new praxis for being	187
6.5 Is anybody out there, or is it just an illusion?	191
APPENDIX	194
BIBLIOGRAPHY	195

INTRODUCTION

Prison mirrors the defects in our society: we may not always like what we see, for it reflects our phobias, fears and nightmares. Prison is seen by many to be a convenient place of exclusion for the misfits and the unwanted and has become the sanitation service that our modern society demands. It is a place to house the nonconformists, the ones society cannot understand or control. For those of us who have to pass through the prison gates, especially for the first time, it is entering a world that views life from a different perspective - from the underside, gaining an experience that will shape the rest of our lives. For many, the loss of liberty is a devastating experience from which they will never fully recover; for others, such as Dietrich Bonhoeffer, the view 'from below' is an 'experience of incomparable value', despite the loss of freedom.

We have for once learnt to see the great events of world history from below, from the perspective of the outcast, the suspects, the maltreated, the powerless, the oppressed, the reviled – in short, from the perspective of those who suffer. The important thing is that neither bitterness nor envy should have gnawed at the heart during this time, that we should have come to look with new eyes at matters great and small, sorrow and joy, strength and weakness, that our perception of generosity, humanity, justice and mercy should have become clearer, freer, less corruptible. We have to learn that personal suffering is a more effective key, a more rewarding principle for exploring the world in thought and action than personal good fortune.¹

These words by Bonhoeffer express my own experience of incarceration, as I have journeyed from anger, hurt and despondency to hope and a better understanding of what it means to be powerless and marginalized.

My story began in 1994 with my arrest on fraud and theft charges; it took me across a line, to a world of the excluded. After serving almost one year of a twenty-one month sentence in 1996, I came out of prison having lost everything. I was trying to make sense of the experiences of my recent past and what I was going to do with my life as I approached the age of sixty. I was fearful of the future, living in sheltered accommodation and separated from my wife. All I did know was that I was beginning to rediscover a sense of purpose

¹ Dietrich Bonhoeffer, *Letters and Papers from Prison* (ed. Eberhard Bethge; London: SCM Press, 1971), p. 17.

in wanting to do something for those I had encountered in prison. But I had no idea what direction to take, afraid of repeating my mistakes of the past and overwhelmed by self-doubt. It was a time for reflection and the opportunity for doing this arose when in 1998 I commenced my PhD programme at the University of Sheffield. However, by this time I was clear about three things: firstly, I wanted to dispel the myth that all prisoners are dangerous; secondly, that there were serious abuses taking place against vulnerable prisoners; thirdly, that the emphasis on reducing re-offending and 'protecting the public' had replaced rehabilitation as the focus of resettlement. In the final years of this thesis my interest moved more towards exploring issues surrounding reconciliation, for I was coming to the conclusion that no one was seriously looking at this aspect within the criminal justice system.

Sad to say, I am now of the conviction that there are far too many interested parties, such as the growing number of bureaucrats and professionals who rely on the system for their livelihood and the private sector, who would like to see the multi-billion pound penal system expand even more. Since my release from prison in 1997 a further 17,000 new places have been built by the Government to bring the useable operational capacity to 77,107, with plans to further increase capacity to about 80,400 by 2007.

My thesis explores several themes related to punishment and incarceration, based on my personal experiences of imprisonment. Yet it is a view that also has a great deal in common with the countless thousands who have also experienced incarceration at the hands of the State. It is a perspective that reflects a view of punishment and of the penal system from the underside – the excluded. It is a journey of personal reflection on my experiences that is also bound up with the stories of others who have also been incarcerated. When I started I had no idea what the outcome would be, but I soon discovered that our collective stories played a major role in the development of my theology and praxis. I also did not realise from the outset that working through my thesis would parallel my continued experiences of exclusion long after I had 'paid my debt to society'.

The result is that through participating in this 'action-reflection' cycle I have been able to capture an understanding of Biblical texts that has been a liberating experience. This understanding is the result of recalling our stories

and presenting a view of the world from the perspective of the incarcerated in the twenty-first century. Apart from recording and analysing stories of the incarcerated, I have also identified several other strands that have helped to inform my thesis. These trajectories explore issues related to the philosophy and practice of punishment that support my view of retribution conflicting with reconciliation. In this respect I have taken a view from the underside that sees the Church supporting two diametrically opposed positions in the development of the modern penal system: one that has taken an unjust punitive stance and the other a caring reconciliatory position. Recent examples of the latter may be found in the Church of England and Roman Catholic responses.²

The fact that I followed in the footsteps of three others who also had encounters with prison in Bedford had some bearing on my desire to understand more about my own incarceration and the use of imprisonment as punishment. While working in the prison library I came across *Pilgrim's Progress*, written by the seventeenth century Nonconformist, John Bunyan. I also found other publications that referred to John Howard, another Quaker and a High Sheriff of Bedford, who became a leading prison reformer of the eighteenth century. I also later discovered that at one time I occupied the same cell as James Hanratty who was executed in the prison in 1962.

There is a common view that those of us who have experienced incarceration can agree on, whilst at the same time each view is very personal. Crucial to informing my own perception of incarceration has been the attempt to understand the historical and social influences, as well as the contextual situation that has affected my incarcerated life. Therefore, my approach has involved the use of disciplines such as philosophy, sociology and criminology. Yet, I realise some may raise the question, 'But why theology?' My response would be that firstly, my experiences have challenged my cynicism and lack of faith in the Church. Secondly, religion has had a great deal of influence, both negatively and positively, in the development of modern penal policy and practice in many countries, especially in Europe and the United States.

² See Church of England, Board for Social Responsibility, *Prisons: A Study of Vulnerability* (London: Church House Publishing, 1999), and Mission and Public Affairs, *Rethinking Sentencing: A Contribution to the Debate* (London: Church House Publishing, 2004), Catholic Bishops' Conference of England and Wales, *A Place of Redemption: A Christian Response to Punishment and Prison* (London: Burns & Oates, 2004).

Over the centuries Christian theology has interacted with other philosophies of punishment and at times has collaborated with the State in the delivery of punitive forms of punishment that incur pain.³ The practice of punishment through involuntary confinement goes back even further to the ancient world of Greece, Rome, Egypt and Persia.⁴ The concept of retributive punishment can be found in the Hebrew Scriptures in which the God of Israel punishes those who do not worship him or keep his laws. Ancient rulers and their governing bureaucrats, the aristocracy and religious leaders would call on their gods to control the masses and punish those who did not obey their laws.

Prior to the eighteenth century, prison was not used as punishment in the United Kingdom. A basic principle behind the new ideas for nineteenth century prison reform was the emphasis on punishment through religious discipline: a 'deviant' could be reformed in the expectation that this would lead to repentance.

The conclusions of my thesis might be considered by some to be radical, but I will argue that the present penal system is unjust and is failing to meet the expectations and rights of both the victims of crime and offenders. I will further argue that the criminal justice system has lost sight of faith-based concepts of rehabilitation, forgiveness and reconciliation.

When I set out to write this thesis, I thought I was the only one who had experienced incarceration and gone on to produce a PhD. However, I have recently discovered there are other ex-prisoners in the United States who have gone on to obtain their PhDs. Together with other academics, they have developed the concept of convict criminology,⁵ which has been an influence in the development of my thesis. Like them, I have found that many academic criminologists 'fail to penetrate and comprehend the lived experience of defendants and prisoners, or are simply misinformed'.⁶ In comparison, those of us that have 'done time' have both personal and abstract knowledge of the penal

³ Throughout my thesis I use the term 'punishment' to refer to any measure of pain that is imposed on another, even if the intention is to help. The term 'punitive' refers to actions that seek to bring suffering to another through the imposition of retributive concepts. See pages 9-13.

⁴ Edward M. Peters, 'Prison Before the Prison: The Ancient and Medieval Worlds', in *The Oxford History of the Prison: The Practice of Punishment in Western Society* (eds. Norval Morris and David J. Rothman ; New York: Oxford University Press, 1998), p. 3.

⁵ Jeffrey Ian Ross and Stephen C. Richards (eds.), *Convict Criminology* (Belmont, California: Thomson Wadsworth, 2003).

⁶ Ross and Richards (eds.), *Convict Criminology*, p. 10.

system that are based on our experiences and focus on issues of concern from the perspective of the underside.

Although I am critical of our modern penal system and believe it should be dismantled, I have found a number of prison and probation officers, as well as prison chaplains, to be very kind and supportive, especially in my work with older people in prison. These include Sue Sharples (HMP Leyhill), Mark Moore and Carolyn Lauder (HMP Shepton Mallet), and Revd Terry Sankey (HMP Dorchester). It would also be remiss of me not to mention Rt. Revd Tim Thornton (Bishop of Sherborn) for encouraging me to develop a reconciliatory approach to my work in prisons, and Revd Rob Gillion (Vicar of St Saviour's, London) for not only being Chair of our older prisoner support network (Restore 50plus) but also for being my spiritual mentor and guide over the past ten years.

I wish to acknowledge the influence of Liberation Theologians in this country, especially Christopher Rowlands and Stephen Pattison; also the work of John Swinton and Timothy Gorrige. I particularly wish to express my appreciation to my thesis supervisors, Revd Canon Professor Loveday Alexander (Department of Biblical Studies, University of Sheffield) and Revd Dr John Vincent (Urban Theology Unit, Sheffield) for their encouragement and support especially at times when I felt like giving up. I also appreciate the kind advice and suggested amendments to Chapter One, offered by Dr Michael Cavadino whilst he was at the School of Law, University of Sheffield.

Finally, I wish to express my thanks to the many friends and supporters who have stood by me; to my incarcerated colleagues, for sharing their experiences in this journey of rediscovery. However, most of all I cannot thank enough my family, especially Raelene, my life's partner. We have travelled far together, through the darkest moments of our lives, but come out the other end with a better understanding of the hardships and suffering that the marginalized have to face in our society.

CHAPTER ONE

THE USE OF PRISON AS PUNISHMENT

Punishment is the link between rule-making and rule breaking.⁷ The relationship between the punisher, who operates from the position of power and administers punishment, and the punished, who are powerless, is not a relationship of equals. The right of the State to punish those who break its laws is articulated in the contract theories of, for example, philosophers Thomas Hobbes (1588-1679) and John Locke (1632-1704). In *Elements of Law*⁸ Hobbes argues in favour of absolute submission to the State. In *Two Treatises of Government*⁹ Locke recognises the role of those with political authority to protect the rights of individuals, who give the State legitimacy which 'arises from consistent practices and tacit acceptance and gives law its authority'.¹⁰

Justice is often seen as being synonymous with punishment, rather than the delivery of substantive justice to the victims of crime or to offenders who are drawn into the criminal justice system. Justice is not so concerned with contextual or relational aspects of culpability, except to prove that a criminal act took place and that the person was aware of what she was doing. This can lead to miscarriages of justice, leaving no room for mercy or reconciliation.

In this country power to punish rule-breakers resides within the criminal justice system that carries out the punishment on behalf of the State, supported by legislation that is authorised by Parliament. However, there is a long-established tradition in English common law that allows for judicial law-making through the use of 'judicial precedent': the 'process whereby judges follow previously decided cases', or a case itself can set a 'precedent' that can be applied to other cases in the future. There are two limitations to this doctrine of 'judicial precedent'. Firstly, there is EU legislation, as approved by the EU Council of Ministers and enacted by the European Court of Justice. The Council agrees areas of commonality in which EU legislation will be incorporated into

⁷ Philip Bean, *Punishment: A Philosophical and Criminological Inquiry* (Oxford: Martin Robertson, 1981), p. 191.

⁸ Thomas Hobbes, *The Elements of Law* (2nd revised edition; London: Cassell, 1969).

⁹ John Locke, *Two Treatises of Government* (ed. P. Laslett; Cambridge: Cambridge University Press, 1988).

¹⁰ Philip Bobbitt, *The Shield of Achilles: War, Peace and the Course of History* (London: Penguin Books, 2002), p. 245.

the legislation of Member States. Secondly, there is the European Convention of Human Rights that has been incorporated into UK law through the Human Rights Act 1998.¹¹ The European Court of Justice has ruled that ‘national courts are obliged to interpret their national law as far as possible in the light of the wording and purpose of Community Directives applied similarly to framework decisions adopted under article 34 (ex article K.6) of the Treaty on European Union’.¹² However, there is some flexibility concerning the criminal, social and civil law of Member States, which ‘fall within the responsibilities of the Member States’.¹³

In the twenty-first century the power base is moving away from the nation state toward those who have the economic power, such as the United States and large global corporations. Philip Bobbitt sees the US as the only major powerful nation-state and agrees that we are now in the era of the entrepreneurial ‘market-state’ that has a different concept of law.

If the nation-state was characterised by the rule of law, the market-state is largely indifferent to the norms of justice, or for that matter to any particular set of moral values so long as law does not act as an impediment to economic competition.¹⁴

I am left with the conclusion that any moral influence on law in the past will be hard to locate in the twenty-first century as the US led market-state concept increases in strength. In this respect, later on in this thesis I will refer to the work of Max Weber, on the influence of economic and religious factors in the control and punishment of those who do not conform. The large global companies are perceived by some as rapidly becoming a major force behind the creation of criminal laws.

¹¹ Terence Ingman, *The English Legal Process* (Oxford: Oxford University Press, 2002), p. 384.

¹² European Union Court of Justice of the European Communities, *Criminal Proceedings against Pupino*, Case C-105/03 (Published July 14, 2005).

¹³ Correspondence from Georg Fischer, European Commissioner for Employment, Social and Equal Opportunities, dated 14 May 2005. In response to my enquiries regarding UK legislation prohibiting prisoners of pensionable age not being entitled to State Pension, whereas most other EU Member States continue to pay State Pension to serving prisoners.

¹⁴ Bobbitt, *The Shield of Achilles: War, Peace and the Course of History*, p. 230.

The single most important force behind criminal law creation is doubtless the economic interest and political power of those social classes which either (1) own or control the resources of society, or (2) occupy positions of authority in the state bureaucracies.¹⁵

This brings me on to an important issue, and one I will often return to throughout this thesis: those who hold positions of power and authority, whether economic or political, are in the position of influencing legislation that criminalizes a growing number of the vulnerable and marginalized in our society, creating second-class citizens, an ‘underclass’. The penal system then becomes a dumping ground and a place of injustice. This gives rise to what Cavadino and Dignan call a ‘crisis of legitimacy’.

In saying that the crisis of legitimacy is central, we are saying that the penal crisis is in essence a *moral* crisis. By this we do not just mean that many people *believe* that the system is unjust. ...[The] penal system is indeed in our opinion the source of very substantial injustice, and the crisis is unlikely to be solved unless this injustice is mitigated.¹⁶

The experiences of the incarcerated¹⁷ confirm that the penal system is indeed ‘the source of very substantial injustice’. I contend that unless there is a change of culture in our criminal justice system to a more just one, there will continue to be a high percentage of the vulnerable and marginalized sent to prison. The focus of their rehabilitation will not be on their care in the community, but on reducing the risk of their re-offending.¹⁸ Further, the damage and injustices these ‘offenders’ will have experienced in prison will be carried with them on their release, leaving them even more vulnerable and marginalized.

In the first section of this chapter, I briefly present an overview of the main justifications for using incarceration as punishment. I then move on to show how the concept of incarceration has become increasingly linked with the

¹⁵ William Chambliss, ‘Toward a Political Economy of Crime’, reprinted in *Criminological Perspectives: A Reader*. (eds. John Muncie, Eugene McLaughlin and Mary Langan; London: Sage Publications, 1996), pp. 227/228.

¹⁶ Michael Cavadino and James Dignan, *The Penal System: An Introduction* (London: Sage Publications, 2002), p. 30.

¹⁷ Although I use the term the ‘incarcerated’ interchangeably with ‘prisoners’, I also use it as a metaphor to denote a broader sense that includes the concept of control and containment in the community (See Chapter Four).

¹⁸ See National Offender Management Service, *Mission Statement: Working Together to Reduce Re-offending*, Home Office, 24 January 2005.

use of punitive punishment over the past two centuries. It will be observed that the development of the modern penal system as an instrument for punishment has evolved against a background of economics in which those with property and power sought to retain their positions. It is perceived as a control device.

1.1 Justifying the use of prison as punishment

Ted Honderich defines punishment as ‘an authority’s infliction of a penalty, something intended to cause distress or deprivation, on an offender or someone else found to have committed an offence, an action of the kind prohibited by the law’, and this forms ‘a dominant practice of control, or *the* dominant practice of control, within our societies’.¹⁹ Some philosophers hold that the justification for the State to punish an offender is ‘morally problematic’.

It is morally problematic because it involves doing things to people that (when not described as ‘punishment’) seem morally wrong. It is usually wrong to lock people up, to take their money without return, or put them to death. But the State imprisons and fines offenders, and some states even execute them.²⁰

From an incarcerated perspective, punishment can only be justified if a reconciliatory approach to justice is accepted, in which the goal is the restoration of broken relationships. The end of justice should not be punishment; justice should always seek to balance punishment with mercy, forgiveness and reconciliation. Yet, even the term ‘punishment’ bears a strong connotation with punitiveness. As Cavadino and Dignan have already indicated, the modern penal system is perceived by many to be ‘morally indefensible, or at least defective’.²¹ It is ‘morally indefensible’ because it involves the use of an evil act (i.e. loss of freedom) as a form punishment for an evil act against the laws of the State.

I would suggest that the ‘defectiveness’ of punishment within our criminal justice system may be found in the current mix of policies and practices, underpinned by a combination of two philosophical theories that are used to justify the use of imprisonment in the twenty-first century.

¹⁹ Ted Honderich, *Punishment: The Supposed Justifications Revisited* (London: Pluto Press, 2006), pp. 15/16.

²⁰ Anthony Duff and David Garland (eds.), *A Reader on Punishment* (Oxford: Oxford University Press, 1994), p. 2.

²¹ Cavadino and Dignan, *The Penal System: An Introduction*, p. 33.

Firstly, there is the group of forward looking *reductivist* theories (also known as *consequentialist*) that seek to justify punishment on the basis that it will both reduce crime and act as a deterrent through the imposition of sanctions (i.e. imprisonment). Reductivism also includes reform and rehabilitation concepts that were to become popular in the middle of the twentieth century. It can be based on the broader moral theory of utilitarianism, as developed by Jeremy Bentham (1748-1832). Bentham was one of a group of eighteenth century 'classical reformers' that included Beccaria, Fielding, Howard and Romilly. These philosophers believed that the ideal of reform through punishment should focus on changing the mind of the offender through a 'just' and 'equitable' measure of pain of imprisonment. They set out to challenge the random retributive form of punishment that focused on destruction of the body (i.e. hanging). This 'new disciplinary ideology' gained the support of the 'evangelical, professional, mercantile and industrial classes...seeking to cope with the dissolution of a society of ranks and orders and the emergence of a society of strangers [the industrial working class]'.²² Ignatieff suggests their influence should be seen in conjunction with the growing influence of economic interests and the rise of the new working class.

The new carceral system was not the work of an overarching strategic consensus by a ruling class, but instead fell into place as a result of a conjuncture between transformation in the phenomena of social order, new policing needs, and a new discourse on the exercise of power.²³

Secondly, there are the *retributivist* group of theories that are backward-looking to the offence. It is justified on the basis of 'just deserts', that it is 'deserved' and needs to be communicated to the offenders,²⁴ as well as satisfying populist demands. The Old Testament 'eye for eye and tooth for tooth' (*lex talionis*) is often used as an example of reciprocity in retributive vengeance. This suggests that there is an ancient philosophical tradition much older than reductivism that

²² M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon, 1978), p. 87.

²³ M. Ignatieff, 'State, Civil Society and Total Institutions: A Critique of Recent Social Theories of Punishment', in *Social Control and the State* (eds. S. Cohen and A. T. Scull; New York: St Martin's Press, 1983), p. 95.

²⁴ R. A. Duff, 'Punishment, Communication and Community', in *Punishment and Political Theory* (ed. Matt Matravers; Oxford: Hart Publishing, 1999), p. 48.

still permeates our twenty-first century society and dominates debates on punishment. The protagonists of retributivism claim that it is ‘morally right to return evil for evil, that two wrongs can somehow make a right’.²⁵ However, Biblical scholars, such as Daube and Jackson,²⁶ recognise that the Hebrew communitarian approach to punishment places restrictions on the use of vengeful retaliation with a strong notion of compensation for the wronged party. Cavadino and Dignan also support the view that *lex talionis* should be seen as placing a limit on the degree of punishment. In other words, the punishment is proportionate to the offence and therefore acts as a restriction on vengeance.

This is a point that needs stressing, because it is a common mistake ...to assume that retributivists are those who advocate the harshest punishments, and to equate retributivism with a draconian ...approach to criminal justice. In fact, it is often the case that retributivists...actually favour relatively *lenient* punishment. (But punishment which is ultimately justified by the fact that it is deserved and proportionate).²⁷

The incarcerated would agree that this is a valid point providing the balance was retained between protecting the rights of both the offender and victim, and was not tipped too far in favour of one side or the other. They would also recognise that at least retributive concepts satisfy grievances on the part of the victims of crime and therefore fulfil a basic need in our society for justice. However, since the latter half of the twentieth century we have encountered punitive actions being taken against the incarcerated that has tipped the scales of justice too far in one direction. Such actions have been driven by recent Home Secretaries, from Michael Howard onwards, who have attempted to justify their punitive penal policies through the increasing use of prison sentences as a deterrent strategy for reducing crime.

Modern penal theorists are primarily concerned with justifying penal sanctions that focus on individual responsibility as part of the social contract. Although it is now going out of vogue, what came to be known as ‘New Retributivism’ during the 1990s envisaged an individual as ‘entering society

²⁵ Cavadino and Dignan, *The Penal System: An Introduction*, p. 40.

²⁶ See Bernard Jackson, ‘Law, Language and Narrative: David Daube on Some Divine Speech-Acts’, in *Essays in Law and Religion. The Berkeley and Oxford Symposia in Honour of David Daube* (ed. C.M. Carmichael; Berkeley: University of California at Berkeley, 1993), pp. 51-66.

²⁷ Cavadino and Dignan, *The Penal System: An Introduction*, p. 41.

endowed with a set of pre-social needs, interests, preferences or rights, which must be respected ...[and was] conceived as a rational, responsible individual, capable to a significant extent of shaping his or her behaviour to chosen ends and of controlling and understanding that behaviour'.²⁸ However, this concept failed to recognise the social and economic causes of criminality, as well as collective responsibility. New Retributivists were opposed to the reductivist rehabilitative ideal because it was morally unacceptable and degrading to the offender.²⁹ Even if rehabilitative ideals were effective, they would be morally unacceptable.³⁰ I contend that any form of punishment is a moral issue.

People are now seen as 'atomised' individuals, living separate but equally conforming lives in our multicultural society. I sense there is a great deal of confusion in our postmodern twenty-first century as to what is 'society' and what comprises 'community'. However, I would like to believe there remains some form of societal 'collective responsibility' towards the vulnerable and marginalized. In this respect, I challenge the retributivist general view that all in society are moral equals and that those who fail to live up to their moral obligations should be punished, for we are not all born equal and do not grow up with the same opportunities, as our stories reveal in Chapter Three. I do not agree that it can be assumed that all offenders are capable of being responsible for their actions, such as those who have been damaged or abused, have mental disorders or diminished responsibilities. Some retributivists would object to any reform of the criminal justice and penal systems that denied the moral independence of the offender. However, I believe that there has to be some moral and collective responsibility that entails our pluralistic multicultural society caring for its weakest members: the vulnerable and marginalized.

While I have identified aspects of retribution that limit vengeance and include the idea of compensation, I find its major weakness is its backward focus on the offence, rather than a forward view that creates an opportunity for forgiveness and reconciliation. This is an area I return to in my final chapter.

²⁸ Nicola Lacey, 'Penal Theory and Penal Practice: A Communitarian Approach', in *The Use of Punishment* (ed. Sean McConville; Cullompton, Devon: Willan Press, 2003), p. 177.

²⁹ Christopher Bennett, 'On the Right to be Punished: responsibility and the critique of the rehabilitative model', *CJM*, 60, Summer 2005, p. 20.

³⁰ H. Morris, 'Person and Punishment', *The Monist* 52, 1969.

There is now no unitary theory of punishment in the twenty-first century: the criminal justice system relies on a combination of reductivist and retributivist theories to justify the punishment of offenders. The former is the more popular approach currently in favour among leading politicians and the media, pursuing punitive approaches to punishment in the misconceived idea that they will deter or reduce crime.

It should also be noted there are other approaches that attempt to justify punishment. For example, I believe a good case could be made in favour of restorative justice concepts, such as reparation, shaming and disqualification, as alternatives to imprisonment: the offender does something tangible to restore the damage done to a victim and the local community, such as paying a fine or carrying out some form of community service.

Having briefly dealt with the justifications for the use of incarceration as punishment and a critique from the perspective of the incarcerated, I now outline some of the major developments in the modern penal system of this country.

1.2 The penal system prior to the nineteenth century

Peters acknowledges that ‘the contribution of Rome to the history of criminal law and prisons was the jurisprudence of the *Code* and the *Digest* and the moving narratives of the Christian martyrs’. He goes on to suggest that these texts ‘remained the measure of Roman – and later – criminal law’.³¹ The ‘Acts of Christian Martyrs’ produced a moral basis in the development of criminal justice and the use of imprisonment. From the fourth century onwards, with the legalisation of the Church, the authority of bishops in matters of discipline and dogma in their communities was recognised, as was their growing authority in civil matters. Over a period of time Church canon law developed alongside the secular laws of the new city republics and nation states that were evolving in medieval Europe and lasting up to the Reformation.

After the Norman Conquest, this country saw the emergence of ‘common law’ alongside Church canon law. Through laws and customs applied by the royal courts, Anglo-Saxon local laws and customs were gradually replaced through local secondary courts. As a result, authoritative court practice

³¹ Peters, ‘Prison Before the Prison: The Ancient and Medieval Worlds’, in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, p. 21.

was developed that could cite past decisions in argument. Decisions of superior courts became a source of law in their own right.³²

Up until the eighteenth century a sentence of imprisonment as punishment was uncommon in both this country and the United States. The influence of Protestant, especially Calvinist, doctrine that stressed human depravity had little room for any thought of reform or rehabilitation.³³ The idea that someone should languish ‘profitlessly’ in prison seemed absurd in medieval times. Under ‘common law’ imprisonment was not used for its own sake, but to hold those awaiting trial or to assist the Crown to obtain its fines. Therefore, the purpose of imprisonment was to serve as a secure place until the law decided on the sentence of the accused. If a person was found guilty of a felony then it would be a death sentence, or, by the seventeenth century, it could be commuted to transportation to the Colonies. Prisons were not seen as places of punishment to deter or reform an offender until much later.³⁴ Apart from castles, the common gaol from the twelfth century onwards was usually old town lockups, ‘pounds, pens and pinfolds’. An Act of Parliament in 1576 required county justices to establish Houses of Correction for the ‘idle poor’.³⁵ This led to around two hundred being built, becoming known as ‘Work Houses’ or ‘Bridewells’. Here may be seen the seeds of the use of ‘closed’ institutions to control and reform offenders.

Over a period of time, County Gaols were established to hold those awaiting trial by the Crown’s Circuit Judges of Assize. The Gaols also held those who had been sentenced and were waiting to be hanged or transported. Included in their number were those who had been sentenced for petty crimes, especially for offences ‘against the laws that protected the interests of landowners and employers: the game laws and the law of master and servant.’³⁶ As transportation was becoming unpopular, and as a result of the War of Independence, an Act of Parliament in 1775 allowed for County Gaols to hold

³² P.F. Smith and S. H. Bailey, *The Modern Legal System* (London: Sweet and Maxwell, 1985), p. 2.

³³ Leonard Orland, *Prisons: Houses of Darkness* (New York: The Free Press, 1975), p. 20.

³⁴ Thomas Skyrme, *History of the Justices of the Peace. Vol.1: England to 1689* (London: Barry Rose and The Justice of Peace, 1991), p. 157.

³⁵ Philip Priestley, *Victorian Prison Lives: English Prison Biography 1830-1914* (London: Pimlico, 1999), p. 3.

³⁶ Philip Priestley, *Victorian Prison Lives: English Prison Biography 1830-1914*, p. 3.

convicts sentenced to hard labour. By the end of the eighteenth century there was chaos in the County Gaols as they struggled to cope with a growing prison population and to meet the demands that they deliver penal servitude, as an alternative to transportation. These prisons had not been built with prolonged imprisonment in mind and were unsuitable to house prisoners for any length of time. There was temporary relief to the prison over-crowding problem with the expansion of Colonial Australia. This led to the re-establishment of the transportation system in 1787.

During this period John Howard was appointed High Sheriff of Bedfordshire and he was appalled at the conditions in Bedford Gaol. This resulted in him visiting other County Gaols in England, leading to the publication of *The State of the Prisons* in 1777. However, his recommended reforms were opposed by the influential local authorities; they were responsible for running the Gaols in their areas. It would not be until long after his death in 1790 that his major recommendations for reforms would be implemented.³⁷

1.3 Reform of the penal system during the nineteenth century

The development of criminal law was in a confusing state by the beginning of the nineteenth century. For example, only about fifty offences carried the death penalty at the time of the Restoration (1688), whereas a further 190 had been added over the next 160 years by the time of the death of George III (1810).³⁸ Among the major influences to the extension of capital punishment were the effects of the Industrial Revolution that saw the emergence of large urban areas and industrial regions that challenged the Establishment. There was also a fear of the impact of the French Revolution on the new working classes. In this respect Radzinowicz makes an observation that might also be considered applicable in the twenty-first century where the State is pre-occupied with its 'war against drugs', 'war against crime' and 'war against terrorism':

³⁷ See John C. Freeman (ed.), *Prisons, Past and Future* (London: Heinemann, 1978). A collection of papers to mark the bicentenary of the *State of Prisons* and to pay tribute to the work of John Howard.

³⁸ Leon Radzinowicz, *A History of English Criminal Law* (London: Stevens and Sons, 1948), p.4.

England was in a state of transition and it is a truism that in such periods of social tension the Legislature becomes overridingly preoccupied with the strengthening of the State against the danger of an anticipated wave of lawlessness, inclined to lay stress on the deterrent function of criminal law and to oppose any attempt to change the established system of criminal justice, particularly if it would entail the relaxation of its severity.³⁹

The concept that the judicious use of punishment could reform offenders continued to grow through the use of deterrent approaches that relied heavily on retributivism. Therefore, judges were to remain as cruel as the law they administered. A large majority of the judiciary and Parliament believed that the severity of punishment would discourage crime – a view that still remains popular among influential segments of our society today. Romilly, a reformist Member of Parliament, was bitterly attacked when he tried to introduce a modest Bill in 1810 that sought to substitute transportation for the death penalty as the punishment for stealing five shillings and upwards from a shop. The then Archbishop of Canterbury and six other bishops were among the large majority who defeated the proposal.⁴⁰

The construction of the Walnut Street Jail and Penitentiary House in Philadelphia (1790) was the first penitentiary in the United States, based on a rehabilitative concept of Bible study and complete solitude. However, another and more punitive system was developed at Auburn in the State of New York in 1819. At Auburn convicts were allowed to mix among themselves and work, but they were not allowed to speak to each other.⁴¹ Auburn's 'silent system', known for its severity and the expectation that prisons would pay their own way eventually became the dominant system that has since prevailed throughout the American states.⁴² In fact Rusche and Kirchheimer suggest that during the nineteenth century these harsh penitentiaries used convict labour to produce goods for the growing capitalist market.⁴³ Morris believes that the Auburn

³⁹ Radzinowicz, *A History of English Criminal Law*, pp. 351/352.

⁴⁰ See S.G. Partridge, *Prisoner's Progress* (London: Hutchinson, 1935), p. 255.

⁴¹ Randall McGowen, 'The Well-Ordered Prison', in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, p. 90.

⁴² R.W. England, 'John Howard and His Influence in America', in *Prisons Past and Future*, p. 32.

⁴³ G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1968), pp. 130/131.

penitentiary model adapted the Protestant work ethic as an aspect of punishment.⁴⁴ This supports Weber's concept linking Protestantism with Capitalism.⁴⁵

Penal reformers of this period, in both Britain and the United States, were often the same ones who espoused the anti-slavery movement. Whilst their brand of Christianity was strongly evangelical, they 'adopted many of the attitudes of the Age of Enlightenment for their own'.⁴⁶ Their biblically-based evangelical approach envisaged a separate system in which each prisoner was isolated from the others; a major role for chaplains was seen as exhorting, instructing and admonishing prisoners, with 'zealous governors and staff exemplifying the Christian man'.⁴⁷

The new British penal system adapted the separation approach, by allowing prisoners to work in the same room as others, providing strict religious observance and silence was maintained. The British Government was so confident that this penal system would work that between 1842, with the building of Pentonville prison, and 1848, fifty-four new prisons containing 11,000 separate cells were built.⁴⁸

The disenfranchisement of convicts was introduced in 1870 as the result of the Forfeiture Act, based on the concept of civic exile and resulting in the withdrawal of citizenship rights. The Prison Act of 1877 introduced a new centralised control over local prisons. Despite the retributive and deterrent approaches to sentencing over the previous thirty years, the prison population reached a record 27,806, with devastating effects on those who had been incarcerated. Commenting on the severity of the penal system of this period, Leo Page observes that 'far from successfully deterring men from crime, it caused the prisoner discharged from jail to emerge brutalised, embittered and anti-social, whilst the prison population steadily increased'.⁴⁹

⁴⁴ Morris, 'The Parlous State of Prisons', in *Prisons Past and Present*, p. 83.

⁴⁵ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (London: Allen and Unwin, 1930).

⁴⁶ Morris, 'The Parlous State of Prisons', in *Prisons Past and Present*, p. 81.

⁴⁷ W. J. Forsythe, *Penal Discipline, Reformatory Projects and the English Prison Commission 1895-1939* (Exeter: University of Exeter Press, 1991), p. 7.

⁴⁸ Edmund DuCane, *The Punishment and Prevention of Crime* (London: Macmillan, 1885), p. 6.

⁴⁹ Page, *Crime and the Community* (London: Faber and Faber, 1937), p. 59.

By the end of the nineteenth century there were two types of prison in England: local prisons for those on remand or serving short sentences of which there were seventy; and ten convict prisons, such as Dartmoor and Parkhurst, of which there were ten. Between 1878 and 1921, both types of prisons continued with the regime of cellular separation and restriction of communication between prisoners, mainly as the result of a 'determined and well organised school of fundamentalist advocates' who 'urged that such enforced loneliness rendered the prisoner docile and tractable, prone to remorse and amenable to advice, instruction and admonition'.⁵⁰ However, over the same period medical, psychiatric and analytical treatments were becoming popular in the penal system, gradually replacing concepts of moral responsibility with scientific concepts. The rising professional middle class groups were seeking to gain power and influence over the developing criminal justice system.⁵¹ Despite these new influences, the system resisted any changes that might upset the balance of power in this country. In the words of Leo Page, the Establishment ensured that the 'the system stood like a rock against innovation or experiment of any sort in regard to criminal law.'⁵²

Prisons of this era were not built with women or children in mind. Apart from being housed in separate quarters from men, they were dealt with in the same way as men. There were also the unexpected problems that had to be faced when their babies came into prison with them or were born there. Dr Quinton's view of women prisoners was one of contempt: 'the woman who will curl her hair with the pages of a library, or even a devotional book, is not a hopeful subject for intellectual improvement'.⁵³

The punishment of children was one of the greatest injustices this country has ever produced. At the beginning of the nineteenth century children could be sentenced to death. The Head of Newgate school observed that he had seen five children in one committal hearing sentenced to death: 'one for stealing a comb almost valueless, two for a child's sixpenny story-book, another for a

⁵⁰ Bill Forsythe, 'Loneliness and Cellular Confinement in English Prisons 1878-1921, *British Journal of Criminology*, 44/5, September 2004, p. 759.

⁵¹ See David Garland, *Punishment and Welfare* (London: Gower, 1985).

⁵² Partridge, *Prisoner's Progress*, p. 19.

⁵³ R.F. Quinton, *Crime and Criminals* (London: Longmans Green, 1910).

man's stock, and the fifth for pawning his mother's shawl'.⁵⁴ In the late 1800s, Canon Horsley encountered a six year old boy who was in solitary confinement for vagrancy and a seven year old girl being held for 'running an errand for her mother with a bad fourpenny piece'.⁵⁵

A major recruiting ground for Victorian prisons was the growing working class population who were often regarded as 'savages'. Philip Priestley observes that these 'savages' were working-class men who 'worked in the new heavy industries' and 'lived in the fast-growing industrial towns'. He goes on to say that prison 'was also a theatre in which scenes from a continuing drama of class war were acted out'.⁵⁶

Penal architecture and prison regimes at the turn of the century reflected a belief that harsh treatment and isolation of the incarcerated would create an environment for reforming offender's lives and atoning for their 'sins'. This was based on the concept that 'themes of loneliness and penitence through isolation chimed closely with the severe moralistic Anglican Protestantism of the mid-nineteenth century, with its stern call to conscience and atonement through suffering'.⁵⁷

For the newly released prisoner, the primary concern was care and support to resettle, rather than supervision and crime reduction. The Probation Service can trace its modern origins to the Victorian period of the 1870s and 1880s, as the result of the work of the temperance movement and the police court missionaries and their concern to reform or 'reclaim' drunkards through a mission to the police courts.⁵⁸ At the beginning of the twentieth century there existed four kinds of prisoners' aid societies that were forerunners of the Probation Service. Forsythe identifies these as the Borstal Association (founded in 1904) and part funded by the Treasury and voluntary contributions; the Central Association for the Assistance of Convicts and Preventive Detainees, initiated by Churchill and Ruggles-Brise in 1910 and state subsidised. Then there were the aid societies established by charitable bodies, such as the

⁵⁴ Anonymous, 'The Schoolmaster's Experience in Newgate', *Frasers Magazine*, 1832, p.5.

⁵⁵ J. W. Horsley, *Prisons and Prisoners* (London: C. Arthur Pearson, 1898), p. 126.

⁵⁶ Priestley, *Victorian Prison Lives: English Prison Biography 1830-1914*, p. 59.

⁵⁷ Forsythe, 'Loneliness and Cellular Confinement in English Prisons 1878-1921', p. 768.

⁵⁸ Tim Newburn, *Crime and Criminal Justice Policy* (Harlow: Longmans, 1995), p. 81/82.

Salvation Army and the Church of England Temperance Society. Finally, each prison had its own aid society.⁵⁹

1.4 The modern penal system: 1900-1945

The search for a model that would work and successfully rehabilitate prisoners continued into the first half of the twentieth century. Despite a drastic fall in the prison population between 1876 and 1921, from around a daily average of 30,000 in 1876 to 9,800 in 1921, the Government introduced the National Insurance Act of 1911 that disqualified prisoners from receiving Social Security benefits, such as State Pensions, during their prison sentence.⁶⁰

The early part of the century saw the rise of tensions between the politicians, judiciary and Home Office, including the Prison Commission. For example, the Home Office were worried about not upsetting public opinion and the press. Ruggles-Brise regarded the interventions of Winston Churchill, Home Secretary in 1911 as ‘political interference’. Churchill was very concerned over the harsh conditions experienced by prisoners, especially those serving penal servitude, and sought to lessen their hardships. In so doing he challenged the national conscience.

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm and dispassionate recognition of the rights of the accused against the State and even of convicted criminals against the State, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man – these are the symbols which, in the treatment of crime and criminals, mark and measure the stored-up strength of a nation, and a sign and proof of the living virtue in it.⁶¹

⁵⁹ Forsythe, *Penal Discipline, Reformatory Projects and The English Prison Commission, 1895-1939*, pp. 217-231.

⁶⁰ The National Insurance Act 1911 is still in force and sentenced prisoners over 60 years of age, or their dependents, are not entitled to their State Pensions during the period of their imprisonment. This information was confirmed by the Pensions Group, Department of Work and Pensions (letters dated 15 December 2004 and 22 March 2005, in response to my inquiries).

⁶¹ Quoted in David Ramsbotham, *Prisongate: the Shocking State of Britain's Prisons and the Need for Visionary Change* (London: Free Press, 2003), pp. 66/67.

Whilst Prison Commissioner, Alexander Paterson, stated that ‘men go to prison *as* punishment, not *for* punishment’,⁶² other leading politicians and church leaders, such as William Temple, Archbishop of Canterbury, continued to believe otherwise. His perception was that the ‘natural law’ approach to justice should remain unchanged and criminals needed painful remedial treatment.⁶³ This concept of harsh punishment was supported by other leading Anglicans on the premise that ‘sin should bring suffering’. It was considered that ‘it is entirely satisfactory and correct that prisoners should be miserable, even if no good comes to any human being’.⁶⁴ I shall return to these conflicting views of punishment, including the ‘natural law’ theory, in the second half of my thesis.

In 1912 the daily schedule for sentenced prisoners in the local prisons reveals the extent of ‘harsh punishment’. For example, new prisoners sentenced to hard labour had almost continuous cellular confinement, ‘with around ten hours task work per day’:

Weekdays:

5.30	Rise, Wash, Dress, Clean Cells
5.50	Slop Out
6.10	Labour In Cells For All Adults/Drill Juvenile Adults
7.10	Cellular Labour For All
8.10	Associated Labour and Exercise For 2 nd , 3 rd , 4 th Stagers/Cellular Labour for 1 st Stagers at Hard Labour
11.30	Chapel March
11.40	Prayers
11.55	Prayers Cease
12.00	Dinner in Cells
12.40	Cellular Labour for First Stagers begins
1.30	Associated Labour for 2 nd , 3 rd , 4 th Stagers begins
4.30	Return for Supper
5.0	Cellular Labour for All
7.0	Cellular Labour Ceases
8.0	Lights Out

⁶² Quoted in Sean McConville (ed.), *The Use of Punishment* (Cullompton, Devon: Willan Publishing, 2003), p. 3.

⁶³ William Temple, *The Ethics of Penal Action* (London: Macmillan, 1934), p. 31.

⁶⁴ Gilbert Murray, ‘Preface’, in *An English Prison from Within* (S. Hobhouse; Oxford: Oxford University Press, 1919), p. ii.

Sundays

7.05	Rise
7.30	Breakfast
10.15	Chapel
12.0	Dinner
2.30	Chapel
4.30	Supper
8.15	Lights Out ⁶⁵

Writing in the 1930s, Leo Page, a leading barrister of the inter-war years, reflected over the period he had practised law. He had witnessed a change in society's attitudes at the turn of the century and a swing away from retributive and deterrent punishments. He identified that penal policy had been inconsistent and had 'alternated between repression by deterrence and a desire for less harsh methods'.⁶⁶ Page blamed this inconstancy on the moralists for this 'confusion because it lies at the root of the wholly erroneous theory [that] a legitimate purpose of legal punishment is the *expiation of moral wrongdoing*'.⁶⁷

Throughout the first half of the twentieth century the dominant belief was that something could be done to reduce crime. The assumptions underlying that belief stemmed from an optimistic view of the nature of society, involving general and individual responsibility. At the same time, the growing influence of the sciences on medical and social policy produced a reliance on psychiatric and behavioural sciences in the penal system, giving rise to rehabilitative-based treatment models.

1.5 Post-war influences on the penal system (1945-1979)

New initiatives were launched during the post-war years and continued throughout the rest of the twentieth century. Each initiative was based on the belief that something really does 'work' that will reform offenders and deter them from returning to crime. However, there was a general failure to recognise the complexities of crime and punishment through the use of imprisonment. The main political parties continued to search for simple solutions to correct failings

⁶⁵ See Forsythe, *Penal Discipline, Reformatory Projects and the English Prison Commission 1895-1939*, p. 95.

⁶⁶ Page, *Crime and the Community*, p. 61.

⁶⁷ Page, *Crime and the Community*, pp. 66/67.

in our criminal justice system and reduce re-offending. This implied that solutions were obtainable, based on the delusion that each initiative would deter re-offending or 'cure criminals of crime'.⁶⁸

The continuing search for simplistic solutions can be found, for example, during the 1950s and 1960s, when there was a growing concern over the increase in crime among the young. Both public and media pressure began to mount on successive governments to take action to reduce the crime rate. The response was an increase in legislation that has continued relentlessly into the twenty-first century, giving more powers and resources to the police, the courts and prisons. Yet each subsequent Act, such as the Criminal Justice Act 1967 and the Children and Young Persons Act 1969 had little or no effect in reducing crime or recidivism. This was at a time when the positivist and rehabilitative approach dominated the penal system, especially in the United States.⁶⁹ All this was to change when, in 1974, Robert Martinson published his assessment of 234 rehabilitative programmes that had been operating in different countries. He concluded that 'with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism'.⁷⁰ This marked the demise of this approach leaving a vacuum of 'nothing works'.

In 1963 the Probation and After-care Service became a department within the Home Office and the only organisation in this country responsible for probation and after-care. However, Cavadino and Dignan observe that the Service declined, especially in the 1970s, when the courts lost confidence in the value of probation.⁷¹ This occurred around the time the Government and the courts were also losing confidence in the 'treatment model' of rehabilitation. From the perspective of my thesis, Cavadino and Dignan make an important comment on the conflicting functions of the Service:

At the heart of the debate was a deep-rooted philosophical conflict between the rival 'welfare' and 'control' functions which probation may be made to serve. On the one hand, probation officers were traditionally exhorted to 'advise, assist and befriend' their probationers, and this was how many still defined their primary role. On the other hand,

⁶⁸ Vivien Stern, *A Sin Against the Future: Imprisonment in the World* (London: Penguin Books, 1998), p. 19.

⁶⁹ Cavadino and Dignan, *The Penal System: An Introduction*, p. 50.

⁷⁰ Robert Martinson, 'What Works? Questions and Answers about Prison Reform'. *The Public Interest*, 35, pp. 22-54.

⁷¹ Cavadino and Dignan, *The Penal System: An Introduction*, pp. 137/138.

however, probation officers had always been expected to discharge an explicitly law-enforcing role, and among the duties which they owed to the court were those of supervising offenders with a view to preventing further offences, and also reporting any breaches to the court.⁷²

However, I agree with Valier that this ‘deep-rooted philosophical conflict’ in our modern society has always been dominated by punitive sentiments, through irrational responses to crime.⁷³ As will be noted in the following two sections, the media-fuelled call for tougher prison sentences, has led to politically-led punitive actions to reduce crime.

1.6 Politicisation of the criminal justice system (1979-1997)

1979 marked a turning point in British politics with the election of the Thatcher government. It was the year of the May Inquiry into the state of the Prison Service, as a result of industrial unrest by prison officers and further riots, including at Wormwood Scrubs.⁷⁴ However, the May Report missed an opportunity to ‘fundamentally change the 100-year recipe of more prisoners and more prisons’.⁷⁵

Prior to the 1970s there was usually political bipartisan consensus over issues of policing, crime and punishment. All this was to change with the 1979 election and the return to office of a Conservative Government.⁷⁶ With the demise of the cold war, there was a switch of focus to other populist ‘wars’: the ‘war against drugs’ and the ‘war against crime’, becoming two interlinked politically-motivated initiatives. This also coincided with the continuing unpopularity of the rehabilitative treatment model and a growing public and media pessimism over penal policy. The domination of successive Conservative governments between 1979 and 1997 marked a turn to Right-wing politics that suggested that Labour had been responsible for a rise in crime in the 1970s, with

⁷² Cavadino and Dignan, *The Penal System: An Introduction*, p. 139.

⁷³ C. Valier, *Crime and Punishment in Contemporary Society* (London: Routledge, 2004).

⁷⁴ J. May, *Committee of Inquiry into the United Kingdom Prison Services* (Cmnd.7673; London: HMSO, 1979).

⁷⁵ M. Fitzgerald and J. Sim, ‘Legitimizing the Prison Crisis: A Critical Review of the May Report’, *Howard League Journal*, XIX, 1980, pp. 452-471.

⁷⁶ Newburn, *Crime and Criminal Justice*, p. 172.

Margaret Thatcher quoted as saying, 'Never, ever, have you heard me say that we will economise on law and order'.⁷⁷

The Thatcher government was greatly influenced by a move to the right in the United States with the election of the Reagan administration.

Consequently, in the UK there was a revival of interest in the 'short, sharp shock' approach to punishment, culminating in the Criminal Justice Act 1982, which introduced tougher regimes in Young Offender Detention Centres and more power to magistrates.⁷⁸ This was followed up by the Criminal Justice Act 1988 that introduced Young Offender Institutions (YOIs).

The failure of the Thatcher government in the 1980s to reduce crime led to the introduction of new management structures in the Prison Service and increasing centralisation that saw more power move towards the Home Secretary. At the same time there was a general toning down of tougher penal policies under Home Secretary Douglas Hurd, who published a Green Paper stating that 'imprisonment is not the most effective punishment for most crime'.⁷⁹ However, the reality was, from the prisoner perspective, one of harsh prison regimes. The voice of the incarcerated demanded to be heard and prison disturbances were the only way that could be found to draw the public and media's attention to the prison conditions. This led to a series of prison riots, of which the most serious was the twenty-eight day riot and siege at Strangeways Prison, Manchester, in April 1990. As a result of these incidents, two windows of opportunity arose that could have followed Hurd's more pragmatic approach.

Firstly, the Woolf and Tumim Report was published in February 1991. It identified three requirements that the Prison Service must meet in order to achieve a stable prison: security, control and justice. Regarding the third requirement, the report emphasised the need for 'justice' through fairness to balance the other two requirements. There was an obligation on the Prison Service to treat prisoners with humanity and fairness, and to prepare them for their return to the community in a way that made it less likely that they would re-offend.⁸⁰ While the Government responded positively to Woolf's

⁷⁷ Newburn, *Crime and Criminal Justice*, p. 172.

⁷⁸ Cavadino and Dignan, *The Penal System: An Introduction*, p. 291.

⁷⁹ Home Office, *Punishment, Custody and the Community*, Cmnd. 424 (London: HMSO, 1988).

⁸⁰ H. Woolf and S. Tumim, *Prison Disturbances April 1990*, Cmnd. 1456 para.1.148 (London: HMSO, 1991). This report is commonly referred to as the 'Woolf Report'.

recommendations on security and control, the third requirement was generally ignored, creating an imbalance. This imbalance is also recognised by Cavadino and Dignan, in their use of the term ‘crisis of legitimacy’ (lack of justice).⁸¹ Tony Bottoms suggests that this imbalance was due to the demise of the rehabilitative model in the 1970s and that these grievances would create a crisis in the penal system in the future.⁸²

Vivien Stern believes that the ‘Woolf ideas assume that the prisoner is a person who has the capacity to be responsible and to participate in society in a legal fashion’; and she continues, ‘That idea of the prisoner should define the way the prisoners are treated and the prison is run’.⁸³ Joe Pilling, the then Director General of the Prison Service, also identified himself with the Woolf Report, when he said that ‘the work of the Service should be characterised by respect for the prisoner, fairness, individuality, care and openness’.⁸⁴

The second opportunity for penal reform came with the introduction of the Criminal Justice Act 1991. This sought to challenge the independence of the judiciary by asserting that government had the responsibility for developing sentencing policy, with the intention of limiting the use of custodial sentences through the introduction of a sentencing framework that would reflect ‘just deserts’ approaches. However, over the next few years this opportunity for reform was not followed through, forsaking attempts to reduce the prison population. Faulkner states that the 1990s saw the rise of the political assertion that the ‘overriding purpose of criminal justice is to protect the public, together with an assumption that all wrong doing should always be followed by punishment in some form or other ‘however unrealistic that may be in practice’.

He then goes on to make this important point, which is of interest to me: ‘If wrongdoing has always to be followed by punishment, there is no room for mercy and compassion’.⁸⁵

⁸¹ Cavadino and Dignan, *The Penal Crisis: An Introduction*, pages 207-213.

⁸² A.E. Bottoms, ‘An Introduction’, in *The Coming Penal Crisis: A Criminological and Theological Explanation* (eds. A.E. Bottoms and R.H. Preston; Edinburgh: Scottish Academic Press, 1980), pp. 1-24.

⁸³ Stern, *A Sin Against the Future: Imprisonment in the World*, p. 256.

⁸⁴ Quoted in Nancy Loucks, *Prison Rules: A Working Guide* (London: Prison Reform Trust, 2000), p.24.

⁸⁵ David Faulkner, ‘Punishment and Treatment, Politics, Management and Citizenship’, in *Crime: Punishment or Treatment?* (Dominican Justice and Peace Commission, Oxford, 1997), pp. 12/13.

The culmination of missed opportunities for a balanced reform of the criminal justice system came when the Labour Party, then in opposition, announced that it would be 'tougher on crime' than the Conservatives. This played into the hands of the new Home Secretary and anti-penal reformer, Michael Howard. He dropped any thought of retributive 'just deserts', announcing a new punitive 'law and order' package that saw the introduction of 'penal populism'. Howard announced at the Conservative Party conference in 1993 that 'prison works' and that he would be introducing tougher prison regimes, backed by punitive and deterrent legislation. He proceeded to make these radical changes, ignoring counter-proposals from the legal profession, including senior judges. The reforms set out in the 1991 Act were replaced by punitive amendments to the Criminal Justice Act 1993, followed by the Crime (Sentences) Act 1997.⁸⁶

Derek Lewis, Director General of the Prison Service under Howard, has highlighted this change of direction as being 'unmistakably to the right, with the pendulum swinging towards greater emphasis on punishment rather than rehabilitation'.⁸⁷ He was dismissed by Howard in 1995 as the scapegoat following the Learmont Report⁸⁸ into recent prison escapes, which led to even greater security and controls over prisoners: restrictions on personal possessions and temporary release, introduction of mandatory drug testing and dedicated search teams.⁸⁹ It was into this environment that I entered prison in 1996. Lewis confirmed the politicisation of punishment: 'it became clear that Howard was concerned almost exclusively with public perceptions. ... Politics not policy was the issue'.⁹⁰

1.7 'Tough on crime, tough on the causes of crime' (1997-2001)

When New Labour came to power in 1997 it continued to reinforce the criminal justice policies of the previous Conservative government of managerialism,

⁸⁶ Cavadino and Dignan, *The Penal System: An Introduction*, pp. 105/106.

⁸⁷ Derek Lewis, *Hidden Agendas: Politics, Law and Disorder* (London: Hamish Hamilton, 1997), p.104.

⁸⁸ J. Learmont, *Review of Prison Service Security in England and Wales and the Escape from Parkhurst Prison on Tuesday 3rd January 1995*, Cmnd. 3020 (London: HMSO, 1995).

⁸⁹ Cavadino and Dignan, *The Penal System: An Introduction*, p. 185.

⁹⁰ Derek Lewis, *Hidden Agendas: Politics, Law and Disorder* (London: Hamish Hamilton, 1997), p. 116.

centralisation and penal populism. Jack Straw, the new Home Secretary recognised that Michael Howard's 'prison works' policy had failed to reduce re-offending rates and replaced it with 'best value': prison does not work, but it does for some. 'Evidence-based' practice became, and remains, the approach in which central control would assess the evidence as to what does or does not 'work' and enforce the results at local level.⁹¹ However, neither this approach nor any subsequent legislation reduced recidivism. New Labour pursued a penal policy of mixing punitive approaches with rehabilitative ones, with the former continuing to dominate. Despite a Home Office report, *Reducing Offending*,⁹² that questioned the effectiveness of punitive punishments such as imprisonment to reduce crime, the Government continued to pursue a policy of 'tough' measures. As the General Election of 2001 approached, both main political parties returned to the rhetoric of being 'tough on crime'.

Following the re-election of New Labour for a second term in office, the Social Exclusion Unit published *Reducing Re-offending by Ex-prisoners*. This report admitted that 58 per cent of prisoners released in 1997 were re-convicted within two years and that released prisoners were responsible for at least one million crimes per year (18 per cent of recorded, notifiable crimes). The financial cost of re-offending by former prisoners was estimated to be at least £11 billion per year. The cost for re-convicting an ex-prisoner was estimated:

An ex-prisoner's path back to prison is extremely costly for the criminal justice system. A re-offending ex-prisoner is likely to be responsible for crime costing the criminal justice system an average of £65,000. Prolific offenders will cost even more. When re-offending leads to a further prison sentence, the costs soar. The average cost of a prison sentence imposed at a crown court is roughly £30,500, made up of court and legal costs. The costs of actually keeping prisoners within prison vary significantly, but average £37,500 per year.⁹³

The bulk of the Social Exclusion report was concerned about the causes of re-offending by released prisoners. These causes are so important that they are

⁹¹ Norman Flynn, 'The Government's Approach to Performance Management', *Criminal Justice Matters*, No. 40, Summer 2000, pp. 5-8.

⁹² P. Goldblatt and E. Peters (eds.), *Reducing Offending: An Assessment on Ways of Dealing with Offending Behaviour*, Home Office Research Study No. 187 (London: HMSO, 1998).

⁹³ Social Exclusion Unit, *Reducing Re-offending by Ex-prisoners* (London: Office of the Deputy Prime Minister, July 2002), p. 5.

included in Chapter Three as part of the analysis of my own findings from interviews with sixty-two former prisoners.

Due to the cost implications of re-offending highlighted in the Social Exclusion report there was a tendency to focus on prolific petty criminals. Cavadino and Dignan confirm this observation as one example of New Labour's strategy that concentrated on the persistent petty offender instead of focusing on serious and violent offenders.⁹⁴ The authors follow this observation by making an interesting comparison with the previous Home Secretary: 'This is just one manifestation of the government's general apparent indifference to what is happening to the prison population, which...continues on its upward trend to heights not even attained under Michael Howard'.⁹⁵ When New Labour won the General Election of 1997, the prison population for England and Wales was 61,114; by the end of 2005 it stood at just over 78,000.⁹⁶ Previously it took four decades (1954-1994) for the prison population to rise by 25,000.⁹⁷

The neo-conservative consensus in the United States on crime and punishment was picked up in the United Kingdom by politicians and the media seeking to exploit public anxieties. Some academics identified that the American lust for punishment could be traced back to the Puritans' pessimism which insists on punishment for its own sake, regardless of the consequences.⁹⁸

The increasing politicisation of crime and punishment led to a large amount of legislation being presented to parliament. For example, the judiciary had to familiarise themselves with the Criminal Justice Act 2003, consisting of 339 sections and thirty-eight schedules, and the Sexual Offences Act 2003 with 143 sections and seven schedules. The previous major overhaul of criminal justice was the Criminal Justice Act 1991 (102 sections and thirteen schedules). However, between these two Acts I have counted at least fifteen 'reforming' statutes in criminal law and over two hundred schedules.

The Criminal Justice Act 2003 contained provisions that permitted the crown prosecution to ask the judge to allow them to refer to the bad character of the defendant, as well as previous convictions. Previously, the prosecution was

⁹⁴ Cavadino and Dignan, *The Penal System: An Introduction*, pp. 340/341.

⁹⁵ Cavadino and Dignan, *The Penal Crisis: An Introduction*, p. 341.

⁹⁶ HM Prison Service, *Prison Population and Accommodation Briefing* (London: HM Prison Service, December 2005).

⁹⁷ Home Office, *Prison Statistics England and Wales 2002* (London: HMSO, 2003).

⁹⁸ See B. Jarvis, *Cruel and Unusual: Punishment and US Culture* (London: Pluto Press, 2004).

only permitted to reveal a previous prosecution if it bore a striking resemblance to the current charge. This could tip the scale of justice by prejudicing the jury and eroding the underlying principle of ‘innocent until proven guilty’.

Politicisation of the criminal justice system has also created tensions between the judiciary and the Government. For example, there was an attempt to remove some common law tradition through new legislation, such as the right to trial by jury and the detention of people without trial. The latter arose as the result of the rise in terrorist threats to this country, leading to the Anti-terrorism, Crime and Security Act 2001.⁹⁹

1.8 A ‘New’ Labour agenda: ‘not tough enough on crime’

Although the focus of this chapter covers the same period as my diary extracts and research up to 2001, it would be remiss of me not to mention major changes to the penal system over the ensuing five years.

In 2003 the Government carried out a major review of the Prison Service and the Probation Service for England and Wales. The result was the Carter Report¹⁰⁰ and its findings were to lead to a major overhaul of the two services. The Report stated that in order to meet the concerns of the victims of crime, ‘sentencing should always be driven by the need for justice’. It confirmed that ‘far greater use is being made of prison and probation’. Calling for a reduction in the prison population, Carter observed that ‘England and Wales now have the highest prison population in the European Union’, while ‘the United States leads the way in the use of custody with over two million’ in prison. Interestingly, from the perspective of the incarcerated, the Report confirmed what many of us had already been saying: ‘the increased use of prison and probation over the last six years reflects the increased severity of sentencing’. Among the reasons given by Carter were the legislative changes that led to an increased use of custody, as well as longer sentences. More interesting was the recognition of ‘the interaction between public perception, media, politicians and sentencers’, acknowledging that ‘this interplay has helped drive up the severity of sentencing’. From the

⁹⁹ Later amended by the Prevention of Terrorism Bill that allowed for a suspect to be detained without charge or evidence that an offence had been committed. See Hansard, House of Commons debate and written answers, February 28th 2005.

¹⁰⁰ Patrick Carter, *Managing Offenders, Reducing Crime* (London: Home Office, 11 December 2003).

perspective of the incarcerated, the application of 'justice' meant harsher and longer prison sentences.

Carter made sweeping recommendations that began to be implemented from 2004 onwards: the merging of the Prison and Probation Services to form the National Offender Management Service (NOMS) within the Home Office under the Minister for Correctional Services; the appointment of Regional Offender Managers (ROMS) who, from 2006, would become major budget holders through contractual agreements with providers in which statutory, voluntary and private organisations would compete for contracts. The major casualty of these changes was to be the probation service, whereas prisons would hardly be affected.

Home Secretary Charles Clarke, introduced a 'new approach' toward more punitive sentences for serious offences, including indeterminate sentences (as part of the Criminal Justice Act 2003) with the probability that some would never be released.¹⁰¹ Home Office statistics reveal there are now over 400 serious offenders who have been given indeterminate sentences since its introduction in April 2005. The analysis also reveals there will be an estimated prison population of 84,260 in 2007, compared with the current figure of 77,141, and 90,800 by 2011. It is also forecast that the 136 prisons in England and Wales will only be able to hold 80,700 in 2007, with no plans to build more prisons.¹⁰²

I should add here that I have not included Scotland and Northern Ireland in this study, as they have separate prison administrative powers. At the beginning of 2005, the former had 6,645 people in prison,¹⁰³ whilst the latter had 1,265.¹⁰⁴ Neither have I mentioned that in 2005 the United Kingdom had over 40,000 men and women detained under the Mental Health Act in secure hospitals,¹⁰⁵ or that 2,750 asylum seekers were being held in detention (removal) centres. If we were to take these into account, the total incarcerated in the United Kingdom would have been almost 128,000 in 2005. This did not

¹⁰¹ Home Office, *A Five Year Strategy for Protecting the Public and Reducing Re-offending*, Cmnd. 6717 (London: The Stationery Office, 2006).

¹⁰² Home Office, *Prison Population Statistics*, March 2006.

¹⁰³ Scottish Prison Service, *Population Figures*, 25th March 2005.

¹⁰⁴ Northern Ireland Prison Service, *Prison Population*, 24th March 2005.

¹⁰⁵ MIND, March 2005.

include 242 children (aged between 10 and 18) held in secure local authority units.¹⁰⁶

The Home Office also reveals that 67 per cent of ex-prisoners re-offend within two years of release from prison, compared with 53 per cent when New Labour first came to power in 1997.¹⁰⁷ Yet, the Government believes that a major strategy for reducing this figure is the introduction of ‘contestability’, in which the private and voluntary sectors would compete for prison and probation contracts.¹⁰⁸ This follows a trend toward an increasing privatisation of key public services. Political ideology is perceived by some as an ‘element in the initial move to privatisation [of prisons] in the United Kingdom’.¹⁰⁹ Privately run prisons originated in the United States and Australia and were introduced in this country in 1992, with the opening of HMP The Wolds. In 2004 there were eleven privately managed prisons in England and Wales. Private companies also operate prison shops, prisoner escort services, secure training centres and immigration detention centres.¹¹⁰

Following the media and public furore during the first half of 2006 over foreign nationals released from prison and their re-offending, Charles Clarke resigned and was replaced by John Reid in the Home Office. It was admitted that New Labour policy of being ‘tough on crime’ had ‘failed’. Instead of looking at options to imprisonment, such as reconciliatory approaches that could bring healing to damaged individuals and communities, the Government considered it needed to be tougher on crime and its causes. Almost overnight a number of ‘non-risk’ prisoners in ‘open’ (‘D’ Category) conditions being prepared for release, were re-assessed and returned to ‘closed’ conditions. For example, I have anecdotal evidence from prison officers of a Black ‘lifer’ who had his Parole hearing decision reversed by the Home Office on the basis that he was being considered for deportation. He had been in this country since childhood, had lived with his parents in London, and was a naturalised citizen

¹⁰⁶ Howard League for Penal Reform, *Briefing on Children in Penal Custody*, 2004.

¹⁰⁷ Home Office, *Crime Statistics*, December 2005.

¹⁰⁸ Home Office, *NOMS Voluntary Sector News*, 1, Spring 2005, pp. 7/8.

¹⁰⁹ Trevor Jones and Tim Newburn, ‘Comparative Criminal Justice Policy-Making in the United States and the United Kingdom: The Case of Private Prisons’, *The British Journal of Criminology*, 45/1, 2005, p. 73.

¹¹⁰ See Mark Leech, *The Prisons Handbook 2005* (Manchester: MLA Press, 2004), pp. 295-299.

holding a UK passport. He is also being considered for deportation to Jamaica, which he has never visited. I also have examples of two Irish travellers who face extradition to Eire, although they have lived in the UK all their lives.

Despite the current rhetoric of 'not being tough enough on crime', the past ten years has seen a 185% increase in the number of those aged 60 years and over in prison (the fastest growing age group among the prison population) and an increase of 152% in foreign national prisoners (defined as non-UK passport holders). There has been an increase of 100% in 'lifers' (more than the combined total of 'lifers' in Germany, France, Italy and Turkey). Over the same period there has been an increase of more than 100% in the number of women in prison and a similar increase in 15-17 year olds being given custodial sentences. (It is estimated that 70,000 school-age children enter the youth justice system). In addition, the number of adults given custodial sentences by the Courts has increased by 81% and there has been a 40% increase in custodial sentences for drug offences.¹¹¹

The perception of the incarcerated is that efforts to resolve the 'penal crisis' have failed in the past and will continue to fail in the twenty-first century. It is our view that something is drastically wrong when central government bureaucrats are seeking to gain ever more power and control over the criminal justice system through NOMS. Harsher penal punishments, without reconciliation and reintegration strategies, will only demotivate prisoners from becoming crime-free on their release. This is why some of us believe that the entire modern penal system as an instrument of punishment should be dismantled. At the very least the Home Office should be split up, with a separate Ministry of Justice to cover the criminal justice and penal systems.

The Prison Service is just one of many Home Office departments, along with crime and policing, asylum and immigration, race relations, animal testing, civil liberties, extradition, terrorism and national security. It also includes fire and water and regulation of daylight saving. It employs over 70,000 civil servants and is more crisis orientated, rather than innovative.

¹¹¹ These figures are for England and Wales. Source: Prison Reform Trust, *Prison Fact File*, April 2006.

Conclusions

The use of prison as punishment has moved from one extreme to the other: prior to the eighteenth century it was an uncommon punishment, whereas today, it is invariably the norm. However, it is recognised that the use of prison is a complex one with conflicting interests at work. While there have been some improvements, the overall aim of humanising the penal system based on an ethos of care and rehabilitation, has failed both in this country and in the United States. A recent international report on the penal systems in these two countries revealed that 'the priority given to institutional order, discipline, and security reduced true rehabilitative efforts to a few insufficient and scattered attempts.'¹¹²

The history of our prisons is riddled with missed opportunities for genuine reform of the penal system. It reveals a constant tension between the care and humane treatment of prisoners and their control and security, with the latter coming out on top. We have not travelled very far from the eighteenth century 'penal crisis' that John Howard identified, to the one currently facing the twenty-first century penal system. It was the May Report (1981) that confirmed the findings of the Prisons System Enquiry Committee set up by the Labour Party in 1919: 'imprisonment actually creates or perpetuates rather than abates crime in those upon whom it is inflicted.'¹¹³ Its continued use will only perpetuate the problem even more. The use of imprisonment as punishment should be abolished. But if this is a view that is too far away at present for society to accept, this country should at least adopt a reductionist policy. Andrew Rutherford was right in his prediction back in 1986, when the prison population was 48,000:

Unless expansionist policies are halted and reversed, the legacy for the twenty-first century will be a prison archipelago of monstrous proportions. Reductionist policy options are available at each of the various stages of the criminal justice process. The starting point, however, must be the prison system itself. The urgent requirement is not for tentative steps at the margins, but for bold, decisive and sustained action at the penal centre.¹¹⁴

¹¹² Edgardo Rotman, 'Failure of Reform: United States, 1865-1965', in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, p. 174.

¹¹³ J. May, *Committee of Inquiry into the United Kingdom Prison Service*, Note 3, p. 143.

¹¹⁴ Andrew Rutherford, *Prisons and the Process of Justice* (Oxford: Oxford University Press, 1986), p. 184.

CHAPTER TWO

CAPTIVITY AND EXILE: EXTRACTS FROM MY DIARY

2.1 Journey into Captivity (1994-97)

A great deal of Biblical writing is a product of both captivity and exclusion, written under conditions of incarceration or exile. It has already been observed that Western countries, and in particular Britain and the United States, have historically used incarceration and banishment as punishment. Ioan Davies observes that 'it is impossible to understand Occidental thought without recognising the central significance of prison and banishment'.¹¹⁵ For myself, incarceration and its consequences have produced two diametrically opposed experiences: purgatory and salvation, rejection and reconciliation. These opposites created a void in my life out of which I have been able to develop a philosophy of punishment and a theology of the incarcerated. I had to take the road into captivity and exile in order to understand the use of punishment as a tool for control, and in so doing I discovered my freedom.

Looking back at the events that surrounded my life over a decade ago, I can now reflect on how the experience of prison and exile has shaped the way I live today. For me, what was originally a negative experience has become a full and positive one, as I now try to help older prisoners and speak on their behalf. This is not to say that my journey has been an easy one, without pain and despair. It is hoped that the extracts from my diaries will help to create a better understanding of the suffering that goes on behind our prison walls. The diary extracts may seem to lack much detail, but it should be noted that I sometimes had to write in coded language, as I was fearful that my diary would be subject to being checked by prison officers. It was the period when the criminal justice system was itself fearful of being seen as 'soft on crime', with the result that Michael Howard demanded tough prison regimes in the run up to the 1997 General Election.

¹¹⁵ Ioan Davies, *Writers in Prison* (Oxford: Basil Blackwell, 1990), p. 3.

My story begins in November 1994 when Hertfordshire police raided our home in the early hours of the morning, just as I was about to leave for a major conference that day. I was taken to St Albans police station for questioning and then released on bail in the evening. I was then suspended from my post as adviser on drug misuse with Hertfordshire County Council. On 22 December I was charged with six offences of procuring the execution of a valuable security, five counts of theft and two of false accounting. I had also been an adviser to the Home Office on drug prevention initiatives. I was on tight bail restrictions for almost two years prior to my trial. In May 1995 my wife and I were served with a High Court Restriction Order.¹¹⁶ The Order ‘froze’ our bank accounts and restricted our monthly income to £600 per month, which was supposed to cover our living expenses and bills, including mortgage repayments. The Order also required me to produce a sworn affidavit to the High Court to disclose the value of our realisable assets. This gave me an opportunity to request a variation of the Order that would increase the monthly income.

I spent the following months preparing my case and briefing my solicitor and barrister (Ronald Jaffa). I may have been naïve in my ‘creative accounting’ but I was beginning to look forward to ‘having my day in court’ to present my side of the story, especially to tell how a large local authority could mismanage funds. I recognised that what was being asked of me by my employers was way beyond my capabilities, acknowledging that the manner in which I had gone about dealing with large complicated finances had been totally wrong, but that I had been badly let down by senior management. Consequently, my life was in a spin as I tried to juggle too many balls in the air; something had to give.

Truth was to become an important principle in my life, not only in the preparation for my trial, but also a crucial element in governing the way I would choose to live for the rest of my life. However, I was soon to discover that justice is not about establishing the truth; it is only interested in producing evidence to convict.

¹¹⁶ On 15 May 1995, Detective Inspector Foster went to the High Court and obtained a Restriction Order under the Criminal Justice Act 1995, that meant neither my wife nor I could use our bank accounts. This was later amended to only apply to me and was changed into a High Court Confiscation Order; this would become a fine if found guilty at the time of sentencing – which happened almost two years later.

Many claim to seek for the 'truth', yet cannot face it when it confronts them. Pilate was one such person. When confronted by the 'criminal' Jesus, he asked, 'What is truth?' (John 18:38), then walked away. I too was one who was afraid to confront the 'truth', until I stood on the ramparts of Purgatory before my descent into the abyss. I recall reading some passages from *The Inferno* during the bleak period of waiting for the inevitable:

Upon a rampart or a ravelin
of megalithic ruin we found ourselves,
above a crowd more cruelly packed in;
and here, so overpowering was the smell
breathed by the deep abyss, that we approached
it from behind a great memorial, ...
He then began: 'My son, this dark decline
of broken bones is formed of circles three,
of different grades, like those you've left behind.
They're packed with sinners, as anon you'll see;
and since you're bound to ask, I'll now relate
why they're imprisoned, and in what degree.
All malicious crimes perpetuate
injustice: whether violence, or fraud,
they equally deserve celestial hate.
But since fraud is a very human vice, so God
hates it more, and puts the fraudulent
below, where they are more afflicted by his rod.'¹¹⁷

The following extracts from my diary reveal my slow and humiliating descent as I moved toward my trial.

2.1.1 Pre-trial

1 September 1995:

The long, hot summer is over and the earth is still dry and barren, reflecting what is happening to my life. I am trapped by the 'case', waiting for something to happen. ... I don't feel guilty, yet I am being made to feel I am. What is 'justice' anyway, when I am not allowed to account for what I have done? ... I forgot to report to Dunstable Police

¹¹⁷ Dante Alighieri, *The Inferno*, Canto XI (trans. Ciaran Carson; London: Granta Books, 2002), pp. 71/72.

Station this morning - amazing how much the 'case' dominates my life so much, that I forget the essentials! Anyway, I dashed back from London and signed on at 4pm, but no one said anything.

3 October 1995:

Last Friday, I appeared at St Albans Crown Court for Plea and Directions, only for it to be deferred until 24 November. ... The CPS [Crown Prosecution Service] and Police are still stalling and not allowing me access to my papers in my office, except for one hour two weeks ago, with my solicitor and Detective Inspector Foster [the officer in charge of my case] present. All my papers have been jumbled up. [I needed my papers as evidence as to what I had done with my funds, but this tactic gave me no time].
...Last week I had permission from the CPS to stay one night in Dorset.

8 January 1996:

The Plea and Directions hearing¹¹⁸ has been deferred again. It appears no date can be found for St Albans until July, unless it can be referred to Luton. ... Sometimes I feel like Kafka, who saw humankind caught between guilt and the law: the former is a constant prickly heat, whilst the latter is distant, vindictive and merciless. Whenever Kafka tried to follow the rules of the game, the rules were changed. I read somewhere that once the law locks on to you, you begin to walk through ever revolving doors, which keep on turning and never allow you to get out.

20 April 1996:

My head is hurting with all the pressures of trying to pay our bills and preparing for the trial. ... I went back to my office again with my solicitor and was shocked to find my files and papers had been moved into a storeroom. At least one-third of my papers were missing and have either been destroyed or removed to protect my employers and trustees. ... The situation is appalling. At this late stage, I must now work on giving specific instructions to my solicitors and barrister. Up until now I have waited on them and because of workload, they have had little time to spend on my case. I am part of the criminal justice conveyor belt. ... I am feeling exhausted over trying to cope with my present situation and at the same time trying to prepare for the trial.

15 May 1996:

My GP has put me back on medication for high blood pressure and antidepressants to help me cope with the trial next month. ...I just want to get into court and have the

¹¹⁸ This is a court process where the accused submits 'guilty' or 'not guilty' pleas that are then agreed; also dates are set for final papers to be made ready, with venue and date of trial agreed between CPS and defence barrister with Trial Judge.

opportunity of revealing the truth behind my being let down by the system. Yet I am getting tired of struggling with my barrister who keeps reminding me that “justice is not interested in truth; its only concern is evidence to support a case”. I now realise that if I cannot find the papers from my office to support my case, that there is a strong possibility of my going down. But I no longer care about that, as long as I get the chance for the truth to come out.

2.1.2 Remanded in Custody to await sentence

6 June 1996:

It is a strange feeling when I think that this morning I was in my own bed at home with my wife and now I am in prison. ... It is just after 10pm and outside it is a beautiful summer's evening. ... I am unsure that I did the right thing this morning in court in changing my plea to 'guilty'. The last minute 'plea bargaining'¹¹⁹ that went on behind my back between Mr Jaffa, my barrister and the CPS in the judge's chambers came as a complete surprise. Jaffa came to me just before going into court to tell me that the CPS had made an offer that he thought I should accept, because I did not stand a chance of winning my case – which is the first time he has said that to me. Anyway, it is too late now and at least, so I am told, I will now get a reduced sentence. Now I must get through the next few weeks and prepare my papers when I return to court for sentencing. The system has won, but at least that long waiting is now over.

7 June 1996:

It is 7.30pm and I'm banged up in my cell. I have not yet grasped how things work inside, but already it is plain to me that if you do not ask, no one will tell you. There is no booklet handed to you in Reception to explain what to do. [The Prison Reform Trust and Prison Service have since produced a joint booklet for all new intakes]. I was supposed to have asked for a letter to write home to my wife when I arrived yesterday. I was also supposed to have been given a free phone card. Because I never asked, I was not given these, but how could I ask for things I was not aware I was entitled to?

8 June 1996:

It was a wonderful experience to have my wife and son come to see me for the first time this morning. The only problem with visits are the 'goodbyes' as they go out into the world and I return to my cell, after being strip-searched. ...I was musing earlier

¹¹⁹ Plea-bargaining is an important phenomenon in the United Kingdom and the United States, going back to Elizabethan times and used by the clergy to be spared execution. In modern times it bypasses the open court system, with negotiations taking place in judges chambers in which a defendant will plead guilty to fewer or lesser charges in return for reduced sentences.

today how ironic that Charlie [Lord] Brocket also was in Bedford prison a few months ago for fraud, although this was totally unconnected with my case.

9 June 1996:

As I don't see a paper and have no radio, it is easy to forget what day it is. This afternoon, during 'association' [allowed out of our cells to mingle with others on the wing], I noticed last Friday's *Daily Telegraph* thrown into the bin on the landing below mine. I would never normally dream of reading such a paper, but I have spent the past few hours reading it from cover to cover - even the 'Royal Engagements'. I am now getting familiar with the repetitive and anaesthetising timetable of existence on the inside, which is controlled through military discipline, regimentation and 'catch-all' Prison Rules. ... This morning I went to Chapel. There was no pianist, so we had to speak the first hymn, which no one knew anyway. But the last hymn was one which all knew: 'What a Friend We Have in Jesus' and sung to Black rap. On the way out, I asked the Chaplain if I could take Communion, as it was not generally offered. He looked at me rather aghast and said that I would need to fill in an application form and hand it to the wing office, giving my reasons why I needed to see him, as such 'visits' were regarded as a 'special privilege'. Apparently, this is according to Prison Rules.

12 June 1996:

If it were not for these diary entries I would have lost track of time and my senses. Prison is a most unnatural place to be. There are what is known as 'villains' and 'hardened' criminals. Others, which I have discovered make up the majority here, are petty and repetitive criminals who began their 'careers' in the juvenile and youth penal system. Most of them have a line they will not cross that, in their thinking, keeps their crimes at the 'petty' and non-violent level and will entail them only serving a few months at any one time. ... I met someone today in the Library who I last saw the day I arrived at Bedford. He had been sentenced to six weeks for drink/driving whilst already banned. He obviously had a drink problem that was not receiving any attention. For over a week now he has been on another wing, sharing a cell with a 'villain'. He has never done 'time' before and so he was unaware of how the 'system' works. His cell-mate had been confined to his cell for breach of prison discipline and was only allowed out to collect his meals. Unfortunately, no one told the officers that this restriction did not apply to the drink/driver. It was only this morning that he had plucked up enough courage to ask a PO [Prison Officer] why he was not allowed out for 'association' in the mornings and afternoons like the others. The officer smiled and apologised stating there had been a mistake! ... I can already detect a form of 'spiritual' bond forged between the wide variety of humanity thrown together in here. The bond has clear boundaries, finely balanced between trust and tolerance that are not to be overstepped. If the 'system' becomes too harsh and intolerant, for example, through overcrowding, then pressure builds up to an explosive situation. This bond within prison is unspoken,

but you have to be quick to recognise it in order to survive. Generally, everyone respects one another's space and property. ...The bond is peculiar to the penal institution and is not one that is encountered elsewhere; you cannot walk away from it on the 'inside'. This bonding experience seems to break down, mainly as the result of overcrowding and many hours of 'bang-up' [locked in our cells]. ...The constant noise on our wing and body odour, especially the 'sweat of fear', gets to all of us, and after only a few months, we all develop 'prison pallor'.

21 June 1996:

I have been up all night working on over ten hand-written mitigation pages to send to my solicitors to type and forward to my barrister. These contain my instructions to counsel in preparation for my sentencing on 5 July. As I was unable to 'have my day in court' earlier this month, I have tried to explain why and how I used my funds to support a variety of drug prevention and treatment initiatives in Hertfordshire, including Druglink in Hemel Hempstead (which I founded in the 1970s) and TRIP¹²⁰. I also stated that in this Kafkaesque situation I was expected to use up all my budget, raise funds for Hertfordshire County Council Education Service through charging for my services, as well as attracting funding for TRIP.

5 July 1996:

I was due to appear at Luton Crown Court for sentencing, but this has been postponed until 16 August. All that rush to get my instructions to counsel last month could have waited. Still, over the past two years I have become used to court appearances being postponed.

18 July 1996:

The prison had a visit from some young criminology students. They came whilst I was outside in the exercise area. Most seemed to be girls and were being taken around the outside of the inner perimeter fence. I felt I was in a zoo cage, while they circled round us, giving us nervous side-glances. No doubt some of them will later become 'expert' academics in university criminology departments and publish papers about us.

2 August 1996:

Submitted a paper to the Nolan Committee today.¹²¹ I read an advert in the press that called for written submissions on 'aspects and conduct of local government' by 11

¹²⁰ Trust for Information and Prevention – a charity, jointly established by my employers and local Rotarians to which I was supposed to be seconded. It was chaired by Lord Charles Brocket.

¹²¹ The Nolan Committee on Standards in Public life, established by the Government in 1994 to 'examine current concerns about standards of conduct of all holders of public office'.

October. I have produced four hand-written pages, plus a copy for me, which I also wrote by hand. I want to highlight some of the failings I encountered when I was employed by Hertfordshire County Council.

14 August 1996:

I went down to the 'block' this morning for my cleaning job. I have observed some are in this segregation unit who should not be here; these are those with severe psychiatric problems. Over the past couple of months, since I have been working in this 'hole' [segregation and punishment unit situated in the basement], I have witnessed enough beatings to last me a lifetime.¹²² The officer's down here are a different breed from the rest. Across from the 'block' but still down in this dungeon is a section I am not allowed to enter. It is here that the 'nonces' go for their own protection from being beaten up by the guys on the wings ...My friend 'E', who is doing time for kidnapping his wife, saw the prison doctor today and has been told he has to see a specialist about a recurrence of his lung cancer. I felt the lump in his chest and it is much bigger. They are trying to get him moved back to Manchester. He has been married for thirty-eight years and has a fourteen year-old daughter. His wife is seeking a divorce due to his drink problem.

16 August 1996:

I was back in court this morning for sentencing. Despite going through all my papers and writing specific instructions to my barrister and solicitor, the day was a fiasco. Before I was due in court, I was called to a meeting with them. Jaffa told me he wanted an adjournment because he had just got back from holiday and had no time to read my papers and prepare my mitigation case. This is despite repeated assurances from my solicitor that Jaffa had been fully briefed and prepared. When I was brought into court from the cells, the judge appeared to be very irritated with Jaffa, who wanted to have the case deferred, but this was rejected. Jaffa fumbled through the afternoon, trying to find relevant papers to examine character witnesses. Even my wife had to come down from the stand to show him where to find papers she had handed to him in my defence. I was powerless to say or do anything; I could only view this Kafkaesque scene from afar. As it was past 7pm, the judge decided to adjourn until Monday when he would pass sentence. ...On the way back from St Albans Crown Court to Bedford prison, the Group 4 driver lost his way and the escort had to come back and unlock my 'sweat box'

¹²²Each prison is composed of 'hidden from view' practices, and Bedford was no exception. It was not uncommon for me to find bloodstains in the cells and I was aware that any 'troublemaker' was 'shipped out' to another prison over night. It was made plain to me that if I divulged what I saw to anyone that a similar event would happen to me. I have little doubt that middle, if not senior management, knew what was happening in the 'block', but chose to turn a 'blind eye'.

[very small cubicles in prison vans] to ask if I could give directions. I was the last one back at Reception in prison and had to miss the evening meal.

17 August 1996:

I returned to court this morning and was sentenced to 21 months. At no time had the 'plea-bargain' note been raised in the proceedings [agreement between the CPS and my defence that, in pleading guilty to dishonesty, it was accepted by the CPS that I made no gain or benefit, and that I was entitled to at least £10,000¹²³]. However, this was ignored and, in addition to the prison sentence, I was fined £28,000 (or serve an additional eight months). Mr Jaffa could not be present, but a woman QC stood in for him. She told my wife after that she was horrified at the way my case had been handled and that I certainly should appeal over the confiscation of our home.¹²⁴

2.1.3 Doing time

26 August 1996:

My throat and ear infection is slowly clearing up, even though I cannot have any medication. ...I am meeting a number of inmates who are first-time offenders and would never have done time in the past, but for the politicians and press pressing for tougher sentences. Many of these are in for non-payment of fines and driving offences. This morning, a heroin dealer was attacked by two inmates on D wing. They slashed and raped him. The word on the wing is that they wanted to take over. ... 'T' is back on our wing, having been transferred back from Cardiff. The word is that he not only is violent against women, but that he is a 'nonce' [abuses children]. The guys are going to beat him up. He had better apply for 'Rule 43' [to be separated on a special wing for prisoners for their protection from being attacked by other inmates].

11 September 1996:

I took over from 'S' today in the library. Its been known that he has been a major drug dealer here, but no one seems to have done anything about it. I met an Asian the other day who told me that it is quite easy to get drugs into prison. He injects heroin, but because clean needles are difficult to get hold of, he usually shares used needles. He also said that there is a lot of crack and smack [heroin], which costs £10 inside, as against £3 outside. Most pay by phone cards or tobacco, and a few, through male prostitution. This is a major cause of fights in here and 'grassing'. ...My sore throat has returned and I am not sleeping well at nights. I am coughing a great deal, probably

¹²³ The note was never presented to the Court and could have shown that I was entitled to at least some of the proceeds. The note only materialised after my release from prison and was found among my other 'missing' papers collected from my solicitor's office.

¹²⁴ I was found guilty of 6 counts of procuring execution of valuable security by deception, 2 counts of theft and 1 count of forging a document.

because of the cannabis smoke that hangs around the wing. ... My job in the library also entails me being the 'paperboy' for the prison. I get an extra £1 a week for collecting the papers at the gate, carrying them on my back to my cell and distributing them to the wings. ...I'm still wondering whether or not I should continue with my appeal, at least against the confiscation order, but I still need the missing papers from my office. I must talk with Raelene and see what she can do.

19 September 1996

I received a letter from Raelene today. It made me feel so sad to realise how much she must be suffering – and there is nothing I can do to help her. Its now just over a month since I was sentenced and I have near enough decided to give up any thought of an appeal, simply because I think the 'system' is stacked so much against me that there is no chance of winning – especially from inside prison and with my solicitor working against me, rather than on my behalf. What is more important is our deep bond of love. I know that somehow, in the end, together we will beat the system and things will turn out right in the end. If I did not believe in that, I would lose all hope.

Here is an extract from my wife's letter, dated 16 September 1996, which I refer to above.¹²⁵ It reveals the importance of families being able to retain regular contact, which was made more difficult under the new 'Howard regime' of tougher prison conditions. The letter also reveals some of the problems we continued to face in obtaining key papers to support my appeal and the struggles my wife faced in coping with loss and surviving financially:

"How I wish I could be with you and talk to you tonight! I miss you dreadfully...I missed your call on Sunday. How disappointed I was. I was in the kitchen preparing dinner for the family and I thought I would hear the phone, but the answer phone had switched itself on earlier...By the time I got to the phone, you had gone. So sorry my darling ...I have so much to tell you and not sure where to start.

"Firstly, how are you? How is your 'charge' getting on? You made my cry again when you told me about 'T' with memory loss, who you are helping on your wing. How is the Library job going? Let me tell you about a few legal things. I spoke with 'H' [new solicitor in London] and then tried to sort out collecting papers from 'J' [solicitor representing me at my trial]. Well, this isn't such a simple matter. 'J' asked why I wanted them. I told him that you are appealing. He said, "Against Counsel's advice?" Then, when I was persistent, he said that he could not give me the papers; at least he would not give me the papers that came from your office. He thought you had

¹²⁵ I have retained all correspondence, both legal and personal, that was sent to me whilst in Bedford prison.

all the originals of the remainder of the papers. So I told him, that he should not to worry and that I would get back to him. I spoke again with 'H' and he told me to get a list of all the papers from your office that you required. When I got back to 'J' he said that it was impossible, for there were so many. I then asked about the 'plea bargain' paper that your counsel agreed with the CPS in return for a 'guilty' plea and a reduced sentence.¹²⁶ He did not respond but went on to try to point out the problems and procedures for an appeal, which I couldn't really follow. So I told him not to worry. Then I phoned 'H' who said he would contact you and ask for you to appoint him as your new lawyer and he will then try and collect the papers.

"Its now a little later...I got your letter this morning. It was wonderful to read. I yearn for long conversations and to be close to you. I understand what you mean about our love enduring, even if we are not together. I just want you to know that I love you, I believe in you and I will do as much as possible to defend you...Regarding your sentence – I agree wholeheartedly that it should be as short as possible and even if we were to lose the house, rather than you have a longer sentence, I would not want it any other way. But, if we can appeal against the confiscation order it will be an opportunity to vindicate you.

"This month, I have been unable to pay the mortgage and I am trying to survive on a little bit of money to get to work and pay petrol. Fortunately, I can buy groceries on my card...Friends and relatives are helping out. I am sure we will survive... 'C' and I had a good chat going up to Bedford to visit you and on the way back she invited me to her place for dinner. I felt terribly low when I left you and I would have sobbed for hours if 'C' had not been with me".

23 September 1996:

I've been reading up the Prison Rules¹²⁷ in the Library and I find the wording not only meaningless and so general that you could drive a coach and horses through them. Apparently, I'm in here for 'training and treatment' (read 'coercion' and 'brainwashing') and to be encouraged 'to lead a good and useful life' (General Rule 1). General Rule 2 (2) states: 'In the control of prisoners, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation'. Well, I'm not too sure I've seen too many 'examples' so far, with a few exceptions. In my short time here, I've already seen enough beatings and bullying by officers with power, to last me a lifetime. When I first came in and passed through Reception I was not given any information about what I was entitled to and didn't even know that there was such a thing as 'Prison Rules'. But, I notice in 7 (1): 'Every

¹²⁶ The note acknowledged that I that I had been entitled to at least £10,000.

¹²⁷ HM Prison Service, *Prison Rules 1964*, updated by amendments to July 1996. The latest is *Prison Rules 1999*, updated by amendments up to January 2004. Young Offender Institutions have separate Rules.

prisoner shall be provided, as soon as possible after his reception in to prison, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which is necessary that he should know, including earnings and privileges, and the proper method of making requests and complaints'. Well, I'm still learning the hard way, as I still have not seen anything in writing that has been offered freely to me. Even the Prison Rules manual is kept behind the Library desk and someone has to ask for it. But, if you don't know it's there, how can you ask for it? I only know because I work there! Oh yes, I've just found out that under Rule 13 (1) 'The chaplain shall conduct Divine Service ...and such celebrations of Holy Communion and weekday services as may be arranged'. So, why did I have to try so hard to get Communion?'

17 October 1996:

My voluntary work as a 'Listener' [a programme run by the Samaritans to train inmates to support other inmates at risk of self-harm] is bringing me in contact with many depressed and suicidal individuals. 'P' has made two attempts to slash his wrists. He ran his own business, but had drink-related offences and wanted to stay in his cell all the time. After several sessions with him, I was able to persuade him to get out more and I found him a job on the wing. ... This morning one of the officers pointed out someone else who had just come in and was in a state of confusion. It turned out to be 'F' who had drink and mental health problems. He was suffering from severe short-term memory loss. I've spent most of the afternoon and evening with him, trying to help him to remember what to do when his cell door is unlocked and how to find the kitchen for his meals. But he keeps forgetting and becomes confused. I will try and find him each time we are let out and take him myself. He has children, but is divorced and in a sheltered hostel.

31 October 1996:

I received a letter from 'A' in Wormwood Scrubs, who was taken there from Bedford for sentencing at Knightsbridge Crown Court. He was arrested for running an EU scam over imported food. He told me that he had to show the driver of the 'meat wagon' [prison van] the way to the court and by the time they got there it was too late, so the judge had to postpone the case until late November. Instead of coming back to Bedford, he is staying in the Scrubs.

9 November 1996:

I saw 'K' a young offender in the counselling room. He talked as if I was his father. He has panic attacks through being shut in his cell for nineteen hours a day. He's afraid of being moved to another prison. He is also paranoid that people are poisoning his drinks.

...My wife came to see me this morning. This was one of the best visits we've had together. There was plenty of time to relax, with sympathetic officers on duty. The visitor's room was almost empty.

12 November 1996:

I heard today that my 'leave to appeal' has been turned down. On returning to my cell this afternoon from work in the library, I found an application form for 'temporary release on licence', which I can take after 3 January.

26 November 1996:

Today has been quite eventful, after a long and boring weekend. Firstly, I had to intervene in a fight over some 'burn' [tobacco] in the library this afternoon. I got one to sit down whilst the duty officer dealt with the other two and called for back-up. Just after this incident, a Probation Officer came to see me about my application for temporary home leave. ...I met an old lag yesterday, doing two weeks for being drunk and disorderly. He has lost an eye and severely damaged his legs through being drunk and walking in front of cars. He has nothing to live for. His wife and children walked out on him some years back whilst he was a police sergeant. ...This evening 'N' saw me. He is in his early twenties and has been in care and in and out of young offender institutes. He also has had numerous attempts at self-harm. He told me he has been clinically assessed as having attention deficit hyperactivity disorder – I must look this up to see what it is. He lent me a book of poems he has written; here are just two:

'Day in, day out
Week in, week out,
This life is bleak.
A life of crime which I have led
Because of something in my head.
Is it trauma, abuse or pain?
I wish I could change my life and name.
How long will this life last?
I wish I was dead,
So quick, so fast.
This pain I fear has done me in.
And now I think, I cannot win.'

'What a life I have led
What a mess in my head.
'Stay out of prison' my mum said
But I am here, on my bed.
I know she's right, for my God -
Was it my childhood?
I can be sure of one thing -
I'll keep on fighting and I'll win.
A disgrace I am to my mum;
How can she call me 'Son'?
So all I have is a little hope,
To choose life or a rope.'¹²⁸

11 December 1996:

I found a book in the Library; its title was *A Study of Bedford Prison 1660-1877*, written by Judge Eric Stockdale. Despite all the negative experiences I am having, I have a strange feeling that all this must have a purpose. Is it a sheer co-incidence that I am in Bedford, which has such strong connections with John Bunyan and John Howard? Both were Nonconformists. Apparently, Bunyan referred to his prison

¹²⁸ I heard later that 'N' had taken his own life within six months of his release from prison.

experiences in *Pilgrim's Progress* and *Grace Abounding*. ...I read in today's Daily Mail about Lord Brocket (who was chair of the trust I was supposed to be seconded to). He is serving five years for an attempted £4.5 million fraud and it looks as if he is about to be moved from Littlehey to an open prison. Apparently he has sold Brocket Hall for £9 million. I've also heard that he will receive a lease-back payment of over £100,000 a year. How the rich suffer!

21 December 1996:

Today 'G' was found guilty of manslaughter when he returned to court. He is a quiet person from Hong Kong, who tangled with the Triads and killed someone in a fight. I have met his lovely family during visiting times. He is shattered as he knows he will get a long sentence. ...The other day I met 'W' who is doing life for a domestic murder and is eight years over his parole release date. 'T' is another old lag and an alcoholic, who has been in and out of prison on drink-related offences. I believe his father was an army officer and he spent most of his childhood in boarding schools. 'A' is back from the Scrubs and is waiting to go to an 'open' prison. His 'shady' business deals in Eastern Europe seem to be continuing in here, earning him, so he says, £2000 a week!

25 December 1996:

Well, this is the weirdest Christmas I have ever had. There is a strange and unspoken sadness hanging over everyone, especially among those with young families. 'B' is particularly low, as he has just heard that his wife has found someone else and does not want him back when he is released next year. He ran his own small transport business before being caught in police sting, resulting in his first prison sentence. ...I had to deal with two prisoners who were so depressed that the officers considered them to be at risk of self-harm. One is an alcoholic and on benzodiazepines; I am very concerned at his treatment.

1 January 1997:

I never realised until now what a significant time midnight is on New Years eve for prisoners. It is more important than Christmas, which is a sad and depressing time. When midnight approaches the silence is broken by an enormous din, as inmates on the wing bang their steel cell doors with shouts of joy, which must wake up the whole of Bedford. Outside, one can hear the car horns as they circle round the walls of this old Victorian prison, which is near the town centre. ...I just stretched out on my bed and waited for midnight to arrive, for then I could say 'I am released this year'. In speaking with others over the past few months about their experiences at the hands of the justice system, there is common agreement that the accused is considered to be guilty, unless proven otherwise. This is the reverse of what is commonly believed to the case. I've

been reflecting that I have met others who have experienced similar pressures to mine, in which their defence counsel pressurises them into accepting 'plea bargains'. These tactics can work against the spirit of 'due process'. ...Prison is about suffering and endurance; the main thing is to 'keep your head down and do your time'. ...Prison calls for an honesty and trust, not usually encountered on the outside. I have found more straight-forwardness and less deviousness in here, among my 'underclass' colleagues, than I have ever previously encountered.

3 January 1997:

You always have to watch yourself with the screws for they have the power to knock your sentence back. There's one guy in here who is now doing more time than his original court sentence because the screws fabricated charges against him that resulted in the Governor adding to his sentence. There's no jury, no press, no family and no legal representative present – its just your word against theirs and you know beforehand which story the Gov' will support. Yet, you get to know a few screws that can be trusted and are not bent. But there are others who are on the 'make' and can get stuff, such as drugs, into this prison. Of course, drugs are smuggled in during visits – and I've seen it happening when I've had a visit. But they are a bit daft to try that, for security is very tight and, if caught the visitor will most likely end up here, behind bars, as well! Yet, most of the time you can smell grass; in fact it is so strong at times, especially during wing association on weekends that it makes my eyes run. You can't tell me that the screws don't know what's going on. They allow it to happen. I have stood on the wing, chatting to some screws whilst I knew they were watching the dealing taking place and I know it wasn't only grass that was openly being passed around, for quite often it would be smack.¹²⁹ They rarely took any action. Sometimes there would be a surprise 'hit' when the whole wing, including our cells, would be searched and individuals set apart for strip searches. But we would usually get wind of this ahead of time. ...The ones to watch are the 'hit squads' all dressed up in their black uniforms. They were known to include some sadists who seem to take great pleasure in winding up some of the most vulnerable among us and humiliating them until they break. This may not always include beatings, but some have experienced strip searches that included squatting and then having a truncheon shoved up your backside. They try it on with most new intakes. I have been strip searched twice, but they know full well that if they laid a hand on me that I would not let the matter lay there.

7 January 1997:

Raelene came to see me outside the prison gates for my 'temporary home leave'. I had to hold back my emotions, as I knew I had to be back in two days time. It was lovely to

¹²⁹ 'Grass' is one of the slang words for cannabis leaf. 'Smack' is slang for heroin.

walk arm-in-arm with her to the car. When we got home I had the most glorious bath – the first one for seven months. I then had the luxury of cutting my toe-nails and having some real coffee. She then drove me into London and had to lead me by the hand as she guided me through the crowds.

10 January 1997:

On returning to prison yesterday, the officers on reception duty shook my hands, as if to welcome home a long-lost friend. Apparently, I was one of the few granted this ‘privilege’ in the light of all the media publicity and the Home Secretary’s [Michael Howard] rhetoric about crime and punishment and the need for tougher prison regimes. I had a little weep when I got back to my cell. ...My ‘temporary release’ has made me realise how easy it is to become institutionalised through prison ...I have been thinking about my faith and trust in a Being. I cannot begin to understand God, but I can understand Jesus, who had to suffer everything that the establishment of his day could throw at him. This has made me aware of the large number I have met in here, who have been abused. If I can, in some way, help them to cope in here, and later in some work on their behalf when I get out, then my imprisonment will not have been in vain.

26 January 1997:

I have started to read the Psalms of David and the Prophets and seeking to interpret the passages in the light of my experiences. Today I thought about Amos, especially chapter five. ...This morning I came across ‘Fingers’ in the library. He is always nicking books, and magazines. A few days ago I caught him trying to stuff some paperbacks down his trousers – which is silly because everyone is stopped and searched between the library and the wings. Because I didn’t grass on him, he seems to have reformed. Today he came over to my desk and told me he had been tempted to take some more books out, but decided not to because I hadn’t ‘grassed him up’. It would be better if he did the right thing and have them stamped first of all.

1 March 1997:

I saw something very sad this morning. ‘A’, who is Black and comes from South London, has been bullied over the past few weeks by a racist officer, who we call ‘Sirgei’ [because his behaviour towards the most vulnerable among us reminded us of a KJB officer] and is a member of the ‘hit squad’. ‘A’ was deliberately provoked so much when ‘Sirgei’ stepped into his cell, that he hit him in the face. I was down stairs in my cell, but as I am now a ‘trusty’ my cell door was left open and I watched as about six other officers, who were responding to the alarm bell, came rushing and started landing blows. I next saw ‘A’ in a straight-jacket rushed down the stairs to the Block. ...A few days ago I received a ‘Notice of Hearing to Consider Issue of Warrant for

Commitment' from South Beds Magistrates for non-payment of the fine. It has since been agreed that I can pay the fine when our home is sold when I get out.

9 March 1997:

Prison is a place of exile, where the rules of society are suspended inside and behaviour that is not tolerated on the outside, is acceptable in prison. All responsibility is taken away in prison, yet on release, we are suddenly expected to behave responsibly. ...The importance of responsibility and accountability for prisoners is generally overlooked. So much more could be done to help inmates gain self-esteem, but the current emphasis on punishment and security in our prisons negates any attempt to do this. My experience in being a 'Listener' has been invaluable, but I have observed how much difference it makes to the others who have gone through the training programme and received their certificates. For many, it is the first positive achievement they have had in their lifetime. I have just helped to train a further twelve new Listeners.

17 March 1997:

There's a young man just come on to our wing who is serving two life sentences for arson. He is so depressed that it worries me; he urgently needs help. I mentioned my concerns to an officer, but he just smiled and walked away. We 'Listeners' have agreed to try and befriend him and offer our support. ...On his way to work in the officer's mess, my friend, 'B' was stopped by two officers and escorted back to his cell where he was strip-searched and made to squat (which is against prison regulations, unless there are good grounds). He then had to stand outside whilst his cell was turned over and left in a mess. This was just an attempt to humiliate him, as he is a 'trustee'. This has also happened to me three times, especially because I am a Listener. Some 'screws' [prison officers] do not like us to have any responsibilities.

22 March 1997:

When I am released I shall devote the rest of my life to helping serving and former prisoners, who are trying to live crime-free lives. ...[But] the attitude of many in society is that all prisoners are scum. We are regarded as a banished group, to be ostracised from society – 'lock them up and throw away the key' is a common expression heard from right-wingers. Yet, they overlook the fact by creating 'banished' groups through imprisonment in our 'gulags', that the 'banished' will have little else to choose, but a life of crime on release. Some have great difficulty in feeling remorse about their offences, because of the harm society has done them in their past. I am particularly thinking of the large numbers of prisoners I have met who have themselves been abused in childhood or excluded from school. Their hurt and anger has never been dealt with, therefore they direct their anger against those who banished them.

18 April 1997:

I was released from prison this morning. My wife met me at the gates. The other three who were released with me walked across the road to spend their release money in the pub. After getting home, I had to go immediately to sign-on at Luton probation office and agree weekly supervision sessions for the next six months. We then had to go and chase up the sale of our lovely home. I said my farewells yesterday with mixed feelings, because, although I was looking forward to my freedom, I was sad at having to leave so many inmates who were hurting. One sad thing I learned: there had been three attempted suicides over Easter. ...I am having difficulty in adjusting to the fact that I can open doors myself and walk outside, without having to wait for someone to let me out.

2.1.4 Reflections

On reading these diaries again I realise now that on the surface I appeared to be coping well with the experience of almost two years bail restrictions, followed by almost a year's incarceration. On reflection, I recognise I was trying to handle a long-running situation in which I was fearful of losing everything, including my sanity. My life was in a spin and out of control and I was powerless to do anything, as the criminal justice system was gaining almost total control over my life. The only things I could cling to were a few close and trusted friends inside and my longed-for family visits. However, my greatest strength was to be found through rediscovery of my inner self, enabling me to disconnect myself from the external and to retain some form of independence of thought. I realised that for me to survive the guilt, shame and total loss of control of the external world, I had to keep focused not only on the present, but on hope in a better future.

Space does not allow me to recount events in detail of the period covering my bail, from my arrest on 9 November 1994 for fraud and theft, to my trial (4-6 June 1996). What stands out for me is the lack of interest from my defence counsel once I informed them that I required legal aid. This resulted in my being allocated a solicitor's clerk, who I only later discovered was a former Bedfordshire fraud squad officer who was on personal friendly terms with the senior fraud squad officer for Hertfordshire. The brief extracts leading up to my sentencing remind me that the criminal justice system cares little about justice

and more about a 'system' that is economically managed by legal professionals: those who can pay get the best lawyers. I felt I was on a conveyor belt that was rapidly moving me towards a conviction and I had no power to stop it.

I am reminded of the constant battles I had with my solicitors and barrister, Mr Jaffa, over missing documents and difficulties finding senior officials who would support my case. I recall Mr Jaffa's words: 'Justice is not interested in truth; its only concern is evidence to support a case'. If I could not produce the evidence, in the form of papers authorising and supporting the financial expenditure, then I had no defence. But I was not told of this until we were one day into the trial, when I was presented with a 'plea bargain' deal that had been agreed with the CPS. I now believe 'plea-bargains' to be extremely risky for an accused person who believes he is innocent, as they can lead to miscarriages of justice. In my case I was informed that unless I changed my plea to 'guilty' I was likely to receive a prison sentence of up to four years; if I changed my plea I would receive a sentence of no more than two years. As it was I received a sentence of 21 months, but it affected any chance of a successful appeal.

A common thread I have found throughout this experience is the way controls operate within 'systems'. I have encountered individuals in local government, the police, the courts and prison service, and caring services who have exercised power over weaker individuals that come within their spheres. I have produced some examples where individuals have abused their positions of authority and colleagues have colluded with them in order to protect the 'system'. Documents can 'disappear' and records can be changed. This is something I return to in Chapter Four when I explore concepts of control and power over the excluded.

2.2 From Captivity to Exile (1997-2001)

My experiences of trying to cope with life on the 'outside' are similar to those of countless thousands of ex-prisoners, especially first-time offenders. Ten years prior to my incarceration, Rosie Johnston was sentenced to nine months for drug offences. I can associate with the similar experiences she encountered on her release:

For the first few days after my release, I couldn't cross an empty street unless the little green man on the traffic light told me to. I went to a supermarket and nearly died of fright. ...I drove my car at thirty miles an hour, even though there was a national speed limit on our country lanes. However, these signs of authoriphobia soon wore off, and I was left with the difficulty of being a normal person again. ...I am pleased that I have seen part of life that is closed to most of my contemporaries. I met a great variety of women in the three prisons I went to; there were even moments of my sentence that were uplifting and funny, because of the women with whom I made friends. I know that I have become more intolerant of prejudice, bigotry, pomposity and hypocrisy, as well as learning how near I come to all of those things.¹³⁰

I can particularly recognise the following sentiments, regarding the responsibility of agents of the State to show care and respect toward those in their charge:

What prison definitely achieved was that it opened my eyes to aspects of society which I would never have come across otherwise. What I learnt inside about the prison system made me feel then, and in many cases I still do feel, that it is the people who hold positions of influence, be it in government, the judicial system or otherwise, who have the least knowledge of how to treat their fellow men. Of course the judicial system cannot be all bad and there are many within it who are able to redeem the often callous decisions made by colleagues and superiors with kindness and understanding; both in prison and out, I have come across people whose genuine altruism and care has humbled me. But on balance my experience made me sceptical and shook my confidence in my country.¹³¹

The following extracts are from my diary over a period of almost four years from my release in April 1997 to September 2001. The depersonalising effects of incarceration that continue on release from prison have been painfully recorded. In many ways, I have remained 'incarcerated' within an unforgiving society, encountering what I call a 'glass wall effect' that has continued to limit my freedom. I remain, along with several million other ex-offenders, an exile in my own country. The 'glass wall effect' is a concept I return to later in this thesis.

¹³⁰ Rosie Johnston, *Inside Out* (London: Michael Joseph, 1989), p.222.

¹³¹ Rosie Johnston, *Inside Out*, p. 225.

2.2.1 Coming to terms with freedom

20 April 1997:

Last night we went to Garth and Bitsy for a meal; I had my first taste of wine for almost a year. ... Today, it was a lovely experience to see my two sons and their families, in the setting of our own home and not during prison visiting time. For one thing, I would not be strip searched after the visit. The colour of my skin is still pale, compared with the others and I am having trouble digesting rich food. I am afraid to go out, unless someone is with me. I enjoy the experience of being able to open and close doors myself. I am still in a bewildered and confused state; one half of me remains in prison.

17 May 1997:

I have come to the conclusion that I must continue this diary, at least to record key thoughts and events, as I try and resettle after my incarceration. At present everything is still jumbled, even though it is one month since my release. I am getting frustrated over my difficulties in coping with every-day activities. In particular, I easily get exhausted and have severe migraines, especially after doing mental work, such as reading and writing. There are so many outstanding matters still to be resolved. ... I was summoned to appear at Luton Magistrate's Court last Wednesday for the non-payment of the £28,00 fine. I am in a 'catch-22' situation: the house cannot be sold to pay the fine, because the High Court inhibits the disposal of any of our assets to settle the fine! Fortunately, my new solicitor wrote to the court with the information that we have a buyer, but cannot exchange contracts until the Order has been lifted. Papers are being prepared for presentation to the High Court. The case was adjourned until 11 June. But now we have to begin looking around for somewhere to live and move out of our marital home within the next two months. We are starting to look at houses in Luton and North London, as Raelene will have access to her share of the equity from the sale. ... For me, the feeling of impotency and internal numbness is enormous. My nights are restless as I toss and turn thinking about a rootless future. I am still considering moving into 'sheltered accommodation', with the help of Probation and Signposts (a local aftercare and resettlement agency). This will give both Raelene and myself some space to sort our lives out. ... I have to try and survive on £43 Job Seekers Allowance for the next two weeks. At the same time I will need to arrange with my creditors making nominal payments out of this sum. But it looks like bankruptcy, once the High Court Order is lifted. ... I see nothing but a bleak future in front of us. Maybe Raelene can make something of her life, if I take all the debts with me and we live apart, until everything, including our own lives, is more settled. Maybe time can heal our scars and we will be able to get back together; but life will never be the same again.

1 June 1997:

In three days time I will celebrate the anniversary of my incarceration in Gulag Bedford. ...I thought that once I was released that I would be alright in myself. Well, I am not. Outwardly, everyone thinks I look so well, but inwardly it is one black hole. Raelene's parents are staying with us. Dad thinks I should find work to support her, little realising the daily depressions that are haunting me. I can't even cope with every-day living, let alone working. I feel more depressed than ever I did when 'inside'. Thoughts of suicide are not far away; it is only my family that stops me from doing the ultimate. I so much want to do something worthwhile with my life - but what? Then there is my faith - what faith? I thought that when I was 'inside' that my faith was getting stronger, but it did not prepare me for life on the outside. I think it was Bishop Robinson who wrote back in the seventies about seeking to have a strong centre and soft edges. Perhaps that is my problem. I pray that all the past and present experiences will help me to develop a 'strong centre'.

7 June 1997:

My wife's father is constantly questioning my faith, or lack of it. He calls mine 'ethereal' and of no substance in comparison with his faith. But why does he question my faith, when, although still in its infancy, it is one that I can own for myself. I could never have come through all those negative experiences of the recent past and I certainly will not be able to face any unforeseen ones in the future without it. No matter how weak, I will never again allow my faith or my practice to be dictated to by others. Neither will I accept doctrine that is imposed from on high.

30 June 1997:

Moved into sheltered accommodation on a run-down estate in Luton. Signposts [the voluntary agency that helps prisoners resettle in the community] will claim my rent from the local Council and will provide a weeks supply of food. I will share the three-bedroom modern terraced house with two other former prisoners. Mary C [Signposts caseworker] will provide support and meet with me once a week. I only have one small bedroom, but it is my space. This will give me a six-month breathing space to get my life sorted out and be of help to Raelene. She and her sister have found a flat in central London.

20 July 1997:

It is now over a week since we had to move our furniture out of our home. I have spent the weekend at Raelene's new flat, helping her settle in. We have had to put most of our possessions into storage, until we are able to decide what to do next. At least the High Court Order has been lifted, my fine paid and Raelene has her money. I am writing this

in my small bedroom, I call 'home'. But I write this with a heavy heart as I feel it is also the end of our relationship. There are some assumptions and expectations about us rebuilding our lives together, but the damage done to our lives and families, particularly as the result of imprisonment and being forced to sell our home, is irreparable. We cannot go back to how things were, only forward. But I believe things will work out alright in the end, but I am not at all sure how. This is where faith enters.

5 August 1997:

I met with my Probation Officer today. She is going to take up the case of the receipt for payment of my fine notice showing 'drug dealing'. Apparently, Luton Magistrate's Court has never had to deal with a Confiscation Order that was for non-drug offences. It would be totally wrong, as well as misleading, for any drug offences to be shown on my record. No one seems to believe that I could have received two punishments for my type of offences, in the form a prison sentence, as well as a fine, resulting in the loss of our home, and maybe our marriage.

3 October 1997:

Met with Circle 33 Rent Officer and accepted an unfurnished one-bedroom flat at Gardner Court in Luton, starting next Monday. At least I can now have a place of my own. ... We are going to take our furniture and boxes out of storage and stack them in my flat. At the end of the month we are going to spend a week with friends in Dorset and look at properties. ... I am now clear as to what I must do with my life, in order to make sense of what has happened in the past: to develop a caring ministry for others who have experienced incarceration. But I must be patient and wait, for I am nowhere near ready for such a venture.

2.2.2 Encountering the 'glass wall'¹³²

15 July 1998:

I feel I am locked into a 'time-warp'. I still cannot get away from the circumstances surrounding my case. The DfEE [Department of Education and Employment] have written to me, stating that based on evidence produced by my former employers [Hertfordshire County Council] and Hertfordshire Police, the Secretary of State [David Blunkett] is considering including my name on List 99. This will bar me from ever working with children and young people. Despite the fact that List 99 is a register

¹³² The 'glass wall effect' is a theory I have developed, as the result of my experiences, which I will go into in more detail later in Chapters Four and Five. Briefly, it concerns the 'hidden' barriers ex-prisoners encounter on their release; the 'glass wall' is a control device that limits our freedom and is unseen until one comes up against it. It is a similar concept to the 'glass ceiling' women sometimes experience in their careers.

mainly for sex offenders, apparently there is a small clause that allows for other 'unsuitable' adults to be included. ... They have also informed me that Hertfordshire has told them that I have two drug-related offences showing on my criminal record: 'forging a prescription for a schedule drug under the Forging and Counterfeiting Act 1981'. This is totally untrue and incorrect, but apparently it is showing on my record held by the National Criminal Identification Bureau (NCIB) at New Scotland Yard. I now have to take legal advice and respond to the Secretary of State. I am determined to fight this case, not only for myself, but for others who might have incorrect statements held on their criminal records.

16 July 1998:

I spent last night with Garth and Bitsy. They were adamant that I must fight this latest turn of events in my case. Bless them, they mean well, but they have no concept of my mental exhaustion at having to fight another protracted battle with the establishment. ... Earlier today, I spoke with a new solicitor recommended by a friend. He advised that I obtain a 'record of convictions' from the Police. If it is incorrect, then I should send a copy of my Court convictions to NCIB and get my record amended.

13 September 1998:

Summer has now gone. Time is precious for me now. There is so much I want to do in helping older serving and former prisoners. I pray God will give me good health and a long life to enable me to carry out this mission in life. It is as if all that has happened to me has been a preparation for what is still before me. ... The vindictiveness and maliciousness on the part of the establishment, still follows me. Yes, I have done wrong and have accepted my punishment. But why can't they leave me alone and allow me to try and get my life back. Yet, I cannot be bitter. Yes, I am sceptical over the 'establishment' and justice in this country, but I am no longer a cynic; I don't have an ounce of vindictiveness in me. What would be the point of harbouring such bitterness within my soul? It would be so self-destructive and become an obstacle to my 'calling'. I so much want to draw a line under what has happened to Raelene and me over these past four years, so that we can get back together. But when, oh when, will I be able to draw this line, so that the past can be left behind? ... Tomorrow, I go to UTU to discuss starting an MPhil/PhD programme at Sheffield University. I hope this will help me better understand where I am going with my life and what and why I am here – alone in this flat in Luton.

22 December 1999:

As the old millennium draws to an end, Raelene and I approach the new century with renewed optimism that, after five years of stress and turmoil, we may at last find peace

and happiness back together in 2000. On the negative side, we are still living apart, with me in Luton and Raelene in London. We are still being pulled back into the events of the past: (a) difficulties with incompetent solicitors; (b) although we have paid off all our debts, difficulties with credit reference agencies to obtain a mortgage for a home together; (c) still trying to resolve the false and malicious statements by Hertfordshire and the Police concerning my record – the Data Protection Registrar has now taken up the case on my behalf; (d) still trying to make my submission to the DfEE, but lack of responses from Hertfordshire and the Police is hindering me from doing this. ... At least my MPhil at Sheffield is going well and it is already helping to clarify my thinking. ...I have another grandchild!

12 February 2001:

I am still stuck in Luton, but at least Raelene now has her own flat in London. ...I have tried to work as a self-employed researcher, but as my last contract finished last October I have gone back on to Income Support. ...I went to Australia House in London to get my visa to go with Raelene to visit her father and mother – who has Parkinson's Disease, but was informed that, because of my convictions, I would not be allowed into Australia. ...The 'glass wall' continues to hinder my resettlement. I hope I will not have to face another winter here by myself.

22 April 2001:

Although Raelene is still in Australia and my appeal to the Australian Minister for Immigration has been rejected, I now feel a great peace in my life. Up until now, it is as if I have been marking time since my release from prison in 1997. Although, to be quite honest, I am afraid of putting my head above the parapet in case some other negative experience is fired across my bows. Having said that, some battles have been won: the Minister of State has accepted my submission and will take no further action and the Police have amended my criminal record, removing references to drug-related offences. ...My faith is now more focussed, thanks to my MPhil, which is being upgraded to PhD. Someone has to do something for, and on behalf of, the outcasts of our society – of which I am now counted. What I have seen with my own eyes and experienced in my life now locks me in with the excluded. I cannot escape this fact as it now forms part of my life. But, truly, the Lord has blessed me and created opportunities for me to minister to my incarcerated colleagues. This is why I have to focus on writing what I continue to see and hear. I also need to develop my work with older prisoners through PACER 50plus. Some of those I have already encountered are unable to speak for themselves and are not receiving care and treatment for their ageing disabilities, which should be expected from a civilised society. I particularly think of my good friend, Wilfred B, a lifer in Gulag Morbid Hall (that's his term for HMP Morton Hall). I came

across Wilfred in Bedford prison and it has been through his encouragement and support that I have persevered with Pacer 50plus. I think his Quaker background has helped him survive the system all these years and he now expects to be released in September. He has been, and continues to be, my mentor.¹³³

11 September 2001:

Recovery from the downward spiral has been completed. Raelene has been able to purchase a home for us in Dorset. We have reached the end of a nightmare of a journey, which began with my arrest back in 1994. At long last a line can be drawn. ...I hope my grandchildren and their children will remember what has happened and how, through the Lord's blessing, we have been able to turn so many negative experiences into positive ones. ...I recall how the Book of Psalms brought comfort to me in my darkest moments in prison, when I thought I had lost everything in life. I have just found one Psalm I marked: 'Shout for joy to the Lord, all the earth. ...Know that the Lord is God. It is he who made us, and we are his sheep, we are his people, the sheep of his pasture. ...For the Lord is good and his love endures for ever; his faithfulness continues all generations.' I can now honestly say 'Amen' to that.'¹³⁴

2.2.3 Reflections

Ten years have now gone by since my release and I am now reunited with my wife in our new home. Like all others who have been incarcerated, I have been subjected to punitive controls that restrict my movement overseas, limited my access to work and to financial services.

In particular, my experience of the criminal justice and penal systems has created a bond with the incarcerated who have had similar experiences. Among our number is a sub-group of the 'prisonised' consisting of those who have become so institutionalised by the prison culture, as a result of spending most of their lives in prison. This growing band of mainly older ex-prisoners find it almost impossible to survive outside the prison walls and I do not think it will be long before the Correctional Services in this country consider building 'secure' care homes.

¹³³ Wilfred was released on licence in September 2001, a fitting conclusion to my diary entries. Sadly, he died in August 2004. He spent his last years happily married to his 'Wonder Woman' (his expression); at least his life came to an end in freedom, unlike other older prisoners. I know of a number who will probably die inside.

¹³⁴ The 9/11 date was a positive watershed for me. Little did I realise, when I wrote this in the morning, that I would later hear that same day of the disaster that was taking place in New York.

My interviews in the next chapter, together with my diary extracts in this one, reveal a sample of damaged lives of many thousands who have been let down through the corporate irresponsibility of our supposed caring society and its agents who are supposed to protect the vulnerable. The stories and events I have recorded reflect a growing prison population that contains a disproportionate number who not only have damaged lives, but are also trapped in poverty. These include those from minority ethnic groups, women, young people and the elderly. Many have mental illnesses, drink or drug problems and have suffered from broken relationships and homes.

As I will later show, a theology of the incarcerated recognises the need for a fundamental social change in the way we treat the vulnerable, yet our society seeks to maintain its carceral institutions of punishment as a means of controlling the underclass. The incarcerated are almost completely powerless to have any influence on the political process that is dominated by the business and professional classes.

Sadly, reflection on my experiences and observations reveal a failure of the Church to side with the powerless. I now see the Church as being part of the powerful and controlling establishment. With some notable exceptions, the churches must share the corporate responsibility of failing the vulnerable and fighting social injustices:

There is a lot of psychological evidence to suggest that religion performs a conservative function in Western society, and that religious people tend not to be politically radical. Chaplains are members of churches which have performed a largely conservative social function, supporting the ruling class implicitly if not explicitly. The theologies of these churches have been individualistic and hierarchical, supporting the dominant values of society. ... Institutionally, the churches have shown relatively little interest in fundamentally changing the injustices of society.¹³⁵

In this chapter I have set out to record my memories of incarceration, as recorded in my diaries, together with the consequences on my release from prison. I am fortunate, in that I have survived and been blessed in the long road to my recovery. In Chapter Three I proceed to summarise sixty-two others who have also experienced incarceration. In seeking to record and analyse our

¹³⁵ Stephen Pattison, *Pastoral Care and Liberation Theology* (London: SPCK, 1997), pp. 204/5

collective memories, I have been conscious that these ‘dangerous memories’ are of the forgotten of society. Referring to people with mental health problems, who have also experienced ‘total institutionalisation’¹³⁶ Swinton states,

Dangerous memories are stories of the “other” – the victims of history who have been forgotten by society, but who remain at the forefront of the memory of God. In raising our consciousness to the reality of the lives of the oppressed, such stories become dangerous because they radically intrude upon and call into question, our complacent and comfortable present. ...These stories call the church to a radically new stance of critical solidarity that is difficult and deeply challenging. Such a stance makes little sense in the eyes of the world, but forms the essence of the coming kingdom. As the Christian community listens to the types of stories that have been recited...and its consciousness is raised and its memory stimulated, it can do nothing other than give itself fully in commitment to those who are rejected and marginalised. Thus, in remembering and listening to the dangerous memories of people ...the church is called out of its apathy, naivete, and amnesia, and drawn into a dangerous new ground.¹³⁷

A problem could arise in the future that our collective ‘dangerous memories’ will be forgotten. Consequently, the cries of the rejected and marginalised would fail to be heard, becoming swamped by the more powerful and vocal voices in our society. Therefore, I believe the onus lies with the Church to come alongside the ‘other’, and in this case the ‘incarcerated’. This will become all the more possible if more people within the Church are prepared to take the risk and embrace us in this venture of justice and reconciliation. Volf states that “there can be no justice without the will to embrace” and he goes to explain this:

To agree on justice you need to make space in yourself for the perspective of the other, and in order to make space, you need to want to embrace the other. If you insist that others do not belong to you and you to them, that their perspective should not muddle yours, you will have your justice and they will have theirs; your justices will clash and there will be no justice *between* you. The knowledge of justice depends on the will to embrace. The relationship between justice and embrace goes deeper, however. Embrace

¹³⁶ See E. Goffman. *Asylum: Essays on the Social Situation of Mental Patients and Other Inmates* (New York: Garden City, 1961).

¹³⁷ John Swinton, *Resurrecting the Person: Friendship and the Care of People with Mental Health Problems* (Nashville: Abingdon Press, 2000), pp. 126,127.

is part and parcel of the very *definition* of justice. I am not talking about soft mercy tampering harsh justice, but love *shaping* the very content of justice.¹³⁸

The ‘crisis of legitimacy’ will continue until justice is shaped by a love for humankind that embraces rather than excludes. Embrace encompasses the concept of forgiveness and reconciliation and is in conflict with retributive punishment – an issue I return to again later in this thesis. I can now say, long after the event, that the bitterness I felt at my treatment by the criminal justice system has now turned to sadness, for I realise there are countless others who have to face experiences far worse. I am now able to forgive those who let me down, as I have sought forgiveness for my own transgressions and for letting down those who had trust in me. I have positive memories of a fellowship with the incarcerated that I had never previously experienced on the outside. It is one that still draws me back to prison – as a visitor and carer.

The experience of incarceration and its aftermath has raised my consciousness of exclusion and provided the context and a purpose for me to continue my life’s journey. This is not only a journey of self-exploration and reflection, but one of action on behalf of my other excluded brothers and sisters. I do not have to come alongside them and then to walk away to another life. They are my life, for I am forever counted among their number.

¹³⁸ Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness and Reconciliation* (Nashville: Abingdon Press, 1996), p. 220.

CHAPTER THREE DANGEROUS MEMORIES: OTHER PEOPLE'S EXPERIENCES

AN ANALYSIS OF A LONGITUDINAL STUDY (1997-2001): EFFECTS OF INCARCERATION ON SERVING AND FORMER PRISONERS IN ENGLAND AND WALES

In Chapter One I explored the theory and practice of punishment that focused on the development of the modern penal system. In the previous chapter I produced extracts from my diary in an attempt to show how the practice of punishment has not only failed to make any marked difference to reducing re-offending, but also to show how the system can brutalise people.

I am not alone in recording my 'dangerous memories'. Other writers who have experienced incarceration have also published their 'dangerous memories' for posterity. Examples may be found from around the world: Victor Serge¹³⁹ (France), Alexander Solzhenitsyn¹⁴⁰ (former USSR), Vaclav Havel¹⁴¹ (Czech Republic), Nelson Mandela¹⁴² (South Africa), Nien Cheng¹⁴³ (China) and Dietrich Bonhoeffer¹⁴⁴ (Germany). In this country, examples may be found in the writings of Oscar Wilde,¹⁴⁵ Rosie Johnston,¹⁴⁶ John Hoskison,¹⁴⁷ Erwin James,¹⁴⁸ and Noel 'Razor' Smith, who is currently serving a prison sentence in HMP Grendon.¹⁴⁹ There is a general theme running through good prison autobiographies that has resulted in a dialogue between the writer and the reader on the consequences of crime that has led to imprisonment, and how it has affected that writer's life. The autobiography becomes a 'confessional' in which the writer attempts to make meaning of what has happened.

¹³⁹ Victor Serge, *Men in Prison* (London: Writers and Readers Publishing Cooperative, 1977).

¹⁴⁰ Alexander Solzhenitsyn, *The Gulag Archipelago 1918-1956* (London: Collins/Fontana, 1974).

¹⁴¹ Václav Havel, *Letters to Olga* (London: Faber & Faber, 1990).

¹⁴² Nelson Mandela, *Long Walk to Freedom* (London: Little Brown, 1994).

¹⁴³ Nien Cheng, *Life and Death in Shanghai* (London: Flamingo, 1995).

¹⁴⁴ Dietrich Bonhoeffer, *Letters and Papers from Prison*.

¹⁴⁵ Oscar Wilde, 'Ballad of Reading Gaol', *De Profundis and Other Writings* (London: Penguin, 1954), pp. 229-252.

¹⁴⁶ Rosie Johnston, *Inside Out*.

¹⁴⁷ John Hoskison, *Inside: One Man's Experience of Prison* (London: John Murray, 1998).

¹⁴⁸ Erwin James, *A Life Inside: Prisoner's Notebook* (London: Guardian Books, 2003).

¹⁴⁹ Razor Smith, *A Few Kind Words and a Loaded Gun* (London: Penguin, 2005).

I now wish to produce some living examples of the consequences of the use of incarceration as punishment, as recalled through extracts from some of my interviews. These stories are forever linked to my own 'dangerous memories'. Hurtful memories can remain locked away in the cupboards of our minds, festering among the debris of a past we would like to forget. Yet, all too often our memories are released in ways that can, for some, bring hurt to others as well as to self. Our memories can also play tricks with us, as we sometimes seek to re-write the damaged histories of our past lives, but this is a human weakness that affects everyone. I have, wherever possible, sought to elicit honesty from those I have interviewed. The sceptic may question the honesty of convicted criminals but, recognising this will be the case, it becomes a challenge to us to ensure our stories are as accurate as possible. I am seeking here to reveal how memories of a damaged past have led some to cross the seamless line from 'care in the community' to custody. Consequently, I also find that the damaging experiences of prison continue to haunt many former prisoners long after their release, as they move back into the community; only this time they move seamlessly from custody to control in the community, rather than care.

Some of the stories I have recorded reveal a cycle of victim-offender-victim and how the 'victim' aspect is not acknowledged, locking the perpetrator of crime into a lifetime of denial. However, I have found that sharing our experiences with each other has also had a healing effect on a number of interviewees. This has enabled some to move on from feelings of 'victimisation' to enjoy productive and crime-free lives. A few still keep in touch with me, so I am continually updating their stories.

A driving force behind my interest in recording and analysing the life stories of those who have been incarcerated is the recognition that I carry a responsibility for their marginalised lives. However, I am motivated not so much by my faith but by the fact that I am bound to their lives by the experience of prison: it is prisonisation¹⁵⁰ that binds my life with theirs. My findings show that there is some correlation between the experience of prison culture and its environment that leads some offenders to committing further crimes on their

¹⁵⁰ See Donald Clemmer, *The Prison Community* (New York: Holt, Rinehart & Winston, 1958) and Ulla V. Bondeson, *Prisoners in Prison Societies* (New Brunswick: Transaction Publishers, 1989).

release from prison, especially as they encounter State and social controls that allow no way back. This is an extremely important issue to me and a theme I will return to in the next chapter, for I recognise this has radical implications for the incarcerated that require further exploration. At the same time I accept that I am attempting to explore and analyse a very complex issue, for 'any study of penality should be a determination to think of punishment as a complex social institution'.¹⁵¹

In recognising the complexity of punishment, my theology and praxis will be partly informed by the experiences recalled in this chapter. It is important that our memories are brought to the consciousness of society and, in particular, the Church that historically has had such an influence on the development of punishment in our Western Society. In this respect I refer to the work of John Swinton who picks up the theme of Latin American liberation theologians, such as John Metz, that the church is a community of remembering and storytelling that 'passes on and nurtures dangerous memories'.¹⁵² Our collective memories are 'dangerous' because of our desire to radically challenge our complacent society and its attitude to punitive punishment.

The memories of the incarcerated are also 'dangerous' because of the knowledge gained as the result of encountering the abuse of institutionalised power. In seeking to record the experiences of the 'others' in this chapter, I am trying to open up the culture of the incarcerated as they move from prison to community and are confronted by further controls. This is necessary to begin the contextual theological process.

Ideally, for a genuine contextual theology, the theological process should begin with the opening of culture, that long and careful listening to a culture to discover its principal values, needs, interests, directions, and symbols. Only in this way can the configurations of a culture become apparent of themselves, without simply responding to other kinds of needs extrinsic to the culture.¹⁵³

¹⁵¹ David Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford: Clarendon Press, 1990), p. 287.

¹⁵² Swinton, *Resurrecting the Person*, p. 126.

¹⁵³ Robert J. Schreiter, *Constructing Local Theologies* (Maryknoll, NY: Orbis Books, 1997), p. 28.

To assist my analysis of the dangerous memories collected from the incarcerated interviewees, I have called on a number of theoretical tools, including the work of David Garland, Shadd Maruna, Foucault and Cohen.

3.1 Sociological insights on the effects of incarceration

The value of social analysis to this study is that it enables me to obtain a broader perspective of society and gain a better understanding of the administration of punishment and its long-term effectiveness on offenders. This approach has given me additional insights into the weaknesses and abuses within the penal system, particularly when it comes to identifying injustices. For example, in the previous chapter I produced extracts from my diary of my prison experiences in which I witnessed prisoners being beaten by prison officers who had ignored the limitations the law placed on them in administering justice.

David Garland believes that a basic premise of our modern punishment is that 'crime and deviance are social problems for which there can be a technical institutional solution'.¹⁵⁴ Consequently, he puts forward an argument in support of sociology to assist our understanding of punishment.

I take the sociology of punishment, broadly conceived, to be that body of thought which explores the relations between punishment and society, its purpose being to understand punishment as a social phenomenon and thus trace its role in social life.¹⁵⁵

Sociological concepts of punishment (also known as penalty) can be found within three founding schools of sociology. Firstly, there is the Marxist tradition that includes the economic determinism of Rusche and Kirchheimer (*Punishment and Social Structure*, 1939) and particularly, the deconstructionist work of Michel Foucault through his approaches to discipline and power. Secondly, there is the social theory of Emile Durkheim (1858-1917). The third influence is found in the work of Max Weber (1864-1920) and his study of the role of culture and religion influencing economics.

My own reading of other social science research papers has drawn me to the conclusion that there is a general tendency to focus on the individual

¹⁵⁴ Garland, *Punishment and Modern Society: A Study in Social Theory*, p. 6.

¹⁵⁵ Garland, *Punishment and Modern Society: A Study in Social Theory*, pp. 9/10.

'deviant' as the main analytical site, rather than structural issues and concerns. However, I do believe that a sociology of punishment can help increase our understanding of the modern penal system by presenting 'a rounded, complete image; a recomposition of the fragmentary views developed by more narrowly focused studies'.¹⁵⁶ This is particularly true in our postmodern pluralistic society, in which there is seen to be no single cause for, or meaning to, crime and punishment. Toward the end of my thesis I will challenge the entire concept of crime and punishment.

3.2 Prisoner criminology

Convict biographical documents were published in the 1930s by the Chicago school.¹⁵⁷ In the United Kingdom, a pioneer interviewer of offenders during the twentieth century was Tony Parker.¹⁵⁸ Examples of more recent interviews that are of particular interest to me, because they focus on older people in prison, can be found in work of Elaine Crawley (Keele University), Richard Sparks (Edinburgh University),¹⁵⁹ and Azrini Wahidin (University of Central England).¹⁶⁰ I will come back to their work later when I look specifically at older prisoners.

As far as I can ascertain there have been few in-depth studies in the UK that have been carried out by former prisoners. In fact very few criminologists, penologists or sociologists have had the opportunity to experience a prison environment from within. However, as I mentioned in Chapter One, there is now a group of former prisoner academics in the United States, including John Irwin,¹⁶¹ who have developed convict criminology from the perspective of their experiences in prison.¹⁶² Irwin is Emeritus Professor John Irwin (San Francisco State University). Other convict criminologists include Alan Mobley (completed

¹⁵⁶ Garland, *Punishment and Modern Society: A Study in Social Theory*, p. 280.

¹⁵⁷ Edwin H. Sutherland, *The Professional Thief – By a Professional Thief* (Chicago: University of Chicago Press, 1937).

¹⁵⁸ Keith Soothill (ed.), *Criminal Conversations: An Anthology of the Work of Tony Parker* (London: Routledge, 1999).

¹⁵⁹ Elaine Crawley and Richard Sparks, 'Hidden Injuries? Researching the Experiences of Older Men in English Prisons', *The Howard Journal of Criminal Justice*, 44/4, September 2005, pp. 345-356.

¹⁶⁰ Azrini Wahidin, 'Growing Old in Prison: Imprisonment In Later Life', in *Ageing, Crime and Society* (eds. A. Wahidin and M. Cain; Cullompton: Willan Press, 2005)

¹⁶¹ John Irwin, *The Felon* (Englewood Cliffs: Prentice-Hall, 1970).

¹⁶² See Ross and Richards (eds.), *Convict Criminology*.

his PhD at the University of California in 2001), Daniel Murphy (completed his PhD in 2002), Professor Stephen Richards (Northern Kentucky University), Professor Charles Terry (St. Louis University) and Edward Tromanhauser (former Professor and Chairperson of the Department of Criminal Justice, Chicago University). In New Zealand there is Professor Greg Newbold (University of Canterbury).

A 'prisoner criminology' group is being formed in this country. Some non ex-offender academics have also agreed to participate in the group, such as Dr Azrini Wahidin, whom I previously referred to and is based at the University of Central England. It is important to me that our stories are not only recorded and analysed but that findings can influence criminologists and other academics, as well as policy makers and practitioners within the criminal justice system.

Prisoner criminology has much in common with its convict criminology counterparts in the United States: our approaches are issue based; we seek to influence our professional associations (in my case, the British Society of Criminology) to 'articulate policy reforms that will make the criminal justice system humane';¹⁶³ we advocate drastic reductions in our prison population; we support diversion to probation and other community programmes and other alternatives to custody for the vulnerable, such as children, women, the elderly and those with mental disabilities; we are opposed to the building of large-scale prison 'warehouses'; we advocate more funding for vocational skills training and higher academic studies. We further support the termination of the use of military metaphors in their application to drugs, crime and terrorism for they complicate and confuse approaches to reduce the risk and harm associated with such activities. Finally, we advocate the increasing use of victim-offender reconciliation programmes as being central to criminal justice, rather than being on the fringes.¹⁶⁴

Recently, there has been a proliferation of research programmes into criminal behaviour, punishment and re-offending. Many of these have been funded by the Home Office, thus presenting a risk of the findings being slanted toward the anticipated outcomes of the grant-maker. I have myself been the subject of a number of interviews in which there were a high level of

¹⁶³ Ross and Richards (eds.), *Convict Criminology*, p. 10.

¹⁶⁴ Ross and Richards (eds.), *Convict Criminology*, pp. 350-352.

assumptions built into the research questions. My responses have often failed to comply with the anticipated reply, leaving no place for my answers in the final analysis. For example, I did not come from a poor background and I did have loving parents; also, my 'criminal career' did not begin in my late teens or early twenties – I was in my later fifties when my offences took place. The built-in biases and assumptions of some of the research questions I encountered helped to inform the approach I would take with my own research programme.

3.3 A theoretical basis for exploring motivations and obstacles to change

For the purpose of this thesis I am more interested in the internal and external motivations that enable a person not only to remain crime-free on release from prison, but also to do something positive with the life that remains. Furthermore, I am seeking to explore whether these two motivations are interconnected, for they could have implications in the development of my theology.

The reasoning behind my interest in internal and external motivations to desist from crime will also become apparent later when I come to a theological exploration of the 'scapegoat mechanism'. However, at this stage I need to lay a theoretical foundation to assist the analysis of these motivations.

It will be recalled that I drew attention to the demise of the rehabilitative ideal, when Martinson published his findings in 1974 that 'nothing works'.¹⁶⁵ This has encouraged the view that criminals, who are seen as social deviants, cannot change and they have permanent fundamental flaws that are different from 'normal' people in our society. Radical Right theorists, such as Charles Murray, developed this further in the 1990s through the introduction of the concept of the 'underclass';¹⁶⁶ it still remains a powerful influence on societal attitudes and Government policy in the twenty-first century. By casting some groups as being outside 'normal' society, they can then be seen as a threat to society. These groups can be demonised to suit political aims, as boundaries are artificially constructed between 'them' and 'us'. They are considered to be not worth saving, for they are incapable of reforming, therefore, 'Lock them up and throw away the key'. They are deemed as being *without* society; only those who

¹⁶⁵ See pages 22/23.

¹⁶⁶ C. Murray, *Underclass: The Crisis Deepens* (London: Institute of Economic Affairs, 1994).

conform are considered to be *within*. Irwin has identified the deviant ‘them’ as fulfilling society’s desire to pursue the myth of the ‘bogeyman’.¹⁶⁷

There are other theorists who have argued in favour of the desistance concept that identifies individuals who have been motivated to change their lifestyles and become crime-free. For example, in the 1980s, French researchers Cusson and Pinsonneault explored offender autobiographies to help understand the internal motivations that influenced desistance from re-offending.¹⁶⁸

Broadhead has analysed the writings of British prisoners’ who have learnt their craft in prison and been motivated to become successful writers on their release.¹⁶⁹ For example, at the beginning of this chapter I mentioned Erwin James; his accounts of prison life were regularly published in *The Guardian* and he went on to become their prison affairs correspondent on his release.

My interest lies in the recent research findings of Shadd Maruna, in which he develops his hypothesis of a ‘redemption script’.¹⁷⁰ The redemption script identifies the storyteller as a person who has triumphed over the external forces that have trapped an offender in a cycle of re-offending until she realises her inner potential self. The findings from my own study confirm the importance of the internal and personal struggles to remain crime free, as the incarcerated attempt to cope with life after release from prison. This is a theme I return to in the following chapters of this thesis.

3.4 Research design and methodology of my four-year study

The uniqueness of this four-year study is that it involved myself, a former prisoner, in an attempt to record and analyse the life stories and experiences of other serving and former prisoners. This ethnographic approach gives priority to the storytellers’ experiences through recording memories that expose personal knowledge of struggles to survive in excluded situations. It is an attempt to tell their life-stories from the underside, for they have been counted among the

¹⁶⁷ J. Irwin, *The Return of the Bogeyman*. A Lecture at the meeting of the American Society of Criminology, November 1985. Quoted in Shadd Maruna, *Making Good: How Ex-convicts Reform and Rebuild Their Lives* (Washington DC: American Psychological Society), p. 4.

¹⁶⁸ M. Cusson and P. Pinsonneault, ‘The Decision to Give up Crime’, in *The Reasoning Criminal* (eds. D. Cornish and R. V. Clarke; New York: Springer-Verlag, 1986).

¹⁶⁹ Julian Broadhead, *Unlocking the Prison Muse: the inspirations and effects of prisoners’ writing in Britain* (Cambridge: Cambridge Academic Press, 2006).

¹⁷⁰ See page 116.

‘discredited, the neglected and a whole range of phenomena which have been denied a history’.¹⁷¹

A small pilot was carried out during 1996/97 whilst I was a prisoner in HMP Bedford, based on observations and interviews of 31 prisoners. This was followed by 14 follow-up interviews on my release in 1997. The knowledge and research skills gained through this process helped to inform the design and methodology of the main study (1998-2002) of sixty-two interviews that were conducted through the *PACER 50plus* network. Since 2001 I have maintained contact with over twenty in the original main group; to my knowledge four have re-offended and three have returned to prison for breaking their parole licence. A further five have since died, including three who have committed suicide.

I was advised and supported in the research design and methodology for the main three-year study by Professor Gerry Stimson (Department of Social Science & Medicine, Imperial College) and Dr Betsy Thom (Social Policy Centre, Middlesex University). Further input was offered by Dr Elaine Crawley (Department of Criminology, University of Keele). I am also indebted to Dr Mary Piper (Prison Health Unit, Department of Health) for her advice regarding health-related matters.

Throughout the study, which was to be known as *The Leaving Prison Research Project*, the primary focus was to write and chart the personal histories of people who had served a custodial sentence. I spent most of 1998 designing the study prior to commencing the interviews, including consulting Professor Gerry Stimson and Dr Betsy Thom. From the outset, I was aware that I would be dealing with a range of people who were angry, hurt, self-destructive; some truthful and some deceptive. I was also aware of the risks of my own feelings and experiences biasing the findings. On the other hand, my ‘inside’ knowledge could be used to check untruthful or deceptive accounts or data provided by the interviewees. These aspects would be important when producing the final research design and data analysis, whilst seeking to justify inferences from interview data to support theoretical concepts. I therefore began by basing the design on the model developed by Maxwell:

¹⁷¹ M. Sarup, *Post-structuralism and Postmodernism* (Hemel Hempstead: Harvest Wheatsheaf, 1988), p. 59.

Design in qualitative research is an interactive process that involves ‘tacking’ back and forth between two different components of the design, assessing the implications of purposes, theory, research questions, and validity threats for one another. ... The model I present here has five components. These components are characterised by the issues that each is intended to address:

1. *Purposes.* What are the ultimate goals of this study? What issues is it intended to illuminate, and what practices will it influence? Why do you want to conduct it, and why is the study worth doing?
2. *Conceptual context.* What do you think is going on with the phenomena you plan to study? What theories, findings and conceptual frameworks relating to these phenomena will guide or inform your study, and what literature, preliminary research and personal experience will you draw on? This component contains *theory* that you already have or are developing about the setting or the issues that you are studying. There are four main sources for this theory: your own experience, existing theory and research, the results of any pilot studies or preliminary research that you’ve done, and thought experiments.
3. *Research questions.* What, specifically, do you want to understand by doing this study? What do you *not* know about the phenomena you are studying that you want to learn? What questions will your research attempt to answer, and how are these questions related to each other?
4. *Methods.* What will you actually do in conducting this study? What approaches and techniques will you use to collect and analyse your data, and how do these constitute an integrated strategy? This component of your design consists of four main parts: your relationship with the people you study, your site selections and sampling decisions, your data collections methods, and the data analysis techniques you use.
5. *Validity.* How might you be wrong? What are the plausible alternative explanations and validity threats to the potential conclusions of your study, and how will you deal with these? How do the data that you have, or that you could collect, support or challenge your ideas about what’s going on? Why should I believe your results?¹⁷²

A total of 141 network contacts were made, which resulted in a cohort group of 62 former prisoners being interviewed over the three-year period (of which 37 received a second follow-up interview). A further 19 non-offending partners or spouses were also interviewed in order to obtain their perspectives and to discern the effects on the family. The cohort group was not age-specific, but almost half were over forty years of age (n=49). Interviewees were recruited as the result of contacts made through the PACER 50plus network.

¹⁷² J. A. Maxwell, *Qualitative Research Design: An Interactive Approach* (Thousand Oaks: Sage, 1996), pp. 4-5.

The design of the first interviews (n=62) was open-ended: minimalist autobiographical narrative interviews.¹⁷³ This approach allowed the interviewee to feel free to talk about her or his feelings, faith or non-faith, offences, and experiences during imprisonment and afterwards. The person could speak of the period before their offences – even back to their childhood and family experiences.

Of those interviewed (n=62), 84% were male and 92% white. This was due mainly to a reliance on network contacts. However, the 16% female and 8% non-white (mainly Asian) interviewees provided indicators of specific needs and concerns that will require further research. After the first round of interviews it was recognised that follow-up studies would be required to look at the specific needs of elderly prisoners, both during their sentence and on their release; this was commenced in 2003 and is still ongoing.

The second interviews (n=37) were structured on half open and half closed questions, in order to clarify or verify matters raised in the first interview. In some cases (n=23) the follow-up interviews had to change direction in response to the changed circumstances, which had drastically affected the interviewee (e.g. homelessness, alcohol or drug abuse, re-offences). Of the second interviews, 29 could be traced in the third year of which 22 were interviewed for a third time.

The second and third round of interviews enabled the interviewer to intervene to check the validity of the original story.¹⁷⁴ This also provided evidence of the interviewee's life experiences two or three years on, enabling the researcher to gain valuable insights about events, experiences and situations that contributed to, or hindered, their rehabilitation and reintegration into the local community. It also enabled the researcher to map and track their use of local networks and their use or non-use of local services, including those that were faith-based. This provided a better understanding of the 'hidden from view'¹⁷⁵ networks used by former prisoners.

¹⁷³ D. Rosenthal, 'Reconstruction of life stories: principles of selection in generating stories for narrative biographical interviews', in *The Narrative Study of Lives*, Vol. 1 (eds. R. Josselson and A. Lieblich; Newbury Park: Sage, 1993), pp. 59-91.

¹⁷⁴ J. Holstein and J. Gubrium, *The Active Interview* (Thousand Oaks: Sage Publishing, 1995).

¹⁷⁵ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin Books, 1991).

From the outset, I was aware of the sensitive nature of the information gathered from the interviews. The accounts I recorded were carried out in the strictest of confidence and on the understanding that no other person would be able to identify the respondents; anonymity was ensured¹⁷⁶ and resulted in codes being used and some place-names being changed in order to protect identities. Each person had the opportunity of seeing and agreeing her or his recorded accounts. Ethical procedures regarding the protection of data have followed general guidance found in Babbie,¹⁷⁷ which include:

1. The secure management and storage of sensitive materials.
2. Delaying publication of findings.
3. Securing a moratorium on access to unpublished work.
4. On completion of analyses, cross-checking and validation of findings, all tape recorded and written interviews being destroyed.

With regards to the methodology used in analysing the interviews, I have not attempted to establish the study as a mode of scientific observation, through examining the effect of an independent variable on a dependent variable. Hence there has been no control group to test the validity of the findings of those interviewed. Therefore the analysis used in this study has been minimalist and basic. However, I have received advice and support from academic staff at Imperial College, Middlesex University and the University of Sheffield.

As the focus of my study was to record the life stories of those who have experienced incarceration and how they have coped when released from prison, I devised a sequentialised biographical structure in order to chart the life story of each interviewee. This has been of particular help with those who had second and third interviews. The process involved transcribing each interview on a line-by-line basis, with notes alongside to identify key influences or changes to that person's life. For the purpose of this thesis, my interest has been to identify the effects of past events and the consequential negative influences that might hinder their present and future development.

To assist me in this study, I have also chosen an emancipatory approach that was controlled by the users (i.e. the incarcerated) from the beginning of the

¹⁷⁶ V.R. Yow, *Recording Oral History: A Practical Guide for Social Scientists* (Thousand Oaks: Sage Publishing, 1994), p.111.

¹⁷⁷ Earl Babbie, *The Practice of Social Research* (Belmont, Calif.: Wadsworth, 1995), pp. 447-466.

process. Although I have used qualitative methods, this type of approach is more about the users having control. Whilst the academic world perceives research to be unbiased, objective and neutral, the incarcerated would question such a view with a degree of scepticism. It would appear that an increasing amount of criminological and penal research is Government funded.

I have identified twelve topic areas that focus on inner feelings, motivations or desires, most of which I have myself experienced (marked * on the next page). In order to cope with, and survive, in a totally alien environment of incarceration, many inmates 'escape' into a dreamworld of fantasy and memory of another life on the outside. For many, this internalisation and escapism continues on their release. Although I have used this as an analysis tool with all my recorded interviews, I have only produced the story of 'Tom' in full on the following pages to demonstrate the methodology, in order to tease out some of the common 'inner' feelings. In the case of the other sample stories, I have decided to break up the others into extracts to illustrate common themes and issues, in an attempt to reveal the external influences and experiences of those who have been incarcerated. The 'inner' topic areas are:

Negative:

- *Anger (N1) – a strong feeling caused by extreme displeasure.
- *Depression (N2) - excessive sadness, linked with physical symptoms.
- *Exclusion (N3) - feelings of being unwanted, rejected or ignored.
- *Hopelessness (N4) – self-doubt and resignation.
- *Loneliness (N5) – feelings of sadness: lack of friends or partner.
- *Loss (N6) – suffering because of missing something or someone.
- Violence (N7) – desire to hurt or damage someone or something.
- Hate (N8) – feelings of hatred toward others or institutions.

Positive:

- *Ambition (P1) – a strong desire to achieve something.
- *Faith (P2) – a belief in someone or something outside of self.
- *Trust (P3) – confidence in a person or thing.
- *Hope (P4) – feelings of expectation, desire for something better.
- *Love (P5) – intense feelings of affection or fondness.

It is recognised that the above can only give some general indications of their internal feelings and that they will become even more relevant when we later explore motivations for living positive and crime-free lives. I will also seek to show how external influences can help a person to cope with obstacles that seek to hinder such growth. It has been found that some internal and external influences on an excluded person's life can have both positive and negative effects. For example, a newly-found Christian faith can be influential in motivating someone to become crime-free. On the other hand, Christianity can have a negative effect on a person, where, for example, a professing Christian 'friend' has behaved in an unloving way; this can reinforce negative stereotypes.

In transcribing the interviews care has been taken to ensure the record is correct. However, I have not attempted to record the phonetics, but to faithfully understand and report the syntax and semantics.¹⁷⁸ I have also made additional notes in order to indicate the feelings, which transcription alone cannot always convey; all the interviewees saw my notes and either agreed with my observations or had them corrected.

The main study was carried out within the framework of the research guidelines and code of practice of the University of Sheffield.¹⁷⁹ It was funded through the kind generosity of the Trustees of the late Frank Pollin's estate.

An interim report was produced in July 2001 and shared with agencies working with prisoners, including the Prison Service and the Department of Health, in order to seek their comments. As the result of this exercise some amendments have been made to the final analysis contained in this thesis.

There have been some other developmental changes to the prison estate that have produced an improvement in services since I was in prison. This includes the transfer of healthcare to NHS Primary Care Trusts.

3.5 Main findings: more control, less care

3.5.1 *Pre-incarceration: influence of home, school and caring agencies*

In addition to the damage done to offenders as the result of incarceration, this study produces evidence to show that many entering the penal system, had

¹⁷⁸ M.S. Fleisher, *Burnout in Violent Criminal Careers*, Paper presented at 1993 American Society of Criminology, Phoenix, Arizona, p. 3.

¹⁷⁹ University of Sheffield, *Guidebook for Research Students and Supervisors* (Graduate Research Office, University of Sheffield, 1998-1999 and 2002-2003).

already been damaged by previous negative experiences. For example, a number of those interviewed had themselves been victims of family or institutional abuse (in some cases it has been both). One of the key points that are highlighted from reading their stories is the failure of the caring institutions to protect their vulnerability when they were young. This includes care and foster homes, social services and schools. It was later exacerbated when these already damaged young people came into contact with the criminal justice system. However, this is not a new phenomenon, for over twenty years ago it was demonstrated that ‘much research into aspects of the penal system shows that it is not uncommon for the prison and borstal populations to contain large numbers of men who have spent periods of time in care’.¹⁸⁰

A repeated theme throughout most of the interviews has been an absence, or breakdown, of trust and loving relationships in the home from an early age, and an inability of the caring agencies to fill this void.

‘Tom’ (code: M353) is a white male in his late twenties. At the time of his interview in 1998, he had just been released from prison, having served five years for arson. He comes from a background of family problems on a ‘new town’ estate north of London, and experienced loss, rejection and abuse within the family from an early age. It would appear his victimisation was not fully addressed at school, neither were his petty crime activities, nor his drink and drug problems. This led him to being taken into local council care, which was a negative experience and seen as a ‘punishment’. Failure by the caring services to help him resolve his hurt, anger and lack of loving experiences only compounded his behaviour. He then became ensnared within the criminal justice system and its penal institutions. Because ‘Tom’ is typical of many others I interviewed, I recount his story in full.

(1) The first thing I can remember from my childhood was the separation of my parents when I was about four years old. (N6)

(2) Before that things were good at home; my dad had his own lorry and he worked hard. (P5)

(3) In them days we were quite a well-off family; mum did well. (P5)

(4) I remember dad was always away at work. (N5)

¹⁸⁰ Mike Stein and Kate Carey, *Leaving Care* (Oxford: Blackwell Publishing, 1986), p. 5.

- (5) *He was always away at work; he drove abroad, but he provided well for all of us – me and my two brothers (one younger and the other older). (P5)*
- (6) *Well, things started to go wrong. As my dad was always away, he started seeing other women and my mum couldn't cope. (N6)*
- (7) *For a while, she tried to, for our sake, but in the end they separated. Things were hard. (N1)*
- (8) *Dad sold everything in the home and my mum was left to pick up the pieces. (N1)*
- (9) *I had everything and then it was all taken away from me and I never understood why. (N6)*
- (10) *Well, we got on with things - the best we knew how. Sometime after, I started school; it was in the summer of 1975, or around that time. (P4)*
- (12) *Well, it was while I was at school that mum met a man (who we will call 'B...'). 'B' was a good man and he made me and my mum happy. (P5)*
- (13) *'B' moved into the home after some time. He took us out – to the beach, parties, played football and stuff with us. (P5)*
- (14) *I remember on a Saturday 'B' would always bring us home a bottle of pop, some sweets and a piece of fruit. (P5)*
- (15) *Mum really started to get things together. 'B' – he treated us really well. (P5)*
- (17) *After about six months 'B' was living at home, when he had an accident and suffered a brain tumour. (N6)*
- (18) *I didn't know what was wrong with him; I only knew he had to go into hospital. (N6)*
- (19) *We kids were looked after by 'Bs' sister, while my mum went to see 'B' (N3)*
- (20) *I can remember clear in my mind. Mum phoned to say she would be home and she promised to take us to see him. I remember the day and not the date. (N6)*
- (21) *Mum took my older brother to see him – that was a Wednesday. When my mum got home, I kept on at her to take me. (P4)*
- (22) *The next time we went was a Friday. I remember mum and my older brother talking and saying how well 'B' was doing. (P4)*
- (23) *When we got to the hospital, 'B' was in a side room and he was hooked up to all sorts of machines. I remember he had a dummy-like thing in his mouth to help him breathe. (N2)*
- (24) *We was only there a few moments when he choked on the dummy-like thing and died – right in front of my eyes. (N6)*
- (25) *Doc's and nurses rushed in, but it was already too late - and that was the second best thing that had been taken away from me. (N6)*
- (26) *We had always had a lot of love in the family up until that point. (P5)*
- (27) *Things just went down hill from then on. My mum was torn apart; she and I cried most days – which seemed like forever. (N6)*
- (28) *Me and my brothers had it hard, but we only cared about mum. At this point I was about five-and-half years old. (P5)*
- (29) *Mum didn't get her act together for about a year. I was nearly seven at the time. I think she only carried on because of us. (P5)*

- (30) Well, mum was introduced to a man by some friends (we will call him 'J...') – they seemed to be getting on. 'J' had two kids – a boy and a girl – both were older than me. (P4)
- (31) Soon after my youngest brother was born – so that made six kids altogether. (P5)
- (36) Well things really hit rock bottom. By this time 'J' was drinking heavily and was knocking my mum around, and in turn us kids as well. (N7)
- (37) I was about eight years old. His boy and me and my older brother did a milk-round with the milkman – we was up at 2.30 in the mornings and finished at 8.00, in time to go to school. (P1)
- (38) The reasons we did this was to give my mum money, as 'J' was drinking all his. (P5)
- (39) Because of bruises we had and we were always tired, we stopped going to school. (N2)
- (40) The little bit of money we earned did not keep us, so 'J' forced us to go shoplifting. (N1)
- (41) It was mainly me and his boy. If we came back with no goods - it was a good hiding. (N2)
- (42) Sheer fear, that's how we lived. Well, that went on for what seemed like eternity. Well, eventually social services were brought in. (N3)
- (43) By this time, I was ten and smoking and glue sniffing. Things got so bad that I used to run away from home and stay out on the streets for weeks and stealing to survive. (N8)
- (44) I've seen my mum in pools of blood many times and just hoped to God that she would not die. But there was nothing we could do except what we were doing. (N1)
- (45) Well by the age of eleven I was put into a boarding school for unruly kids. But I resented this, as I felt I was not doing any wrong but it was 'J' who needed locking up. So why me? (N1)
- (46) Well, I became so unruly, I used to run away to get home to see my mum. But I was still brought back and made to feel I was the one in the wrong. (N2)
- (47) From the age of eight I have been under psychiatrists for my bad behaviour, but even they were blind to the problems we had. I grew up quickly and very street-wise. (N1)
- (48) Well, I was in this school and by the age of 13 I was using drugs. (N2)
- (49) I had no education and I had been to court as a juvenile many times for theft and criminal damage. (N1)
- (50) I really hated the system, but it was all I knew. (N8)
- (51) Things got even worse. I got into no end of trouble and was sent to a children's home. (N3)
- (52) My offending pattern was so bad by this time that I was classed as a 'problem child'. (N3)
- (53) But all I wanted was to be at home with mum. (N5)
- (54) By the age of 15 I was back home – but I just did not want to be there anymore. (N2)
- (55) Drugs was a big problem by then – cannabis, speed and acid. (N2)
- (56) Just before my 16th birthday I was up on a charge of assault to a police officer. (N7)
- (57) I got sent to a detention centre for a short time. I needed help then, but it was not recognised – so that's where I ended up. (N3)
- (58) On release, it made me worse, because I had problems. But no one wanted to help. (N3)
- (59) 'Just lock him up' they said. (N3)
- (60) Well, I tried hard to sort myself out and got a job. (P1)
- (61) But I was still getting into trouble and ended up in YOI [Young Offender Institution] at the age of 18. By this time drink was a big problem, along with drugs. (N2)

- (62) *I just didn't give a fuck, being nicked all the time and given various community and probation sentences for driving offences and petty crime. I was part of the system. (N1)*
- (63) *By the time I was 20, drink and drugs had really taken over my life and just before my 21st birthday I had liver and kidney disorder and jaundice. I was ill for about 4-5 months. (N2)*
- (64) *Well, after that I met a girl (who we will call 'D....'). 'D' was the best thing that had happened to me. We got on well. (P4)*
- (65) *I quit the drink and drugs for her and work was going well for me. For the first time in my life I felt loved and wanted by someone. (P5)*
- (66) *Well, I came home one day early from work and I found 'D' with another bloke – that just blew my world apart. (N1)*
- (67) *I attempted suicide – that did not work. I hit the bottle hard and was back on drugs (N2)*
- (68) *By the time I was 23 I got a two-and-half year sentence. It never taught me anything. (N2)*
- (69) *I came out still in trouble and I even gave less thought for other people. I just came out a mean user of people and a police hater. (N8)*
- (70) *It wasn't long before I was back inside with a four- month prison sentence at the end of 1995 for assault, but I was also thieving, drinking and taking drugs. (N1)*
- (71) *Well, when I got out from that sentence there was an on-going family feud between my mum and my younger brother. Well, that went on into 1996. (N1)*
- (72) *I could not take anymore after my mum was burgled three times by my brother. I set fire to his house in retaliation – which led to a 21 month sentence. (N1)*
- (73) *I have just come out and am on parole. I know things have got to change. I don't blame anyone for my actions; I am solely responsible for all I have done. (P4)*
- (74) *Apart from kids homes and YOIs, I have been in Glen Parva, Feltham, Chelmsford, Bedford, Bullingdon and Ashwell prisons. (N3)*
- (75) *Well, I want my mum to be happy. I hope I can find someone to love me and keep me on the straight and narrow. (P4)*
- (76) *I don't want to go back on to drink and drugs, or go back to prison. (P4)*
- (77) *Unless something good happens to me, I expect to be back inside. But it may be too late to change. (N4)*

I was unable to carry out a follow-up interview, but 'Tom' did write in 1999 and confirm the above details as accurate. It is understood he has since been given a custodial sentence and has made at least two suicide attempts.

Over 25% of those interviewed had negative experiences as the result of being in care homes or through school attendance. However, 'Fran' (F0705), recalled a more positive experience of a care home and social worker. She was aged 52 years and a grandmother and had served eleven custodial sentences over a thirty year period for prostitution or theft-related offences, as well as community sentences and fines. She completed her last prison sentence in 1993

and has not re-offended since. She now lives with her partner in South London and has six children and nine grandchildren. There were two interviews: 1998 and six months later in early 1999.

- (2) I married my first husband when I was in my late teens (P4).*
- (3) It was not long after I came out of --- care home (N1)...*
- (4) We had two daughters (P5).*
- (5) 'Pete' [husband] gambled a lot and spent all our money and we had to move house a lot to avoid repaying debts (N6).*
- (6) I was trying to work to earn money to feed the kids, but he kept nicking it for the horses (N1).*
- (7) I kept having nervous breakdowns and overdosed about three times. Life was very stressful. So I took the kids and left home (N2)*
- (9) I was desperate. That's when two of my friends introduced me to 'Harry' (P5).*
- (10) He introduced me to easy money – that's what they call 'living off immoral earnings' (N1).*
- (15) I can remember there was always a social worker coming to see me mum and dad (N3).*
- (16) Dad drank heavily and often beat us, so we always tried to stay out of sight (N8).*
- (17) I seem to remember that I used to think that the social worker coming to our home was a good thing and helped me to feel safe (P2)*
- (18) By the age 13, I had been in six foster homes for short breaks. (N3)*
- (19) That was every time mum went into hospital to have a baby or when my parents split up, which happened a lot of times (N6)*
- (23) I liked school because I had lots of friends there and I got on well with the teachers. They thought I was quite a bright student (P5).*
- (27) One day I came home from school and found the police inside and my younger sister and baby brother waiting in the social worker's car. ...Dad went to prison (N6).*
- (32) My mum's boyfriend raped me, while mum was out, but I told no one. I was too frightened of being taken into care again, like my brother and sister (N1).*
- (36) Mum kept having nervous breakdowns and couldn't cope with me, so I was taken away from home, but I was too old to stay with my younger sister and brother (N3).*
- (37) I was sent to an all-girls home. I didn't mind it there as I made friends, but I missed mum and being home (N5).*
- (38) Dad got out of prison about a year later and went back to mum (P4).*
- (39) They tried to get me home, but ... I had to stay in care 'til I was 18 (N3).*
- (40) Now when I think back to that time, I think those few years I spent in the care home was the best time of my life (P5).*
- (41) I think one of the worst moments of my life was when I had to leave the home. I felt secure and very happy there. After that it was down hill all the way (N1).*
- (43) My social worker tried hard to help me.... But now I was on my own (N6).*

(47) I tried so hard to find a man who would love and care for me, but most of the men I met over the next few years were leeches. That included 'Pete' (N7).

(49) I had long bouts of depression and I found it easier to cope by going to the doctor for tablets. They helped to block everything out (N2).

(56) Now I am happy (P5).

(57) But feel so much of my past life has been wasted (N6).

(58) I'm trying to make sure my children and grandchildren have all the love and support I can give them (P5).

It is worth noting that, as a child, 'Tom' had very negative experiences of social workers and care homes. On the other hand, 'Fran' recalls that the social worker coming to her home made 'me feel safe' and that time spent in one particular care home to be the 'best time of my life'. Both experienced an unhappy and disruptive home life and longed for a loving, secure relationship. Their experiences, prior to coming into contact with the criminal justice system, indicate the marked influence the home and caring agencies had on their subsequent offending behaviour.¹⁸¹

3.5.2 Coping with alcohol and drug problems

The effect of imprisonment can have a continuing negative influence on release from prison. Many interviewed express difficulty in coping on the outside, with the feeling that they are constantly entrapped: 'freedom' is only to be found in the bottle or a drug.

'Margaret' (F0562), was aged 37 years at time of interview (1999) and had served a two-year sentence for theft.

(3) I had two kids living with me until I went inside. Now they've been taken them off me (N6).

(4) I know I have been bad but I can't get my head round trying to live without them since I came out of prison (N4).

(5) Now I've got trouble seeing them regularly, but I'm told I can't have them back because I have no proper home to offer them (N5).

(6) My sister won't help as she don't want anything to do with me (N6).

(8) I didn't take drugs before I went into Holloway, but now I can't cope without them (N2).

(9) I know I would come off drugs, if I could get my kids back. But what's the point? Social Services won't let me have them (N6).

¹⁸¹ This is confirmed by later research. See *Factors that Influence Young People Leaving Care*, No. 053, October 2003, and *Change and Continuity in Young Adults: Experiences of Long-term Social Exclusion*, No. D54, December 2004 (York: Joseph Rowntree Foundation).

- (10) *The Council has given me a temporary one-bed flat, but this is too small for me to have the kids back. I'm so tired of fighting the Council, Social Services and Benefits (N4).*
- (11) *I was trying to get things together and being knocked back all the time. Fucking lot of good they've been to me. I've no time for them (N1).*
- (12) *I now spend a lot of time living on the streets and in pubs with my real mate...Sometimes they doss out in my flat (P3).*
- (13) *Drugs help me to get through each day and forget (N2).*
- (14) *There's no point in going on, without my kids. I love them so much. (N4).*
- (15) *I know I have had some problems, but prison has only made things worse for me (N8).*
- (16) *When I needed help and support, there was no one to be found (N6)*
- (22) *I don't care what happens to me. Drink, drugs and friends are the only things I have (N4).*
- (23) *I just don't care anymore. Every day I feel trapped. ...I'm still doing time (N8).*

I met 'Margaret' again seven months later, when we went over her first interview and she then went on to update me on her current situation. She had lost the tenancy of her flat through debts and I was able to trace her through a contact. I met her in an attempt to obtain a second interview, but she was too intoxicated, so I had to re-arrange the appointment. When I finally caught up with her in a squat, she was reasonably sober, but talked in a rambling manner, drifting in and out of lucidity during the interview. There were five others in the room and they kept interrupting, joining in the conversation. Despite that and the stench, which reminded me of the all-too familiar prison odour, she was able to update me on her experiences since we last met.

- (3) *I still haven't got my kids back, but I can see them once a month (P4).*
- (5) *I've got a partner, 'Sarah'; she is helping me to stay away from speed [amphetamine] (P5).*
- (6) *I haven't had a fix [injected heroin] since we last met, but I can't stop getting stoned [smoking heroin] (P5).*
- (8) *We make our own hooch [home-made alcohol] and share it with our mates (N2).*
- (10) *Booze and a bit of H [heroin] get me through, and my mates keep me company (P5).*
- (13) *I've got more friends now than I have ever had. I mean real friends; ones I can trust (P3)*
- (14) *People walk by us and we know what they think of us. They aren't better than us (N1)*
- (15) *And we don't have any worries. The pigs [police] keep moving us on and sometimes they take us into the local nick [police station].But they can't hurt us anymore (P2).*
- (16) *Some of my mates remember when there were hostels where we could go for soup and a bed for the night (N6).*
- (17) *Now, they've gone. A few are left, but you must be sober. In any case there's never any space left, unless you get there early (N1).*

I asked her how she felt about life in general, and particularly not being able to be with her children.

(21) 'Sarah' keeps me going and gives me a lot of love but I can't give it back. ... I don't think I'm a loving person anymore (N6).

(23) I used to love, but after so many let-downs and people I trusted hurting me, I can't (N6).

(24) I want to love someone, but can't, except my kids (P4).

(28) All I want is my kids back and they won't let me have them (N6).

(29) In any case, my life is not worth letting them see me... (N2).

(30) So I won't see them too often. They now have good homes and are happy – I think (N6).

(33) You asked me how I feel. Well, I've lots of people round me but feel empty and lonely (N6)

(34) Still feel there's no escape and no future without P and S [her children] (N1).

(34) Did you know I was brought up by nuns? They gave me a good education (P5).

(35) I used to believe there was a god that loved me. I wish I could go back to that time (N6).

'Margaret' seemed so depressed and started to cry, so I curtailed the second interview. I asked a woman colleague from our network to keep in touch with her and to offer support, but there has been no recent contact with her. I have heard that she may be inside again for drug-related offences.

'John' (M0326), was in his late fifties and was first interviewed in 1998. All his offences over the past decade have been drink-related.

(2) Booze has been my downfall. I have spent the past thirty years in and out of prison, because most of my offences were caused by it (N4).

(3) Give me booze and I lose control. Usually end up in fights, but can't remember after (N2).

(11) I've been on medication for years for my head and I've seen many psychiatrists (N2).

(13) I don't like any help and don't trust professionals and 'do-gooders' (N8).

(14) I trusted the old chaplain and told him a lot about me. But it soon got round the Wing (N1).

(15) So I don't talk to no one - that is about me. If I do, it's a bit of a yarn I tell them. (N5).

(21) Last time I was inside they wanted to put me in a hostel when I got out and get me some treatment to help cope with my booze (N5).

(22) But I turned that down. What good will it do at my age (N1).

(27) The longest time I've stayed out [of prison] has been just under two years. That was the time I found a woman who could love me for who I was (P4).

(28) But it didn't last and it wasn't her fault. I started drinking heavily again and taking a cocktail of downers [antidepressants] prescribed by my GP and got sacked from my job (N2).

(29) She also drank a lot and then we would end up fighting. Well, one day, I hit her and that was it; she left me (N7).

- (37) *My old man was an army officer and I saw little of him when I was young. He was always posted overseas, so I spent an unhappy childhood in boarding schools and cried a lot (N5).*
- (38) *I don't remember having many friends and was very lonely (N5).*
- (39) *In fact, I can't remember much recent things these days, but strangely, I do remember what happened a long time ago (N2).*
- (40) *The nuns at school would beat us if we were naughty and gave us cold baths (N8).*
- (41) *I can now remember more of my childhood, like always having to say 'goodbye' to my parents at the end of each school holiday (N5)*
- (42) *Like being beaten at school and those cold baths (N8).*

'John' came from a middle-class home and went to some of the best boarding schools in the country. I was only able to have one interview with him, but I have kept track of him. He has been inside at least four times since that interview, all for short sentences, and has rejected offers of help and treatment for his alcohol addiction.

3.5.3 Sexual Health

Health indicators from the interviews revealed a possible link between unprotected sex among some heterosexual inmates and the sharing of needles and syringes among problem drug users, with possible implications for *sexually transmitted diseases* (including HIV/AIDS, hepatitis B and C). These indicators also had implications for the *transmission of diseases*, such as *TB*, within a confined space and closed prison community, as well seriously affecting the health of partners and families of prisoners.¹⁸²

'Pete' (M0611) was a thirty-two year old petty thief and married with two children. He had been in care homes until he was seventeen. At the time of his interview he was serving three years for a string of thefts; prior to that he had only been given community or short prison sentences. He first told me his story whilst I was also in prison (1996). Following his release in 1998, I carried out a follow-up interview almost one year later in 1999.

- (6) *I will do anything for my family: they are my life. It's what I've always wanted and never had when I was young. ...They come and see me as often as possible (P5).*

¹⁸² Note: Since I shared this information with Dr Mary Piper of the Department of Health, a Working Group has been established by the Department to advise on the development of health strategies within the prison environment. I have been invited to participate in the Group.

(7) You know, I would look forward to those visits (P4).

(10) Well, I never had a proper home life, although I do remember my mum coming to see me, and taking me out sometimes from the children's home (P4).

(11) But I never knew my dad. In fact, I don't have a clue if he's still alive (N6).

(12) Come to think of it I haven't seen mum for, must be over twenty years now (N6).

He used to like to talk with me and tell me about his family and, on a few occasions, I would see them during visiting time. They seemed a very closely-knit family. This made it even more puzzling, when he told me about his long history of burglary and thefts.

(32) I've always been nicked for petty stealing, but my big earner has been to steal to order.

(33) I could go down for much longer, if they caught me for this, but so far I've been lucky.

(34) Although, I am always careful and only do jobs with guys I know and can trust. It's usually warehouses and the guys who give me the work also get rid of the stuff (P3).

(35) They pay well and know I don't snitch [pass on information about them to others] (P3).

(37) Sometimes I link up with 'Sid' [who was also known to the interviewer] and I would help him with a car job. He is great with motors and can break into any kind. (P3).

(38) Like me, he steals to order, and its usually very expensive motors.

(39) Usually before anyone finds out, the motor is out of the country. Nice little earner that (P1).

(43) Oh, 'Sid' and I have known each other for years. We've grown up in the same town and have been in care homes together (P3).

'Pete' then turned to a far more sensitive subject: drugs and sex. I suppose my worst fear on entering prison for the first time was that of being male-raped. Thankfully I was never put in any situations in which that happened to me. Perhaps, if I had been a young person, it might have been different, as 'Pete' revealed to me. This is a very sensitive subject and shows the strength of trust he placed in me. I was very keen to go over this again, when we met up later in 1998 to confirm what was acceptable for me to publish. There were some other matters that were more sensitive and I agreed to destroy the relevant notes in front of him.

(48-60) [Destroyed].

(61) Don't you know why I wanted to borrow your baby oil when I came into you cell? [I used to buy this from Wing canteen to help with my dry skin].

(62) The guy's in there needed sex, so I'd give it them - for dope, or some burn [tobacco].

- (65) *Yes, well, when I went to prison, I was still a youngster. I suppose I was sent there because there was no room in a borstal for me [now known as YOI, young offender institution] (N1).*
- (66) *One afternoon, soon after I came in, I was in the gym shower after doing a work-out, when four guys fucked me (N8).*
- (67) *But then an old pro' offered me protection, for 'favours'. So no one then would dare touch me (P3).*
- (68) *'Sheila' [his wife] does not know what I get up to when I am inside (N4).*
- (71) *I've been in and out [of prison] over a dozen times since then. But now no one touches me when I'm inside without paying for it.*
- (75) *Yes, I know about AIDS and other diseases. I've had the clap a few times. But I make sure anyone who fucks me uses a rubber [condom].*
- (76) *And I can usually get hold of enough rubbers. If not, there's no sex.*
- (77) *Can't say that about some others I know. Either they don't bother with one, or they wash out a used one. But that's not for me.*
- (78) *No, I don't do anything like that when I am out. There's no need, because I earn plenty in other ways. That's only so I can earn money inside or trade for some dope.*

3.5.4 Other health and social findings

The research findings identify a surprising number (n=48) who stated that they had not received any health screening or full medical checks on reception into prison. Over half of these said that they had not received any health or medical service for the duration of their sentence, except for over-the-counter medications, such as for headaches. Concern was also expressed by 92% of those interviewed at the poor delivery of primary healthcare services and at the poor standard of care by healthcare staff, including medical practitioners and nurses, many lacking professional qualifications.

Taken together, the two studies (n=79), found that over two-thirds were identified as having multiple health and social needs on leaving prison: smoking (60%+ smoked more than ten a day), drink or drug-related health problems (47%); mental health problems, such as severe depression, requiring medication, and suicidal feelings (75%+).¹⁸³

Besides problems accessing health and social services, many of those interviewed (n=55) also encountered other forms of obstacles to resettlement on their release. For example, 62% had problems obtaining Job Seekers Allowance,

¹⁸³ This particularly applies to older prisoners. See 'Mental Health Care for Older Prisoners', *Everybody's Business: Integrated Mental Health Services for Older Adults*, Care Services Improvement Partnership (CSIP), Department of Health, November 2005, pp. 57-59.

Income Support and long-term unemployment; whilst 44% experienced homelessness problems within the first six months of release or unsettled housing. Particular needs were identified that required help and advice with housing, benefits and employment. The degree of pre-release advice and help varied from one prison to another.

3.5.5 Effects of incarceration on the family

86% experienced temporary separation or rejection from their family or non-criminal friends. Just under half the interviewees (n= 29) stated they were temporarily or permanently living apart from their partners or families as a result of their prison experiences, twelve months after release. The following is an extract from the interview with 'Harry' (M0433) in 1999.

(5) My ex wouldn't let me see 'C' and 'E' [two daughters] while I was in Lincoln, but we kept in touch by phone or letters (P5).

(6) That was two years ago, nearly. ...This was my first time inside.

(9) When I came out, I wanted to go home, 'Mary' told me she had someone else and I couldn't stay there.I was gutted (N6).

(11) I know they wanted to visit me in Lincoln but their mum would not allow it. ...It hurt me to see other blokes getting visits from their kids (N6).

(12) My mate, 'Joe', used to go on about his missus and kids and how they were looking forward to having him home. ...The odd times my missus came to see me I used to watch the other dads with their kids. ...My life was my kids (P5).

(15) Now I can see 'C' and 'E' once week. So I take them out to local parks, the flicks or MacDonald's. Couple of times we've caught a bus into the country. ...But I don't have much money (N1).

(17) Can't get the thought of her bloke with my kids. They tell me he has one of his own with them (N1).

(21) Well, I have no one else and can't keep a friendship with a woman for long. ... Don't want one, but maybe later. ...I don't like being by myself (P4).

(22) I would go back to her ['Mary'] if she'd have me, just to be with the kids (P4).

(23) They tell me 'Harry' [her current partner] is a sponger and they hate him. (N8).

(24) Can't do anything, because she has custody and I'm afraid I would lose access (N6).

(25) I don't blame her for not wanting me back. But I did everything for them and saw they never needed for anything (P5).

(27) Because I didn't earn much money, legit like, I used to fence a lot of stuff to keep them happy. But look at me now (N3).

(26) Trouble is, I know my kids are the ones being hurt, because of what I did and 'Mary' and me not getting back together (N4).

The experience of 'Harry' is not typical of all ex-prisoners interviewed. Many partners (by far the majority are women and mothers) look forward to the return of their spouse. It is after release that the problems and pressures increase. After what, for some, has been a long separation, their expectations have changed. Most families have adjusted to coping on their own. On the other hand, the released prisoner expects that things will be the same as before his or her incarceration. This has led to tension and, in some cases, a breakdown in relationships.

Audrey (F0052) is a forty-three year-old mother with five children and three grandchildren. She was interviewed in 1998, whilst her husband ('Frank') was in prison. There was a follow-up meeting nine months later, which was two months after his release. They both grew up and lived around the same East London estate.

(3) 'Frank' and I met when I was seventeen and on my first holiday in Spain.... Within a year we were married (P5).

(11) He is a professional burglar and has spent most of the past twenty years in prison, but the family got used to this kind of living. ...Life just went on (P3).

(12) We would have him home for a few months, but he always looked after us well (P3)

(13) We always tried to see him regularly whenever he went inside (P5).

(23) This last time inside...he got four years for receiving stolen goods (N1).

(24) During this time things had changed. We've now got used to doing things without him and the kids are more grown up. I now have a job in local stores (P1).

(25) He's been moved round a lot and mostly has been too far to visit very often (N5).

During our second meeting, I asked her what has happened to 'Frank' since he came out of prison:

(5) 'Frank' has been so demanding and has expected me to give up my job. Well, I like it; it gives me some independence (P1).

(6) He doesn't know what to do with himself and doesn't want to go back inside again. But he's making himself a bloody nuisance and the kids don't want anything to do with him (N6).

(9) He has lost his temper and tried to hit me, but I won't have any of that. So, we've kicked him out and told him to go to his mums (N1).

(10) Me and the kids are happier without the old geezer. ...I don't think I will have him back now, because he won't change (P4).

The effect of imprisonment on a partner and the family is generally not recognised when sentencing an offender to a term of imprisonment. All the partners acknowledged that prison had damaged their relationship. 82% stated they were committed to helping their partner resettle and maintain contact with the family, but over half of these were unsure about their future prospects together. A minority (8%) identified the fear of violence or abuse from their former partner as being a reason for not allowing the released prisoner in the home. Parents interviewed from both groups (n=49) were responsible for 227 children – some from previous relationships.

Not only are there 2,674 children in prison under the age of 18 years, it is estimated that this country has around 150,000 children with a parent in prison.¹⁸⁴ A recent study carried out by the Federation of Prisoners' Families Support Groups (now renamed Action for Prisoners' Families) sought to elicit the views of children on the damaging effects of having a parent in prison. The study found that the main issues for young people with an incarcerated parent or sibling included the collapse of the family, and the fear of their friends finding out that they had a relative in prison.¹⁸⁵

3.5.6 Obstacles to rehabilitation and remaining crime-free

Around two-thirds of interviewees recognised the damage done to the victims of crime. This is not necessarily the same as acknowledgment of any personal harm they may have caused to their victims. In other words, it is understood in the abstract, but not as it might specifically apply to them. This can be particularly true of some older prisoners who have committed serious offences, such as child abuse, and have never previously served a prison sentence.

Over half of those interviewed (n=39) felt there were too many policies that excluded them on release from prison and that the Rehabilitation of Offenders Act 1974 was too discouraging. Therefore, a contributor toward re-

¹⁸⁴ Prison Reform Trust, *Prison Fact File*, December 2004.

¹⁸⁵ K. Brown, L. Dibb, F. Shenton and N. Elson, *No-One's Ever Asked Me: Young People with a Prisoner in the Family* (London: Federation of Prisoners' Families Support Group, 2001), p.71.

offending is not only negative experiences of imprisonment, but also negative resettlement experiences in the community. Prison and probation resettlement strategies could be regarded as demotivators to living crime-free lives.

Not all the feedback from interviews was negative. Whilst over 90% complained at their treatment by the prison system, 76% could recall at least one prison staff member that been helpful or had had some positive influence. However, this dropped to 43%, when asked a similar question regarding help with resettlement by external agencies and local service providers. In the majority of cases, this was due to a lack of trust as the result of previous experiences of being let down.

My research confirms that the use of time in prison acts as a demotivator to becoming crime-free when released. The penal system relies on control and the use of time in its management of prisons. Everything else, including work, recreation, skills training and pre-release programmes, has to fit around this regime. The prison-time zone is totally different to that which is experienced in the outside world, and applies to both staff and inmates.

Time is an effective punisher providing for retribution, by allowing the offenders' debt to society to be quantified.¹⁸⁶

Time particularly stands still for 'lifers' and those with indeterminate sentences who can only see years of incarceration in front of them, with some wondering whether they will die in prison, unremembered by anyone on the outside. Their institutionalised lives leave them ill-prepared to face life on their release from prison, where time and responsibility is of the essence.

3.5.7 Care and treatment of older prisoners

The number of prisoners of pensionable age (aged 60 years and over) rose from 355 in 1990 to 1,538 in 2004,¹⁸⁷ which is around 2.5% of the prison population. 13% of the total prison population are aged over 50.¹⁸⁸ The implications of harsher and longer sentences are reflected in these figures when it is observed

¹⁸⁶ Nina Cope, 'It's No Time or High Time: Young Offenders' Experiences of Time and Drug Use in Prison', *The Howard Journal of Criminal Justice*, 42/2, May 2003, p. 158.

¹⁸⁷ HM Prison Service HQ, *Older Prisoners' Statistics*, September 2004.

¹⁸⁸ Azrini Wahidin, 'Growing Old in Prison in Later Life', in *Ageing, Crime and Society*, pp. 110-126.

that this age group has risen by almost 59% since 1997. The latest figures reveal 1,851 older people over 60 years of age in prison, including 32 women. This figure includes 370 men and three women who are aged over 70 years. The total figure for prisoners aged over 50 years is 5,928 of which 253 are women.¹⁸⁹ The cost of incarcerating them is three times the cost of holding younger prisoners because of their special health and social needs.¹⁹⁰

As a result of sharing the initial findings with Dr Mary Piper, Senior Public Health Adviser at the Prison Health Unit, Department of Health, I was asked to carry out a further small study to ascertain whether and how released older prisoners accessed primary health services on release (i.e. local General Practices). This was done between June 2000 and May 2001. The analysis of a further 17 interviews and 29 network contacts confirmed the existence of major prison healthcare problems, as well as identifying problems facing released prisoners in accessing primary healthcare and community social services. Of particular concern was the identified failure of health and residential care services to pick up the elderly with serious chronic illnesses prior to their release. It was also identified that there were little or no care services for older prisoners with severe mental or physical disabilities.¹⁹¹

I would draw attention to the deplorable standards of treatment for elderly prisoners with ageing and degenerative diseases, such as Alzheimer's and Parkinson's. The analysis confirms the findings of the *Growing Old in Prison* study that found there was a general neglect in the care and treatment of those over 50 years of age, (n=47 in my study) by the Prison Service. I have also identified that 76% of those interviewed have received patchy or no help from local community care services in their resettlement on release from prison. Of this number, the over 60s (n=19) have reported experiencing elder abuse on the part of prison staff. This has been identified as due mainly on security pressures to control a mixed aged prison population which is dominated by younger prisoners. It is recognised that there was a lack of staff skilled in caring for the specific needs of the aged who presented little or no security problems.

¹⁸⁹ HM Prison Service HQ, *Older Prisoners' Statistics*, March 2006.

¹⁹⁰ NACRO, *Safer Society Journal*, 16, Spring 2003, p. 13.

¹⁹¹ This has been confirmed by a more recent study: Kevin Howse, *Growing Old in Prison: A Scoping Study on Older Prisoners*, Prison Reform Trust, 2003.

It should be noted that ‘prisoners tend to have a biological age about ten years in advance of their contemporaries in the community, due to chronic health problems’.¹⁹²

There is sufficient evidence to support the view that a failure to have in place adequate and consistent community support services for vulnerable prisoners about to be released has a crucial influence on re-offending among younger prisoners.¹⁹³ There appears to be little concern over the needs of the elderly, possibly due, as I was informed by a senior Prison Resettlement Officer in March 2001: “The pressure on the Prison Service is to reduce re-offending and we know that the older the inmate, the less likely he is to re-offend; so we don’t put so much effort into his care and resettlement programme.”

Further, a number of interviewees revealed negative attitudes and feelings toward professionals, as the result of their experiences in prison, blocking their acceptance of any form of help on their release. These experiences on the part of some of the most vulnerable people in our society were compounded as a result of their incarceration. This led many to internalise their feelings when in contact with professionals, as well as with friends and relatives. Some older ex-offenders developed a reliance on drink and drugs as a way of blocking their hurtful world. They learned to survive, at a minimalistic level, when they encountered professionals who ran their institutions, whether they were prisons, hostels or hospitals. They attempted to limit any hurt or damage to their lives by developing immunity to the ‘revolving door’ syndrome of institutionalised care and imprisonment. The recent increase in the older prison population, as a result of legislation that has led to tougher and longer sentences, will only compound the problems facing older people when they are released from prison.

In 1998, when this study began, the former Chief Inspector of Prisons reported that with the exception of Kingston and Whatton prisons, there were no special arrangements in the Prison Service for elderly prisoners, the oldest of whom is eighty-seven years old. In fact, he goes on to say that ‘they are

¹⁹² Kevin Howse, *Growing Old in Prison: A Scoping Study of Older Prisoners*, p. 2.

¹⁹³ See *Through the Prison Gate: a joint thematic review by HM Inspectorates of Prisons and Probation*, Home Office, 2001 and *Reducing Re-Offending: report by the Social Exclusion Unit*, Office of the Deputy Prime Minister, July 2002.

classified as unemployed, which affects their earning power ... [and] no Healthcare Centre has staff trained to cope with pre-senile dementia.¹⁹⁴

'Michael' (M0362) was a 'lifer' and had served eleven years for a domestic murder at the time of his interview (1999). Being a former journalist for a national newspaper, he is very articulate. Consequently, I asked him to put his thoughts in writing and verbally confirm what he had written during my prison visits. The following are extracts from his correspondence and reviewed during prison visits in 2000/01.

(4) I have just turned 60 and have been a resident at Kingston Prison for almost seven years.

(5) While there is nothing I can do about reaching 60, the same does not apply to my continued presence at Kingston, as I am about to be moved to a Cat C prison shortly (P4).

(9) Because of my exceptionally long time at one prison..., I am able to put the development at Kingston as a special provision for elderly prisoners into some sort of perspective.

(10) First of all, at no time was a careful strategy concerning such specialist provision formulated for E Wing [for elderly prisoners] (N1).

(16) Much of the thinking behind the creation of an elderly prisoner unit was no more sophisticated than anything found on the back of an envelope – and the reality of E-Wing confirms this (N1).

(17) Admittedly, it has improved somewhat since its early days, particularly since Dr 'F' has taken Kingston within her ambit. But this change does not alter the harsh reality of life on E-Wing (N1).

(18) It was so bad initially that after its first 12 months in existence I wrote an article describing the elderly prisoners' unit as being nothing more than a suite of dying rooms (N1).

(19) For a number of reasons the article never saw the light of day. But life on E-Wing had to be seen to confirm what I wrote. Even today, perhaps what E-Wing actually reflects is the harsh reality of old age and dying.

(21) Imagine if you will, a person who has spent two decades or more living an isolated life. Not just from the community at large, but also from his fellow prisoners. He might well be psychologically damaged or unbalanced, and likely to be lacking interpersonal skills (N4)

(23) He is then lured onto E-Wing. ...But what does he find? Loss of personal space in having to share accommodation and personal habits: farting, belching, snoring, talking aloud to oneself, leaving ones smelly socks and underwear around (N4).

(25) Perhaps it is the lack of personal space which is the greatest price exacted when moving onto E-Wing. In response, one of the worst aspects of a coping mechanism kicks in: to ignore what's going on around you, particularly the well-being of fellow inmates (N3).

¹⁹⁴ Home Office, *Annual Report 1997-98 of the Chief Inspector of Prisons* (Home Office, 1998). Note: The situation has improved since this report was published. For example, a new hospital wing has opened at HMP Norwich and HMP Littlehey has special facilities to meet their needs.

- (27) *This is where my 'dying room' comes in. My close contact with present and former residents of E-Wing provide an insight to this grimmer side of human behaviour (N2).*
- (28) *This coping mechanism sometimes results in a total indifference towards fellow inmates even to the extent that if they require medical assistance they are ignored (N1).*
- (29) *I have in mind: one inmate's call for medical assistance being ignored; of one slipping in the gaps between beds and calls for help being ignored for hours; of a trail of excrement from bed to toilet being left untouched (N1).*
- (33) *E-Wing lacks staff specifically trained in handling geriatrics or those having age-related medical conditions, such as strokes and dementia.*
- (34) *The sad truth is that it is staffed by specially-trained control and restraint officers and not medically-trained personnel. Some are involved in elderly abuse because of their lack of training.*
- (36) *It still baffles me why discipline officers are needed to control the 19 or so, mainly elderly prisoners, many of whom spend most of their time in bed, because of their frailty.*
- (37) *What's the perceived risk? Zimmer frames being used as weapons against staff?*
- (41) *Adding to the growing elderly prisoner population will be prisoners serving determinate sentences and due for release, but have been diagnosed as suffering from psychopathic disorders, as the result of their long-term imprisonment (N4).*
- (43) *They will remain in prison, possibly for the rest of their lives, unless they agree to adhere to a strict regime of psychotropic drugs (N2).*
- (44) *Then there are those who have gone past their release date, but are too physically ill and frail to go anywhere but a care home. But who will have them? So they will stay inside (N4).*

I visited 'Michael' again in Coldingley Prison (March 2003), where he had been since his move from Kingston. Having served thirteen years, he had just been turned down by his Parole Board Review, as he was still considered to be a 'risk' for a move to a Cat D (Open) prison.

Anne Owers, the current Chief Inspector of Prisons, produced a very critical inspection report of HMP Kingston, confirming some of the concerns expressed by 'Michael'.

The environment in which elderly prisoners were held was unacceptable. Cells were effectively cubicles, divided by wooden partitions. Movement was severely restricted, there was insufficient privacy and the rooms had too little natural light, poor ventilation and in some cases, no power points. ... Staff were not trained or supported specifically to work with and motivate these elderly prisoners. Although in theory, they were able to participate in the main prison regime, in practice we found little activity on the unit, with some elderly prisoners describing themselves as 'vegetating'. ... For any other

prison population this type of accommodation would be considered unfit; indeed, no other prisoners' group would tolerate such conditions.¹⁹⁵

I am aware that several improvements to the care and treatment of older prisoners are now being initiated, with the Prison Service and the Department of Health seeking to improve the healthcare facilities at HMP Kingston and that another 'specialist' 15-bed unit for the elderly has also been established at HMP Norwich. Primary Care Trusts (PCTs) have, from April 2004, taken over healthcare services from the Prison Service of all prisons in England and Wales. More recently, HM Inspectorate of Prisons published a joint thematic review of the care and treatment of older prisoners, in which they called for a 'national strategy for older and less able prisoners that conforms to the requirements of the Disability Discrimination Act and the National Service Framework for Older People'.¹⁹⁶

However, feedback from my network contacts, since completion of the research, reveals that care and treatment services for older prisoners will remain very patchy for the foreseeable future. In response, there are indications from the Prison Service of more specialist facilities being established in a few select prisons that will care for and treat the vulnerable elderly. Anecdotal evidence is beginning to surface that some, who have completed their sentences, may never be released, because there are few community residential care services that could take them. There is a clear duty of care placed on the Prison Service that is failing the vulnerable elderly: 'Our duty is to look after them [those who have been committed by the courts] with humanity...'¹⁹⁷ This failure of care is confirmed by Crawley and Sparks who identified that 'instances of institutional thoughtlessness of traditional prison *practice* towards older prisoners is mirrored in their *low visibility* at the level of national *policy* and their effective *invisibility* in much previous *research*, at least in the UK context'.¹⁹⁸

¹⁹⁵ Home Office, *Inspection Report in to conditions at HMP Kingston* (HM Inspectorate of Prisons, April, 2003).

¹⁹⁶ Home Office, *'No Problems – Old and Quiet': Older Prisoners in England and Wales* (London: HM Inspectorate of Prisons, September 2004), p. xi.

¹⁹⁷ HM Prison Service, 'Statement of Purpose', *HM Prison Service Annual Report 2003-04*.

¹⁹⁸ Elaine Crawley and Richard Sparks, 'Hidden Injuries? Researching the Experiences of Older Men in English Prisons', 44/4, *The Howard Journal of Criminal Justice*, p. 354.

3.5.8 *'Dead Men Walking': the effects of long-term incarceration*

Towards the end of my study, I came across more older people who were serving, or had served, a prison sentence than in the past. Many were doing time for murder, often related to domestic violence, or for sex offences. I have therefore included some further observations on this older age group in order to demonstrate some of the effects of more recent tougher punishments that have been initiated since 2001, especially with the introduction of longer and indeterminate sentences.

I have been visiting 'Mark' (M0566) in a lifer prison since 2004 to offer him my on-going support as I am the only friend he has on the outside. Prison to him is 'home'. There is a daily routine, friends, food, clothing, and a secure place to stay and 'dry-out'.

I also regularly visit 'Connor' (M0132) who is in his late 70s and has been inside for over 50 years. He was abused as a child and was passed from one foster or care home to another followed by borstal institutions. Six years ago he spent just over one year out on licence staying in a hostel but was returned to prison: 'I could not cope with the dangerous youngsters who were either crazy nutters, junkies or were never sober ...I feel safer back inside [prison]'. 'Connor' still yearns for release but will have no one on the outside, except for me, and nowhere to go except to another a hostel.

To understand the motivations for survival and the obstacles that hinder hope for a better life on the outside, I return to my meetings with 'Michael' (M0362).¹⁹⁹ I continued to correspond with him after March 2003 and would later meet up with him again. He has agreed for me to use some extracts from our correspondence:

'I am more confident of gaining D-category status [open prison] but all this takes time and I am concerned that my move to open conditions will take longer than I anticipated. Having spent enough time in closed conditions I do not want to prolong it any further'.

(Letter dated 4 April 2003).

Hope rests on a timescale in which a 'lifer' looks towards moving on, whilst prepared for obstacles to hinder any positive move:

¹⁹⁹ See pages 94-96.

'My imminent move from — prison marks a significant milestone in my journey through the prison system. In little over two year's time I expect to be paroled but in the meantime I must relearn/recover much of what I have missed or forgotten. While I hope to pick up the reins again in my former role as a journalist I am still realistic enough to accept this may not be too easy. But I have acquired other strengths whilst in prison which could stand me in good stead if needs be'. (Letter dated 18 June 2003)

Finally arriving at 'open' conditions 'Michael' confirms his longed-for hope of release:

'I've now been here for almost six weeks [— open prison] and I can tell you that it's a vastly different world from that inhabited for the past twelve years. I cannot begin to describe the pleasure I experience when being able to spend a whole day to visit — for a picnic with my daughter and four-year old granddaughter. I am now able to spend a whole day each weekend away from the prison with family and friends. ...Presently I am still confined to prison (oops – resettlement centre) for most of the time. I have first to complete a compulsory three-month stint in its workshop. At the end of September I hope to spend six months doing unpaid community work. ...I can actually start looking for paid work as from April, which is 18 months from my anticipated release on licence'. (Letter dated 6 August 2003)

'Michael' recognises that hope is strengthened by inner motivation to survive:

I feel many prison studies skirt round religion through fear of controversy. Frankly, religion risks becoming too hot a potato! Sad really, because although prisoners' physical needs and comforts are important, these needs pale in comparison in the face of an unquiet soul. Inner turmoil cannot be assuaged by three meals a day and a warm bed. Achieve inner peace and life's discomforts become minor issues'.

(Letter dated 11 October 2003)

He believes that hope is consolidated by making action plans for life after prison:

'I'm now getting closer to my parole date and already I am giving much thought to my accommodation needs when that moment arrives. Obviously these needs will be determined by my situation nearer to that date when matters such as employment, family relationships etc, will play a decisive role. Regarding employment, now that I

have just become eligible for full-time paid employment, I am in the process of finding something long-term in areas relating to my experience in journalism and marketing/PR'. (Letter dated 5 May 2004)

'Michael' finds that time is going by as the parole date gets closer, until an obstacle arises, as the parole hearing is put back again:

'In theory I should be released on parole in six week's time. Of course, nothing runs smoothly in the Prison Service (as you well know). So the Parole Board hearing on --- July was adjourned to await further information. No date has been set for its resumption but I'm hoping it will be on ---September'. (Letter dated 4 August 2005)

He expresses his frustration over more delays with his Parole Board hearing:

'I would certainly like to meet up with you again. I should have been paroled in four days time but as yet I haven't even got a date for my hearing. This unsatisfactory situation has resulted in a degree of unhappiness on my part, to say the least'. (Letter dated 12 October 2005)

Our letters were interspersed by meetings in London. He was very positive and looking forward to his release on licence. He told me that he had a nice little one-bedroom flat waiting for him and the prospect of some paid work. I last saw him at the Dioceses of London and Southwark Prison Conference on 29 October 2005. Although we talked between the meetings, I sensed that something was troubling him, but he seemed positive as he was looking forward to his appearance before the Parole Board in the next two or three weeks. Despite several letters from me over the next few months, I received no reply. Then on 3 February 2006 I received an email from one of his friends: 'I am so sorry to have to tell you but 'Michael' has been banged up in ---- prison since 16 November'. I understand he is appealing against the Parole Board decision, but if he is unsuccessful, he will be 'knocked back' at least another two years and remain in 'closed' conditions. Then the process will begin again.

Conclusions

In this chapter I have tried to allow the voices of the incarcerated to speak about their experiences. Because the loss of freedom is the highest form of punishment in this country, it should come as no surprise that our collective stories reveal very strong negative viewpoints of incarceration.

Due to the manner in which the research design and methodology was devised, it was possible to plot a number of trajectories that identified some commonality among a majority of interviewees: early abusive childhood experiences, loss of a key parent or family member, negative education experiences and, for some, exclusion from school. With regard to identifying common factors in relation to statutory bodies, such as schools and social services, there are a few commonalities that stand out, such as early labelling of a 'problem child'. It is then only a small seamless move from the social care system to the criminal justice system; the marginalized and victimised 'problem child' becomes the 'young offender', to be further excluded through incarceration.²⁰⁰

There have been improvements for children in local council care, with over 68% of 60,900 in care now being fostered. The Leaving Care Act 2000 requires local councils to provide financial support and suitable accommodation to care leavers up to the age of eighteen years, or twenty-one if in full-time education. Yet the number of care leavers in education, employment or training by their nineteenth birthday is only 55%, compared with 90% of the wider population. Of even greater concern is that there still remains a high number of children who make the seamless move from care to custody: 60% in young offender institutions and 27% of the adult prison population have been in care.²⁰¹ The surrogate State is continuing to fail those children who have been in its care by later punishing those who have been damaged by their care experiences.

Another feature of incarceration is the importance of time, hence the expression of 'doing time'. Our every day experiences are governed by a routine that marks the passing of hours, days, months and years, as we move from 'closed' to 'open' conditions and towards our parole and release dates. Any

²⁰⁰ Social Exclusion Unit, *Reducing Re-offending by Ex-prisoners*, p. 18.

²⁰¹ Figures as at 31 March 2005, provided by the Department for Education and Skills that took over responsibility for children in care from the Department of Health.

'knock backs' that might delay that release date, reinforces feelings of despair and hopelessness. Time becomes very precious for those of us who are classified as 'pensioners'. What does it say of a society that keeps seventy-seven year old 'Harry' (M0132) in prison from the age of twenty-two, who has long passed his release date? Do we keep him there because there is no other suitable place for him? Maybe it is because he is still perceived as a 'risk'. Whatever the reason is, he has never been told. Meanwhile, he remains in a 'closed' high security prison; the system has no place for him in more 'open' conditions or a care home in the community. He has spent so long incarcerated within a 'total institution' that he is afraid of dying alone in prison. Yet, he still lives in the hope that he will get out of prison, although there is a very real fear on his part that he will not be able to survive by himself.

A growing number of my incarcerated contacts have similar concerns as 'Harry'. They have been so institutionalised that they feel the only support for their vulnerability is to be found back in prison, where they will spend their last few years, comatosed through a living death: 'dead men walking'.²⁰² Exclusion is a purgatorial experience. The study confirms a recurring concern expressed among a number of older prisoners, especially those who do not have strong family, home or community links: 'Who will look after me and where will I stay as I get old and frail?' At present the incarcerated have only the Prison Service to rely on. The 'punisher', the agency of punishment, has become the 'carer' of the excluded.

There is a public perception that too many are 'slipping through the net' and that we are not punishing offenders enough. The Parole Board is seen as being too soft, allowing far too many prisoners to be released without adequate supervision in the community. The public perceive that the Probation Service is not supervising released prisoners efficiently, allowing far too many to re-offend. Yet, the Parole Board is rejecting more applications for release than ever before; the under-resourced Probation Service is under pressure to recommend that a growing number of prisoners are returned to 'closed' prisons. This is on the basis of a perceived risk to the public, rather than potential, identifiable risk.

²⁰² See also Elaine Crawley, 'Release and Resettlement: The Perspectives of Older Prisoners', *Criminal Justice Matters*, 56, Summer 2004, pp. 32/33.

There have been a few high-profile cases of bad risk-assessments where serious offences have been committed by parolees, including foreign nationals. These have greatly affected the chances of release for many other low-risk 'lifers' appearing before the Board. I am aware of a number of elderly low risk 'lifers' who are now regarded as 'high risk' in the present climate of fear being generated in this country. We now have a situation in which three per cent of re-offending parolees have ruined the chances of early release for the other ninety-seven per cent who will not re-offend.

Hood and Shute found that the Parole Board systematically overestimated the risk of re-offending by over half of those appearing before members of the Board.²⁰³ Cavadino and Dignan make the following observation:

The cautious nature of the Parole Board's decision-making is evidenced by the very low rate of re-offending among those offenders it deems safe enough to release: fewer than 4 per cent of parolees (and under 3 per cent of 'lifer' licencees) were recalled to prison for further offending in 1997-8.²⁰⁴

I believe the overcautious nature of the Parole Board has been driven by Government policy that continues to focus on 'protection of the public'. This was confirmed by Charles Clarke before he resigned, and before the Government promised to be even 'tougher on crime' than in the past. In Clarke's White Paper, he made two proposals that I believe will have a marked bearing on the older prisoner population, particularly 'lifers':

New indeterminate sentence for public protection, which means that seriously dangerous offenders will not be released until the Parole Board assess that it is safe to do so. In some cases, this will be never... We have introduced this sentence to make sure that the most dangerous offenders really do spend the whole of the rest of their life in prison – even if they do not have a life sentence (2.5).

Better parole decisions, with the Parole Board putting the safety of the public first; and every released lifer living under the threat of recall to prison (2.10).²⁰⁵

²⁰³ R. Hood and S. Shute, *The Parole System at Work: A Study of Risk Based Decision-making* (Research Study 202; London: Home Office, 2000), pp. 46-48.

²⁰⁴ Cavadino and Dignan, *The Penal System: An Introduction*, p. 273.

²⁰⁵ See page 31.

Reuss states that ‘we seem to be moving ever nearer to human warehousing and containment based on risk assessment’.²⁰⁶ The prisoner is quickly becoming a commodity to be traded on the stock exchange, resulting in more damaged lives and a growing population of recidivists. As for the growing older prisoner population, they may soon be warehoused in penal ‘care’ institutions or, as they are nicknamed in the United States, DDUs (‘Deadly Death Units’). Death by incarceration is nothing but geronticide – ‘bluntly, the killing of older people’.²⁰⁷

The study also found that the most important ‘predictors’ of desistance for living positive crime-free lives were self-motivation to succeed, and the development of family and friends support networks. A number of interviewees were able to cope with exclusion, finding support for their vulnerabilities on release from prison through family and friends, caring agencies and faith groups. These support mechanisms also play a major role when someone leaves prison and attempts to live a crime-free life in the community. Their importance also cannot be ignored when exploring control and surveillance techniques that are encountered on release from prison. It is an aspect I return to in the next chapter.

Reflecting on the first three chapters, I find there are a number of issues that are pertinent for the theology in the second half of my thesis. Firstly, the role of the Church in the development of the modern penal system that envisaged retributive punishment to expiate moral wrongdoing. Secondly, the Church has aligned itself with the Establishment in attempts by the State to control the rising ‘underclass’. Thirdly, the importance of internal and external motivations to becoming crime-free needs to be recognised, in which hope is perceived as key to survival. Fourthly, my findings have identified that the unmet needs of victims and their hurtful wounds of the past, have allowed far too many to seamlessly slip from care to custody. The individualisation of punishment that focuses on ‘scapegoats’ and ‘bogeymen’, in which ‘deviants’ are deemed as being on the outside, remains a key concern.

In the following chapters there is a deliberate change of focus from imprisonment to release (Chapter Four) to a theology that emphasises post-incarceration reconciliatory practice (Chapter Six).

²⁰⁶ Anne Reuss, ‘Taking a Long Hard Look at Imprisonment’, *The Howard Journal of Criminal Justice*, 42/5, December 2003, p. 429.

²⁰⁷ Mike Brogden, *Geronticide* (London: Jessica Kingsley, 2001), p. 11.

CHAPTER FOUR

VIOLATED SPACES: RAISING CONSCIOUSNESS

In the previous chapter I produced an analysis of my interviews with others who had been incarcerated. Much of the findings were quite negative, which should not be surprising, bearing in mind the institutionalised environment of prison. In this chapter I continue an analysis of my findings by focusing on post-release situations and resettlement issues. In so doing I will highlight some positive outcomes that can help former prisoners to cope with the many obstacles they will have to face in the community. I have already alluded to one obstacle that hangs like a sword of Damocles over their daily lives: the threat of recall back to prison within twenty-four hours.

In the first part of this chapter I identify the important role support networks play in keeping former offenders in the community. These more informal support networks, together with other formal statutory care and support services, can play a key role in raising the consciousness of the incarcerated when faced with obstacles on their release from prison. As I have already indicated in the previous chapter, these can play an influential role in motivating former prisoners to do something worthwhile with their lives, as well as desisting from carrying out further criminal acts.

In the second half of this chapter I explore a number of theories, such as those of Freire, Foucault and Cohen, from the perspective of the incarcerated in order to reach a better understanding as to why, in the twenty-first century, British society continues to pursue its punitive attitude to punishment without forgiveness or reconciliation. Therefore, I look at the surveillance and control techniques in a 'disciplined society' and the knowledge-power interplay between those who are perceived as having power and those who are seen as being powerless. In this respect, I commence my theological exploration of the interactive relationship between Church and State in the West.

4.1 Main findings: the value of family, faith and community networks

The interviews reveal that many prisoners make friends whilst serving their sentence and some of these friendships continue when they are released. However, as the result of intense scrutiny and observation by agents of the State, some seek to develop a network of friends from among the marginalized in the community, 'hidden' from the gaze of criminal justice agencies. They can feel at ease and secure within the embrace of a few trustworthy friends.

My study has found that both serving and former prisoners are subject to what Foucault calls the 'gaze of power' that gives knowledge-power to the control professionals, the agents of the State. I will explore this later in the chapter. The incarcerated have in turn developed their own networks of knowledge-power; some are open and can be easily observed, whilst others are hidden. This hidden population includes, on the one hand, a few powerful and tightly controlled professional criminal networks, whilst on the other hand we find many looser networks of 'drop-outs', such as drug users and 'rough sleepers'. It also needs to be recognised that these 'hidden' networks contain sub-groups that vary from one locality to another. A further complexity in observing networks is that the external observer may not necessarily be allowed to penetrate the 'hidden networks' or may be given false information. What cannot be ignored is that ex-prisoners' social networks play an important part in their lives and can influence their behaviour, for better or worse.

4.1.1 Family and social networks

A network mapping exercise was carried out with 25 interviewees over a two-year period. This was made possible through my devising a socio-map, using data from my observations and interviews. This has helped to visualise the network connections and to identify the social dynamics, such as peer influence, links with families, and criminal and non-criminal friends. It has also helped me to explore the interconnections between faith and non-faith groups.

With a few exceptions (n=5), the interviewees were involved in multiple social and community networks; some were more closed than others, especially those with criminal links (n=27). Over 50% (n=63) stated they had found their informal networks of great value on their release.

A major contributor toward the resettlement of a former prisoner in the first year following release was the retention and support of family and social networks, and acceptance among non-criminal networks.

The study found that around 95% of interviewees established friendships whilst in prison, which were maintained immediately on release. However, over two-thirds distanced themselves from their former prisoner friends after one year, but the other third retained their close connections and were more likely to re-offend. Whilst some of the latter included 'career criminals', there was a subgroup that consisted of the most vulnerable and the 'hard-to-reach' (i.e. those with drink or drug dependencies and rough sleepers who rejected any form of permanent accommodation). Although friendships and relationships can influence a former prisoner to re-offend or to remain crime-free there are two other interrelated factors that are influential: motivation and lifestyle.

There are indications that a large number of repeat offenders have either had drink or drug problems, lived rough at some time or have been associated with those who have chosen these lifestyles. My study found there are three main reasons in choosing to live this way: firstly, the consequences of being institutionalised in prison and unable to settle on release; secondly, a breakdown of trust in the care agencies that are supposed to offer support; thirdly, association with a circle of a few trusted friends.

Over half interviewed recognised the value of informal social support networks (i.e. trusted friends), rather than agencies, for help in finding accommodation or work. A significant 38% stated they also relied on their informal network (not all ex-prisoners) to maintain some form of independence and anonymity after their parole had been completed. When asked why this was so important, the common answer was that they wished to become unnoticed and there was a desire to hide from the 'gaze' of the criminal justice and other statutory 'control' (viz. caring) bodies. Whether this is a reality or not, it is a perceived fear on the part of the of incarcerated, especially those who have spent most of their lives in the control environment of prison.

Among those who had experienced their first time in prison (36%), there were indications that the informal prisoner links in prison and in the community, were strengthened as the result of negative influences and experiences of imprisonment. The strong cultural influence among prisoners (prisonisation)

created the opportunity for learning new criminal skills and making strong social friends with other criminals. Prisoners found strength to cope with the prison environment by building up a small, but trustworthy network of friends on the inside. A significant 57% identified the negative influences and attitudes of prison officers as contributing to a reinforcement of bonding with inmate networks. Although this study focused on older prisoners, the indications reveal that prisonisation would have a greater negative influence on young offenders and their re-offending patterns. This is borne out by a number of interviews where some who had been brought to the attention of statutory bodies from an early age, especially criminal justice agencies, and were then sucked into the negative penal 'revolving door' syndrome. The incarcerated remain trapped by the institution and its agents, even when they are 'free' in the community.

Institutionalisation (or prisonisation) has another detrimental effect on the lives of the prisonised: it creates a dependency on a system that is built around control and security. Many missed the incentives (enhancements) to improve their situation in prison and identified this as a crucial element missing on their release. There was no tangible recognition or acknowledgment for living a crime-free life on the part of the State. In fact, they were also critical of the increasing legislation that hampered work opportunities through having to reveal previous convictions; 27% gave this as a reason for not applying for jobs.

'Ted' (M0548) was first interviewed in February 2000 and again in October of that same year. He is fifty-three years of age and a recidivist, usually petty thefts and fraud. He has made several attempts to stay clear of crime in between his sentences:

(3) But I still have a few friends who haven't been inside, not many though.

(4) You get used to trusting your own kind and sticking with them, even when you're out (P3).

(5) They watch your back. You don't have to explain anything to them and we protect each other (P3).

(11) 'Jeff' was in ---Prison at the same time as me. We both knew how to get through and knew who we could trust. But outside - well, that's something else (P3).

(14) Inside you get so used to being rewarded for not causing any trouble and if you step out of line, its down the block and loss of privileges.

(15) But when I get out, I get cheesed off with all the threats of what will happen to me if I don't behave

(16) *But I still get the stick if I try and stay clean. The Old Bill [police] are always picking me up, even when I don't do anything (N1).*

(17) *I tried to go straight for a while. Had a steady girl and a job. But the Bill came round to the house and also saw my boss, who gave me the sack (N8).*

(18) *Hadn't done anything wrong, but they wouldn't believe me. So I thought: what's the point of going straight? So, I went back to the old 'firm' [local criminal network] (N4).*

4.1.2 *The important role of local services and caring agencies*

Excluding the local Job Centre and Benefits Agency, just over 15% stated that they had been helped by *local community service agencies*. A key factor in the success of such service provision would appear to be the value of contact and assessment being made prior to release. With a few exceptions, the majority of agencies working with inmates in prison failed to continue this service when the prisoners were released. The exceptions applied mainly to community alcohol and drug services that were providing treatment services in prisons, under CARAT contracts with the Prison Service. Therefore, the study has identified a serious gap in the provision of service networks that link the prison with community care services. This failure also applies to the voluntary agencies working in prisons; the majority do not ensure that follow-through work is continued on release.

Prison Chaplains have been identified as having a pivotal role in helping prisoners make contact with outside caring agencies prior to their release. Despite the changes to the Probation Service from a caring role to supervision and control, individual Probation Officers have also been identified as being influential in a released prisoner receiving care, via a referral to a local specialist agency. Quite often a Probation Officer or Prison Officer has identified a worker from a local voluntary community agency who is best placed to offer the support needed on release.

For example, 'Donald' (M0662) was thirty-two years of age at the time of interview (1998) and had served eighteen months of a three-year prison sentence for repeated drink-driving offences. His Probation Officer had helped him to find work and accommodation during his parole. He had not committed any offences since his release over two years ago. Although for the previous six months he had been homeless, he had just been found settled accommodation in a hostel with the promise of some work. His Probation Officer had previously

given him details of T.H.O.M.A.S, which is a Christian-based community project working with the homeless, including former prisoners, in Central London, Manchester and Glasgow. It was thought that after his supervision and parole had finished that he might need help.

(14) Yes, I've been homeless for more than six months and I soon found out who were my real friends and I know how the different London boroughs treat the homeless (N3).

(15) I could only find two hostels that still took DSS folk and they were completely full and I had little chance of finding a place of my own soon (N4).

(17) The main difficulty I had was finding a small room to rent. Letting agencies did not want to know because I was on the DSS (N3).

(18) I had a little savings from when I worked just after coming out of prison and that kept me in food.

(19) Since being on the streets, I've found out why so many like me drink or take drugs. I don't take drugs myself and don't like drink much, so I'm more hopeful than most (P4).

(21) Thanks to my old PO [Probation Officer] I've got an outreach worker at the T.H.O.M.A.S. drop-in centre and he has found me a place to stay (P4).

The Langley House Trust is a Christian-based charity and registered social landlord specialising in providing residential rehabilitation for ex-offenders. It operates two semi-independent residential projects, aimed at resettling ex-offenders; three residential training centres with high levels of support for those who are vulnerable and might re-offend; five 'fresh start' half-way house residential projects; two drug treatment centres; five registered care homes for those with longer-term needs and requiring high levels of support. They accept referrals prior to release from the Prison Service and other agencies, such as Social Services and the Probation Service. There are over 210 paid staff and 50 volunteers.

'Annie' (F0332) was 32 years of age at time of interview (September 1998). She was divorced, with two children in care.

(6) Before coming out of — prison, I had come off drugs and didn't want to go back on them.

(8) She [drug worker] got me a safe place to go to before I came out (P3).

(11) When I got to — House [operated by the Langley House Trust], there were two other women there who had also done time. But they were also drug free (P4).

(12) I had my own room with a fridge and micro[wave], but we'd share the kitchen and living room.

(16) My key worker would see me regularly and she helped me to plan what to do and where to go (P3)

(21) Now I've got a place of my own from the ---Housing Association and a job (P4).

The second contact (August 1999) confirmed that her progress had been so successful, not only at remaining drug and crime-free, but in her other resettlement plans, such as work, independent living and her social life. This was due mainly to the influence of her key worker from Langley House:

(27) Yes, I now only have friends who do not use drugs and none of them were part of my previous life. This had been my choice (P2).

(28) I hope sometime to have a steady boyfriend but at the moment I can't let anyone get too close.

(32) I can have my friends round to my own flat and its great to come and go as I please.

(34) I get a lot of help from my local friends. I've made some good friends there (P3).

(37) And I've been able to get a good job.

(38) Because I've always been good at figures, I went to the --- College and learnt about accounts, so now I keep the books for a small local firm (P3).

(39) They knew all about my past and were prepared to take the risk. I won't let them down again (P3).

4.1.3 Faith-based groups

Of the 62 interviewees, 46% stated they had a 'spiritual experience' whilst in prison, including 8% who had found help from Buddhism, Yoga or Meditation. There are indications that the percentage might be higher among female offenders and that prayer plays an important role in their lives.²⁰⁸

Over half had attended at least two religious services during their imprisonment. 27% had identified periods of internal self-examination about their lives and their prospects when released from prison. The most active religious groups identified in prison were those of the Islamic or Protestant faiths. Some were able to name their Prison Chaplains and offer views as to their work. Others were able to name Christian groups (mainly evangelical) that had access to prisons, such as the Prison Fellowship, local Pentecostal churches and

²⁰⁸ Jane Clay, 'Prisoners and their Beliefs'. In Christopher Jones and Peter Sedgwick (eds.), *The Future of Criminal Justice: Resettlement, Chaplaincy and Community* (London: SPCK, 2002), p. 79.

the Alpha Prison Programme. However, less than 5% had followed through their faith or religious involvement on release from prison. This was borne out by the experience of seven former prisoners, tracked over a two-year period (1998-2000), who had been in contact with *faith-based groups* whilst in prison.

At the time of his interview in 1999, 'Arthur' (M0122) had been out of prison for just over eight months. He was fifty-eight years of age, divorced, and had not been in contact with his family since his release.

(5) So, apart from going to the prison chapel on some Sundays, I took part in an Alpha course, that 'H' [prison chaplain] had organised.

(6) I wanted to believe in God, but felt he would not want me. ...I sort of prayed that he would help me not to come back to prison after this stint was over (P2).

(8) This [Alpha programme] helped me to cope inside and control my temper (P4)

(11) After a few visits from a local church member, I was told not to worry that I had nowhere to stay when I came out (P3).

(18) I came out with about £40 in my pockets and would have gone straight to the nearest pub, if my Christian friend not been there to greet me at the gates (P2).

(19) He took me to someone's house, where I could stay for a few nights. She and her old man were also Christians and from the same church (P3)

(20) I was scared being in my own [bed]room, with the curtains pulled, but at least I had my own space

(21) Everyone was very kind to me and I went to their local church next Sunday (P3)

(22) Couldn't cope with all that preachy stuff.

(22) After the weekend, I couldn't take any more from these people. Although they were OK.

(23) They were too pushy and I needed space to get my head round everything that was happening.

(24) So I left next day, saying I had somewhere to go, but I didn't. I just wanted to be alone for a bit.

(25) I slept rough for the next week or so (N3).

(27) When I got cold in the day, I would pop into a church round from where I was dossing. It must have been RC because of all the rituals. But I was left alone - no one bothered me.

(28) After a few visits, I began to pray; just like I was told in [prison] chapel and like those few old dears coming into the church (P4)

After three months, during which time 'Arthur' had been found some hostel accommodation and was receiving regular Benefits, he made contact with the local church that ran the Alpha programme. He had been able to adjust to

being out of prison and now felt he was ready to meet the Christian group that had first befriended him:

(33) Anyway, that Sunday I just turned up at church and was expecting to be told off for walking out on everyone. But they all welcomed me and made me feel so much at home (P3).

(37) I feel as if I belong, and I have no intention of going back inside. I am part of a family (P3).

(38) I know God loves me and there is no way I am going to do time again (P2).

‘Gerry’ (M0479), is a Muslim and came to this country as a child from Kenya. He was 43 years of age when first interviewed (1998). This was followed-up six months later with another meeting.

(7) So, I have divorced my wife, but I continue to support my children, who live with her (N6).

(8) She found another man, not of my faith, whilst I was doing time. But it is my fault, for I had treated her badly (N4).

(11) Before I went inside, I wasn’t a good Muslim, although I would support my local mosque.

(13) The Imam started to visit some of us in X prison. We started to fast and attend prayers (P2).

(14) I wanted to do right and follow Allah, so I used to help the Imam with the others (P2).

(15) Islam is now a way of life for me and it gives me hope in the future (P4).

(15) I am accountable to Allah. He has shown me the right path and the Prophet Muhammad is my example to follow (P2).

(16) I have offended Allah. My life will come to an end, and then there will be a new world (P2).

(17) I know that what I am doing now makes me right with Allah and he will judge me so (P2).

(18) I hope sometime to do hajj. ...That is a pilgrimage to Mecca (P4).

Thirty-seven interviewees were asked, ‘Is there a Christian organisation you have come across inside or out of prison that has helped you or one of your mates?’ Over 90% identified the *Salvation Army*. Sixteen had been in contact with their street ministries and been helped with hostels, housing, food and clothing. All but three had come across their officers through the local prison chaplaincy service.

4.1.4 Two examples of faith-based initiatives

In the late 1990s the *British Churches Criminal Justice Forum (CCJF)*, a group consisting of church-based agencies working in prisons or involved in developing community resettlement programmes, decided to introduce the *Canadian Community Chaplaincy* approach in this country. The model involves

a local Prison Chaplain, with the support of the Prison Governor and local churches, developing a faith-based resettlement programme that links the prison with the local community. As a member of CCJF, I approached the Area Bishop for Dorset (Tim Thornton) and the Prison Chaplain for HMP Dorchester (Terry Sankey) with a proposal to establish a Community Chaplaincy programme that would be attached to the prison. Consequently Bishop Tim organised a conference in 2004 that was attended by over seventy representatives from the criminal justice agencies, local authorities, voluntary and church groups from Dorset, including Poole and Bournemouth. As a result, there is now a fully-funded project called the *Footprints Resettlement Project*, with a drop-in office just outside the prison gates that is run by a team of paid staff and over thirty volunteer befrienders from local churches, including two former prisoners.

There is another faith-based support initiative that I have encouraged to develop its programme in the South West. Again it is an approach that was first developed in Canada in 1994, this time by the Mennonite church, called *Circles of Support and Accountability*. The Quakers in this country introduced the approach in 2001 through a pilot scheme in Hampshire and the Thames Valley (Oxfordshire, Buckinghamshire and Berkshire), with the support of the local criminal justice agencies. The basic concept is that high-risk prisoners, such as sex offenders, are supported by a team of four to six volunteer befrienders on their release from prison. As a result of my supporting a 60 year-old sex offender in Somerset who was released from prison under strict licence terms, *Circles of Support and Accountability* was approached to pilot the scheme in Somerset. Local Quakers have now been trained to form a 'Circle' for him and I have been able to step back from my involvement.

4.1.5 Prisoner and family-led agencies

Prisoner support groups have a tendency to come and go. This should not be too surprising, as those who make a success of staying crime-free on release wish to move on and leave behind any connection with their past. However, most who have developed these self-help networks have based them on their negative experiences of prison and the problems encountered in their resettlement. They have found them to be of great support at times when they most needed help.

For example, *PROP* ('Preservation of the Rights of Prisoners') was founded in the 1970s by a group of ex-prisoners to help with the protest movement at the poor conditions in prisons which led up to a number of prison riots. It then became known as the 'National Prisoners' Movement' providing legal and medical advice in cases of complaints about prison treatment. *New Bridge* was founded in the 1980s and is still functioning today as a registered charity, offering befriending. It also publishes *Inside Time*, the prisoners' national newspaper.

Unlock, a registered charity, was founded by three ex-prisoners (including Stephen Fry, the actor) and launched at Pentonville Prison in September 1998. It has a number of high profile supporters and patrons and its work in prisons is highly respected by the Prison Service. It has successfully campaigned for sentenced prisoners to have the vote.

Restore (formerly known as *Pacer 50plus*), was established by a group of serving prisoners in Bedford Prison, including myself, in 1996 as a support network for older serving and former prisoners. It has a faith-based restorative justice philosophy and operates on a voluntary self-help basis, and has received over 350 calls for help or advice. It is now negotiating a number of partnerships with large charities, such as *Age Concern England*. It is also advocating that the Government should develop a national strategy for older and less able prisoners that conforms to the requirements of the National Service Framework for older people in the community.

There are a number of small groups offering help to prisoners in local prisons or with special needs. Here are a few that offer a valuable service: *Outside Chance* (West London, including HMYOI Feltham), *Women In Prison* (London-based, campaigning organisation on female imprisonment issues), and *Out-Side-In* (a befriending service for gay and lesbian prisoners). Partners and families of prisoners have had greater success in developing support services for families and friends of prisoners: *Action for Prisoners' Families* (formerly known as the Federation of Prisoners' Families Support Groups) is a member organisation, with a strong funding base. It provides umbrella support to local groups, such as *Halow* and *Prisoners' Families and Friends*.

4.2 Motivating change: revisiting Paulo Friere's 'conscientization'

My research findings support the value of faith, or a 'power outside of ourselves', as an influential motivator to live responsible lives. The study also confirms the work of Maruna and his 'desistance' theory of identifying those who wish to become crime-free as acquiring a 'redemption script': an ex-offender who realises her inner potential for goodness that lies within her, but remains trapped by a cycle of re-offending. According to Maruna, what assists this transformation from criminal to living a crime-free life appears to be some external force in the form of someone or agency that has shown faith in that person. Maruna suggests that these ex-offenders then become super achievers, with a desire to be productive and with a core set of beliefs.²⁰⁹ However, it cannot be emphasised enough that society's insistence in encouraging the 'bogeyman' myth²¹⁰ can be counterproductive to a successful desistance approach and a powerful demotivator to living a positive lifestyle.

Internal and external motivations are closely allied to consciousness-raising, which is often an overlooked aspect in successfully reconciling ex-offenders with society: prisoners become aware of their circumstances and come to terms with the traumatic experience of loss of their liberty in their recent past. It also helps them to recognise the damage done to victims of crime.²¹¹ However, such an awareness can also have a major empowering influence for ex-offenders to take control of their lives when confronted by surveillance and control powers in the present, following their release from prison. For example, I have found that friends and relatives have been able to help me look beyond the immediate disappointment of being rejected when I tried to find work: Signposts in Luton was able to represent me with the local Social Security office and arrange for my rent and council tax to be paid when I was too bewildered and in a state of confusion during the first year following my release.

I have found that isolation in the community leaves the incarcerated with a feeling of powerlessness, but when our individual consciousness has been raised we can act collectively, gaining strength from each other and from those

²⁰⁹ Shadd Maruna, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives* (Washington DC: American Psychological Association, 2001), pp. 85-108.

²¹⁰ See p.71.

²¹¹ I prefer the term 'reconciliation' rather than 'resettlement' as I believe any successful resettlement programme needs to be developed within the context of reconciliation, as I will explore in more detail in my final chapter.

who offer us their friendship and support. However, even when we operate collectively, a problem arises that has been identified by Swinton: ‘the problem is that [our] personal disempowerment, coupled with the cultural and political silence that marks [our] social history, means that very often [our] presence goes unnoticed’.²¹² Being ‘unnoticed’ by society can be countered if we recognise that consciousness-raising involves not only the oppressed and excluded but also the wider community and its institutions.

The institution of the Church should be a community of remembering our ‘dangerous stories’. This will not happen until, or unless, the Church can listen and act on what it sees and hears. My own experience confirms that through the persistent telling of our stories to others, we now have a wide support network of individuals and agencies that have embraced us. As a result, a number have a better understanding of the reality of incarceration and its consequences. Some of these are now able to provide a valuable advocacy role to speak and act on behalf of the more vulnerable excluded, such as those with mental health problems and the elderly frail languishing in prison, or living ‘rough’ in the community.²¹³ Therefore, consciousness-raising is a reciprocal experience, as some hear our stories and respond by using their new-found knowledge to act on our behalf. It is a concept that is central to liberation theology. These care and support networks have proved crucial for released prisoners and are an important tool in reducing re-offending, as they move from prison to community to encounter the oppressive ‘glass wall’ that seeks to continue to limit their freedom and keep them powerless.

This brings me on to the work of Paulo Freire who throughout the 1960s and 1970s pioneered his concept of conscientization in which he sought to raise the literacy levels among the uneducated masses in Brazil. His best known work was *Pedagogy of the Oppressed*,²¹⁴ in which he argued that the ignorance and lethargy of the poor was the direct result of the whole situation of economic, social and political domination. He believed that by being kept in a situation in

²¹² John Swinton, *Resurrecting the Person*, p. 23.

²¹³ An example of the influence of my faith-based concepts may be found in Age Concern’s commitment to delivering services for older people in prison and on their release.

²¹⁴ Paulo Freire, *Pedagogy of the Oppressed* (trans. Myra Bergam Ramos; London: Penguin Books, 1993).

which it was practically impossible to achieve a critical awareness, the response of the marginalized was one of perpetual controlled submission.

Freire believed that improving literacy levels could not be achieved without 'liberating' the social consciousness of those receiving the education through a community process. This 'consciousness of solidarity' would not only bring about individual change but also produce political, economic, social and religious changes. However, conscientization could also be used by those with power to manipulate the marginalized to conform to the existing norms and structures of society, as a condition of their acceptance. The two could not peacefully co-exist and could lead to conflict and resistance.

I would argue that the prison experience has raised the consciousness of the incarcerated, producing negative feelings of hopelessness that often turn to negative attitudes of anger and hatred toward the criminal justice system and its agents. This sets the excluded on a collision course with those who have power over them. Instead of deterring crime, the overuse of prison as punishment becomes the trigger for a cycle of re-offending.

The penal institution has depersonalised the incarcerated to such an extent that many can only express their independence from the system of surveillance and control by re-offending against society's norms. The attempt to extend the penal system of controlled submission to the community in order to curb the thinking and behaviour of the incarcerated, is to enter into a constant cycle of conflict. By raising the consciousness²¹⁵ the incarcerated are faced with four options:

The first option is not so much a choice but a resignation. Some, especially those who are older and have been inside for long periods will have no option: they will be 'institutionalised'. Many in this group will be incapable of doing anything else because of their physical or mental vulnerabilities.

The second option is to use anger and hate to turn these feelings inwardly or against those who are nearest and dearest.

²¹⁵ Paulo Freire used the term 'conscientizacao' that referred to learning to perceive social, political and economic contradictions, and to take action against the oppressive elements of reality. See *Pedagogy of the Oppressed*, pp. 17/18.

The third option is to direct the anger and hate against the agents of the criminal justice system through fighting ‘the system’, as so aptly described in Razor Smith’s *A Few Kind Words and a Loaded Gun*:

In my own mind my sentence became a contest between me and ‘the system’, and I was determined to win...I refused to be beaten, either mentally or physically. I found the secret weapon that has helped many prisoners to get through their time and survive – hate. The more they prodded, poked and ordered me around, the more I grew to hate the bastards. I could feel my hate boiling and rumbling within me, like thick molten lava seeking the smallest crack to erupt out of, but I clamped down on it, set my face on neutral and used hate as the fuel that drove me.²¹⁶

The fourth option, and the one that forms the basis of my thinking, is to challenge the system of control and surveillance through a reconciliatory approach of peace and justice. Some might see this as a compromise. In practice, this is a most difficult model to follow and I accept that many of my colleagues will not be able to go in this direction. It is a very painful road to go down if you have all the anger and hate baggage weighing you down. Anger is not something I can totally decry as I have seen so much brutalisation of many in prison; for some, anger is the only way for them to survive and not ‘go mental’. I also have experienced such anger and frustration with ‘the system’. It is an anger that has partly motivated me to write this thesis. Yet, my own consciousness has been so roused that I counter these feelings through a life of love, faith and hope. It is the love and trust that others have shown toward me in my darkest moments that has given me this faith and hope. This inner knowledge has turned negative experiences into positive ones, raising my consciousness, which in turn has led me to serve the incarcerated.

Conscientization is an all-embracing experience and concerns different levels of consciousness. Consciousness cannot be raised without an opening up of the anger, hurt and pain of others and the damage that can be done through inappropriate actions on our part. It creates an awareness of the ‘other’ and affects our interactions with people and our environment. Moser and Leers believe that ‘personal conscience is linked to the overall environment’:

²¹⁶ Smith, *A Few Kind Words and a Loaded Gun*, pp. 56/57.

To a large extent, we *are* our relationships and see ourselves in them: political, social, economic, environmental, religious. ...Our personalisation is achieved in the interaction between the “I” and the “not-I,” and in this we discover not only who we are but also who we *ought to be*. This being the case, true conscience is never shut in on itself, and this applies especially to what we call moral conscience. This is always a *cum-scientia*, a wisdom that grows precisely through opening out to all that is apparently external to it, but that permeates it to a greater or lesser extent.²¹⁷

The raising of consciousness that embraces conscience is an important and much overlooked aspect in reconciliatory approaches to crime reduction.

The incarcerated have learned to survive the loss of their freedom and, for some, it has been over many years. There is a conscious awareness of a hope in the midst of this dehumanising experience that has kept many going, in the expectation that there is something better than the Dantean environment.

The dehumanisation resulting from an unjust order is not a cause for despair but for hope, leading to the incessant pursuit of the humanity denied by injustice. Hope, however, does not consist in crossing one’s arms and waiting. As long as I fight, I am moved by hope; and if I fight with hope, then I can wait.²¹⁸

There is one further outcome to consciousness-raising. The incarcerated are aware that they are open to manipulation by the very powers they are seeking to influence in order to bring about change, such as improving the care and treatment of older people in prison. In our exchange of knowledge with the criminal justice agencies, we reveal our life stories and practices on the basis that we can open up and ‘liberate’ the controlling powers. This knowledge-power relationship is one I raise in the next section.

4.3 Foucault and the concept of knowledge-power

In this section I continue my exploration of the movement of the incarcerated from the violated space of prison to the violated space of our carceral society. French social theorist Michel Foucault used the ‘power of the gaze’ and the ‘carceral’ as metaphors that were derived from Bentham’s concept of the

²¹⁷ Antonio Moser and Bernadino Leers, *Moral Theology: Dead Ends and Ways Forward* (Tunbridge Wells: Burns and Oates, 1987), p. 117.

²¹⁸ Freire, *Pedagogy of the Oppressed*, pp. 72/73.

panopticon,²¹⁹ in which disciplinary and control mechanisms extend beyond legal imprisonment to the rest of society. I will sometimes use the term ‘incarcerated’ as a metaphor that identifies the whole of society in the twenty-first century that I see as being subject to control and surveillance.

For those who have experienced imprisonment, ‘incarceration’ involves a continuation of exclusion from one setting of surveillance and control to another. For example, it is now over eight years since my release from prison, yet I am still confronted by controls that are not encountered by non-offenders. In trying to make sense of these experiences, I have turned to social control theorists, such as Foucault, Cohen and Innes. This has resulted in my concluding that social control, through surveillance and observation techniques, is now a part of every-day life, particularly since the 1980s as a result of the ‘war against crime’ and more recently, the ‘war against terrorism’. These theorists have provided me with valuable insights into the struggle for control over the lives of the incarcerated that will inform my theology and praxis in the final chapters.

Michel Foucault draws attention to the institutional setting of the prison within the panoptic society that is the ‘carceral network’.

The carceral network does not cast the unassimilable into a confused hell; there is no outside. It takes back with one hand what it seems to exclude with the other. It saves everything, including what it punishes. It is unwilling to waste even what it has decided to disqualify. In this panoptic society of which incarceration is the omnipresent armature, the delinquent is not outside the law; he is, from the outset, in the law, at the very heart of law, or at least in the midst of the mechanisms that transfer the individual imperceptibly from discipline to the law, from deviation to offence. Although it is true that prison punishes delinquency, delinquency is for the most part produced in and by incarceration which ultimately, prison perpetuates in its turn. The prison is merely the natural consequence, no more than a higher degree, of that hierarchy laid down step by step. The delinquent is an institutional product.²²⁰

Although some would question the work of Foucault,²²¹ I am drawn to his deconstructionist approach that helps me to understand closed institutions,

²¹⁹ A circular prison in which prison officers are located at the centre of a circle of cells and were able to have constant observation of all the prisoners

²²⁰ Foucault, *Discipline and Punish: The Birth of the Prison*, p. 301.

²²¹ Garland, *Punishment and Society: A Study in Social Theory*, pp. 131-175.

particularly prisons. I find his exploration of Bentham's panopticon ideas to be extremely relevant to my thesis. The panopticon became the epitome of the new penal system at the beginning of the eighteenth century and into the nineteenth century, through the development of power-knowledge and surveillance-control in a disciplined institution. A major focus of Foucault's writing on discipline concerns the relationship between power and knowledge: wherever power is exercised is to be found the production of knowledge; power is inseparably related to knowledge.²²² This same knowledge-power extends through surveillance-control into the carceral society.

The disciplinary 'power of the gaze' can be used by anyone who is authorised by the State to act on its behalf. For example, Fox explores the role of the gaze of power in the social construction of a person who is subject to the knowledge-power of health professionals:

The gaze (which as the name implies, entails the making visible of a person or a population) is a technology of power, by which the object of the gaze becomes known by the observer. This knowledge, codified and organised, becomes a resource by which the observer develops both an expertise and a control over those s/he observes.²²³

This concept can equally be applied to any agency that has to relate to others in our society. It will be particularly relevant when I come to explore the use of power-knowledge in relation to Christianity in the final section of this chapter. Foucault shows that the disciplinary 'power of the gaze' has been used in the past, through social institutions other than prisons, such as the Church and hospitals, in an attempt to rehabilitate those who depart from the 'rules' through a process of normalisation. Exploring Foucault's theme, Smart explains that these 'agents' or 'experts' of institutions subject individuals caught up in the system to 'investigation through detached analytical observation and comparison with an inaccessible norm, as well as producing permanent records and files to support and authorise decisions or judgements'.²²⁴ Nicola Lacey

²²² Foucault: *Discipline and Punishment: The Birth of the Prison*, p. 27.

²²³ N. J. Fox, *Postmodernism, Sociology and Health* (Buckingham: Open University Press, 1993), p. 24.

²²⁴ Barry Smart, 'On Discipline and Social Regulation: a Review of Foucault's Genealogical Analysis', in *The Power to Punish: Contemporary Penalty and Social Analysis* (eds. David Garland and Peter Young; London: Heinemann, 1983), p. 72.

sees disciplinary power as being different from social sovereignty and juridical power. It 'operates when agents become complicit in their own subjection'.

Lacey continues,

Thus the "chosen" practices of therapy, religion, physical training, as much as our more obviously determined participation in discourses such as gender or social class, are seen as being among the operations of power and hence to analysis in those terms.²²⁵

A further example of Foucault's deconstructionist approach to the 'new' disciplines is that of psychiatry, which some regard as a 'science of deviations'.²²⁶ Taylor argues that 'modern techniques of control are not concerned with law but with normalisation'.²²⁷

However, I would contend that knowledge-power is not necessarily an item that is only possessed by a dominant group in society, but an action that can also be exercised by individuals or groups who are the subjects of the observer. I would contend that it is possible for the powerless and excluded, who are subject to the disciplinary 'power of the gaze', to use the knowledge that the observer seeks as a powerful tool in their favour. As a consequence of raising their consciousness, their knowledge-power becomes a positive force that can liberate them from the oppressive forces that seek to control their lives. An example of this is to be found in my experiences of surveillance and control techniques in the penal system that have now provided me with power-knowledge for survival in the wider 'carceral society'.

Power can produce a mutual dependence between opposing groups, such as may be found in the penal system through the interplay between prison officers and prisoners, in which the former relies on the latter to help maintain order. I recall during my time inside watching some of the officers on my prison wing leaning over the railings near the 'control' office with their little notebooks. They would make their observations of what we were up to during free association. At the same time we all were aware we were being observed,

²²⁵ Nicola Lacey, 'Penal Practices and Political Theory: Agenda for Dialogue', in *Punishment and Political Theory*, p. 154/155.

²²⁶ See Michel Foucault, *Abnormal: Lectures at the Collège de France 1974-1975* (London Verso, 2003).

²²⁷ C. Taylor, 'Foucault on Freedom and Truth', in *Foucault: a Critical Reader* (ed. D. Couzens Hoy; Oxford: Blackwell, 1986), p. 75.

so it became a game of 'cat and mouse'. It did not stop the drug dealing, gambling or beatings that went on out of their view. Halfway along the landing on our wing stood the 'snitches' (informers), who were given special privileges and were protected by the officers. They did not last long and were soon moved for 'their own protection'.

I could often be found in my cell making diary entries of my observations, whilst I was aware that I could be observed through the spy-hole in my cell door. There was nowhere for anyone to hide. Within these controlled spaces there was tension and conflict that could, at any time, so easily spill over into anger, violence, frustration, hurt or self-harm. However, the officers relied on key prisoners, who would not 'grass' on their own inmates, to maintain a peaceful balance. We accepted these surveillance and control techniques, as long as it was in our interests. We had the ultimate power-knowledge over the 'zoo keepers of deviance'.²²⁸

4.4 Social control in a disciplined society

I am interested in something wider than the more focused criminological law themes that explore crime and the penal system. I am increasingly coming up with more questions: Why do we continue to criminalise and exclude the more vulnerable in our society? Why are the agencies of the State more punitive than caring toward the vulnerable and marginalised? Why does society find it so difficult to be reconciled with those it has excluded?

From my perspective, Cohen and Innes go some way to helping me find answers to these questions. Cohen explores the historical and theoretical development of social control that he views as being 'planned and programmed responses to expected and realised deviance rather than the general institutions of society [i.e. prisons] which produce conformity'. His focus is on 'those organised responses to crime, delinquency and allied forms of deviant and/or socially problematic behaviour'.²²⁹

Cohen seeks to make sense of the apparent 'failure' of prisons, by exploring the 'real' purpose of the penal system. He suggests that 'failure'

²²⁸ A term used by Gouldner to characterise criminologists who explored early concepts of 'deviancy'. See A. W. Gouldner, *For Sociology* (Harmondsworth: Penguin, 1975).

²²⁹ Stanley Cohen, *Visions of Social Control: Crime, Punishment and Classification* (Cambridge: Polity Press, 1985) pp. 2/3.

should be seen as ‘merely a drawback to be strategically exploited’.²³⁰ Downes and Rock attest to the influence of Cohen’s work:

Cohen has delineated a new vision of the carceral society in which the State, pretending to withdraw from formal social control, actually intrudes ever more invasively into the lives of its subject population. ...It was Cohen’s vision that the State control apparatus had never receded but had merely thrown out webs of new, formally diversionary programmes and projects, called ‘community corrections’, that had the practical consequence of enlarging its sphere and increasing the number of effective entrypoints to the carceral institutions at its core.²³¹

An example of Cohen’s concern over community sentences becoming ‘effective entrypoints’ to prison, may be found with the introduction of Anti-Social Behaviour Orders (ASBOs) in 1998. Up to December 2003, 42 per cent of all ASBOs had been breached on one or more occasions of which 55 per cent were given immediate custodial sentences.²³² In a recent ruling in the Court of Appeal, a breach of antisocial behaviour was a distinct offence, created by statute and punishable by up to five years in prison.²³³

Innes recent publication, *Understanding Social Control*²³⁴ builds on the work of Cohen, while acknowledging the value of aspects of Foucault’s theories. He suggests that the concept of social control should be understood as consisting of a number of interlocking control approaches that now permeate our society. The whole thrust of his argument is to highlight the creeping extension of social control by the State over the entire general population. Consequently, we no longer have a welfare system based on care; this has been replaced by a system of control that protects the non-deviants in our society. I am now of the opinion that, despite the rhetoric of ‘inclusive’ Government policies, the State is not committed to reconciling former ‘deviants’. Its concern is to ‘protect the public’ by reducing the risk of re-offending through control mechanisms that limit the freedom of ex-offenders. There are too many interested parties that

²³⁰ Cohen, *Visions of Social Control: Crime, Punishment and Classification*, p. 27.

²³¹ David Downes and Paul Rock, *Understanding Deviance: A Guide to the Sociology of Rule-Breaking*, revised 2nd edition (Oxford: Clarendon Press, 1995), p. 354.

²³² Home Office Press Release, *Yob’s Will Face the Consequences of Their Actions*, 042/2005 (London: Home Office, 2005).

²³³ Court of Appeal, Criminal Division, *Regina v Stevens*, published 24 February 2006.

²³⁴ M. Innes, *Understanding Social Control: Deviance, Crime and Social Order* (Maidenhead: Open University Press, 2003).

desire to see crime and punishment grow, rather than decrease, although they would never admit to it.

The agents of State control need their 'deviants' in order to justify their existence. The media rely on 'deviants' for their headlines in order to portray crime that perpetuates society's fear of crime. Society needs its 'jobs'. Encouraged by the agencies of control, this leads to calls from our local communities for the introduction of more mechanisms of control, such as CCTV, neighbourhood watch schemes and ASBOs. Consequently, we criminalise and imprison more children in this country than most other industrialised democratic countries in the world.²³⁵

Some of the extracts from interviews in Chapter Three recount how easy it is for young 'deviants' to perpetuate their own recycling through an interaction with the agencies of social control, in which a change takes place: 'deviants' are identified as a 'criminals' even before they get into court and this pre-prison stigma follows 'deviants' into prison and into the community on their release. Having fulfilled the requirements of their punishments, they continue to be identified as 'risks', finding the costs of their conformity, or normalisation, too high. There is a high chance that these 'risks' of re-offending become self-fulfilling. It is often too much for them to become 'non-deviants'. Without support and with no reconciliatory process, there is no way back.

Although I have indicated that we live in a society that is less tolerant of 'deviants', I suggest that modern societies never have been tolerant or rational in the development of punitive forms of punishment. Modern societies construct their 'deviants' from the gothic narratives of their worst nightmarish fears that rekindle a hidden need for their removal from our midst. We need our 'bogeymen' and 'scapegoats'. Gorringe states that 'for much of Christian history the Jews functioned as the scapegoat'. He goes on to suggest that our modern society has discovered a new scapegoat: 'the 'idle', 'vagabonds', the criminal classes – the poor'.²³⁶

Should society ever desire to reverse the present trend of 'scapegoating' and become more tolerant of those it has excluded, it will also need to look at

²³⁵ Barry Goldson, 'Challenging Child Imprisonment', *Howard League Magazine*, 24/1 February, 2006.

²³⁶ Timothy Gorringe, *God's Just Vengeance* (Cambridge, Cambridge University Press, 1996), p. 26.

options other than criminalising increasing numbers of its 'deviants'. I am sceptical that this will ever take place, at least in my lifetime. I am unable to envisage the present trend of increasing crime control and surveillance, combined with the punitive use of prison, being halted. Building more prisons to warehouse our 'deviants' will only provoke more criminality.

Our lawmakers and their agents have a monopoly in defining crime and then prosecuting 'deviancy'. They use the rhetoric of 'protecting the public' from dangerous criminals and, more recently, terrorists, in order to gain more control and surveillance. There are a lot of vested interests that desire to see this power-base grow.

Analyses of my own research and those of other academics and practitioners, now leads me to a conclusion that takes me beyond the reductionist approach to crime. I find that society needs to consider totally reversing its present control and punitive approaches towards its 'deviants' and adopt an abolitionist policy. Although this is not the focus of my thesis, I raise it here because of its link with my concept of a God of love and reconciliation being totally alien to one that retributively punishes 'deviants'. Which brings me on to a brief exploration of the influence of the Church in Western democracies.

4.5 Knowledge-power: Christian influences and theological insights

I believe that the issues surrounding punishment in relation to theology are important not only because of their moral, political and social implications, but for two further reasons, which I perceive to be diametrically opposed. Firstly, there is the historical influence of Christianity in the development of Western secular law, including concepts of retributive punishment that involve punitive approaches. Secondly, there is the involvement of Christian groups, in the past and the present, in the development of care and reconciliation approaches, and particularly over the past decade through restorative justice.

Some Church historians have identified that an aspect of society's concept of justice has been lost as a result of Christian influence on Western thought. This loss is seen as beginning with the rule of Constantine in the fourth century, as the transition was made from a separate early church community-based movement to becoming the official imperial religion, in which authority

was given for Episcopal courts to engage in civil litigation.²³⁷ It involved the Church administering law and order throughout the Empire. The beginning of the eleventh century saw a further development in Europe: theology and common law began to merge and to define crime as an offence against God. The Church was now responsible for purging legal transgressions. Allard and Northey observe that ‘since Constantine pragmatically and politically, and since Anselm theologically, the church has inconceivably claimed legitimacy for the very violence that killed Jesus.’²³⁸

While Western legal systems have increasingly become separated from their religious connections, the influence of the Church remains in many forms. Protestantism was not alone in the development of the ‘spirit of punishment’. Roman Catholicism also had a marked influence on Western secular law:

It is clear that the medieval Roman Catholic Church did much to develop the penal techniques which were later borrowed by secular states. ...The incompatibility of blood sanctions with clerical status and beliefs led the ecclesiastical courts to develop their own institutions of imprisonment, while the spiritual exercises of the monastic orders gave rise to the practices of cellular confinement and penitential discipline. Indeed as late as the end of the eighteenth century, the Vatican prison served as a model for prison design in both Europe and America. In much the same way, the Protestant Reformation played a part in the development of secular imprisonment, first of all the Dutch houses of correction of the sixteenth century, then later in the Quaker penitentiaries of the early nineteenth century, helping to formulate a combination of cellular confinement and productive work which was supposed to produce spiritual redemption as well as painful bodily punishment. One can also see traces of this religious inheritance marked in the fabric of many of the older prison buildings, especially those penitentiaries which employed a vernacular of spiritual regeneration and religiously inspired reform.²³⁹

The negative stereotyping of ‘deviants’ can be found in the Roman Catholic Inquisition. This introduced the concept of the public prosecutor of heretics who were regarded as enemies of the Church (later the State) and beyond

²³⁷ Gerald Austin McHugh, *Christian Faith and Criminal Justice* (New York: Paulist Press, 1978), p. 16.

²³⁸ Pierre Allard and Wayne Northey, ‘Christianity: the Rediscovery of Restorative Justice’, in *The Spiritual Roots of Restorative Justice* (ed. Michael L. Hadley; New York: State University of New York, 2001), p. 134.

²³⁹ Garland, *Punishment and Modern Society: A Study in Social Theory*, p. 204.

redemption. The idea of ‘public prosecutor’ is an example of the mutual interpenetration of religious and judicial language that also includes judgment, remorse, restitution and retribution.

Snyder blames the influence of Protestantism for the individualisation of punishment. While not seeking to negate the importance of the individual offender facing up to her criminal behaviour and responsibilities, I would concur with Snyder that our criminal justice system has become so individualised, that it now has no place for collective responsibility. Protestantism, and in particular Calvinism, has played a major role in the development of individual responsibility and a revival of retributive approaches toward ‘deviants’. This is despite the Biblical view that grace operates in and through community:

In spite of its devotion to the words of the Bible, contemporary Protestantism has succumbed to the hyper-individualism of the culture. Drawing upon an essentially idealist philosophical tradition that has come down through much of post-Augustinian orthodoxy, the Reformation, and neo-orthodoxy, it has failed to understand the strong communal strain within its own history and, most fundamentally, within Scripture. Voices in both Protestant history and the Bible reject the flight to individualism and set forth an understanding of redemption as corporate, political, and communal, while at the same time deeply personal. Redemptive grace operates in community, through community, and for community. Each person’s redemption is inextricably linked with the redemption and redemptive activity of the community.²⁴⁰

Snyder identifies the ‘spirit of punishment’ that pervades the penal system as being linked with a ‘distortion of the Christian notion of grace, a distortion that is largely Protestant in its origins.’²⁴¹ This ‘distortion’ concerns the emphasis on individual responsibility to the neglect of community.

Unfortunately, this individualism has been reinforced by much of Protestant Christianity, not simply in its fundamentalist forms but also within so-called mainline churches... There is an assumption of a hierarchy of importance: first the individual soul, then the larger corporate arena. At the core of popular Protestant Christianity is an understanding of redemptive grace that focuses on the individual.²⁴²

²⁴⁰ T. Richard Snyder, *The Protestant Ethic and the Spirit of Punishment* (Grand Rapids: William B. Eerdmans, 2001), p. 64.

²⁴¹ Snyder, *The Protestant Ethic and the Spirit of Punishment*, p. 32.

²⁴² Snyder, *The Protestant Ethic and the Spirit of Punishment*, pp. 58/59.

The influence of American Protestantism on economics, and particularly in relation to punishment, also cannot be ignored.

The recent revival of retributive thinking about punishment is connected with a revival of market economics, characterised by a surfeit of choice over obligation. ...The American understanding of retribution is linked to the Protestant work ethic, which, much like Medieval Catholic piety, is inspired by the 'contract God' who rewards merit. Individuals, it is believed should be rewarded for industrious work and punished for illicit advantage. In such a society, where the pursuit of private gain has become the organising principle, there is fertile ground for the growth of crime and for retributionist response.²⁴³

What also cannot be ignored is the degree to which theology has supported the State in the propagation of retributive ideology, particularly of the punitive and violent kind. Some writers have explored the Judeo-Christian origins of violence and retributive justice in our contemporary society. For example, Verne Redecop supports René Girard's New Testament reading of the death and atonement of Jesus. They both agree that the 'scapegoat' mechanism' is a concept that has been transferred to the secular criminal justice system.²⁴⁴

More recently, Timothy Gorringer has examined the relationship between theologies of atonement and penal strategies. He believes that the so-called Christian 'satisfaction theory' of the atonement interacted and reacted with penal practice. His seminal work reveals the integral connection between sin and crime, the legal and the moral. In fact he argues that 'Christian theology constituted the most potent form of ideology in Western society for at least a thousand years, up to the eighteenth and nineteenth centuries, and its ideological importance is by no means dead.'²⁴⁵

It will be recalled that in my diary entry for 9 June 1996,²⁴⁶ I requested Communion. On hindsight, I now realise that this request was not because I believed there was something mystical that took place in receiving the bread and

²⁴³ Alan R. Duce, 'Theological Reflection on Punishment' (4), *Prison Service Journal*, 133, January 2001, p. 49.

²⁴⁴ Verne Redecop, *Scapegoating, the Bible and Criminal Justice; Interacting with René Girard*. Occasional Papers of the MCC Canada Victim Offender Ministries. No. 13, February 1993 (Washington DC: US Office of Criminal Justice.

²⁴⁵ Gorringer, *God's Just Vengeance*, p. 7.

²⁴⁶ See Chapter Two, p. 40.

wine, but that I was seeking for embrace and reconciliation in my moment of rejection. Gorringe confirms that the deep-seated longing of mine to receive Communion from the Chaplain, who I believed was someone who could bring me comfort and strength, was a concept that went back to the founding of the early church.

Gorringe identifies that the introduction of transubstantiation in the eleventh century placed the emphasis on blood sacrifice around an altar, rather than that of the early Christian concept of a community of disciples coming together to remember their Lord. This act was to be the repository for their 'dangerous stories' of what the Lord had done, and was doing, for them. Yet, with Anselm came the Theology of the Satisfaction and Atonement that in turn became widely accepted by Roman Catholicism and Protestantism.²⁴⁷

He also confirms the work of Girard and Redecop in questioning whether the preaching of the cross not only desensitises us to judicial violence but even sanctions it, with incarceration seen as not only an example of power but as a convenient method for scapegoating offenders.

The rise of prison as a means of dealing with crime is not simply about a new technology of power, as Foucault argues, but also a classical manifestation of the scapegoat mechanism, which deals with the victim by expulsion, by excluding from the community. Most systems of criminal justice, it has been argued, are forms of social control, heavily punitive, concerned with blaming, scapegoating and exclusion. For eighteenth and nineteenth-century Christian society the prisoner was the scapegoat. To pay for their sins prisoners needed to be expelled, transported, locked out of sight behind walls, prevented from human contact, hanged.²⁴⁸

One of the reasons for my adopting an abolitionist stance on the use of prison as punishment is due to the negative stereotyping of 'deviants' that goes back to the medieval Inquisition. This stereotyping introduced the concept of a public prosecutor of heretics, who were regarded as enemies of the Church (later the State) and beyond redemption. Punishment was seen as 'a model of hell.'²⁴⁹

²⁴⁷ Gorringe, *God's Just Vengeance*, pp. 85-103.

²⁴⁸ Gorringe, *God's Just Vengeance*, pp. 26/27.

²⁴⁹ Philip L. Quinn and Charles Tabafferro, *A Companion to Philosophy of Religion* (Oxford: Blackwell, 1999), p. 562.

However, such stereotyping was not a new concept for that period: it goes back to the Judeo-Christian era and the 'scapegoat concept'.

Conclusions

The practice of punishment, through tougher and longer prison sentences, has not made any significant inroads into the reduction of re-offending rates or changing the lives of many 'deviants'. The result has been to recycle 'unreformed deviants' through the revolving doors of the penal system. In this respect, the penal system could be regarded as a 'failure'. Yet, as I have already indicated, prisons could be seen as having a very different function and be regarded as a 'success' by relieving society of its 'deviants'.

The works of Foucault and Cohen have helped to inform the analysis of my study and the development of my theology. The result has been to increase my understanding that knowledge-power is also available to the powerless and is not the exclusive property of the powerful. But this comes at a price: the latter group need to obtain the knowledge of the former, through control and surveillance techniques, in order to retain its power. Prisoners carry this knowledge-power with them on their release from the disciplinary penal institution and into the 'punitive city' that lies within our carceral society.²⁵⁰ Society has almost passed the point of no return in trying to halt the increasing control and surveillance of the State in its efforts to gain more knowledge-power over its citizens.

I have indicated that a major role of the Church should be recalling the 'dangerous memories' of the excluded and acting upon what it hears, in defence of the powerless. Yet, I find this same Church has at times collaborated with the State in acting punitively against the powerless. Even worse, it has sought to retain its knowledge-power of 'the truth' over the powerless through punitive actions. It has lost sight of its primary function: to reconcile and embrace those who are excluded, not only from 'the kingdom', but also from society. The excluded seek for 'restoration to social status and membership of society'.²⁵¹

²⁵⁰ Stanley Cohen, 'The Punitive City: Notes on the Dispersal of Social Control', *Contemporary Crisis*, 1979, 3/4, pp. 341-363.

²⁵¹ Peter Raynor, 'Some Observations of Rehabilitation and Justice', *The Howard Journal of Criminal Justice*, 36/3, August 1997, p. 257

CHAPTER FIVE

THEOLOGY OF THE INCARCERATED

My final two chapters need to be read as a whole, as I reflect on what has gone before and draw them into a theology *of* the incarcerated. Not that my theology begins here, for it began on the first page of my introduction to this thesis, when I picked up Bonhoeffer's concept of incarceration being a 'view from below' and an 'experience of incomparable value'. This has set the tone of my thesis and influenced my theology.

My views and perspectives have changed since beginning this thesis almost a decade ago. It has, at times, been a very painful journey, but I have come to some conclusions that I must now apply to my theology and praxis. This has not only involved my moving to an abolitionist position on the use of prison as punishment, but also taking a similar stance regarding Christianity's support for the concept of punishment that causes suffering.

I now have a view of a hypocritical Church that portrays a transcendent God as a Being of unconditional love and forgiveness, whereas our postmodern society views it to be quite the reverse. God is perceived as a Being who punishes and is unforgiving, unless certain compliant conditions are met. This latter view sees the Christian 'God' as taking punitive actions against 'sinful' individuals, groups and nations.

I have attempted to describe such actions as taking place within the context of the Church that for several centuries overtly pursued a policy of retributive punishment toward those who disagree with its tenets, even to the extent of seeking their destruction. Many would also see the Church as pursuing a covert policy over a much longer period aimed at retaining its power-knowledge base through control over the powerless. I have also indicated throughout this thesis that the incarcerated see little prospect of forgiveness or reconciliation by the State for 'reformed offenders'. Apart from theological rhetoric and sermonising, we also see little evidence of the Church being concerned over this issue. It would appear to be too sensitive an issue for both State and Church.

It was not so many years ago that I also believed that I had to follow a long list of 'biblically-based' dogmatic rules in order to be saved from the wrath

of God. I got so discouraged trying to do what was right, but failing so dismally, that I turned my back on anything to do with God. At that time I could not separate God from the Church. I also could not understand that God would apparently sanction punitive actions that were done 'in his name'. I was despondent and angry that I had never encountered the God of love and reconciliation. At least, that was until I had lost all my physical possessions, power and freedom. It was then that God first sought me out in the dark abyss of my cell. This has led me to revise my understanding of the Church and has also enabled me to re-examine my understanding of God, as one who forgives and reconciles, rather than punishes and banishes 'sinners' to a bottomless pit.

I accept that some might see the first half of this thesis as a 'history of memory' that is constantly recalling the past in seeking to justify the present: it is not an attempt to produce excuses for continuing to re-offend. I would argue that knowledge of the past not only helps us to understand the present but can also provide the context to project us into the future to give us some hope and not to continue re-offending. However, an extremely important aspect of a theology of the incarcerated is an underlying memory of individual guilt that punishment has not removed. Without forgiveness and reconciliation there can be no future. It is this that lies beneath the hurt and anger of the memories that invade our present, hindering us from moving forward. Guilt conflicts with the feelings of hope that help us to survive the present. Even if our hopes are fulfilled and we are physically and materially settled in our daily lives, there remains the memory of guilt, with no rejuvenated future.

Memories of the kind that are experienced as 'guilt' force themselves upon us. They compel the present to define its position towards them, for in everything that is remembered as guilt there lurks something that is not over and done with, whose implications are not grasped, whose significance is not yet plain. When what has been, or has happened, is seen as 'guilt', then the present enters into proceedings which have not yet found end and their solution. The past becomes determinative for the burdens and tasks of the present.²⁵²

²⁵² Jürgen Moltmann, *Theology of Hope*. (trans. James W. Leitch; London: SCM Press, 2002), p. 252.

If the Church is to become the repository for our 'dangerous memories' and respond to these memories, it needs to revisit the concept of reconciliation. This not only involves reconciling the excluded to God, but also to our communities. Here we encounter a problem that the Church will have to face. If Snyder is correct in assuming that the 'spirit of punishment' presently pervading our Western secular society, is due to a 'distortion of grace', should not the Church attempt to correct this distortion? Yet the Church is part of the problem for not only has it encouraged the 'spirit of punishment', Christianity has sanctioned such punishments. This is a major issue of concern in the development of a theology of the incarcerated, for the Church has failed to acknowledge its own collective guilt. In so doing, it has lost its focus of being a channel to God in reconciling the excluded through Jesus.

5.1 Reconstructing my image of God and the Church

My concept of God and Church has been a 'revolving door' experience. There have been times when I have been a 'defender of the faith' but other times when I have been totally opposed to it. Feeling that I had been let down by the Church, I developed a 'pick and mix' approach to my religion. That was until 1994 when the world around me collapsed.

Critical reflection has forced me to realise how frightening my past experiences have been. It is frightening because I now realise how weak and pig-headed I had become, hiding behind God-words and building up layers of veneers to hide my vulnerabilities and fears. However, I have been fortunate in that these experiences have led to my liberation, when they could have led to my life spiralling further down and out of control. This has been the reasoning behind my painful, but necessary reflection on my experiences and influences of the past, leading up to my incarceration in 1996, as explored in Chapter Two. On reading that chapter through again, I now reflect that it appears to me that I was able to 'manage' my faith through the first half of my adult life in the misconceived belief that whatever approach I took I was serving God. If I continued along this path, I would be 'saved'. As an evangelical Christian I could 'talk the talk' of God and obey a doctrinal list of do's and don'ts, but I could never quite 'walk the walk' when confronted by authoritative and hierarchical structures. By the time I found myself in a senior local authority

position, I was moving toward a total rejection of the God I used to 'know' and had become totally disenchanted with the literalist approach to Scripture: it could not provide me with solutions to the every-day situations I encountered. My disenchantment led to my being a self-centred individual, yet I continued to delude myself that I cared and could do the right thing for the vulnerable. I was a post-modern secular man, blocking any uncomfortable thoughts and feelings, my life was governed by self-centred individualism.

Now, ten years on, I have a different perspective of God and my life. That does not mean that I no longer feel vulnerable, quite the reverse. Yet my vulnerability helps me to retain a dependency on his love and care over me and those I hold dear. I have no fear for the future for I have a compelling force within me that propels me to share God's love with the marginalized. Specifically, this involves my going back into prisons to work with the incarcerated. In this respect I have a focus on older prisoners, including lifers and sex offenders. This shift in focus has produced several theological perspectives in my understanding of God.

Firstly, I believe that calling into question the negative influences in my life, through critical reflection that leads only to a deconstructive understanding of knowledge and experience, is inadequate in itself. It can lead me down the road of nihilism, producing a 'blaming' approach to life and a negation of responsibility for my past actions. However, critical reflection has given me two things: it has enabled me to recognise and accept my own wrongdoings and this, in turn, has empowered me to speak on behalf of the incarcerated. This has resulted in my theology not only being contextual, but also endogenous: knowledge that has developed from within my inner self based on my painful experiences and insights.²⁵³ It is the reasoning behind my exploration of the knowledge-power concept in the previous chapter

Secondly, I can no longer hide behind the theological and dogmatic language of Christianity. For me, conversion does not entail following a list of rules (dogma). Conversion entails a discipleship that is based on care and friendship and directed towards the vulnerable and excluded. I now recognise

²⁵³ John Vincent refers to the 'writer as context'. See 'Developing Contextual Theologies', in *Crucibles: Creating Theology at UTU* (eds. Ian Duffield, Christine Jones and John Vincent; Sheffield: Urban Theology Unit, 2000), p. 30.

that values and restrictions have evolved within the Christian communal experience that 'have represented at one point or another in the history of that community a successful survival strategy.'²⁵⁴ While some of these traditional values, such as respect for human life, may transcend societies and history, others have applied to specific times, places, cultures and social situations and are no longer applicable today. In relation to the influence of traditional theology, Schreiter believes there is the need for new theologies that reflect changing situations.

What has counted for theology since the thirteenth century in Western Christianity has been dominated by a university model, with the emphasis on clarity, precision, and relation to other bodies of knowledge. ...But other ways of engaging in theological reflection are available and are giving shape to how Christians understand themselves in their situations.²⁵⁵

This leads me to the third point: as a result of my experiences, I cannot deny the existence of a transcendent God who has shown me unconditional love and hope, yet I recognise that this belief is an act of faith on my part. At the same time, I cannot comprehend a theistic God or a cosmic Being that is out there somewhere in the ether of space. I also recognise that some sceptics might view my construct of God as wish-fulfilment and escapism. Yet I cannot deny or ignore what I have encountered through my 'road to Damascus' experience. What I can say is that I have in the past attempted to put God in a box, as have countless others. My feeble attempts to contain and control the unfathomable Being have always ended in failure. I am now of the opinion that God is always to be found out of the box,²⁵⁶ and is no longer the preserve of myself or the other 'religious' in our society.

I can only find and understand God through Jesus of Nazareth, who spent his ministry working with those on the outside: the poor, the oppressed and marginalized, the elderly and dying, and the criminalized. Yet, it is not so much a matter of me finding God, as God embracing me in the first instance and upholding me in my moment of trial.

²⁵⁴ Daniel Liechty, *Theology in Postliberal Perspective* (London: SCM Press, 1990), p. 5.

²⁵⁵ Robert J. Schreiter, *Constructing Local Theologies* (London: SCM Press, 1985), p. 4.

²⁵⁶ See Richard Harries, *God Outside of the Box* (London: SPCK, 2002).

I now believe it is vital to hold on to the insight that God is to be found outside the Church, among secular post-Christian hedonists caught up in the culture of 'me first' individualism, which is where I was to be found prior to my 'disaster'. Some, who feel safe and secure inside their boxes, would see God as a supernatural Being who only intervenes intermittently in the affairs of this world, whilst at other times allowing suffering and acts of inhumanity to continue. But God is not one to be owned by certain select groups to the exclusion of others, bringing down blessings and curses from a supernatural world on those who do not follow a prescribed set of beliefs.

Fourthly, in my long and painful journey, I need to reconnect with the Church I still love but which insists on addressing the postmodern incarcerated in a language and ritual that has no relevance to our exile and exclusion. For example, I love to linger at the Eucharist where I not only gain strength and support among the community of believers, but to remember what has happened to my life in the past. I cannot explain it but there is some mystical power that is in operation when the community of believers come together. I do not recognise any mystical ritual in the Lord's Supper that commemorates a violent deity demanding the blood sacrifice of Jesus Christ as an act of appeasement for our sins. However, it is a symbolic expression of the ongoing presence of Jesus, through the same Spirit that guided him. It is also an act of remembrance of his reconciliatory embrace to the exiled and excluded. The Community of the Eucharist provides a basis for my discipleship, enabling me to live and move in a post-Christian multicultural world. It is here that I gain my strength to face whatever may be life's experiences.

I recognise that as well as having to reconstruct my concepts of God, my praxis and theology also call for a reconstructionist approach in a world that proclaims that there is no God.

The God who died is the God of classical theism: a primal origin, an ultimate end, transcendent and eternal. This God is thoroughly implicated in an onto-theological understanding of total presence. ... A postmodern theology has to rethink its warrant from outside its own productive formulations. That is, theology is a textual production that is always in the middle of existing discourses and there is always an outside of its achievements, but postmodern anti-foundationalism leaves it without special privilege.

It makes a place of its own through strategies and tactics within a cacophony of diverse textual voices.²⁵⁷

I welcome postmodernism as it presents a critique of modernism. It enhances the deconstructive process, opening up opportunities for authentic spirituality. The starting point for theology is the oral histories of the marginalised. Sugirtharajah states that 'the poor as the hermeneutical focus must be the starting point for any theology'.²⁵⁸ Through recalling our incarcerated stories we can begin to challenge the dominance of traditional Church theology as well as the hegemonic history of punishment. It is my belief that these emancipatory narratives can create reconciliatory opportunities that bring healing to broken lives and divided communities.

Postmodernism helps me to re-evaluate my past dependency on fundamentalist doctrines. It also acts as a check on any over-reliance on the modernist concept of humanist progress. Postmodernism allows me to question the concept of punishment, networking a 'whole range of ideas [we] could not previously connect, especially about meaning'.²⁵⁹ This questioning leads me to explore the views of the incarcerated as another set of narratives that seek to be free from modernity's manipulation and controlling influences.

My thoughts, discipleship and experiences are not only outside the box but in the middle of the discourse of the incarcerated, with my story linked with that of the 'other'. I do not have to leave my box to come alongside their lives, only to return to a different box at the end of the day. In fact I have no desire to be placed in a box, although society insists on restricting me within a control box. This leads me to recognise that I face a different challenge to my praxis and theology of liberation. It is a challenge that comes from within an Anglo-Saxon setting, in comparison with what emerged in Latin America within the context of Roman Catholicism.

²⁵⁷ Charles E. Winquist, 'Postmodern Secular Theology', in *Secular Theology: American Radical Theological Thought* (ed. Clayton Crockett; London: Routledge, 2001), pp.27/28.

²⁵⁸ R.S. Sugirtharajah, 'Postscript: Achievements and Items for a Future Agenda', in *Voices from the Margin: Interpreting the Bible in the Third World* (ed. R. S. Sugirtharajah; New York: Orbis, 1991), p. 437.

²⁵⁹ David J. A. Clines, *On the Way to the Postmodern: Old Testament Essays, 1967-1998*. Vol. I. Journal for the Study of the Old Testament Supplement Series 292 (Sheffield: Sheffield Academic Press, 1998), p. xvi.

I am seeking to present an alternative theological approach toward the postmodern non-believing incarcerated that differs from the traditionalist dogma-based Church institutions on the one hand, and the 'Bible-based' evangelical and fundamentalist concepts on the other. I am not setting out to attack either wings of the Church, for I accept that their approaches are fulfilling a need for some of my incarcerated colleagues. However, I am seeking to challenge their thinking on the 'truths' that define their positions toward sinners, in terms of punishment, forgiveness and reconciliation. I am presenting a further option that addresses itself to the exiled and excluded in our post-Christian era.

There is much that I admire in the pastoral prison ministry of the Roman Catholic Church, such as the Catholic Agency for Social Concern (Caritas), and the evangelical-based Prison Fellowship, or the 'Alpha in Prisons' programme, or the Kainos Community Programme at HMP The Verne. However, I find that these wings of Christianity fail to address the needs of the non-believer, without some 'hidden' agenda, such as gaining adherence to their particular dogmatic beliefs. In this respect, I express my concern at the alliances between New Right conservative Catholics and Protestant fundamentalists who seek to impose Christian moral values on our society through political influence to bring about changes in legislation. It is my view that this approach will reinforce exclusive and punitive attitudes that negate any attempts at reconciling those who are already excluded. This would be totally counterproductive and opposite to what I am setting out to achieve in this thesis: reconciliation between those who have been excluded by the criminal justice system and their local communities.

I find that our postmodern, or 'post-traditional',²⁶⁰ society provides us with no secure anchor and whilst this can be very unsettling at times for me, it is where my incarcerated brothers and sisters are to be found. I can never forget that it was through my incarceration that God found me and liberated my life. I am now able to experience a liberated life within the confines of my exile and exclusion. Although I have been greatly blessed to be where I am now, I am conscious that many of my incarcerated colleagues continue to exist in a world without hope. Is reconciliation a realistic way forward, not only for breaking the cycle of re-offending, but also offering hope for a better future? Or, as Carlos

²⁶⁰ Anthony Giddens, *Beyond Left and Right: The Future of Radical Politics* (London: Polity Press, 1994), p. 48.

Valle asks: 'Is reconciliation...a viable way of breaking the chains of inhumanity that bind both those who suffer as well as those who perpetuate suffering'?²⁶¹

My final point concerns a more radical alternative to the whole idea of punishment. If, as I have suggested above, God accepts us unconditionally (i.e. 'without punishing sanctions') why cannot the Church try to influence our secular society to think 'outside of the box' as to why it is so focused on punishment? Why is society willing to consider the concept of 'alternatives to prison', yet at present it would be considered unthinkable to contemplate any suggestion of 'alternatives to punishment'?²⁶² Any Government, of whatever persuasion, would consider this to be political suicide. Maybe it is the Church that needs challenging with these questions, for there are many influential believers, especially among Protestants, who adhere to the concept of a retributive God and punishment as being the only way to relate to those who do not conform: 'deviants' and 'nonconformists' who are excluded to exist outside the city walls.

5.2 Emphasising the contextuality of a theology of the incarcerated

While I accept that there are criminologists, theologians and others who will be able to participate in the thinking of the incarcerated and speak on our behalf, they will be unable to enter into our experience of punishment and exclusion through social isolation. Therefore, our reflection and praxis will be of a different mode in understanding the Gospel message and biblical interpretation. The 'dangerous memories' of our incarceration, as contained in our biographies, become the context through which we explore our faith and non-faith

This concept of contextuality enables us to gain an understanding of liberation that is rooted in our experiences. I believe such knowledge can produce an inner power and a raised consciousness that can sustain hope, despite our exclusion and our 'scapegoat' labels of 'criminal', 'prisoner', 'ex-offender',

²⁶¹ Carlos A. Valle, 'Breaking the Chains of Inhumanity: Stories on the Way to Reconciliation', in *Communication and Reconciliation: Challenges Facing the 21st Century* (ed. Philip Lee; Geneva: WCC Publications, 2001), p. vii.

²⁶² There are few radical secular theorists who argue that punishment cannot be justified at all: T. Mathiesen, *The Politics of Abolition* (London: Martin Robertson, 1974); H. Bianchi, 'Abolition: Assensus and Sanctuary', in *A Reader on Punishment* (eds. Anthony Duff and David Garland; Oxford: Oxford University Press, 1994), pp. 336-351.

‘sex-fiend’ or ‘evil’. We accept that our number include what are perceived as some of the most violent and despised in our society and that a minority should be kept in a secure environment for their own sake and for the public’s protection. But this does not place them beyond redemption or separate them from experiencing the grace of God or the Being of love and reconciliation.

I can only re-emphasise that our understanding of contextuality does include a recognition that we have offended against society’s laws and been duly punished. I have already argued that once our punishment has been completed and provided we do not re-offend, we should be embraced and reconciled to our communities from which we were expelled. However, the opposite has been the reality. Our experiences reveal that backward-looking punitive policies based on retributive punishment leads only to permanent exclusion from our communities, whether it is behind brick walls or behind ‘glass walls’.

Although retributivism is backward-looking, it is so only with reference to the offence and does not seek to take into account any background history or circumstances. It will be recalled that many of the stories in Chapter Three told of early abuses, family or relational breakdowns and neglect by State care services. However, it is important that while a theology of the incarcerated seeks to draw attention to these issues, they are not its primary focus. These issues need to be addressed because through my interviews I have found a great deal of hurt that has remained deep-rooted and unresolved: they were ‘victims’ long before they became ‘offenders’. Acknowledgement of these hurts is not being sought as excuses for the offences committed, for it is recognised that there are other ‘victims’ who have had similarly damaging experiences and have not become ‘offenders’. I am only seeking to raise the point here because of the narrowly focused retributivist approach that has no regards to the consequences of punishment on the offender.

The reality of our context is that we will always remain incarcerated until, or unless, society changes its attitude toward punishment. Our liberation from this exclusion is the primary focus of our theology. While acknowledging the past, our primary focus is on the present and future. Therefore, the following sections draw on the stories that recall ways of coping with incarceration in the here and now, and reveal a faith and hope in the future. Incarceration becomes a

symbol of our theological language. It gives us a viewpoint from which to challenge the symbolic language of society's 'good' and 'non-criminal' citizens who insist on ignoring their own 'evils'.

Contextuality provides further insights that can assist the development of theology by giving us an understanding of institutional power structures and their control and surveillance techniques, as explored in the previous chapter. In this respect it will also be recalled that individuals have knowledge-power that can be used collectively to counter the knowledge-power of the institutional structures. Used negatively these knowledge-power struggles can lead to tensions, mistrust and 'wars'. However, a theology of the incarcerated envisages a move way from such struggles to where, for example, the incarcerated could use their knowledge-power to reduce re-offending. This is something I return to in my final chapter, as I explore a praxis for the incarcerated.

What is contextual theology? I would argue that all theology is contextual. It involves a reflective 'theology now' process that is relevant to acts that have occurred within our own timeframe and within the historical, social and cultural context in which we live and move. The incarcerated have a contemporary theological perspective from the underside. As a result of our experiences of exclusion from society we may encounter a living God, through Jesus, who was also cast aside by the society of his day. This will enable us to rediscover and reconstruct an image of God and the Church that has been distorted over time.

Contextual theologies have brought an awareness of the need to take the contemporary seriously and to analyse it carefully. It is only a careful analysis using such tools as sociology, psychology, cultural and political studies that will identify the questions that the Church and theology should be addressing. It will also provide keys as to how these questions should be framed and articulated...All theology is contextual.²⁶³

John Vincent produces a working definition in which 'contextual theology sets out a version of Christian faith, discipleship and philosophy produced by the

²⁶³ Brian Castle, *Unofficial God?* (London: SPCK, 2004), p.135.

practice of specific Christians, and their reflection on that practice, within a certain historical, social, cultural, political and class situation'.²⁶⁴

From a postmodernist perspective I believe that the Christian transcendent God, as projected in the language of the Church, is of little relevance to the incarcerated. I would further argue that faith-based concepts are squashed by a punitive penal system that offers no hope for the future except further exclusion. Whilst I have rediscovered a faith in a Being outside of myself, many of my incarcerated colleagues have no faith and, in any case, are not specifically Christian. Consequently, the Gospel message will go unheard until, or unless, the Church associates itself fully with the marginalised and excluded, in actions, rather than mere rhetoric. One of our number, Dietrich Bonhoeffer, to whom I have already referred in the Introduction to my thesis, looked forward to the day when the Church would respond to the needs of the oppressed, rather than ally itself with the State power structures:

Our church, which has been fighting in these days only for its self-preservation, as though it were an end in itself, is incapable of taking the word of reconciliation and redemption to mankind in the world. Our earlier words are therefore bound to lose their force and cease, and our being Christians today will be limited to two things: prayer and righteous action among men. All Christian thinking, speaking and organizing must be born anew out of this prayer and action. ...It is not for us to prophesy the day (though the day will come) ...It will be a new language, perhaps quite non-religious, but liberating and redeeming – as was Jesus' language.²⁶⁵

A theology of the incarcerated recognises that exclusion limits our freedom, often reducing us to silence and passivity, for fear of not being considered as being 'suitable' for release, or fear of being recalled to prison after release (in the case of those released on licence). However, the context of our theology is all-embracing and reflects the hopes and fears of the entire incarcerated community which is seeking to be heard in its struggle to be liberated, and not just recognised as 'scapegoats' for all society's ills.

This raises some questions: can a community of the disenfranchised produce a theology from within the context of their incarcerated experiences and

²⁶⁴ John Vincent, 'Developing Contextual Theologies', in *Crucibles: Creating Theology at UTU*, p. 24.

²⁶⁵ Bonhoeffer, *Letters and Papers from Prison*, p. 300.

as a consequence, become agents of their own liberation? If so, can such a theology be developed in ways that have some commonality with other contextual theologies?

Vincent identifies three 'decisive elements' of methodology that contextual theologies have in common: firstly, they must begin with a new analysis that involves a view from below and a situation analysis; secondly, there needs to be a critical and analytical reading of the biblical and theological traditions that 'also came out of contexts'; thirdly, these two approaches need to be 'brought into dynamic interplay' to produce 'the new context's own new contextual theology'.²⁶⁶ I have already achieved the first element in previous chapters of my thesis, and introduced 'markers' along the way regarding the other two. In this and the final chapter, I bring the last two elements into focus.

Vincent also suggests that we can learn from other contextual theologies as to 'how best to do the analyses, and how best to do the biblical-theological discernments'.²⁶⁷ But new contextual theologies will not usually imitate them. In this respect, I have already indicated that the prison population in this country include members from our Black communities. Therefore the incarcerated have much in common with Black theology, such as may be found in the work of James Cone and his emphasis on the cultural context of theological language.²⁶⁸ Although women comprise only a small proportion of the total prison population, they encounter cultural violence in a male dominated society.²⁶⁹ Both Black and Feminist Liberation Theology are branches of a family of contextual theologies that are focused on the struggle for justice and a transformation of society on behalf of its oppressed and marginalized groups. I find commonality with Lois Ann Lorentzen, who has explored the writings of political prisoners in El Salvador and women's testimonies that reveal torture and imprisonment at the hands of the 'secret' National Guard and United States

²⁶⁶ Vincent, 'Developing Contextual Theologies', in *Crucibles: Creating Theology at UTU*, p. 26.

²⁶⁷ Vincent, 'Developing Contextual Theologies', in *Crucibles: Creating Theology at UTU*, p. 26.

²⁶⁸ J. H. Cone, *A Black Theology of Liberation* (rev. edn. Maryknoll, NY: Orbis Books, 1986).

²⁶⁹ Mary Grey, 'Feminist Theology: A Critical Theology of Liberation', in *The Cambridge Companion to Liberation Theology* (ed. Christopher Rowland; Cambridge: Cambridge University Press, 1999), pp. 89-106.

military advisers. Lorentzen explores the prisoners' testimonies as possibly being a 'new form of cultural imperialism'.

Testimonios as liberation texts share a common lineage, are on the side of the 'most oppressed', call the reader to praxis, demand social transformation, bring the poor to visibility as political subjects, and articulate the 'real' history of engaged struggle over and against the 'metanarrative' of the history of domination.²⁷⁰

5.3 Jesus the Incarcerated

A contextual theology of the incarcerated seeks to understand the context in which Jesus lived in the first century, born into the Palestinian Jewish tradition. In so doing, the oral history of the marginalized, persecuted, incarcerated, tortured and executed Jesus becomes incorporated in the twenty-first century theology of the incarcerated.

The Gospels contain the 'dangerous memories' of the life and ministry of Jesus. They are 'dangerous' because he sets out to challenge the power structures that oppressed the 'common' people and sought to exclude certain minority groups, such as lepers and criminals. Jesus emphasised that the Kingdom was available to all, including the excluded. The focus of the Gospels is on Jesus' ministry which brought healing to damaged lives and restoration of broken relationships.

Any life-story is recorded from the perspective of the narrator. In the case of Jesus there were four narratives and they wrote the Gospels some time after the events, relying on oral accounts of his life, death and resurrection. We are left with stories that have been filtered through the eyes and ears of the storytellers, as they have tried to make sense of a cruel death under the dominant Roman system that sought to remove Jesus through a very public crucifixion. No doubt those in control of the dominant system believed it would be a deterrent against any who might seek to challenge their position of power. Crucifixion was a form of punishment that was inflicted on the lower classes, such as slaves, violent criminals, and the unruly elements in rebellious

²⁷⁰ Lois Ann Lorentzen, 'Writing for Liberation: Prison Testimonies from El Salvador', in *Liberation Theologies, Postmodernity, and the Americas* (eds. David Batson, Eduardo Mendieta, Lois Ann Lorentzen and Dwight N. Hopkins; London: Routledge, 1997), p. 142.

provinces, not least in Judea.²⁷¹ Hengel also states that ‘the public display of a naked victim at a prominent place – at a crossroads, in the theatre, on high ground, at a place of the crime – crucifixion also represented his uttermost humiliation’.²⁷²

Nelson-Pallmeyer confirms my own view that there is little reference to the humanity of Jesus in the Church Creeds, including his suffering at the hands of the powerful in Palestine and his ministry of reconciliation to the excluded:

Jesus’ absence from Christianity, symbolically represented in the creeds, has real and troubling consequences. Creedal formulations that obscure Rome’s role in Jesus’ murder, in other words, have more than symbolic meaning. A life not mentioned is by implication unimportant. It is not a coincidence that a creed that ignores Jesus’ life and softens imperial Rome’s role in his death has given rise throughout history to many expressions of Christian faith that are influenced by and comfortable with stately power.²⁷³

Bringing to our consciousness the life and ministry of Jesus, as recorded in the Gospels, is important to the incarcerated of the twenty-first century. It is equally important for the Church of today to recognise that it is also custodian of the ‘dangerous memories’ of his life. This is not to deny the significance of Jesus’ birth, death and resurrection, but an attempt to correct an imbalance that otherwise fails to connect with our post-Christian society. The postmodern incarcerated can understand the humanity of Jesus that challenged the systems of abusive power of his day, but can make little sense of the Nicene Creed that makes no reference to his life and ministry, except that he ‘was made man’ and ‘was crucified under Pontius Pilate’.²⁷⁴ The same applies to the Apostles’ Creed, the profession of faith: he ‘suffered under Pontius Pilate, was crucified, died, and was buried’.²⁷⁵

²⁷¹ Martin Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia: Fortress Press, 1977), p. 87.

²⁷² Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross*, p. 87.

²⁷³ Jack Nelson-Pallmeyer, *Jesus Against Christianity: Reclaiming the Missing Jesus* (Harrisburg, PA: Trinity Press, 2001) pp. 152/153.

²⁷⁴ The Archbishops’ Council, *Common Worship: Services and Prayers for the Church of England* (London: Church House Publishing, 2000), p. 140.

²⁷⁵ The Archbishops’ Council, *Common Worship: Services and Prayers for the Church of England*, p. 141.

I recognise that in reading Scripture, including the life of Jesus, there is a tension between the authority of the Bible and critical insights conferred by the experiences of the incarcerated. Is the former subordinate to the latter, or is it the reverse? A move too far in one direction leads to literalist fundamentalism. The opposite extreme leads to personal experience being ‘treated as a source of theological authority independent of Scripture’.²⁷⁶ The incarcerated have a view of an appropriate role in the interpretation and application of Scripture: our critical experience of exclusion in the twenty-first century subordinates the accounts of writers over two thousand years ago. However, to-day’s excluded identify with the excluded of Scripture, occupying a favoured position and an understanding in relation to God. Reflections on our incarcerated experiences guide our interpretations and protect us from moving to either of the above-mentioned extremes, or to ‘other-worldliness’ and escapism. We can identify the location and context of our incarceration, naming the liberative actions required through a socio-political process, as well as claiming a liberative place for interpreting the Bible.

Taking the above into account and the possibility of distorted accounts of the life and ministry of Jesus, I find the historical context provided in the writings of Luke-Acts intriguing. The Gospel of Luke digs deep into the Jewish heritage to confirm the present fulfilment of Jesus’ ministry, bringing the promise of redemption (Luke 1:5-2:52). Following rejection by Israel, the promise will find universal fulfilment through the Gentiles (Luke 19:11-27). While Luke carefully describes the event of Jesus’ death, he ‘ascribes the saving significance to the whole of Jesus’ life: his public ministry, death and resurrection/exaltation’.²⁷⁷

The interest of the incarcerated lies in the writer’s challenge to the reader to recognise God’s preferential option for the excluded. According to Boff, it is in this Gospel that we find the Christian community that is called to live out ‘its continuing praxis in the world,’ presenting Jesus as ‘the liberator of the poor, the

²⁷⁶ R.B. Hayes, *The Moral Vision of the New Testament: A Contemporary Interpretation to New Testament Ethics* (New York: HarperCollins, 1996), p. 211.

²⁷⁷ John T. Carroll, ‘Luke-Acts’, in *The New Testament Today* (ed. Mark Allen Powell; Louisville: Westminster John Knox Press, 1999), pp.62/63.

sick, sinners, the socially and religiously marginalised'.²⁷⁸ Luke seeks to break down the cultural barriers that separate the powerful and powerless to such an extent that he offends the 'righteous' (Luke 7:33-34).

For example, the incarcerated can find commonality with Jesus after his arrest and incarceration to await his trial. The political leaders stirred up mass hysteria over the Galilean's 'subversive' acts to overthrow their power-base (Luke 23:1-14) – what we might today call 'acts of terrorism'. Pilate could not find fault that would warrant the death penalty and decided to punish Jesus, then to release him (Luke 23: 15, 16). However, this was insufficient a punishment for the crowd and the populist politicians who were demanding the death penalty. When Pilate offered them the choice between Jesus and the terrorist, Barabbas, they called for the latter's release and the execution of the former (Luke 23:18-23). The judge, Pilate, took the demands of the people into account and presented Jesus to the vigilantes to be executed.

Jesus was aware that when he was arrested he was a 'dead man walking' towards the death penalty. There would be no reprieve. He was society's scapegoat of that time, as we are for today. God, in Jesus, suffered the pain of exclusion and separation from those he loved.

My postmodern incarcerated view is that God is one who exists in the reality of our collective exile and exclusion: 'God with us' in our suffering, through Jesus, revealing God as the one who is also suffering, and thus becomes the source of love and reconciliation. Our lives are forever embraced in the redemptive life of Jesus. In using the term 'redemptive', I agree with Nelson-Pallmeyer in understanding that this does not mean an atoning sacrifice to appease a punitive God, but a Being self-revealing as a God of love and reconciliation:

Perhaps Jesus saves us in the sense that he offers us a way into life in the Spirit and out of the deadly spiral of violence, including our imprisonment to violent images of God. Salvation, long associated with superior violence and defeat of enemies, is understood by Jesus to be the fruit of non-violent love and action rooted in a non-violent God. We

²⁷⁸ Leonardo Boff, *Jesus Christ Liberator: A Critical Christology of Our Time* (trans. Patrick Hughes; London: SPCK, 1980), p.6.

are called to imitate a compassionate God as we seek to bring healing and wholeness to our communities and our fractured world.²⁷⁹

It is God, through Jesus Christ, who becomes the victim of violence and injustice, suffering the ultimate of retributive punishment: the death penalty. I am content to embrace the love of my non-violent God and accept by faith that death is not the end. In so doing, I believe that it is far better to follow the example of Jesus in this life: ‘the fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control’ (Galatians 5: 22,23). It is not that I always achieve these things, but the ‘fruit of the Spirit’ is what I aim for and governs my thinking. This forms a key element in my theology and praxis, in the transformation of a former life of crime to one of peace, love and non-violence and one I shall return to in the final chapter.

5.4 Jesus as Liberator of the incarcerated

The Gospel of Luke had a major influence during my earliest periods of reflection in prison when I first began a very feeble, but genuine attempt to focus on Jesus as Liberator of the excluded. On my release from prison I wanted to explore this concept of ‘Jesus the Liberator’ with others, together with some key passages from Luke. An opportunity arose when I started to analyse the findings from my study that explored inner motivations. I found the underlying negative feelings were concerned with exclusion, loneliness and hopelessness, while the underlying positive feelings concerned hope, love and friendship.²⁸⁰

After the completion of my research interviews for this thesis, I made contact with two serving prisoners and five former prisoners, including three who had been interviewees in the study. They all agreed to read the Gospel of Luke to see what passages, if any, were relevant to their incarceration and their experiences on release from prison. I sent them all a copy of the New International Version (NIV). I later gave them some pointers, as we began to correspond and share what had been discovered.

When I had received their observations and summarised their thoughts I discovered that we had much in common. I followed this up by arranging to

²⁷⁹ Nelson-Pallmeyer, *Jesus Against Christianity: Reclaiming the Mission of Jesus*, p. 339.

²⁸⁰ See Chapter Three, pp. 76/77, 98-100 and 116-120

spend a day with three of the former prisoners in London (21 March 2001). It was then that I realised I should not have been too surprised at the degree of common agreement over some of the key passages, for they covered themes such as release from captivity, unconditional love for the marginalized and forgiveness and reconciliation for the criminals. Although a small group, it was representative of the prison population in which the majority had no faith in a Christian God. Despite this they were prepared to enter into a complex dialogue with the Gospel of Luke that might give them some insights into their lives and open up a different view of God. It was not a dialogue between past and present believers, but between those who perceived they had no faith and myself who had some faith. However, the four of us were of an older generation that during our childhood had had some contact with the Church, such as attendance at Sunday School.

Our study group spent the opening session exploring the context in which Luke's account was written: a cultural and political backdrop that revealed a Palestine in which the balance of power was dominated by Rome. We found that Luke dealt with social issues, including status and divisions between the 'haves' and 'have-nots', the powerful and powerless. These were issues that were all too familiar to the incarcerated of the twenty-first century, making us realise that Jesus' encounters with officialdom were similar to many of our own experiences. This understanding helped us to reinterpret scriptural passages from Luke. It gave meaning to our own experiences and provided a focus for reflection on our own theology and praxis. Green explains: 'The Scriptures supply the salvation-historical framework for understanding their respective missions and so to root their activity in the ongoing story of God's redemptive work'.²⁸¹ This 'ongoing story' of the saving significance of Jesus can encourage the reader to adopt Luke's perspective of Jesus the Liberator.²⁸²

There now follows a sample of our collective thinking on three passages from the Gospel of Luke that reveals Jesus as our Liberator. The first passage that attracted our attention was Luke 4: 16-30, for it not only marked the

²⁸¹ Joel B. Green, *The Theology of the Gospel of Luke* (gen. ed. James D. G. Dunn, 'New Testament Theology' Series; Cambridge: Cambridge University Press, 1995), p. 25.

²⁸² Green, *The Theology of the Gospel of Luke*, p. 28.

beginning of Jesus' ministry, but also revealed Luke trying to set the tone of his message to the excluded of that time:

The Spirit of the Lord is on me, because he has anointed me to preach good news to the poor. He has sent me to proclaim freedom for the prisoners, recovery of sight for the blind, to release the oppressed' (verse 18, NIV).

This passage speaks to us today and is the same message that Jesus proclaimed in Nazareth. He offers hope and release from captivity for those excluded from society and for those entrapped by powerful oppressive forces. Green identifies an important theme from this passage that is pertinent to us, in which 'release' has a focused meaning that also includes the concept of 'forgiveness', literally meaning 'release from sins'.²⁸³

Lest we fail to appreciate the far-reaching importance of the release effected in Jesus' ministry, we should note that Luke portrays both forgiveness and healing in social terms to match their more evident spiritual and physical overtones. What is forgiveness but removing the barrier (sin) that had previously excluded one from one's community? And what is healing, if not at least the removal of the barrier (sickness, uncleanness) that had kept one from one's community? 'Release', for Luke signifies wholeness, freedom from diabolic and social chains, acceptance.²⁸⁴

However, a problem our study group identified was that while Luke 4:18 gives the incarcerated hope and assurance beyond our entrapped situations, the reality is that we continue to be excluded from society. It requires faith to believe that things will get better once our prison sentence is completed and that we will be fully accepted back into society as if we had committed no crimes in the past. Our experiences tell us otherwise. It is unlikely to happen until, or unless, the Community of Reconciliation, speaks and acts on behalf of the incarcerated. But is there not something that the incarcerated should be doing? Our group recognised there are a number of matters that the excluded should accept and act upon. Despite their reservations the group wanted to believe that God does not act coercively toward us in offering forgiveness and reconciliation. Apart from myself, the other members of the group had great difficulty in accepting that the Biblical God was prepared to accept each one without conditions: there must be

²⁸³ Green, *The Theology of the Gospel of Luke*, p. 78.

²⁸⁴ Green, *The Theology of the Gospel of Luke*, p. 79.

a catch. This led us to our second sample: an exploration of the parable of the King's Banquet (Luke 14:15-24):

When one of those at the table with him heard this, he said to Jesus, "Blessed is the man who will eat at the feast in the kingdom of God." Jesus replied: "A certain man was preparing a great banquet and invited many guests. At the time of the banquet he sent his servant to tell those who had been invited, 'Come, for everything is now ready.' But they all alike began to make excuses. The first said, 'I have just bought a field, and I must go and see it. Please excuse me.' Another said, 'I have just bought five oxen, and I'm on my way to try them out. Please excuse me.' Still another said, 'I have just got married, so I can't come.' The servant came back and reported this to his master. Then the owner of the house became angry and ordered his servant, 'Go out quickly into the streets and alleys of the town and bring in the poor, the crippled, the blind and the lame.' 'Sir,' the servant said, 'what you ordered has been done, but there is no room.' Then the master told his servant, 'Go out to the roads and country lanes and make them come in, so that my house is full. I tell you, not one of those men who were invited will get a taste of my banquet.' (NIV)

Our study group explored the context in which this parable was told, as may be found at the beginning of chapter 14 (verses 1-6). Jesus was invited to a meal on the Sabbath at the home of a Pharisee and a surveillance team were watching to see if Jesus would break the Sabbath. The Pharisees saw Jesus as a threat to their positions and as a dangerous law-breaker who must be silenced at all costs. He proceeded to heal someone on the Sabbath in full view of the other guests. He worked on the Sabbath; therefore he broke the law. One of our group members suggested that this was a 'sting operation' by the law officers in an attempt to entrap him, to which we all agreed. We also discovered that Jesus knew the law so well that he was able to turn it round and use it against the lawyers (verses 3-6). This led us into a long discussion of the role of law and punishment and how Jesus dealt with it, which I return to in the next chapter. We decided that the Banquet passage was about God's Kingdom and who was invited. We spent some time discussing whether those among us, who had difficulty believing in God, would ever be accepted, let alone invited. The conclusions we came to can be summarised as follows:

Firstly, the invitation to the Kingdom is open to everyone, yet some are so preoccupied with life that they decline to attend; by their actions, they

exclude themselves. This could well include those who profess to be Christians, use the right God words and believe they are already in God's exclusive Kingdom. In other words, we can 'live and experience an abundant life here and now in the presence of God's invitational Spirit, but our choices determine whether or not abundant life is experienced'.²⁸⁵ A theology of the incarcerated recognises that our previous criminal actions have hurt others, resulting in our exclusion. By our actions we are deemed as being unworthy to be in God's Kingdom. However, Jesus offers us a way back.

This brought us to our second discovery: we recognised that no one is excluded from the invitation to the Banquet, it is unconditional and includes the most despised of society's scapegoats. Although the Kingdom may be some future reality, and this would involve a leap of faith for our group of sceptics, we recognised that the invitation is intended as something that can be experienced in the 'here and now'. However, we believed our remaining at the table was dependent on our not re-offending or causing any further hurt to others. These would be self-excluding acts because we had not left our life of crime behind. It was recognised that our wrong choices not only can hurt others but also ourselves. We came to the conclusion that God's invitation is not coercive.

Thirdly, we concluded that entry into the Kingdom involved 'turning the other cheek' when others hurt or offend us. That was a hard one to accept by our group and most said they would find it a difficult one to follow. It was recognised that it was a call by Jesus to a life of compassion and non-violent justice. This commitment is to be freely given, entailing our accepting responsibility to live caring and loving lives, in response to our encounters with Jesus our Liberator who has forgiven and reconciled us to the Kingdom of God.

Our third sample passage links with the previous two. This concerned the two criminals who were crucified with Jesus (Luke 23:32-43) and others who were at the scene. These 'others' represent types of individuals who may be found today and involved in the punishment of the incarcerated, the rulers and their agents, and the 'people' including victims of crime. In the crowd was also a group of women who attended crucifixions and offered the convicted

²⁸⁵Nelson-Pallmeyer, *Jesus Against Christianity: Reclaiming the Missing Jesus*, p. 314.

offenders drugged wine to deaden the pain. The criminals would never have been considered worthy to receive an invitation, let alone attend the Banquet.

Our group thought that the criminals represented two types of offenders that can be found today in prison. One is the offender who sees no way out from crime, often choosing to continue to live a crime-based life on release from prison. We could envisage the other type representing those who wished to give up crime and be forgiven for past offences. Then we identified the ‘rulers’ with those who sought to drive through the populist retributivist policies in order to protect their positions of power, whilst the ‘soldiers’ typified the ‘agents’ of the criminal justice system that are expected to carry out such policies.

Throughout my contacts with the other study group members, I was aware that each one of us had different perspectives of faith or non-faith in a transcendental God. We could share a common understanding of the life and work of Jesus, especially having to suffer the humiliation of retributive punishment as a criminal.

It is Jesus who offers the repentant offender reconciliation and reintegration in the community of the Kingdom. So it is the very public and humiliating experience of Jesus, who is hung on the cross between two known criminals that provides the core focus for our theology. Luke develops his theme of Jesus’ innocence by contrasting his unjust death beside the deaths of the two criminals. There is the criminal, who admits his offences and states that he deserves to be punished but seeks forgiveness and reconciliation. Jesus, who has not committed a crime (Luke 23:4), is able to save the offender because he chooses not to save himself. His becoming the ‘scapegoat’ enables him to save the other. The cross is central to Jesus being able to “seek and to save what was lost” (Luke 19:10) and the ‘lost’ in the society that sought to destroy him included tax collectors, prostitutes, the poor and criminals. His act on the cross was a welcome into the ‘Community of the Reconciled’ for the socially and morally excluded.

Our study group came to the conclusion that Luke ensures the political, economic and cultural implications surrounding the death and resurrection of Jesus are not lost. Rowland and Corner see the dominance of the theological over praxis as the result of a preoccupation with the theological significance of Jesus’ death in the early church.

The reason for this development is to be traced to the political powerlessness of the emerging Christian communities in the face of Rome. Charity as practice will soon become subordinate to, and in consequence of, doctrinal orthodoxy.²⁸⁶

In summary, our Gospel of Luke study group came to the following conclusions: As Jesus is our Liberator and our Reconciler who gives us hope for the future, only we can exclude ourselves from his kingdom; the God of love cannot be coercive or retributive; we accept our responsibility to live loving and caring lives in response to God's unconditional commitment to us; reconciliation, not sacrifice, lies at the heart of the Christian message.

5.5 A theology of the incarcerated

The postmodern incarcerated find traditional Christian theology and language too abstract and disconnected from our reality. The starting place for reflection on Scripture is not to be found in the echoing chambers of our churches, but in the struggle to survive our cellular confinement and exclusion from community. It is to be found in our struggle to exist in an environment where we have been stripped of our identity and have become non-persons. Many would see us as society's scapegoats and beyond redemption.

My theological journey began at the lowest moment of my life, just after I had entered prison. I can recall some of the Psalms that helped me out of my depression. Ten years later, these passages continue to be of particular relevance for me. My old Bible has passages that I underlined during the first few nights of my incarceration, such as:

My guilt has overwhelmed me like a burden too heavy to bear. ...I am feeble and utterly crushed; I groan in anguish of heart. ...My friends and companions avoid me because of my wounds; my neighbours stay away. Those who seek my life set their traps, those who would harm me talk of my ruin' (Psalm 38: 4, 8, 11,12).

Through those troubled nights of utter despair and dejection came the comforting words: 'The Lord is gracious and compassionate, slow to anger and

²⁸⁶ Christopher Rowland and Mark Corner, *Liberating Exegesis: The Challenge of Liberation Theology to Biblical Studies* (London: SPCK, 1990), p. 99.

rich in love. ...The Lord is near to all who call on him. ...The Lord watches over all who love him' (Psalm 145: 8, 18, 20). I had forgotten until now how much such passages from the Psalms meant to me when I was at my lowest.

Eina Vuola states that 'the best of modern Western theology after the Enlightenment has tried to respond to the challenges of the non-believer.'²⁸⁷ However, the incarcerated would view the issue not so much as to whether one is a believer or non-believer. The issue is whether a person has an identity that allows one to exist within society or, through sanctions has it removed, and becomes a non-person.

Vuola believes that, with some exceptions, liberation theology 'seems to concentrate more on 'the poor' than on 'poverty', more on the subject than on the structures'.²⁸⁸ This would concur with my argument in Chapter Four that the power structures within Western democracies are slanted very much in favour of the privileged rich, the global capitalists and influential bureaucrats. They are able to exploit their knowledge-power positions, excluding and criminalising other segments of society that do not fit in or comply. The same power structures can even protect individuals or agencies of the State who behave illegally against the marginalized.²⁸⁹ A theology of the incarcerated therefore seeks to highlight and challenge our contemporary structures that individualise responsibility to the detriment of collective responsibility.

A theology of the incarcerated differs from most other Liberation Theologies in which academic theologians come alongside the excluded in an 'option for the poor'.²⁹⁰ Vuola believes liberation theologians are 'organic intellectuals' in the Gramscian way where the role of a theologian is 'teaching to analyse reality'. This marks a 'crucial shift in the role of the academic (theologian) from individual scholarly authority to reflective community advocate'.²⁹¹

However, this thesis parts company with other Liberation Theologies for it is a theology based within the incarcerated community and not alongside it. The theology is a reaction to a painful act imposed on us that institutionally and

²⁸⁷ Eina Vuola, *Limits of Liberation: Feminist Theology and the Ethics of Poverty and Reproduction* (London: SPCK, 2002), p. 62.

²⁸⁸ Vuola, *Limits of Liberation*, p.74.

²⁸⁹ See legal action taken by Edwards against UK Government, pages 182/183.

²⁹⁰ See Gustavo Gutierrez, *The Power of the Poor in History* (London: SCM Press, 1979).

²⁹¹ Vuola, *Limits of Liberation*, p. 74.

structurally binds us to permanent exclusion. This can lead to a resignation that we are powerless to do anything to get out of our situation and to see ourselves as 'victims' of State punishment, with many choosing to return to a life of crime. On the other hand, we can take a stance that arises from within our own consciousness. It is by taking such action that we might then move away from a victim/offender cycle toward new options.

By developing a liberation theology from within our community we are in a better position to reflect and act on behalf of the incarcerated. In so doing, we become the subjects of theology. This is not to say that we do not value the support of academics and professionals, who come alongside us, for we need their active help and involvement. In telling our stories we can also help them to better understand the implications of the effects of prison as punishment on our lives. Yet, there are times when well-meaning help can be patronising or be used for other people's agendas. It can also lead to a form of dependency that returns us to victimhood. There is a whole industry of 'care' in the voluntary sector, let alone the private sector, where its funding and employees are reliant on our continuing exclusion. There is a plethora of criminologists and academic courses that would suddenly disappear if prisons were to be dismantled and we gave up our criminality. And I have not mentioned the many thousands employed in the criminal justice system, reliant on our remaining 'criminals'. They are dependent on our becoming and remaining dependent and to perpetuating the scapegoat myth. There may well be some who have similar objectives to ours, but there is a difference when the 'option' is made by an incarcerated or a non-incarcerated person.

As I previously mentioned, our loss of freedom continues on release from prison and we are unable to regain the rights we may once have had. There is no embrace or reconciliation after punishment. We remain non-persons, excluded from society and barred from activities available to other citizens. We may not all be poor, although many are, but our continued exclusion makes us 'the other'. This takes us beyond 'the poor' as subjects in liberation theology: 'they carry the Marxist heritage, referring primarily to production and class

consciousness'.²⁹² The site of our subject position is our incarceration and exclusion from society. In comparison with traditional theology, our starting point is from 'non-being, nothingness, otherness, exteriority, the mystery of no-sense'. It then becomes, what Dussel calls, 'barbarian philosophy'.²⁹³

As the analysis of my interviews in Chapter Three reveals, hope becomes one of the essential tools for survival and a core concept for the incarcerated. Hope can be an outcome of consciousness raising as an avenue for dealing with our hurt, anger and feelings of impotency in the face of our exclusion.²⁹⁴ When you have lost everything, including your freedom, there is nothing to hang on to but your sanity and your inner self. Some, and far too many in my experience, 'lose it' – as we say amongst ourselves. For many of the incarcerated, especially those who face years of imprisonment, or do not even know if they will ever be released, it becomes essential for them to hold on to their inner self. This will enable them to grow and move toward some future horizon. It is where a spirituality of the incarcerated takes over and is something I return to later. Suffice to say here is that freedom, no matter when in the future, is a fulfilment of hope. There can be no future without hope.

My interviews also confirm that as well as hope, the desire for life, love and, for some, a faith, sustain a desire to retain a degree of 'freedom' within our innermost being. But if, as I have previously argued, the institutionalised Church has distorted our image of God, how can we come to have any form of faith or hope in a Being outside of ourselves?

Speaking for myself, it has been my ego-centric experiences that not only have led me down the road of self-delusion but would also have ended in my self-destruction. However, there is something that has arisen out of the debris of my life. It is a faith and hope that has led me to refocus on the more important aspects of life and given me the conviction that Jesus' life and his love for the marginalized, is something in which I can participate.

²⁹² Vuola, *Limits of Liberation: Feminist Theology and the Ethics of Poverty and Reproduction*, p. 76. See also David Slater, 'Power and Social Movements in the Occidental: Latin America in an International Context', *Latin American Perspectives*, 21/2 (Spring), pp. 11-37.

²⁹³ Enrique Dussel, *Philosophy of Liberation* (trans. Aquilina Ediciones and Christine Morkovsky; New York: Orbis Books, 1985), p. 24.

²⁹⁴ See 4.3, pages 115-120.

5.6 Theological reflections: faith and hope as a basis for survival

Being able to cope with incarceration reveals an inner strength through which hope can endure the loss of physical freedom. Coping mechanisms have involved a determination to survive situations that one could never have previously envisaged. In the context in which I am now reflecting, it is irrelevant whether a person is imprisoned for political or criminal activities. What matters is that we have all ended up incarcerated. How is it that some are able to survive, whilst others experience great difficulty coping? In raising this question I am not ignoring the large amount of evidence that many who end up in prison already have mental health problems. Neither am I ignoring the reality that many who have been imprisoned come out with some mental or physical damage. My interest here is to explore how we have survived our imprisonment and to what extent hope in a future beyond our incarceration has contributed to our coping with control and surveillance on release from prison. I am suggesting that hope is connected with faith and an awareness of others in similar circumstances. It opens up a raised consciousness of the 'other' that needs to be taken into account. Hope has to find some form of fulfilment, otherwise it is dashed on the rocks of despair and hopelessness. Unfulfilled hope gives 'birth astride a grave, the light gleams an instant, then it's night once more'.²⁹⁵

I have already alluded to the 'lifers' I regularly visit, some of whom have been given indeterminate sentences, so they do not know if or when they will be released. One of these is 'Connor' (M0132), who has been inside for over fifty years, yet is still expected to complete offending behaviour programmes prior to his release, even though he does not know when, or if ever, he is likely to be released.²⁹⁶ During one of my recent visits he told me that he spends most of his time studying cosmology: 'I find that time, space and the structure of the universe, involving complex mathematical calculations, intrigue me. ... I want to believe there is some God behind all this detail, otherwise I would have no hope... The millions of stars in space remind me that I may not go unnoticed locked away in my tiny cell on earth among the teeming millions on this planet'.

It is often attention to the small details or incidents in life that give us a vision of hope and an awareness of the 'other' who shares our incarcerated

²⁹⁵ Samuel Beckett, *Waiting for Godot*, Act 2 (London: Faber & Faber, 1955).

²⁹⁶ See Chapter Three, p. 98.

predicament. These overlooked aspects recognise that an inner hope can develop from a small incident that takes place in constricting situations. For example, Brian Keenan recalls his daily encounters with ants that invaded his space each morning during his four years in captivity at the hands of his kidnappers in Beirut. His anger and frustration at these daily intrusions turned to the fascination of making friends with them. He observed how they cared and supported one of their own who had been injured: 'This incident became a symbol for me in this blank room with its three chained creatures. We cannot abandon the injured or the maimed, thinking to ensure our own safety and sanity. We must reclaim them, as they are part of ourselves'.²⁹⁷ By not abandoning those who share our incarceration we share our hope for freedom with them.

I too encountered creatures of the dark: large cockroaches that came into my cell each night. At first I hated them and set out to destroy any I saw. But that never stopped them coming, so I began to observe their behaviour and the freedom they experienced to come and go as they pleased. Regardless of the locked doors and gates, they never stopped coming and going. We all hated them and they became our 'scapegoats' for our frustrations with the prison regime. Then there was another series of incidents involving a seagull, a much more delicate creature of beauty that I could observe from my cell window. It used to visit the exercise yard below, but was free to fly away to freedom and return. This seagull became a symbol of hope to me that I too would someday be able to flee from my cell. I knew then that when I left prison that I too would choose to return to support those I had left behind.

Primo Levi, who was sent to Auschwitz in 1944, comes closer to my observations about hope when faced with incarceration and an uncertain future.

Man's capacity to dig himself in, to secrete a shell, to build around himself a tenuous barrier of defence, even in apparently desperate circumstances, is astonishing and merits serious study. It is based on an invaluable activity of adaptation, partly passive and unconscious, partly active: of hammering a nail above his bunk from which to hang his shoes; of concluding tacit pacts of non-aggression with neighbours. ...By virtue of

²⁹⁷ Brian Keenan, *An Evil Cradling* (London: Vintage, 1993), p. 288.

this work, one manages to gain a certain equilibrium after a few weeks, a certain degree of security in face of the unseen; one has made a nest, the transplant is over.²⁹⁸

Small acts of kindness, such as showing friendship toward a confused person entering prison for the very first time or toward someone contemplating self-harm, can help in healing one's own hurt and give a focus to surviving the present, as well as a hope in the future. We soon learn that in order to survive our incarceration we need to build an outer shell to protect our inner being from further harm. This enables us to grow in ways that strengthen our resolve to survive. It marks the beginnings of a spirituality of the incarcerated, an inner development reaching out to share our mutual experiences. Swinton identifies a befriending model of care that inspires hope, both in the person suffering and within the church community.²⁹⁹ It is a model I shall return to in my final chapter.

No matter how decayed or restricted our outer shell may be, it is our inner being that gives us a view of the Kingdom to come. It is a view from our present incarceration to the horizon of our hope. Jesus is not only our Liberator but also our Hope. In our most weak and vulnerable state, he becomes 'the reason for the hope that [we] have' (I Peter 3:15).

Therefore, a theology of the incarcerated is a theology of hope that comes through reflection on our exclusion and informs our reconciliatory actions (praxis). Liberative praxis becomes our principle task, involving an opening up of knowledge that raises our consciousness of being and identity. The starting point for biblical reflection involves an act of faith on the part of 'nobodies'. Hope comes from within the incarcerated through a faith in Jesus:

We discover in Jesus Christ a side to God that was unknown in the Old Testament. This is a God who can make himself other, who can come and meet us in the weakness of a child, who can suffer, who knows what it means to be tempted, who suffers disappointments, who weeps at the death of a friend, who is concerned about the nobodies who have no chance in this world and announces to them the good news of God's liberation.³⁰⁰

²⁹⁸ Primo Levi, *If This Is A Man* (trans. Stuart Wolf; London: Abacus, 1987), p. 62.

²⁹⁹ Swinton, *Resurrecting the Person*, pp. 162/163.

³⁰⁰ Boff, *Jesus Christ Liberator: Critical Christology of Our Time*, p. 243.

God, through Jesus, identifies with us in our suffering and offers hope in the midst of our incarceration. For the early Christians, the incarcerated and executed Jesus created a sense of loss and confusion. Seeking for explanations of the crucifixion of Jesus, they turned to the sacrificial imagery of the Hebrew Scriptures. I find this perfectly understandable, bearing in mind their Jewish cultural heritage and influential 'Rabbinic understandings of sacrifice'.³⁰¹

A theology of the incarcerated challenges the focus on the vicarious suffering of Jesus that has been emphasised by the institutional Church to the detriment of an inclusive community of reconciliation. Therefore, our opposition to retributive concepts of punishment that permeate our modern penal system has a theological basis: religion relies on violence to retain its power and authority, especially when allied with the State. Jesus challenged this violence and was silenced. Violence removes all vestiges of hope.

Religion is organised around a more or less violent disavowal of human violence. That is what the religion that comes from man amounts to, as opposed to the religion that comes from God. By affirming this point without the least equivocation, Jesus infringes the supreme prohibition that governs all human order, and he must be silenced.³⁰²

There can be no hope in death, unless there is something beyond. This 'something' is to be found in a hope of resurrection to a new life on release from prison; beyond that there is a faith 'upheld by the assurance of hope in a resurrection of the dead.'³⁰³ A theology of the incarcerated conflicts with institutionalised theology that emphasises 'notions of vicarious suffering' to the detriment of a hope in a resurrected life. Our theology finds the gospel of love, forgiveness and reconciliation to be totally contradictory to the concept of a vicarious death. Gorringer states: 'the problem is that, to the extent that notions of vicarious suffering presupposes scapegoating, then they presuppose violence'. Further, 'not only were the scapegoat and sacrificial themes amalgamated, but these were read *politically* in conjunction with a series of texts (Romans 13, I Peter 2, Titus 3) which taught that 'the powers that be are

³⁰¹ Gorringer, *God's Just Vengeance*, p. 61.

³⁰² R. Girard, *Things Hidden Since the Foundation of the World* (trans. S. Bann and M. Metter; London: Athlone Press, 1987), p. 166.

³⁰³ Moltmann, *Theology of Hope*, p. 321.

ordained of God'. Thus Christianity has contributed to vengeful retaliation toward offenders. Gorringer continues:

The community which was supposed not to be conformed to the world now underwrote its repressive practice. That this could happen, and not be perceived, was due to the fact that profound and necessary truths about suffering and vicarious love are concealed within the conventional interpretation. The justification of retributivism by Christianity does not represent the intrusion of an 'alien element' but, like the justification of crusading, is a deformation of biblical faith. The church has contributed both to the mentality in which people make war, and to vengeful attitudes towards offenders.³⁰⁴

There is the risk that 'dangerous memories' become so introspective and self-protective, dwelling only on the negative experiences of the past to dictate and justify the present. This was a risk that the Early Church failed to recognise and one that has afflicted other religious and excluded groups. The appropriate use of memory is not only to remember the past but to allow it to direct the future and not become entrapped by hurtful memories.

A theology in which the objects become the subject, moving from an excluded community to the Community of the Reconciled, becomes the focus for my final chapter. This movement toward the Community of the Reconciled involves a further key principle of a theology of the incarcerated: belief in a future hope when all appears to be lost.

³⁰⁴ Gorringer, *God's Just Vengeance*, p. 81/82.

CHAPTER SIX

RECONCILIATION: A NEW PRAXIS FOR THE INCARCERATED

In the previous chapter I referred to the work of British liberation theologian, John Vincent. Stephen Pattison and John Swinton are two others whose work has been of interest to me in the development of liberation theology and praxis for marginalized groups in this country. Pattison has explored liberation theology in relation to pastoral care arguing that its character and methodology can transform theory and practice, especially with women and people with mental health problems.

The insights and methods of liberation theology do something more than suggesting a new critical standpoint for analysing pastoral care in general terms. They also offer a challenge, even imperative, for pastoral carers to examine their action and practice with a view to orienting it towards a quest for socio-political justice and equality. If my analysis of the situation of mentally ill people and women has even a grain of accuracy in it, then there is a clear case for pastoral carers to adopt different priorities.

Preventable suffering with social causes cannot be just a phenomenon of academic curiosity. It is a summons to action for justice.³⁰⁵

Swinton has also explored theory and practice for the care of people with mental health problems. He focuses on the 'resurrection of the person' which he believes to be a forgotten or overlooked aspect in mental health care. He suggests that care should be based on a friendship model of care, and calls on the Church to be identified as 'a community of people who *love* and *care* with the sacrificial *passion* of God'. He continues:

In and through the relationship of friendship, the community of friends is called to work toward discovering new and innovative ways of enabling persons positively to reconstruct their personhood and identity, and live lives that are appropriate to their status as full human beings.³⁰⁶

My final chapter follows on from Pattison's 'summons to action for justice' and Swinton's call for 'the community of friends'. It is concerned with the praxis of

³⁰⁵ Pattison, *Pastoral Care and Liberation Theology*, p. 263.

³⁰⁶ Swinton, *Resurrecting the Person*, p. 209.

reconciliation following release from prison. I am seeking here to shift the focus of pre and post-release resettlement initiatives that emphasise rehabilitation and reducing re-offending toward an emphasis on reconciliation. This is not to say that rehabilitation or reducing re-offending are not important, but I am suggesting that a reconciliatory model will incorporate these aspects, and indeed, improve their chances of success.

I use the term 'praxis of reconciliation' to express the interrelatedness of thoughts and actions of the incarcerated and the communities they return to on release from prison. This praxis is where honesty, truth and knowledge can be discovered, rather than through some political, philosophical or theological abstraction. The emphasis is on a cycle of liberating action that informs thought. From a theological perspective it is a reflection on praxis that is also informed by an evolving faith in God as revealed in Jesus. The effectiveness of faith is demonstrated through praxis and refined through knowledge and understanding.

This hermeneutical cycle has given me a methodology that has resulted in some critical insights, influencing the need for a reconciliatory approach to punishment. These insights were not present when I began my incarcerated journey almost a decade ago; they remained locked deep within my repressed 'dangerous memories'. I was afraid of what I would uncover, of confronting the past and exposing my hurt and the damage done to others. I am not alone in experiencing these feelings, for it is quite a common feature among the incarcerated. Many of the sights and sounds witnessed in prison are too horrific and painful to recall.

The mental and physical damage resulting from the loss of freedom and exclusion from society can lead many to repress the past, becoming entrapped in the present. A number of us have been able to 'move on', yet the past has remained deep inside our psyche. So we have taken our anger and hurt with us. But we have also brought with us our guilt and denials of the damage and hurt done to the victims of our crimes. As I have already mentioned, society should not be too surprised if this repression is later expressed through re-offending or self-harm. Therefore an important step in the reconciliatory process involves facing our own 'demons' that reside deep inside us and hold us back.

All too often we seek for scapegoats to blame, such as the 'devil', or other people and institutions that have caused our pain. It is not an easy thing to

acknowledge our own failings and weaknesses, but a necessary one. However, there is a risk in opening up memories of past wounds that can lead to even more damage, including self-harm.

There is a real fear among the incarcerated of revealing their innermost thoughts and concerns to others that will only result in further self-hurt. This is why many build up veneers to protect themselves. It is one of the reasons why prison and probation cognitive offending behaviour programmes will continue to fail to reduce re-offending. There are two separate agendas working here: the agencies of control seeking to achieve their targets and the incarcerated seeking for someone they can trust to listen and act upon what they hear. A reconciliatory approach to the criminal justice system may at present seem to be unachievable in the current political climate in Britain and the United States, yet, it is an approach that has been used in other countries to bring together perpetrators of crime and their victims, such as in South Africa and Rwanda.

The insights I have gained through the use of the hermeneutical cycle have contributed to a new reconciliatory praxis in a number of ways. One such insight has identified actions that can arise out of the consciousness of the incarcerated, as the result of recognising that they also have knowledge-power that can be used for the benefit of others, as well as themselves. If they are no longer powerless, what can they do with this newly found knowledge-power, and how should they go about using it? I am suggesting here that the vehicle for achieving and using this knowledge-power is through a theology *for* the incarcerated that offers hope through reconciliation.

There are other insights that have led to the praxis of reconciliation.

6.1 Insights and judgments for a new praxis

A new praxis for the incarcerated involves more than mere socio-political action. It envisages a liberative action that frees the incarcerated to live and move as citizens with the same rights and privileges as those who had not offended. Praxis dialectically relates to theory through raising the consciousness of the incarcerated which can lead to positive action. This action begins with our own lives being transformed into productive and crime-free lives that can benefit our local communities. My own understanding of praxis focuses on an

active-reflective response to the presence of the God of love as revealed in Jesus, who operates in and through the excluded.

My praxis began with a history of people who have been punished through the use of imprisonment, followed by our narratives of incarceration. My praxis ends with the praxis of the Being of love as revealed in Jesus, and expressed in action and service to others through a reconciliatory process.³⁰⁷ It concerns a theology for a people who are able to break through the walls of incarceration and move on. However, my reflections have been guided by some key strands that have informed this new praxis.

The first strand that can be drawn from my reflections is the recognition that there is a conflict of theological interests between the Church and the excluded regarding the use of retributive punishment on the one hand and forgiveness and reconciliation on the other. Christianity needs to be challenged by those of us who have experienced retribution, rejection and exclusion. If the Church fails in its obligations to be the 'Community of Reconciliation' for society's scapegoats, it also fails its founder. In which case, there would be no God of love, but a Being of retribution, subject to the whims of the powerful as a mechanism for controlling the marginalised and excluded. There would be no hope for a better future, just eternal exclusion for society's scapegoats.

The second strand concerns my view of the modern penal system: it has failed as an instrument of retributive punishment and reform. Although I have found examples of Christian reformers who sought to influence changes to the penal system, I conclude they have had little influence on the institution of punishment. I believe that merely tinkering around with the edges of the criminal justice and penal systems has failed to produce any marked structural changes to a State that still protects the interests of the powerful. Neither have these systems of pain succeeded in reforming 'deviants'. Retaining systems of justice and punishment that fundamentally remain punitive is insufficient, as long as retributivism remains at the heart of justice in a society that demands its scapegoats. However, I do believe there is a need for secure institutions to protect the public from physical harm. But if we are going to take such

³⁰⁷ I have adapted this model from Gutiérrez. See G. A. Gutiérrez, *Theology of Liberation*, revised edition (London: SCM Press, 1988), pp. 135-140. I am also indebted to Thomas L. Schubeck, *Liberation Ethics: Sources, Models and Norms* (Minneapolis: Fortress Press, 1993), pp. 37-59.

restrictive actions against those who pose a serious risk to others, we need to ensure that they are still treated as members of a community that is inclusive, rather than a community that excludes its 'scapegoats'. I agree with Gorringe:

If Girard is right, and Christ abolishes the scapegoat principle, this community cannot be exclusive. This is not to say that some people should not be locked up... What it is to say is that if people are locked up they are recognised and treated *as those who continue to belong to society*, as those produced by society, and therefore as those *to whom society also continues to recognise a debt*.³⁰⁸

Thirdly, despite the rhetoric of Christian theologians and sermonising on forgiveness and reconciliation, there is little evidence of any significant change in practice of Christianity's underlying position in remaining supportive of State retributivist policies. Historically, there has been an apparent mutual fear and mistrust between members of the Establishment, including Church leaders, and the rising 'underclass'. The lack of trust in the masses has led to attempts to control their activities through the use of the law and retributive punishment. A breakdown in trust has permeated all aspects of life and spilled over into the twenty-first century secular State.

Fourthly, our incarcerated experiences have given us a view of the great metanarratives³⁰⁹ that used to underpin society's beliefs in both the Church and the Enlightenment. The language of the Church has become a tool of power and control, failing to fulfil any expectation for a better future, leaving the excluded alone to drift in a sea of chaos. There is now no universal truth or exclusive God-knowledge, but pluralities of discourses and diverse truths. Yet knowledge and science have remained entrenched in the language of domination and power. However, this has created opportunities for the incarcerated to challenge modernity's exclusive monopoly of theological, academic and scientific language. It is the language of modernity that has defined our exclusion as a tool to control our 'deviancy' and 'noncompliance'. Loss of control has created a sense of chaos, giving rise to individualism: there is no longer a 'society' or a 'community', only 'me first'. Language has the power to exclude; it is not

³⁰⁸ T.J. Gorringe, *Crime* (London: SPCK, 2004), pp. 148/149.

³⁰⁹ Universal accounts or major systems of religious, political or cultural ideas, such as Christianity, Islam, capitalism, socialism and technological progress. Whereas, postmodernity argues in favour of pluralism, that our stories and lives are more fragmented and less structured.

neutral but biased, capable of manipulating the majority into identifying and stigmatising the 'other', who become society's 'scapegoats'.

This brings me on to my fifth strand. It follows that the 'chaos' of both postmodernity and modernity's reactive desire for greater control over its 'nonconformists' and 'deviants' has created the opposite: opportunities for the excluded to speak and be heard. The breakdown of traditional family, cultural and society structures has opened up the consciousness of oppressed groups, such as women and blacks, to be heard and to influence changes that can create new forms of community. The present chaos afflicting the criminal justice and penal systems has also created opportunities for the incarcerated to revisit their 'dangerous memories'. Their narratives reflect the views of several sub-groups from among the incarcerated community: Black and Asian communities, women, children, the elderly and foreign nationals. It is important to recognise that each of these sub-groups bring with them different perspectives based on their culture, age and experiences. So I would expect and encourage others to explore their own theology of the incarcerated, just as I am doing through this thesis based on my own experiences and insights. My being 'elderly' has also given me a particular focus: my approach to theology and praxis takes into account the care and treatment of older serving and former prisoners, including their specific health and social needs, ageist attitudes and elder abuse.

The sixth strand concerns my understanding that there is no great metanarrative to be found in our theologies of liberation. We bring to theology our own perspectives. However, we also find commonalities that link our contexts with those of the biblical Jesus. For example, we have a view that the interaction between tradition and context cannot be ignored and requires careful reflection. Our collective experiences have informed our understanding of Church tradition and Scripture. I accept that there are risks in over-emphasising the contextual to the detriment of tradition. Some could see this approach as a 'multiplicity of peculiar theologies unable to communicate with each other and each tending to claim the absoluteness of the significance of its contextual and cultural setting over all others.'³¹⁰ I have tried to show that a theology of the incarcerated is to be seen as one of a family of liberation theologies seeking to

³¹⁰ Keith Clements, 'Theology Now', in *Companion Encyclopedia of Theology* (eds. Peter Burn and Leslie Houlden; London: Routledge, 1995), p. 287.

interact with the Church on behalf of an excluded group. Central to liberation theology hermeneutics are the voices of the marginalized, including those who have been excluded by the State such as the incarcerated. Theology is not something that is the exclusive property of the privileged or the academic. The postmodern context of our experiences opens up opportunities to reappropriate the biblical themes of liberation that offer justice, hope and reconciliation.³¹¹ Our oral histories have found an outlet through a theoretical and praxis approach to these liberative themes.

The seventh insight concerns my embrace of postmodernity. Adapting the words of Foucault, I 'prowl the borderland' of postmodernism.³¹² This has led me to conclude that the writers of the Bible, as well as the Church, have selected, organised, controlled and redistributed discourses about God. In this respect, Foucault's theories³¹³ have also influenced other postmodern theological and biblical studies.³¹⁴ I find it impossible to accept biblical discourses that present two incompatible and diametrically opposed positions: a destructive God of vengeance and retribution versus a loving God of justice, forgiveness and reconciliation. However, I support the concept that biblical writers had a view of God from within the context of their experiences and the contemporary cultures of their time. I also find a number of these writers expressing notions that indicate they believed in a God who supported their personal positions and power-bases, calling on retributive punishment for any who did not obey.

The notions of God, as expressed by the writers of the Hebrew Scriptures and the New Testament, are the result of their encounters with God that are reflected and applied within the context of their culture and experience. Ominously, writers could filter in favourable accounts that might reflect their positions of influence and power.

³¹¹ David Jobling, Tina Pippin and Ronald Schleifer (eds.), *The Postmodern Bible Reader* (Oxford: Blackwell, 2001), pp. 168/169.

³¹² Quoted in Jeremy Carrett, *Religion and Culture: Michel Foucault* (New York: Routledge, 1999), p. 3.

³¹³ See Michel Foucault, 'The Order of Discourse', in *Untying the Text: A Poststructuralist Reader* (trans. Ian McLeod; ed. Robert Young; London: Routledge & Kegan Paul, 1991), pp. 48-78.

³¹⁴ For example, see Elizabeth Castelli, *Imitating Paul: A Discourse of Power* (Louisville: Westminster/John Knox Press, 1991) and Stephen Moore, *Poststructuralism and the New Testament: Derrida and Foucault at the Foot of the Cross* (Minneapolis: Fortress Press, 1994).

Priestly writers often disagreed about God, about what did and did not please God, and about which priestly groups were favoured by God. A good deal of 'God's violence' is traceable to these power struggles. In spite of these differences, however, priestly writers of the 'sacred' texts wrote themselves into 'divinely sanctioned' positions of power and privilege'.³¹⁵

Conflicts between these various self-interested groups that sought to retain control over their knowledge-power forms the basis for my exploration of their encounters with Jesus.

The eighth strand concerns a recognition that the demise of Western theories, beliefs and traditions, has led to two reactions. The first is a rise in Christian and Islamic politically activated fundamentalism in attempts to return to 'core values'. The second concerns nation states, allied to global enterprises, seeking greater control in order to retain their economic and structural powers to enforce conformity. As a result, the State is alienating and criminalizing increasing numbers through its 'war on drugs', 'war on crime' and 'war on terrorism'. The State clings to its past failures, insisting that it needs tougher punishments, more prisons and more scapegoats.

The final strand concerns a view that we need no longer consider ourselves to be society's scapegoats,³¹⁶ even if the media, politicians and the general public insist on labelling us as such. We may remain 'non-persons' and barred from society's activities, yet, through God in Jesus, we can become members of the Community of the Reconciled. Jesus brings peace and justice (*shalom*) to our troubled and chaotic lives, 'for he himself is our peace'. (Ephesians 2:14, NIV).³¹⁷ A faith in Jesus provides hope for the future, as well as an inner strength to face our ever-present incarceration.

However, the reality of the here and now raises some very practical questions. For example, how can the incarcerated move from an excluded 'community of scapegoats' to a 'community of the reconciled' if neither the State nor the Church has any desire to see reconciliation happen in practice? There appears to be no political will to see this take place, certainly not in my lifetime. In fact, most politicians would consider it 'political suicide' to adopt

³¹⁵ Jack Nelson-Pallmeyer, *Jesus Against Christianity: Reclaiming the Missing Jesus*, p. 146.

³¹⁶ See Gorringer, *Crime*, pp. 102-105.

³¹⁷ See Gorringer, *Crime*, pp. 7-15.

such a 'soft' policy. There are too many interested parties who desire to see their power structures expand even more, with too many careers and financial investments at stake to reverse this process. The reality is that the State is placing further obstacles in our way, making forgiveness and reconciliation almost impossible to achieve. The Church may come to accept in theory the principles of forgiveness and reconciliation for the 'most vilest' in our society, but our observations inform us that in practice the opposite is nearer the truth.

6.2 Removing obstacles to a new praxis

A theology of the incarcerated is able to identify some core values for prisoners, or for those trapped within their local communities on release from prison, values that can offer hope in their present and future lives. However, as I indicated in the previous section, there are some major obstacles to ever seeing these being fulfilled. For example, among our number are many who have a view of the Christian God as being a myth, devised by others in positions of power to control the freedom of their subjects and punish 'deviants'.

A related concern is that we see no resolution in sight that will absolve our internal feelings of guilt for past offences, even though we have fulfilled the requirements of the law. We are forced to a belief that we will never experience true reconciliation in this life. As a consequence, a further obstacle to our being reconciled is a fear of never again being able to trust or love anyone or anything that is outside of ourselves. The fear of being forgotten and unforgiven for past misdeeds is a very real experience in the loneliness of our hearts. Is there no one that hears our cries? Or are we to die in exclusion?

How long, O Lord? Will you forget me forever?

How long will you hide your face from me?

How long must I wrestle with my thoughts and every day have sorrow in my heart?

How long will my enemy triumph over me?

Look on me and answer, O Lord my God.

Give light to my eyes, or I will sleep in death; my enemies will say, 'I have overcome him', and my foes will rejoice when I fall.

(Psalm 13: 1-4)

This cry of David reflects our own cries to be heard from behind our walls of exclusion, locked within our 'dangerous memories'. Yet, there is an indication from the Psalmist of the key to moving out of our incarceration:

But I trust in your unfailing love; my heart rejoices in your salvation.

I will sing to the Lord, for he has been good to me.

Trust in someone or something outside of self is the beginning for healing the scars that remain festering inside, opening up the opportunity for love. It also marks the beginning of healing the wounds of those we have hurt. It creates opportunities to begin attempts at repairing broken relationships. We should not be surprised if these attempts are rejected by those we have wounded and we remain unforgiven. Yet the Psalmist cries out in the moment of his exclusion: 'But I trust in your unfailing love; my heart rejoices in your salvation'. When all else is lost, or rejected, there remains trust in the Being of 'unfailing love' as revealed in Jesus.

Trust is not easy for those of us who have been so institutionalised by a system that is built upon mistrust and empty promises: 'I swear by almighty God, to tell the truth, the whole truth and nothing but the truth'. It will be recalled that in my diary entry of 15 May 1996 I referred to my Barrister's words that 'justice is not interested in truth; its only concern is evidence to support a case'.³¹⁸ Trust, truth, honesty, love are not easy concepts to rediscover if they have been lost from childhood or never experienced. They are not easy concepts to understand, let alone accept, when our systems of care and justice have failed to put them into practice. Like the term 'respect' these concepts require the interaction of two sides before they can be effective. The use of punishment by those with power over those without will not produce any of these attitudes; it will only foster mistrust, dishonesty and disrespect. The loser will be love.

Trust in a God who was perceived as being on the side of the powerful and imposing punitive measures, posed a major obstacle for our Gospel of Luke study group.³¹⁹ The group was initially unable to get past the accounts of the

³¹⁸ See Chapter Two, pages 36-39.

³¹⁹ See Chapter Five, pages 150-156.

biblical God demanding obedience on pain of punishment. They could only envisage God as a violent retributivist, rather than a Being of love and a Reconciler. Yet, our studies also revealed Jesus as being the Liberator and Reconciler and they found this concept incompatible and contradictory to their perceived view of God as a Being of retribution. Their life experiences had been filled with punishment for wrongdoing, not necessarily criminal. Some were able to recall past experiences of love and forgiveness that went back to their childhood days, however, their many years of encounters with the criminal justice system only acquainted them with punishment, without any hint of reconciliation. The group could, however, relate to Carmichael's interpretation of the term 'scapegoat' as applying to them:

The essence of scapegoating is the rejection of personal responsibility for sin or a range of problems which might lead to blaming of the self. The 'other' becomes the whipping boy, the rejected, the excluded, the one for whom we have no responsibility and whom we attack with impunity.³²⁰

The study group could also relate to the life and ministry of Jesus as a way out for the incarcerated who continue to be seen as society's 'scapegoats'. While the group could not initially separate their understanding of God as being retributive, aligned with human institutions of power, they did begin to change their views when they looked at Jesus' approach to the religious authorities. For example, they recognised that Jesus explicitly counters the 'eye for eye' concept in his 'Sermon on the Mount' message and places *lex talionis* within the context of a new relationship, based upon love (Matthew 5:38-48). He later reminded the spiritual custodians of Israel that at the heart of the Hebrew Scriptures lay the concept of love that went back to Deuteronomy 6:5 and Leviticus 19:18.

Love the Lord your God with all your heart and with all your soul and with all your mind'. And the second is like it: 'Love your neighbour as yourself'. All the Law and the Prophets hang on these two commandments.' (Matthew 23:37-40).

³²⁰ Kay Carmichael, *Sin and Forgiveness: New Responses in a Changing World* (Aldershot: Ashgate Publishing, 2003), p. 124.

To the incarcerated, love is an abstract term that bears no relevancy to many of their experiences. Love involves a belief, a commitment or trust in someone else – something they have never experienced or that has become a distant memory. Some have been so damaged by their experiences that they are incapable even of self-love and turn on themselves through acts of self-harm. As my research findings revealed in Chapters Three and Four, to love and be loved is something they yearn to experience, whereas being despised and unloved are things they understand due to the reality of their experiences. They live and move in a violent world of hate and mutual mistrust of the ‘other’.

Violent forms of punishment were prevalent at the time of Jesus and the Scriptures were used to support such violent acts. For example, the account of the woman who was accused of adultery (John 7:53-8:11): the religious leaders brought her to Jesus and asked a legal question that was based on Leviticus 20:10 which laid down that a man or woman who committed adultery should be put to death. Jesus fully understood the implications of the law and recognised this question was a trap. He sought to deconstruct their argument by turning it around: ‘If any of you is without sin [has not offended against the law], let him be the first to throw the stone at her’ (verse 7).

However, even before Jesus, the Hebrew Prophets were opposed to vengeance and violence and emphasised the importance of forgiveness and reconciliation. What surprised the study group members was to find some of the prophets condemning the rulers of Israel for neglecting to care and protect the poor and excluded in their midst. The group spent one session exploring three oracles from the ‘minor’ prophets, written over several centuries. It was found that collectively they reflected an aspect of social justice that had become lost under the weight of a dominant ruling class and bureaucratic system.³²¹

Example One: Hosea, who is believed to have lived around the mid-eighth century B.C.E., highlighted the corruptness of the bureaucratic system, seeking to balance deserved punishment with mercy and justice within the community. There is a justice that lies beyond the ritual life of the people. He attacks the priests and royal household (Hosea 5:1) and offers justice and reconciliation to the people (Hosea 14:4, NIV).

³²¹ J. David Pleins, *The Social Visions of the Hebrew Bible: A Theological Introduction* (Louisville: Westminster John Knox Press, 2001), pp.353-418.

Example Two: Amos, challenged the economic interests of the wealthy and the powerful during times of prosperity, around 801-782 BCE. As a consequence the poor were burdened with debt and taxation. The prophet stressed the importance of 'doing justice' in favour of the poor and the oppressed:

Seek the Lord and live...
You turn justice into bitterness...
You trample on the poor...
You oppress the righteous and take bribes
And you deprive the poor of justice in the courts...
Therefore...seek good, not evil, that you may live...
Hate evil, love good; maintain justice in the courts.

(Amos 5: 6-15, NIV)

Example Three: Micah, who warned both Israel and Judah, especially their main urban areas, of their idol worship. However, his message went further by stressing the social and economic inequalities that favoured the priests and rulers.

Her leaders judge for a bribe,
Her priests teach for a price,
And her prophets tell fortunes for money. Yet they lean upon the Lord and say,
'Is not the Lord among us?
No disaster will come upon us'.

(Micah 3:11, NIV)

Micah showed the way forward that would take the rulers away from hypocrisy:

He has shown you, O man, what is good.
And what does the Lord require of you?
To act justly and to love mercy
And to walk humbly with your God.

(Micah 6:8, NIV)

In the New Testament Jesus picks up words of Micah to attack the hypocrisies of his day:

Woe to you teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices – mint, dill and cumin. But you have neglected more important matters of the law – justice, mercy and faithfulness. You should have practiced the latter, without neglecting the former.

(Matthew 23:23, NIV).

Isaiah speaks of a redistributive justice, with a bias towards the marginalized and excluded (Isaiah 61) that is fulfilled through the ministry of Jesus (Luke 4).

I now seek to continue my exploration of the obstacles and use them to open up a new praxis that will enable the incarcerated to become free. It is an approach that is based on ‘justice, mercy and faithfulness’, where God can be seen as a Being of love, forgiveness and reconciliation.

6.3 A new praxis for a Community of Reconciliation

Our sense of loss has been defined by our being exiled from society, which has not been voluntary. Exclusion has been forced upon us through legal sanctions. There is no verifiable hope to be found in our incarcerated experiences, no certainty of a return to the past or an arrival at some future desirable destination.

In seeking to open up a new praxis, we can do no better than to return to Jesus the Liberator. There is something that filters through to us from the first century Gospel writers that reveals the humanity of Jesus. The reality of their experiences revolves around their encounters with God in Jesus. As a result, we can enter into the very same experiences that they were trying to convey, but in a different time and context. This marks the first steps in recovering our freedom and offering us hope through an encounter with a Being that can be trusted and loved. In so doing, we also seek to recover the life of Jesus that has been weakened by the Church with its focus on his sacrificial death.

A theology for the incarcerated is centred in the Being as revealed through the life of Jesus, as a friend and companion in our exclusion. From the Gospel narratives we can associate ourselves with him as friend and companion of ‘scapegoats’. For example, he spent time with tax collectors and ‘sinners’, offering forgiveness to those shunned by society and inviting them to follow him (Matthew 9: 9-12; Luke 19:1-10). He came as their friend (Matthew 11:19). He was found with the excluded, such as lepers (Luke 5: 12-15) and a woman

who broke the law on adultery (John 8:1-11). The Gospel of Mark reveals that in his final hours, his accusers produced false witness statements (14: 56), found him guilty (14:64) and had him beaten (14:65); he was disowned by those closest to him (14:66-71); even though he was innocent, the crowd demanded a scapegoat (15:1-15); he was ridiculed (15:16-20); a stranger carried his burden (15: 21); his very public humiliation came on a cross reserved for criminals (15: 22-25); he was regarded as a radical, charged and crucified for challenging the power of the rulers of Israel, and mocked as 'King of the Jews' (15: 26 and 31-32); he was crucified between two convicted criminals (15: 27); he felt the pain of exclusion and separation (15: 34); in his exclusion he experienced the same death we all have to face (15: 37). Yet, it was a convicted criminal who recognised the injustice of the situation and became the first person to acknowledge Jesus as his Saviour (Luke 23: 40-43).

Jesus reaches out to, and associates with those who have no choice but to exist on the 'underside', on the edges of society, and even to those who exist beyond the edges – the 'no-hopers'. These are the 'scapegoats' who are cast out, the forgotten ones. Jesus broke through the barriers created by Israel's hierarchical power structures that sought to control the outcasts and to restrict their freedom of access to God. Therefore, as a starting point for a new praxis, we can begin by taking a small step toward Jesus. This involves a belief in someone outside of self. Belief in Jesus carries the meaning of 'trusting yourself to him' in the midst of your exclusion. It involves taking a chance with the God that is revealed in Jesus, who is one that loves, not punishes. Anyone who encounters Jesus, encounters God (John 14: 9). It may be difficult for the postmodern incarcerated to accept the metanarrative account of a theistic God that governs the universe, but it may not lie beyond their belief to accept the concept that 'God is love' (1John 4: 8), as revealed in Jesus. For the unlovely and the unloved there lies a message of hope and a way forward:

Dear Friends, since God so loved us, we ought also to love one another. No-one has ever seen God; but if we love each other, God lives in us and his love is made complete in us. ...God is love. Whoever lives in love lives in God, and God in him, ...because in this world we are like him. There is no fear in love. But perfect love drives out fear, because fear has to do with punishment. (1John 4: 11-18, NIV).

Love, rather than hate and punishment, has its origins in God. Love involves an interaction with God as revealed in Jesus: by knowing God we can learn to love, and it is by loving that we learn to know and trust in God. Love has to be acted upon, otherwise it remains in the abstract. John proceeds to link the love of God with hate toward others:

If anyone says, 'I love God,' yet hates his brother, he is a liar. For anyone who does not love his brother, whom he has seen, cannot love God, whom he has not seen. And he has given this command: Whoever loves God must love also his brother.

(1John 4: 20, 21, NIV).

The writer of this Epistle of John no doubt recalls the words of Jesus: 'My command is this: Love each other as I have loved you'. (John 15:12).

If I do not express the love of God that I have experienced in my life and, in return, fail to offer my friendship to my incarcerated elderly brothers in prison, then I am a liar and give substance to the argument that 'there is no God'. The hopes and dreams of the incarcerated scream out for unconditional love from the confines of their cells, echoing the words of Arundhati Roy:

To be loved. To never forget your own significance. To never get used to the unspeakable violence and the vulgar disparity of life around you. To seek joy in the saddest places. To pursue beauty to its lair. To never simplify what is complicated or complicate what is simple. To respect strength, never power. To try to understand. To never look away. And never, never forget.³²²

I now turn to the writings of Paul, who was also incarcerated, awaiting his trial and execution. We find the same theme of love repeated in his first Epistle to the Corinthians:

If I have the gift of prophecy and can fathom all mysteries and all knowledge, and have a faith that can move mountains, but have not love, I am nothing. If I give all I possess to the poor and surrender my body to the flames, but have not love, I gain nothing.

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love

³²² Arundhati Roy, *The Cost of Living* (New York: The Modern Library, 1999), pp. 104/105.

does not delight in evil but rejoices with the truth. It always protects, always trusts always hopes, and always perseveres. Love never fails. ...And now these three remain: faith, hope and love. But the greatest of these is love.

(1Corinthians 13:2-13, NIV).

Love can be a very abstract and meaningless term for those who have been hurt or abused by other people or institutions. As with trust, love is a difficult concept for the excluded to accept. Yet, it is love and trust that are central to any reconciliatory approach. Love and trust are intrinsically linked binding faith and hope together, and opens a window for the incarcerated to begin understanding 'justice and mercy'.

However, expressions such as 'reconciliation' and 'restorative justice' can also be difficult concepts for the incarcerated to understand, and, even if they did understand, to accept. The term, 'resettlement' is often used to identify initiatives to assist released prisoners return to their families and communities. The 're' assumes that it is a return to an original state, but this is not the case for many in the penal system. Far too many are unable to recall ever experiencing 'settled' lives, even from their earliest childhood memories. The only existence they can recall, to which they can be 're-stored' back, are loveless ones of violence and abuse. Therefore, reconciliation is a new and foreign concept. Then what hope can there be for a new life through a 'Community of the Reconciled'?

In the cynical world in which we live and move, it is so easy to doubt that things will ever get better. After all, the failed rehabilitative ideal was never intended to re-establish or restore our former privileges or rights; it was used as an attempt to reform our 'deviant' lives through harsh punishment and controls in the community. Likewise, restorative justice concepts are of little use to those of us who have already been inflicted with the pain of punishment. Why then, should we put any faith in reconciliation? Quite simply, we cannot have faith that this will ever occur structurally, but it might just be possible at the human level in reuniting broken families and communities, as well as reconciling us to God in Jesus, who is our scapegoat.

There is very little to be found in Scripture that directly relates to reconciliation between people. The few passages that can be found are from Paul, emphasising a primary concern of New Testament writers: reconciliation

of people to God. In Ephesians, Paul argues that Gentiles and Jews are no longer to be excluded from each other. They are now joined in one reconciled community:

Remember that at that time you were separate from Christ, excluded from citizenship in Israel and foreigners to the covenants of the promise, without hope and without God in the world. ...For he himself is our peace. ...His purpose was to create in himself one new man out of the two, thus making peace, and in this one body to reconcile both of them to God through the cross, by which he put to death their hostility. He came and preached peace to you who were far away and peace to those who were near. ...Consequently, you are no longer foreigners and aliens, but fellow-citizens with God's people and members of God's household.

(Ephesians 2: 12-19, NIV).

Although the incarcerated have become separated from God and excluded from society, without hope or forgiveness, God has brought us peace through Jesus. Consequently, we 'are no longer foreigners and aliens, but fellow-citizens', members of the Community of the Reconciled.

In the Sermon on the Mount, Jesus refers to person-to-person reconciliation, emphasising the need to take the initiative to be reconciled with a person to whom a debt is owed (Matthew 5:23-26). This places the responsibility on the offender to do whatever is possible to repay the debt. In the case of the incarcerated it involves fulfilling the requirements of the law in completing the sentence of the court.

The failure of current sentencing policies to look beyond completion of the punishment presents a weakness in approaches to reducing re-offending. Granted there are pre-release resettlement programmes operating in prisons but they tend to be inconsistent and fail to be incorporated within a policy of reconciliation. Therefore, the focus of a new praxis of reconciliation is on post-incarceration. What opportunities occur for a person who has completed a prison sentence, wishes to live a crime-free life and be accepted back into the local community? Where is the will to be found for a community to forgive and embrace a former offender who has suffered the pain of punishment and banishment from society?

The offender who has experienced the pain of punishment and banishment from the community can seek forgiveness for past acts, but cannot initiate forgiveness. It is for the victim, community or their representatives to initiate the reconciliatory process. In this respect, de Gruchy observes:

Arguably the most remarkable aspect of Paul's teaching on reconciliation is that in virtually every instance in which he uses the word or its cognates, God is the subject or agent of reconciliation. In speaking of God in this way, Paul becomes the first Greek author to speak of the person offended as the one who initiates the act of process of reconciliation.³²³

It is accepted that people who have had offences committed against them, especially those who have experienced acts of violence or abuse, may well not wish to forgive their violators, and this is perfectly understandable. But in the context of reconciliation, a willingness to forgive might help the healing process, enabling both sides to move forward with their lives.

Reconciliation concerns the restoration of broken relationships that brings peace to two opposing sides, where one side has been damaged. Reconciliation involves forgiveness from the person or community that has been wronged. On the other hand, forgiveness need not necessarily involve the wrong-doer being present; it can be done from a distance. It can be an internal experience, replacing negative feelings without the wrong-doer ever knowing. It is possible to forgive and not to reconcile. However, that is not the focus here; my concern involves the issue of reconciliation, the coming together of two sides in which trust has broken down. Forgiveness can be a motivating force for reconciliation.

I recall the story of Audrey and Paul Edwards, who became good friends of mine. In 1994 their son Christopher, who was mentally ill, was found dead in his cell at Chelmsford Prison, battered beyond recognition by a paranoid schizophrenic prisoner with whom he had been made to share a cell. For the next eight years the Edwards' tried to find out what had happened to their son, only to encounter a 'glass wall' of misinformation, obstruction and red tape at every turn. It was only when they took their case to the European Court of

³²³ John W. de Gruchy, *Reconciliation: Restoring Justice* (London: SCM Press, 2002), p. 52.

Human Rights in 2002 that it was established that the UK Government had denied Christopher his right to life and had attempted to cover up the events surrounding his death. Reflecting on their experiences, Audrey goes on to explain the role restorative justice played in reconciling her and her husband, as victims, towards both the perpetrator of the crime against their son and against the officialdom that attempted to cover up the offence in prison:

A distinguishing mark of Restorative Justice is that it recognises the status of victims which they are denied by the traditional practices of criminal justice in the UK. Under that practice, victims are regarded as no more than possible witnesses to fact. The hurt they suffer – as we had experienced – is at best dealt with by way of application for compensation (invariably in their absence) or, at worst, ignored altogether. The second distinguishing feature of Restorative Justice, as its name implies, is that it aims to achieve reconciliation not merely retribution. While affirming that offences merit punishment, it goes further and seeks to bring victim and offender together. It also encourages reconciliation between victim and offender and between offender and society. It came to me in retrospect that the inquiry could – and should – have been an instrument of reconciliation instead of the divisive experience it actually was.³²⁴

Reflection on the painful experiences of Audrey and Paul involved a healing process that led them to an understanding of unconditional love, in contrast to retributive justice. In their case, it not only included reconciliation with the mentally ill person who killed their son, but also with the other ‘offender’: the structural injustice that arose in the like of the criminal justice system that failed to protect the two people in their charge and then tried to cover up what had taken place.

The incarcerated do not expect forgiveness from those they have wronged, although this would help the healing process between the two parties. They have already expressed remorse in public and been punished. Why is it that society cannot respond by reconciling those it has excluded?

We accept that our crimes can never be undone, but we do ask that our humanity be acknowledged. Is it asking too much to seek forgiveness in an unforgiving world. If society asks of us to have respect and accept our responsibilities, how are we to respond if this is not reciprocated? We appeal to the deeper early church tradition of justice and reconciliation that has been lost by the institution of the Church, but remained on its margins, as may be found

³²⁴ Audrey Edwards, *No Truth No Justice* (Hook, Hants: Waterside Press, 2002), pp. 127-128.

with the Quakers and Mennonites. Where else is the embrace of the penitent to be found?

De Gruchy states that 'reconciliation has to do, if we may put it colloquially, with God making us friends'.³²⁵ Swinton highlights the importance of friendship towards the marginalized through the example of the friendships Jesus cultivated toward the excluded where 'one of their primary aims was to enable hope and relational wholeness to those who had been broken, isolated, and marginalized'.³²⁶ It is the love and trust between friends that binds the 'Community of Reconciliation' together. Trust will involve breaking down the barriers that divide the 'good' from the 'bad', leading to a rejection of violence that inflicts pain and suffering on each other, including the use of prison as punishment.

A new praxis of reconciliation will not be achieved, without political action to influence changes to our legislation, which at present excludes those who have been convicted of criminal offences even long after they have completed their sentences. But we cannot do this by ourselves, for we are powerless. This can only be achieved when the Church itself fully embraces the praxis of reconciliation. Writing on the concept of reconciliation, Barth wrote that 'we enter that sphere of Christian knowledge in which we have to do with the heart of the message received by and laid upon the Christian community'.³²⁷

Wood identifies the 'imagined community' as being sacramentally the 'community of reconciliation':

God accepts the offender without condoning the offence; requires the offender to face up to the reality of that offence; invites the offender into a community of reconciliation; encourages the offender to lead life with a new attitude; declares the offender to be free from the offence; invites the person to follow in service as a 'disciple'.³²⁸

A new praxis of the incarcerated envisages the Church initiating a conciliatory process to bring the State and the incarcerated together in a way that restores them to their communities. It would take place through a public service of reconciliation that would be witnessed by victims and involve the participation

³²⁵ de Gruchy, *Reconciliation: Restoring Justice*, p. 51.

³²⁶ Swinton, *Resurrecting the Person*, p. 142.

³²⁷ Karl Barth, *Church Dogmatics: The Doctrine of Reconciliation*, Church Dogmatics, Vol. IV/1 (Edinburgh: T&T Clark, 1961), p. 3.

³²⁸ Chris Wood, *The End of Punishment* (Edinburgh: St Andrews Press, 1991), p. 88.

of the criminal justice agencies. It would be a healing and reconciliatory model that would see a move from exclusion to 'embrace'.

The practice of 'embrace' with its concomitant struggle against deception, injustice, and violence, is intelligible only against the backdrop of a powerful, contagious, and destructive evil I call 'exclusion' and is for Christians possible only if, in the name of God's crucified Messiah, we distance ourselves from ourselves and our cultures in order to create a space for the other.³²⁹

I have focused my thesis on Western culture with its emphasis on retributive punishment to the detriment of forgiveness and reconciling. Other cultures, such as the Japanese, have retained a central role for reconciliation and reintegration of offenders into its communities. In South Africa there has been the ubuntu philosophy that helped shape the South African response to apartheid through the Truth and Reconciliation Commission. Desmond Tutu says that 'all our humanity is dependent on recognising the humanity in others. ...[and] flows from our fundamental concept of *ubuntu*. Our humanity is intertwined.'³³⁰ He goes on to say that 'true reconciliation is based on forgiveness, and forgiveness is based on true confession, and confession is based on penitence, on contrition, on sorrow for what one has done.'

These are powerful words of Archbishop Tutu. I totally agree with Shriver, who makes the important observation that Western religions and secular states have failed to see the importance of forgiveness in social and political life.³³¹ Yet, this raises two problems. Firstly, one cannot expect every person who has been brutalised, hurt or damaged by other people or by systems of control, to be able to forgive, let alone forget. The second concerns the perpetrators of the offences, who are penitent, contrite and sorrowful, but remain unforgiven by those who have suffered from their offences, or by their representatives. While I strongly believe that forgiveness plays a key role in the healing process as an aspect of the reconciliation process, it should not rule out the possibility of reconciliation for the excluded.

³²⁹ Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness and Reconciliation* (Nashville: Abingdon Press, 1996), p. 30.

³³⁰ Desmond Tutu, *God Has A Dream: A Vision of Hope for our Future* (London: Random House, 2004), p. 50.

³³¹ Donald W. Shriver, Jr, *An Ethic for Enemies: Forgiveness in Politics*, Woodstock Report, March 1996, No. 45, p. 3.

6.4 A new praxis for being

In Chapter Three I referred to internal and external ‘motivations for change’ and their interconnectedness to living a new and crime-free life, and a possible link with ‘desistence theories’. I followed this up in the next chapter, through a further exploration of this concept, in relation to the raised consciousness of the incarcerated. I found that in addition to external influences, such as friendships, the internal or ‘spiritual’ dimensions were often overlooked when considering ‘motivations for change’.³³² My findings have identified that there is an internal ‘spiritual’ aspect to the lives of the incarcerated that has not died. It continues to burn like a small pilot light, even after years of incarceration, keeping alive hope for a new life in the future.

However, my interest in the internal ‘spiritual’ dimension goes beyond ‘motivations for change’, even though it is an important aspect for becoming crime-free and for survival. My interest lies more in the internal process that frees a person, enabling the life to grow more fully. The development of the ‘inner self’ remains an important aspect for a new praxis for the incarcerated. It becomes an ongoing spiritual experience, not only in any healing process of past wounds, but in an enabling experience that allows for growth in the future. It has a conciliatory role in bringing peace to inner turmoil and confusion.

On a personal level, a new praxis is relevant not only for the incarcerated, but also those of us who are aware that we are growing older. Further, the level of my own consciousness takes into account the concerns of many who have no faith, in a religious sense, yet are prepared to open themselves up to the Being of love in Jesus. Therefore, my concept of spirituality has a holistic dimension, rather than a purely religious one: a transcendent dimension of being and experience which creates an awareness of self, others, our environment and life itself and centres on the Being of love as revealed in Jesus. This is a definition that I believe the postmodern, or post-Christian, incarcerated might come to accept and explore. It recognises that the inner and outer dimensions are inseparably linked.

³³² See pages 70/71 and 115-120

However, our spirituality often remains trapped deep inside ourselves. We are fearful of facing ourselves, others, or our painful experiences. We ask questions of ourselves: Who am I? What kind of person have I become? What kind of person am I seeking to be? How can I discover the transcendent that lies within me? Can I love, even those who have hurt me, and accept love in return? Seeking answers to these questions marks an opening up of the spiritual.

Before proceeding to open up spirituality for the postmodern incarcerated, it is worth mentioning some aspects of the spirituality of the major theistic religions. Islam locates the source of spirituality in the Quran, from which all knowledge and understanding of Allah is gained. It is *tawhid*, an inseparable part of awareness of Allah and of living in accordance to his will:

A work devoted to Islamic spirituality must concern itself primarily with what leads to inwardness and the world of the Spirit. It must deal with the outward element of the religion to the extent that they serve as vehicles for the life of the Spirit without in any way losing sight of the great significance of the outward dimension, which is indispensable for the inner life.³³³

Jewish spirituality is defined by a wide number of practices that can produce a spiritual life, involving a holiness in everyday life that was once associated with the Temple and holy days.

Defining spirituality as the cultivation and appreciation of the 'inward' religious life, we find both assent and demurrals in the sources of Judaism. ... There are latter-day Hasidic treatises focused almost entirely on the cultivation of *ruhaniyyut* and *penimiyyut* ('inwardness'). At the same time, concern is aroused lest the inner be praised at the expense of the outer. The Rabbi, the spiritual descendent of both priest and prophet in this matter, will perforce rise to defend the externals. If inwardness implies a depreciation of the outer and dismisses religious behaviour (in the moral as well as the ritual realm) as mere ceremony or trappings, the Rabbi will find this notion hard to tolerate.³³⁴

³³³ Seyyed Hossein Nasre (ed.), *Islamic Spirituality: Foundations* (London: SCM Press, 1985), p. xvi.

³³⁴ Arthur Green (ed.), *Jewish Spirituality: From the Bible to the Middle Ages* (London: SCM Press, 1985), p. xiv.

Christian spirituality, especially in the Catholic tradition, emphasises the mystical and understands it to involve prayer, confession, meditation, retreats and ascetic activities, such as fasting; this is often carried out under the direction of a 'spiritual leader'. On the other hand, the Protestant tradition is more concerned with entering into the joyful experience as the result of conversion which then directs the daily life and ethics; it is more lay-orientated. Stephen Barton summarises Christian spirituality:

[It] has to do with *the sense of the divine presence and living in the light of that presence*. There are two basic aspects therefore: knowing and being known by God, on the one hand, and responding with the whole life, on the other. To put it another way, spirituality has to do with life under God: and for Christians, it has to do specifically with life under the God who is revealed in Jesus and who graces believers with the Spirit.³³⁵

In my view, the emphasis on a metaphysical theistic God, operating through human hierarchical power structures, is of no relevance to the postmodern, post-Christian incarcerated. This drive for structural control has contributed towards the laity seeking security through a privatised and self-indulgent form of spirituality that has 'become a narcissistic search for self-fulfilment rather than a dynamic engine of social, ecological and political reform'.³³⁶ I have learnt from experience that traditional Christian spirituality can become so introspective and otherworldly leading to escapism and self-centredness. It loses the holistic balance that interconnects the inner being with the external to become a motivating force for 'social, ecological and political reform'. However, there have been times when my inner being was all I had to cling to for survival, especially when I felt I had lost all that was external to me. I am not alone in this experience, for there are other prisoners who have, for example, found the Buddhist approach to spirituality helpful.³³⁷

I believe that whether we are good or bad, rich or poor, powerful or powerless, there is a spiritual dimension to our lives that seeks faith, hope and love. It is not something we have to buy or steal. It is something that lies deep inside every man, woman and child. My research findings have already

³³⁵ Stephen C. Barton, *The Spirituality of the Gospels* (London: SPCK, 1992), pp.1/2.

³³⁶ Tom Stuckey, *Beyond the Box: Mission Challenges from John's Gospel* (Peterborough: Inspire, 2005), p.75.

³³⁷ For example, through the Phoenix Trust in Prison accredited meditation and yoga courses.

identified that the incarcerated are no different: they desire to love and to be loved, they yearn for freedom and have a hope for a better future.

The opening up of these deep-rooted longings marks the beginning of our liberation. However, one of the problems to be faced in liberating the spirituality of the incarcerated is the gap between our feelings and desires that lie deep inside us (the immanent), and the ability to go beyond to envisage their fulfilment (the transcendent). In other words, I hope I will find someone to love and for someone to love me; I hope I will become free and experience a better future than the one I am presently facing.

This 'opening up' begins with the Word, God in Jesus, who is the motivating power in our theology and praxis. It is the Word who comes and lives within us, becoming a light to shine in the darkness of our lives (John 1: 4). The same Being of love, experienced by the writer of John, lives and moves among us in the present (John 1: 14).

Incarnational theology (and spirituality) lies at the heart of liberating action. It is a belief that the Word is made flesh in the here and now, and that God can be discovered in the world and the life we live as individuals and in community. It is therefore about co-operating with God in the work of liberation which is God's work. Incarnational theology then sees no polarity between the transcendent and the immanent. Rather, the transcendent can be discerned and experienced with the immanent.³³⁸

My existence in the postmodernist, post-Christian era is made possible through my 'Jesus-praxis-centred' secular life.³³⁹ The Word, as revealed through God in Jesus, becomes the focus for an understanding of the reality of life in the here and now. Through this thesis I have come to the Word from my own experiences; I have reflected on the stories of captivity, exclusion and deliverance; I have discovered a new praxis for being. I must now move on toward the fulfilment of my hopes that centres on the Being of love.

³³⁸ Christine Dodd, 'Liberating Spirituality and Spirituality of Liberation', in *Liberation Spirituality* (eds. Chris Rowland and John Vincent; Sheffield: Urban Theology Unit, 1999), pp. 19/20.

³³⁹ John Vincent, 'A New Theology and Spirituality', in *Liberation Spirituality*, p. 95-102.

6.5 Final reflections: Is reconciliation a reality, or is it just an illusion?

It is 16 May 2006 and I am visiting Shepton Mallet prison³⁴⁰ for our monthly 'Cornhill Classics Club' meeting with the older lifers, which I have been running for the past three years. A few hours before our meeting, I find myself standing in the tiny office of the Resettlement Officer with our guest speaker, Geoff Dobson of the Prison Reform Trust. We are informed that this used to be the holding cell where the condemned waited to be hanged. We then move to the adjoining room that feels cold and bleak; we feel very uncomfortable, but cannot understand why. Then we are informed that this was the 'dropping room', where the trap-door would open for the condemned to drop at the end of the hanging rope. Our guide tells us of the countless hundreds who passed through this room. They included convicted black GIs, when the US Military ran the prison during World War II. We were then taken outside and shown the bullet marks on the inner prison walls where some of the other black GIs were executed by firing squad; yet, no white GIs had such brutalising experiences.

We still live in a society that bases punishment on the infliction of pain. It is my view that very little will be done to bring a radical change toward the treatment of society's 'scapegoats'. We continue to look to the Church of the Reconciled to be our sanctuary and a bridge for our salvation, but maybe we are asking too much: it could be a 'bridge too far'. We are aware of many who understand our plight and are prepared to come alongside us in our exclusion, and for this we are forever thankful. However, we accept that it is up to us to demonstrate that we can change, live responsible lives and remain crime-free. But it would be a nice surprise to find those with power also behaving responsibly toward us.

It is the evening of 16 May 2006 and I have been to the Club meeting, where I met some of the new men transferred from other prisons. I had a chance to speak with my old friend ----- who informed me that he has just completed his 'final' offending behaviour programme. At the age of 74 years and after more than five decades inside he has been given to understand that he will soon be moving on toward his release. He lives off these 'promises', on which his hopes

³⁴⁰ It was opened in 1610 as a House of Corrections, closed in 1930 but opened again in 1939 and run by the US Military Police until the end of WWII. It was taken over by British Military Police until 1966, when it became an HM Prison. It is now a lifers prison with more than sixty inmates aged 50 years and over.

are built. Yet, there is dishonesty running throughout the institution of pain that twists the knife of false hopes. They don't execute people in prison any more in this country; it is considered too cruel and inhumane. They just let them die, alone and without a friend: 'dead men walking'.

Some are able to cope with this 'walking dead' existence, due mainly to the inner will to survive and a hope for a better future. Yet, even hope can be expunged by a punitive system that continues its pursuit of longer and tougher prison sentences. Hope in a life after death may be all that some can anticipate, knowing they will never be released. Yet, for the majority hope in a freedom in this life is all they can cling to. To raise false hopes, based on empty promises, leaves one with no hope; those without hope face nothing but a living death.

It will be recalled that in Chapter One I referred to the failure of the Thatcher government in the 1980s to reduce crime and that this led to the introduction of new management structures involving more centralised control. I also drew attention to a 'general toning down of tougher penal policies' quoting Douglas Hurd that 'imprisonment is not the most effective punishment for crime'.³⁴¹ Yet eighteen years on we find there has been a catalogue of failures and missed opportunities to reform the penal system. Populist-driven policies that began in the 1990s have continued into the twenty-first century linking 'protection of the public' with the increasing use of prison as punishment.

Since New Labour came to power in 1997 the average length of prison sentences have increased from twenty months to twenty-seven months, with thirteen new prisons built. In 2005/06 over 1200 offenders received indeterminate sentences and are likely to remain in prison indefinitely. The Home Office have just announced that in addition to 900 extra prison places by the Autumn of 2007, there will be a further 8,000 new places over the next four years; there will also be changes to the early release programme for those who have served half their sentence.³⁴² This will lead to an increasing older prison population that will see little hope before them except a living death.

³⁴¹ See Chapter One, page 25

³⁴² Home Office, *From Improvement to Transformation: An Action Plan and Rebalancing the Criminal Justice System* (London, Home Office, July 2006).

Maybe Samuel Beckett is right that unfulfilled hope gives 'birth astride a grave, then light gleams an instant, then it's night once more',³⁴³ but I would like to believe he is wrong. Yet, this is the reality of our experiences and how it will remain so, unless some of us are prepared to do something with a theology of the incarcerated that seeks for reconciliation.

We will remain excluded until, or unless, a reconciliatory model based on friendship, forgiveness and embrace, is adopted in this country. This will require a major change in society's attitude toward the way it treats its offenders. My fear is that as long as the penal system is used as punishment, the prison population will continue to increase. This could have serious consequences in creating discord and unrest among the incarcerated. It will certainly not reduce crime: prison does not work in significantly reducing crime. We need to adopt a reductionist policy that would lead to a prison population of no more than 10,000 of our most dangerous offenders.

Our world resounds with the sound of retributivism, involving nation states and religious groups, as well as through the new divisions appearing in our own society that seek to exclude its non-conformists, misfits and offenders. There are few signs of dealing with offenders in any way other than punishment without reconciliation. I recall again the words of Faulkner: 'If wrongdoing has always to be followed by punishment, there is no room for mercy and compassion.'³⁴⁴

If we are to continue living in a world without mercy and compassion then the incarcerated are condemned to remain excluded and will continue to be regarded as society's 'scapegoats'. Punishment without reconciliation will only lead to more broken lives, violence and crime. I conclude with a plea for the Church to shift its focus from concerns over its own well-being, and move toward an awareness of 'the other' in its midst. It is a call for a Community of the Reconciled to take action on the side of the excluded and to re-focus its reasons for being that will take the Church back to its founding roots. Otherwise, Christianity will be an illusion and cease to exist in the minds of the excluded.

³⁴³ Beckett, *Waiting for Godot*, Act 2

³⁴⁴ See Chapter One, page 26.

APPENDIX

List of Participants Involved in the Leaving Prison Research Project

Extracts used in Chapter Three were from the following interviewees:

Tom	-	M353
Fran	-	F0705
Margaret	-	F0562
John	-	M0326
Pete	-	M0611
Michael	-	M0362
Harry	-	M0433
Audrey	-	F0052
Mark	-	M0566
Connor	-	M0132

Extracts used in Chapter Four were from the following interviewees:

Ted	-	M0548
Donald	-	M0662
Annie	-	F0332
Arthur	-	M0122
Gerry	-	M0479

The research analysis included the above 15 interviewees, plus a further 47 interviewees as follows:

M 0662, 0551, 0342, 0621, 0844, 0434, 0263, 0775, 0555, 0113, 0752, 0443, 0104, 0922, 0466, 0282, 0114, 0615, 0733, 0463, 0322, 0487, 0125, 0446, 0737, 0111, 0861, 0212, 0836, 0661, 0955, 0225, 0855, 0917, 0332, 0888, 0431, 0833, 0573, 0413, 0757
F 0031, 0556, 0061, 0331, 0722, 0066

Note: Each interviewee was assigned a code number to ensure anonymity and in accordance with procedures outlined in Chapter Three, pages 74/75. The only identifying feature that has been agreed with the participants is 'M' for male and 'F' for female. On completion of analysis, cross-checking and independent validation all tape recorded and written interviews were destroyed.

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