

Educate or Punish

The Case for Prison Education

by

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Abstract

This study attempts to make the case for prison education. During the nineteenth and twentieth centuries a number of theories of punishment were produced. Some of these, namely, those of Emile Durkheim, Michel Foucault, Rusche and Kirchheimer and Norbert Elias are reviewed in this study. It is argued that these theories should lead one to conclude that a sound educational programme is indispensable if we want to realise the benefits claimed on behalf of imprisonment or avoid the ills attributed to it. The initial, rudimentary idea of an education for prisoners goes back to the end of the eighteenth century. A cursory historical review is included to highlight the lack of substantial development in prison education. In order for prison teachers and educators to know what they are really about in their work, they need to know and understand their students, the prisoners, and the context in which they have to teach, the prison. Drawing on a spectrum of scholarship and research this study offers an analysis of these two aspects which, one hopes, will shed some light on why prison fails, with some exceptions, to reform prisoners. The last section reviews the content of education 'programmes' provided in prisons in the United Kingdom and North America during the last two centuries and makes proposals concerning the kind of regime that is needed to ensure a greater measure of success and the pedagogical approach that fits today's world.

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Introduction

The purpose of the thesis

The aim of this thesis, as the title indicates, is to 'make the case' for prison education. It is not, therefore, an impartial piece of empirical research designed to produce disinterested knowledge that can inform the ongoing debate about the value and validity of prison education. Rather, it is intended as a detailed, structured and, hopefully, rationally compelling argument in defence of prison education. In this sense, the thesis is a normative study that aims to participate in, rather than simply inform, the ongoing debate. It is to a large extent a philosophical and historical inquiry. This is different from research in the natural or human sciences (as in Sociology, Psychology and Economics, for instance). Indeed, philosophical inquiry is completely textual, drawing from texts of different kinds, philosophical or other. Reference to the social sciences can, on the other hand, be made as factual evidence to strengthen or supplement an argument or point being made. It must be noted also that in recent times in the Anglo-Saxon world of philosophy, after a period of domination by the positivist inclined analytic school, there has been a backlash that sought to bring philosophy in line not with science but with the world and its concerns. This affected mainly the field of ethics, and political and social philosophy and answered to the appeal to make philosophy relevant to these concerns. There entered also the idea of inter-disciplinarity; the idea that philosophical argumentation, especially in these fields, could and should refer to work done in disciplines and fields of study other than philosophy. All this will be quite evident in this thesis.

It is pertinent to make clear at the very beginning of this work what education means in relation to this thesis since the term does not enjoy one universally accepted meaning. The concept 'education' is not only different from 'schooling' but encompasses a great deal more. All aspects of personal and social development are considered within this concept 'education'. English,

French, Geography, History, Mathematics, Physics, art, music, P.E., carpentry, welding, computer skills, engine repair are but a part, albeit an important part, of education. In this work the concept 'education' will include basic skills through to postgraduate studies together with social, political, moral, emotional and environmental education. This definition of education became common currency within the academic world quite some time ago. Both the United Nations (1990)¹ and the Council of Europe (1990)² adopted this definition of education. The scope of learning needs, and how they should be met, varies with individual countries and cultures, and inevitably changes with the passage of time. There is another reason why this thesis proposes such a wide ranging definition of education. If social, political, emotional and moral development is maintained at a distance from education it may become completely 'psychologised', and that is a short step to sliding back into the medical model.

Although in many countries prison education has been in place for some time it has not achieved the stability, the permanence, the pace of evolution and development that education in schools has. Being provided for people who are the least welcome in mainstream society it has had to sink or swim according to changing popular sentiment, promptly and tactfully echoed by politicians, and to prevailing economic conditions (Davidson 1995).

Nevertheless prison inmates are always learning because it is a feature of humans that they see, hear, observe, do, commit to memory and synthesise in order to build and modify self perceptions, meanings and an overall world view. Left to pursue its course naturally this learning will include all that makes the

¹ World Conference on Education for All (1990) World Declaration on Education for all. The World Conference held in Thailand in 1990 defined education as comprising both essential learning tools (such as literacy, oral expression, numeracy and problem solving) and the basic learning content (such as knowledge, skills, values and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning.

² Education in Prison (1990). Council of Europe – European Committee on Crime Problems The Committee of Experts gave a definition of education which included library services, vocational education, cultural activities, social education, physical education and sports as well as the usual academic subjects

inmate, particularly the young one, a great deal worse than he was when admitted. Besides survival skills to be able to 'cut it' in prison some of which are undesirable if not downright criminal the prisoner will learn details about all types of crime. There will not be anything positive to balance the frustrations, the increasing anti-social feelings, the decreasing self perception, the transfer of blame for one's predicament from self on to institutions and authorities, the general deterioration of one's world view (Sykes and Messinger 1960, Duguid 2000)

The Beginning

The starting point for the argument is the fact that no one has ever produced any evidence to show that imprisonment has reformed, rehabilitated, or positively changed in some way the persons locked up in penal institutions. Neither has anyone shown that prison deters persons from offending or re-offending. It is not the purpose of this thesis to provide a verification of this hypothesis with empirical data. It is public knowledge that in a number of countries, throughout the eighties and early nineties, there was a swing towards right wing thinking as far as prisons are concerned with the result that the number of inmates increased considerably (Platek 1996). The fact that during this period the incidence of crime increased as did the number of prisoners shows that prison does not serve as a deterrent at all (Platek 1996, Wilson 1996). It follows then that during their stay in prison inmates need a lot of attention directed at making a difference in their world view and their life since simply being in prison is non-productive at best. By appealing to argument and drawing on research it will be shown that education offers the best promise. Thus the aim of this thesis is to reinforce Duguid's claim that:

Imprisoned individuals can indeed be persuaded to change their attitudes, values and behaviours. However, this process occurs most effectively when directed by 'outsiders' focusing on education rather than therapy or coercion. (Duguid 2000 p ix)

Education, in its wide meaning defined earlier, does not have magical powers that will sweep away all the problems that prisoners have. It is not claimed in this thesis that education is a guaranteed solution to the personal rehabilitation of

offenders. What is proposed may be put quite simply: incarceration *per se* has not shown any signs of having rehabilitative potential (Foucault M., 1977, Roby & Dwyer, 1992). During the last two hundred and fifty years there has been a lot of tinkering with the system but basically the effects of imprisonment remained the same (Garland 1991). Prison does not make offenders any better personally, socially, emotionally, economically, psychologically or in any other way. Education has proved to be a major part of the civilising process (Wilson & Reuss 2000). No one doubts its value to the person and its contribution to the multi-faceted progress of society. If it has not achieved much better results so far (in prisons) perhaps it is because it had to exist within a hostile environment (Thomas 1995) that undermines its effect coupled with an emphasis on academic and technical skills geared towards achieving passes in examinations. Success in examinations or other forms of assessment is very positive and contributes towards an increase in self-esteem but prisoners need to engage with issues of emotions, critical thinking, assessment of options and citizenship. It is fair and reasonable to hope that if new prisons are set up where the ethos is driven by education, the staff collaborates to provide the best educational experience and the regime is considerably different from the traditional one, the level of achievement in the reduction of recidivism and successful reintegration in society will be higher.

Even without this ideal scenario educational programmes are important and should be supported. Several authors have expressed their support and faith in prison education. Siegel (2002) states that education programmes are an important part of social development and have therapeutic as well as instructional value. What takes place through education is related to all other aspects of the institutional programme. He acknowledges that there are many problems including learning disabilities, low grade basic academic skills, a dislike for school, boredom and frustration. The problem with Siegel's concept of prison education is his belief that it forms part of the 'treatment programme'. This places his concept squarely within the medical model which will be dealt

with later. Toch's (1996) book is replete with innumerable statements from prisoners describing and explaining the benefits of participation in education programmes, both academic and vocational. In this case too they refer to difficulties and obstacles they come across in their endeavour to learn.

Stern (1998) cites the 1990 UN Resolution on Prison Education to highlight the importance of education. She states that rehabilitation is more than just work. There is great faith in education and its power to change attitudes and behaviour. There is no limit on the level of educational provision. Those who can benefit from it should have access to further education. She proposes that prison education should be integrated into the national education system in order to facilitate reintegration on release and that recreational and cultural activities should be provided. Ramsbotham (2003), the Chief Inspector of Prisons in England, echoes Stern's call for more and better education for prisoners but projects a wider concept of education. He stresses the need for proper educational assessment which, besides basic literacy and mathematical skills, should include investigating the possibility of learning difficulties using standard tests across the country. Indicative of the emphasis he places on education is his suggestion that prisons should be judged by the number of prisoners who cannot read when they come in and the number who still cannot read when they leave. His concept of education includes aptitude testing, social skills and parenting skills. More evidence of the power of education to effect changes in people, even in unusual contexts such as prison is provided by Trounstein (2001) who taught literature and drama in a women's prison. The book is the story of the incremental changes that evolved in the female participants as they were introduced to literature and drama (acting) culminating in an improved self perception and world view.

The lip service paid to education in prison and what actually happens in penal institutions is considerably different. This claim is supported by showing what happened to the provision and development of prison education over the last two centuries. One very recent example is provided by Ramsbotham (2003) who

during a surprise visit to HMP Holloway (a women's prison) was appalled by what he saw. Besides humans the prison hosted rats and cockroaches. The place was dirty, poorly managed with prisoners spending most of their day in the cells. Precious little else happened inside that prison. This situation was not particular to Holloway Prison. He laments the lack of political will to improve the situation and claims that his call for radical reform was 'repeatedly sidelined'. Holloway's story goes back further, at least to 1968 when the redevelopment of this prison was announced with promises of a modern conception of female prisons (prison as hospital) supportive of 'treatment', humane environment and rehabilitation. Rock (2002) provides a blow by blow account of how these plans were thwarted by many interacting forces including, economy, architecture, changing conceptions and experiences of women prisoners, shifting penal priorities, changing leadership and staff conflicts. Holloway was a classic example of the transformation of penal ideals into penal disasters.

Drawing on the recent European Union Education Commission white paper on Lifelong Learning³ it will be shown that great importance is being placed on education and that the paper's arguments may clearly be used to support prison education. Reference is made to EU policy over the last ten years where one of the main targets is the creation of an all inclusive society (Lisbon European Council 2000). Although prisoners do not feature in policy documents and position papers they cannot be excluded. European leaders would need to be terribly short sighted to do so since social cohesion and the quality of life of citizens depends to a certain extent on the level of peace and safety that people enjoy. The European Union sees its route along the twenty first century as paved by education (Memorandum on Lifelong Learning 2000). The same applies to penal institutions. A vision of penal institutions being based mainly on education rather than retribution is introduced in Chapter six.

³ Commission Staff Working Paper: A Memorandum on Lifelong Learning Commission of The European Communities SEC(2000) 1832

Since its birth in the late eighteenth century, the modern prison has been driven by a desire on the part of society for retribution (Cullen & Gilbert 2000). During the twentieth century various writers produced theories of how and why the modern prison came about, endured and is still expanding during our time. Drawing on the works of Durkheim, Rusche and Kirchheimer, Foucault and Elias it will be shown that whatever the reasons provided for incarcerating people (save for pure vendetta) a sensible conclusion points to the period of imprisonment being underscored by a good education programme. In order to write a curriculum or an education programme one needs to know who the students are. There is ample research that shows where most prisoners usually come from (Irwin 1979, Anderson 2001, Merton 1968, Taylor 1971, Cohen 1955, Cloward & Ohlin 1961). Their social and economic background is poor and this strengthens the argument for prison education as a form of 'second chance school' since most of the prisoners are persons who benefited least from mainstream education (Crow 2001, Bergalli 1995, Uden 2003). A description of the context in which the education programme is to be implemented follows. From both research and accounts of former inmates it is quite clear that prison, in all aspects, is totally anti-educational (Hasaballa 2001). The most common and serious defects in the prison regime that are counter-educational and the effects of which may only be balanced by a sound educational programme will be explained. The argument is extended in support of the creation of a more education friendly environment.

Is it enough to provide the same education courses that are offered in schools and colleges which lead to recognised national certification? Does school and college education address the many personal, psychological and social problems that a lot of inmates have? Could it be that a large number of illiterate or poorly educated delinquents are incarcerated and later released as budding criminals with literacy, numeracy and perhaps vocational skills? This thesis includes a critical view of the prison as a backdrop to the educational initiatives undertaken by the teaching staff. Prison is a very complex and challenging site for

educators (Werner 1990, Jones & D'Errico 1994). These need to take on board a number of variables that are not found in a school or college context (Germanotta 1995).

This thesis argues for the revival of the idea of rehabilitation avoiding all the pitfalls that accompanied the first attempts during the middle of the twentieth century (Duguid 2000). It also argues that the basis for the new approach should be education. A few changes in the criminal justice system that have a marked effect on penal policy will be proposed. The main arguments of the thesis are brought together in the last chapter in the description of the philosophy that drives the educational programme that is proposed. This should be based mainly on the civic virtue tradition rather than the civil society one. A framework for a prison education curriculum and how this could be implemented is presented in the last chapter.

The way in which this thesis pursues these aims is through a) a critical review of relevant literature of which there is very little. There are few books on prison education. This is due not simply to the fact that there is a very limited readership but also to lack of interest outside the small circle of prison educators. b) By providing a brief account of how prisons evolved. There are different 'stories' on how this took place and more widely different explanations on why they developed the way they did (Foucault 1977, Rusche and Kirchheimer 1968)

Organisation of the thesis

In order to achieve its purposes the thesis is organised into seven chapters. Chapter one is a brief literature review. Chapter Two throws some light on the recent history of prison education in order to show the instability in its development. It also develops the initial arguments for prison education and for the transformation of prisons into education-friendly institutions. Because of its importance, the Memorandum on Lifelong Learning published by the European Union in 2000 is the main source for this chapter. With its emphasis on

education, lifelong learning skills, training and retraining this document is an ideal basis for the argument in favour of the provision of a sound education policy for prisons. Chapter Three deals with the concept of punishment. From the fairly extensive amount of literature on this concept four theories of punishment were chosen and reviewed showing that they all may lead to education. These authors were chosen, namely Durkheim, Foucault, Rusche and Kirchheimer and Elias, because they come at punishment and prison from different positions. A major source for this chapter is Garland's (1990) book *Punishment and Modern Society*. Chapter Four attempts to answer the question: who are the prisoners? The answer is important because it shows that if ever there were persons who need education prisoners are the ones (Uden 2003). It is also a vital help in determining what kind of education programme should be implemented. The chapter gives an overview of theories of delinquency. If the prisoners' needs are to be addressed educators have to know 'where they are coming from'. Material from a fairly large number of authors was used, mostly sociological. This is drawn from books and journals. As stated earlier it is perfectly legitimate to use empirical research results drawn from other disciplines when this reinforces the philosophical arguments of the thesis.

Chapter Five takes a look at the context in which prison teachers have to work and prisoners try to learn. It is a glaring example of incompatibility (Werner 1991). Council of Europe documents on prison and prison education are contrasted with reports by the prison inspectorate in the UK. A number of researchers have studied prison regimes and produced commentaries and critiques (Davidson 1995, Williford 1994). Some of these works are used to highlight the contradictions that prison educators have to contend with. Chapter Six follows the fate of prison education over the last two hundred and thirty years through a historical review in order to show how the philosophy underpinning prison education changed from time to time. This review also shows that the fortunes of prison education were closely connected with particular influential individuals rather than an evolving government policy. In

Chapter Seven a particular philosophy of prison education is spelt out and contemporary authors (books and journals) in the field of education are cited in order to support the position adopted by the thesis and to apply a number of their concerns to prison education.

Throughout this thesis the terms 'prisoner' and 'inmate' refer to incarcerated persons generally. However the work will no doubt betray a certain bias. The main preoccupation is primarily with offenders who are serving short and medium term sentences. There is still a life within civil society for these persons. They still have a future which to a large extent will be shaped by what happens during the period of incarceration. The assumption that sooner or later these persons will be out and about will be evident in all the chapters. This is not to be understood as unsupportive of providing education for all inmates including those serving a life sentence. This thesis does not focus on any particular age group. Education is not the exclusive domain of children or teenagers or juveniles or senior citizens. It is lifelong and lifewide (Dewey 1916). It is beneficial to all age groups and should be available to all. This thesis is making the argument for providing education in prisons not just for young offenders, or mature men and women, or lifers or sex offenders, but for all prisoners who voluntarily decide to avail themselves of it.

The context for this thesis is North America (USA and Canada) and Europe (with a greater emphasis on the United Kingdom). Wherever there are imprisoned persons it makes sense, and is normally beneficial to inmates, administration and society to have good educational programmes. This thesis sets its sights on Europe and North America in order to avoid serious complications arising from cultural and geographical diversity. This is not to be understood as a claim to a transatlantic homogeneity in all aspects. But there are enough common features to permit one to write about what traditionally was known as 'the West'. Differences in the evolution of certain cultural aspects and attitudes need to be acknowledged but in the development of the prison during the last two and a half centuries the two sides borrowed from each other to quite

an extent. As Stern (2002) claims the impact of American incarceration policies on the rest of the world has thankfully been very small. But this thesis is concerned about education and in this area the differences are not as pronounced as they are in other aspects of prison policies.

Most of the references in this work are from American/Canadian and British literature. This is simply because most of the literature to do with prisons and with education in prisons comes from these countries

Chapter One

Literature Review

The literature on prisons has over the years become quite extensive, thanks mostly to criminologists, penologists and sociologists. The same cannot be said about literature dealing specifically with education in prisons. There is a small number of books dedicated to education in prisons and a few journals that carry articles on the subject. However, there is a fair number of official documents and reports by NGOs and international bodies.

Both the United Nations and the Council of Europe have shown interest and advocated the development of education in prisons. On the 13 October 1989 the Committee of Ministers of the Council of Europe adopted the recommendations and explanatory memorandum (No. R {89} 12) compiled by a team of experts in prison education. The team studied the provision of education, academic, vocational and cultural, prevailing at the time in penal institutions in member states. They also studied national education systems and the possibility of linking these to the prison education provision. Their brief included an investigation on arrangements for encouraging prisoners to educate themselves in prison and to continue their education after release (p.6). Education was taken to mean 'library services, vocational education, cultural activities, social education, physical education and sports, as well as the academic subjects which are included in narrower concepts of education' (p.8).

The two main themes of the memorandum emphasise that 'the education of prisoners must, in its philosophy, methods and content, be brought as close as possible to the best adult education in the society outside' and that 'education should be constantly seeking ways to link prisoners with the outside community and to enable both groups to interact with each other as fully and as constructively as possible' (p.8). The authors must have been addressing two features common to

most prisons on both sides of the Atlantic, namely, the isolation of prisoners from the rest of society and the lingering adherence to the principle of 'least eligibility'. The latter principle is applied to varying degrees according to the political climate prevailing at any given time. The Woolf Report (1991) was meant to usher in reforms that would make prison life more humane but within two years this was reversed as the Home Affairs Minister, Michael Howard declared that prison works and that it is a place of punishment. The authors make it clear that they expect nothing short of the right to learn as defined in the declaration adopted by the 4th International UNESCO conference on Adult Education (Paris March 1985). They claim that 'A high percentage of prisoners are severely disadvantaged people, with multiple experience of failure.....have had little or no work or vocational training.....have low self images and they lack participatory skills'. This situation may or may not have contributed to their offending but it is wiser to err on the side of caution and provide them with the best education that the state can offer. They can only be better for it.

Of particular interest is the point the committee makes (p.10) about the 'common ground between prison educators'. In the course of the research they conducted they found that 'prison educators from different countries can often share more with each other than with educators in other fields from their own countries'. In fact the report does not at any point state that the seventeen recommendations are not applicable to this or that European state. The same applies to the recommended policy on adult education adopted by the Council of Europe in 1981 (Rec. No.R {81} 17). In fact this latter document was used as a basis for the 1989 R (89) 12 recommendations wherein it is stated that 'the key task..... is to strive to make education within prisons resemble this kind of education outside prison'. Throughout there is this thread that runs through the document emphasising the quality and not just the provision of education in prisons.

The committee tried to bridge the space between a Liberal concept of education 'education in prison is of value in itself' (p.13) and a more utilitarian concept '...the provision of education contributes to good order and security in prisons.' It was an

important strategy on the part of the committee since there has often been tension between vocational and academic education in prisons (Simon 1999). Leaning too far to one side or the other risks jeopardising the whole project that prison education is since on the one hand educated persons still need to work in order to support themselves while on the other hand skilful uneducated persons may become worse offenders after release. Following from the first of the two main themes referred to above, the committee appeals for a degree of autonomy for prison educators (p.20) in pursuit of their project so that they derive their inspiration from within the profession (p.14) and not be subservient to the prison regime or a narrow security agenda. Collins (1995) highlights this possibility in his critique of adult literacy programmes in American prisons. He claims that standard curriculum formats, especially those tied to the medical model or the cognitive deficiency model became integral to the panoptic ethos of the prison. With prescribed competency or achievement levels and set texts authorities could fairly easily censor or 'sanitise' a programme to avoid teaching and learning deemed controversial or even remotely threatening to the monotonous regularity of prison life. The loss, Collins claims, is not only for the prisoners who are deprived of an enriching education but also for the teachers who are deskilled in the process.

In 1995 the UNESCO Institute for Education published the report of a project that ran from 1991 to 1994. The project was launched to investigate basic education in prisons. The popular understanding of the term 'basic education' is reading and writing skills. It includes much more. The report makes it clear that by basic education in the adult context one is to understand social skills and common applications of knowledge in everyday life. Thus basic education comprises literacy, oral expression, numeracy, problem solving, various skills, values and attitudes. All this is needed by human beings in order to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of life, to make informed decisions and to continue learning. The report argues that these skills and qualities are sorely needed by a large number of prisoners and that incapacitation should mean deprivation of liberty and nothing

else. In its comprehensive account of prison education it touches on all aspects of prison life and how these affect, in one way or another, the effect and success of educational efforts in prison. Coming from the leading organisation in the world such as the United Nations is, the report refers to various areas in the world. However, it recognises that 'There are important differences in the manner in which prison education is implemented in different regions and cultures of the world' and that 'the goals of and the approaches to prison education vary greatly...' (p.9). Nevertheless it states that '.....there are parallel regional instruments that reaffirm education as a basic human right.....and the goals of any prison education programme in practically any nation and culture are to enable those who have only minimal educational achievements, or none at all, to learn through access to teachers and resources so that they can be successfully reintegrated into society.'

In one section after another the report expresses faith and optimism in the benefits of education in prisons (p.18). It is considered as an important factor in improving the life of the inmate during the period of incarceration and as a major contribution to his/her reintegration in society as a law abiding productive citizen. It also highlights the difficulties that exist in prison settings for any kind of education including the lukewarm and sometimes hostile attitude of the management and prison officers (p 15-17.). This is not so readily evident to practitioners in the UK, the USA, Canada and some European countries. The report acknowledges that a substantial part of the benefit of education is not immediately evident or easily measurable (p.18). Getting funding for follow-up studies is usually very difficult. The authors made use of various studies (NCESETS 1993, Bellorado 1986, Black 1984, Duguid 1989, O'flaherty 1984, Weiss 1981, Adeppi 1991, Ministere de la Justice, France 1989.) in order to present profiles of inmates in many countries that describe the characteristics, social and emotional 'deficiencies', intelligence, educational levels, age and type of offence. This evidence shows that there is very little difference between groups of inmates in different countries. Although this thesis is particularly concerned with prison education in America and Europe (mostly the UK) the UNESCO report shows that the arguments for having good

quality education in prisons are valid in many parts of the world with due consideration to the geographical, historical, religious and cultural context. Section 5 of the report deals with what is to be taught in prison and how it is to be 'negotiated' with the learners. It is quite clear that the authors have a very good command of both adult education in all its aspects and thorough knowledge of the world of prisons.

The contributions (in the report) by Cosman, from the International Council for Adult Education, and West, a practitioner from the United Kingdom, tie up all the threads in the report and anchor the thinking that went into it in the very real world of prison and prison education. They avoid any sermonising and their arguments about and for prison education are grounded in a realistic vision of the possibilities, benefits and failures. It is important to note that both this UNESCO research project report and the Council of Europe Recommendation referred to earlier do not have any 'wind in their sails' apart from being published by international respected bodies. They do not have the force of an international convention and therefore governments may heed their advice or ignore it. Prison education rests on an unstable platform. It is as if it stands on virtual 'tectonic plates' that move from time to time and create tremors or earthquakes. These 'plates' come in the shape of political parties that have a different and sometimes sharply contrasting penal philosophy and understanding of what prisons are for.

Flynn (1995), Deputy Director of the Prison Reform Trust, quotes Prison Rule 1 (England and Wales) wherein it is stated that 'The purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life.' This is contrasted with what Sir Ivan Lawrence, Chairman of the Home Affairs Select Committee, wrote in the *Sunday Telegraph* of June 18 1995 "People are sentenced for punishment and to protect the public – there are no other reasons". Policy and practice within the prison service is at the mercy of these 'shifting sands'. A good example is provided by Martinson's (1974) "nothing works" article which brought to a halt anything positive that was being done for the rehabilitation and reintegration of offenders. Flynn recalls that in the

United Kingdom in 1993 the then Home Secretary Michael Howard turned government policy on its head by scrapping Lord Woolf's (1991) recommendations declaring that 'prison works', setting an agenda for an increase in the prison population and a reduction in prisoners' rights. One only needs to see how following Martinson's (1974) article politics of convenience prevailed over sound research, honest debate, clear thinking and sound policies. This is not to say that all these positive aspects were fully operational in the preceding twenty years, but instead of working towards achieving them governments were quick to terminate most if not all efforts at rehabilitating prisoners.

Notwithstanding the onslaught on rehabilitation during the seventies education in prisons survived on both sides of the Atlantic in spite of the reactionary attitudes and policies stacked against it and a dearth of support not least financial. The contrast between the expectations of teachers and educators, and those of the Prison Service and the political establishment is highlighted (unintentionally) by the Prison Service (UK) Corporate and Business Plans for 1995-6 describing the changes in the prison regime up to 1999. The regimes would be 'purposeful', 'constructive' and 'positive' (Flynn p.3). The list of activities is impressive. Equally impressive, but for the opposite reasons, is the way the Service decided to measure the progress of the activities. Key performance indicators are proposed which simply measure the number of hours spent by inmates on these activities. How can the number of hours 'measure' the successful outcome in terms of changes and/or development in inmate attitudes, speaking and thinking skills and continuous self creation? It does, however, provide quantities, percentages with which the institutions and politicians may impress the public and the press. Perhaps out of a sense of disappointment Flynn states that '....there is often a world of difference between the stated aims of the Prison Service and what is achieved in practice' (p.4). A few examples of this difference are provided by Mattock (1995). He goes back to the House of Commons Education Select Committee report on Prison Education (1983) which criticised the cuts in funding that had been made in the previous five years. It also recommended a substantial expansion of education provision and that prisoners

engaged in it should be paid as they would be if they worked. The provision of education programmes across England and Wales was found to be haphazard. Notwithstanding obvious improvement in the provision the Education Committee's report in 1987 highlights continuing problems particularly negative attitude of prison staff towards education programmes beyond basic literacy and numeracy. Many governors just tolerated education in their prison. Following this report there was a spurt of progress until, as an indirect consequence of the 1990 prison riots, there was a recommendation in 1992 to contract out prison education, a move that was not welcomed by the then existing prison education staff (p.29).

It is a fact that since 1983 education in prison in England and Wales experienced progress and improvement. This does not mean that the problems melted away. Mattock mentions problems to access that involve lack of parity of pay between education and work, education confined to evening sessions, lack of goodwill on the part of some prison officers, inmates having to register well in advance of the actual commencement of the course and the separating out of some categories of prisoners. That was 1994. Ten years later an inquiry by an All-Party Parliamentary Group (UK) for Further Education and Lifelong Learning reported on a number of problems that still plagued education in prisons (Inside Track 2004). The Prison Service 'is constantly engaged in crisis management' due to the ever increasing number of inmates. It states that in such circumstances it is 'virtually impossible' (p.3) to provide meaningful and continuing education and training programmes. Assessment of prisoner's education at reception are 'inadequate and ineffective' since there is no link between it and identified learning needs. The situation is often compounded (in the case of transfer) by the retention of records at the first prison forcing the second one to start afresh. The report laments the excessive amount of space taken up by basic skills training which edges out higher level learning for able prisoners. Vocational education and training has not been given any serious attention over the years. The report points out that there are scarce facilities across the whole prison estate and little or no research into real work demands and opportunities outside prison. And this in spite of the fact that all prison related

literature speaks of the importance of releases getting into work immediately on release.

The teaching/learning process itself is far from smooth. Sometimes prison officers are uncooperative causing disruption of lessons. In the words of the Chief Inspector of Prisons (while giving evidence to the Group), 'Education and training in prisons happens not so much at the discretion of governors but of the uniformed staff.' Prisoners are moved from prison to prison too often with files with information about them and their education being left behind or lost. If courses were delivered in a modular fashion it would reduce this problem. The report reiterates what was stated by the Prison Reform Trust (Flynn 1995) about Key Performance Targets. They are 'geared to numbers of qualifications achieved, rather than the achievements of individual prisoners.' (p.3). Some prison administrators play the system by making all inmates take level one and two exams even if their level is way above that and making or allowing transferred prisoners take exams they previously took in other prisons. The absence of a post release follow up programme is cited as a defect in the system.

In its recommendations the Group suggests the development of prison as a 'secure college' (p.4) with one prisoner to each cell and education and training provision directly linked to identified needs after initial careful comprehensive assessment. Needs may include general interest and arts-based courses which develop self-esteem and motivation. Supervised internet access is proposed as are distance learning, e-learning and peer learning. The report's recommendations are aimed at raising the value and profile of education and training for prisoners and staff alike and the enhancement of professional development and morale of all teaching and training staff.

The report notes that while the vision of the Offenders Learning and Skills Unit is that according to need, education and training should enable prisoners to gain skills and qualifications for jobs and a positive role in society, the present curriculum is almost exclusively focused on basic skills and some job related training. A wider

choice should be available in all prisons. Basic Skills are an absolute must as the figures given in the report clearly show (p.9). However new ways of delivery should be found in order to move away from the traditional classroom mode which is so unpopular with prisoners. These new ways should be introduced at the same time as quality assurance procedures are applied to all prisons. A traditional problem still lingers within the Prison estate. There are Governors who still think that courses that do not directly translate into jobs are a waste of time and resources.

Most of the problems and issues dealt with above were the subject of the Home Affairs Committee (UK) report (January 2005). While tackling the issue of social exclusion the Committee reveals some staggering figures which reinforce the need and arguments for good quality education in prisons. They state (p.15) that '27% of prisoners were taken into care as a child compared to 2% of the population. Two in three are unemployed, and half have run away from home as children. 66% of male and 55% of female sentenced prisoners have used drugs in the last year (2004). 52% of male and 71% of female sentenced prisoners have no qualifications as compared to 15% of the general population. Two thirds of prisoners have numeracy skills at or below the level expected of an 11 year old. 50% have a reading ability and 82% have a writing ability at or below this level.' 89% of male prisoners and 84% of females left school at 15 or 16 compared to 32% of the general population. Half of all prisoners lack the skills necessary for 96% of the jobs and only 20% are able to complete a job application form. These social 'disabilities' reduce the prisoners' chances of going straight after release. The statistics provided by the Prison Service show that the number of hours spent in "classroom education" is quite low (p.21) even though the Prison Rules (1999) state "every prisoner able to profit from the education facilities provided at a prison shall be encouraged to do so'. This thesis argues that education should play a more significant role in a prisoner's life while in custody. The endemic overcrowding across the Prison Estate is not helping matters. Neither is the massive number of transfers of prisoners which is a major disruption in educational and rehabilitative efforts.

Both the Prison Reform Trust and the Howard League were critical of the prevailing situation in prison education. In their evidence to the Home Affairs Committee they stated that there still remains 'significant shortcomings in the opportunities for learning available to all prisoners across the estate.' They argue that 'if prison education is seen as remedial activity to tackle perceived skills deficit at the basic level then it would be best not to pretend otherwise.' They complain that Further Education and Higher Education courses are becoming increasingly limited. They are not optimistic that the present level of success in basic skills education can be maintained as it is threatened by overcrowding. Sixteen years after the Council of Europe recommended equal pay for education and work the Prison Reform Trust (Braggins and Talbot 2003) is still appealing to the Prison Service to comply. The substantial difference in the number and quality of courses on offer in different prisons raises the question of justice as fairness (Rawls 1971). Many prisoners are among the least advantaged members of society and a lot of them were so before they committed the crime that earned them a place in a prison. For a number of prisoners the same misfortune that befell them at birth (in terms of wealth and opportunities) is visited on them within the prison estate. Whether they gain access to the education programme or courses that they need and desire does not, in many cases, depend on their aptitude, attitude, motivation or ambition but on the arbitrary result of the 'churn' effect (Sherlock 2004 p.34-35).

The Department for Education and Skills (UK), in a memorandum submitted to the Education and Skills Committee (June 2004), states that 'A successful strategy (for high quality education and training) will bring enormous economic and social benefits to the nation and by increasing the skill levels of all, and in particular of groups traditionally under-represented in skilled employment, we will develop an inclusive society that promotes employability for all' (p.1). The memorandum considers prisoners as one such group which is quite significant since in any one year, around 130,000 persons are or have been in prison, with a further 200,000 supervised by the Probation Service in the community. It claims that research published by the Basic Skills Agency links recidivism and poor literacy skills. The

DfES believes that good education and training programmes help prison management and inmates' life chances after release.

These claims are echoed in a report by the Social Exclusion Unit *Reducing re-offending by ex-prisoners* (2002). It states that many prisoners enter custody with a history of educational under-achievement and poor skills. Its assessment of recent efforts at educating prisoners is rather negative claiming that until recently, education and training has been seen in many prisons as a means of keeping prisoners occupied, rather than providing them with the necessary skills for employment. It further states that 'As a result, the skills and commitment of prison-based education and training staff and the potential of prisoners have frequently gone untapped' (p.43). There has been progress, but there is a lot more that needs to be done to address the education and training needs. Adequate opportunities should cover the period of incarceration and beyond. The report claims that '....there has been a concerted effort to improve standards across the prison estate and there are examples of good practice. Significant initiatives, such as the introduction of a core curriculum and the development of basic skills provision, have provided a framework for further change' (p.43). The SEU report supports its claim that education and training can have a big impact on reducing re-offending rates by referring to Canadian research which found that participation in basic skills could contribute to a reduction in re-offending of around 12 per cent (1992); while a more recent study in the United Kingdom found that among a group of ex-prisoners with poor educational attainment, those who had not taken part in education or training while in prison were three times more likely to be reconvicted than those who had (Clark 2001). Other research confirms that having poor literacy and numeracy skills directly increases the risk of offending (Basic Skills Agency 2002). Research also suggests that education was most effective for those at a higher risk of re-offending (Clark 2001). Raising educational and skills levels has a positive impact on employability, a key factor in reducing re-offending. It can also improve self-esteem and motivation, as well as reducing the likelihood that their own children will struggle at school (DfEE 2001). The SEU report that 'A number of

prisoners openly said that their time in prison had enabled them to learn many of the things that they had missed in school.' A recent study found that around one in five people with no qualifications before custody went on to gain at least one while in prison (Home Office 2005). And many of the prisoners that the SEU spoke to were enthusiastic about the opportunity to take part in vocational courses.

The educational characteristics of prisoners and the link between literacy and offending referred to earlier were confirmed by the Republic of Ireland prison service *The prison Adult Literacy Survey* (2003). The results showed that a significant number of prisoners had virtually no literacy skills. A large number of the rest had limited skills which are not enough to meet today's needs. Poor literacy skills were related to certain kinds of crime. Violence and property crimes were strongly linked to illiteracy. Although educational disadvantage and anti-social behaviour are related, the relationship does not account for all such behaviour nor does it exclude other contributing factors.

The reports referred to above show concern for the provision of education in all prisons accessible to all prisoners. All the ladies and gentlemen sitting on the committees, boards and commissions betray a certain bias towards functional education. There is nothing wrong *per se* with a functional education and as these persons are mostly politicians and administrators it is not surprising that their bias is the way it is. However, this thesis argues that a lot of prisoners need something wider and deeper than this. Academics usually look beyond the strictly functional. They prefer to theorise argue, discuss and tease out the philosophy underpinning decisions, choices and action.

By tracing the history of modern prison programmes, Duguid (1998), shows that successive attempts at rehabilitation involved 'acting on' the prisoner as one would on an object. The underlying philosophy can be traced back to Plato and Aristotle. The former believed that the person who does something wrong (evil) lacks knowledge while the latter thought that wrongdoing resulted from a flawed character and poor decision making. Plato would acknowledge outward signs of

virtuous behaviour as an improvement while Aristotle would insist that one's intentions must become virtuous for the problem to be resolved.

A central issue in Duguid's (2000) later work concerns the perception of the prisoner as subject rather than an object. The distinction he makes is crucial to the kind of education delivered in prisons. Twentieth century rehabilitation programmes focused on the inmate as object that needed things done to 'it'. Prisoners needed to 'be changed' from 'bad' persons to 'good' ones. This philosophy spawned the medical model, which flourished during the fifties and sixties, the opportunities model from the latter half of the seventies and through the eighties and the cognitive skills model which spread during the nineties.

For Duguid the opportunities era was the best of the three for education in prisons. It was the time when it did not need to be subservient to any medical/psychological leadership, this having been discredited by Martinson (1974). What happened in prisons during this time came closest to treating the prisoner as subject rather than an object. In the relative absence of a host of professionals appropriating most of the prisoners' time and attention educators could develop and implement programmes and ideas that, Duguid believes, were more respectful and beneficial to prisoners than the previous 'medical' interventions. There was a generously selective opening of the prison to the community represented by religious organisations, civic associations, sponsors from industry and commerce, volunteer tutoring, artistic groups and theatre companies. The encouraging success of these initiatives is attributed to three factors which Duguid calls 'community, self and authenticity, bonds with the conventional world and a structural approach that relies on diversity and complexity rather than singularity and simplicity' (p.230).

Prisoners, generally, inhabit an egocentric world which is reinforced by the prison regime. In a lot of prisons surviving may be a full time occupation. The prisoner would then have very little time, if any, to think about anyone besides himself. One of the aims of education in prison would be to help the prisoner move from his present position (egocentric) on the continuum closer to the middle and therefore to

a sense of community. The chances of this succeeding are enhanced if a democratic approach is adopted so that the students are involved not merely as passive recipients of what is going on but as active contributors. Responsibility, decision making and engaging with personal and social issues is central to learning and personal development. It is true that we live in a world that is unequal, unfair, unjust and at times quite difficult. However there are spaces through which one can manoeuvre and try to deal with situations without resorting to breaking the law. Duguid is careful to state that education is not the only way a prisoner may develop positively.

The second factor involves a reciprocal respect between prisoners and education staff. Top-down systems, attitudes and relationships are not conducive to the personal development of prisoner/students, particularly where self-respect, self-confidence and self-esteem are concerned. These three aspects of personality confer a sense of dignity to the person, something which is under constant attack by the prison regime.

The third factor, diversity, is posited by Duguid not only in the usual frame of ethnic, cultural, political and religious differences but more importantly as that which makes each one of us unique. This involves the affective, emotional component of a person which influences one's dispositions. Diversity, then, includes '....the combination of mind, emotion and biography means that people are complicated, and, despite the best efforts of carceral objectification, prisoners are still people.' (p.254).

Chapter Two

Prison Education and Social Inclusion

Introduction

In this chapter, drawing from the very small array of books on prison education, it is shown how provision in this site has been pushed about like a football by politicians. The European document on Lifelong Learning published in the year 2000 is used extensively in this work. In mapping out the future of Europe based on education and lifelong learning the document presents arguments which very neatly support the case for sound prison education. Further support for the case comes from Oakeshott's (1991) description of education and its importance in making persons human and able to have quality in their lives.

From time to time the educational debate centres on what should be taught in schools. The same debate has cropped up about what to offer in the way of education in prisons (Davidson 1995, Williford 1994, Duguid 2000). Nowhere has the debate on schooling involved suggestions to do away with education and with the exception of the Deschoolers the participants focused on what to teach and not whether to teach. Not so in prisons. There were times when it expanded and progressed and times when it was forced to shrink and regress (Silva 1994).

Schooling or education in prisons has endured a stormy life (Cavadino and Dignan 1997). It is not easy to attract teachers to work in prisons. It is more difficult to keep the ones that are recruited from throwing in the towel after a time. They usually do so out of frustration with the restrictions imposed on them, high student turnover and the ever present threat of cutbacks. Since the birth of the modern prison, over two hundred years ago, the fate of prison education has vacillated like the swing of a pendulum (Silva 1994). Unlike mainstream school education which has attracted constantly growing support particularly throughout the twentieth century prison education has always had and still has its critics and doubters (Wilson and Reuss 2000).

A bumpy road

A fairly recent example is that of the United States. The late sixties and early seventies saw the mushrooming of pre-release work opportunities and extensive education programmes only to be followed in the early nineties by an increasing attitude to incapacitate and incarcerate more people for less serious crimes, the building of more prisons, the introduction of mandatory sentencing and the exclusion of prisoners from the Pell Grant (Duguid 2000). Security considerations and education programmes have always been strange bedfellows. Each side accuses the other of having an undermining effect (Cavadino and Dignan 1997). During the same period the United States Federal prison system and sixteen state systems adopted mandatory education policies. The number of other states considering whether to follow the same line was growing. Basic literacy and numeracy became compulsory. At the same time higher education programmes offered by about three hundred colleges and universities were dismantled. Financial assistance to prisoners wishing to join higher education courses was discontinued by disqualifying them from the federal Pell Grants system. The same happened in Canada where the Solicitor General cancelled all higher education from Canadian Prisons.⁴ Basic education was farmed out to private institutions or turned over to voluntary organisations. A Cognitive Skills programme developed by Ross and Fabiano was replacing the education one.⁵

In Britain prison education became formalised with the establishment of the office of schoolmaster by Act of Parliament in 1823 (Flynn and Price 1995, Wilson and Reuss 2000). This Act introduced religious education and the teaching of reading, writing and arithmetic. By 1877 official attitudes had changed and hardened so that prisoners spent their time in totally unproductive, boring 'work'. The Gladstone Report of 1895 gave a new lease of life to

⁴ for a detailed account of the demise of prison education in Canada and the United States at the close of the twentieth century see Stephen Duguid's *Can Prisons Work?* Chapter 7.

⁵ Ross, R. & Fabiano, E., (1988) *(Re)Habilitation through Education: A Cognitive Model for Corrections*. *Journal of correctional Education* 39:2

education in prisons by insisting on a rehabilitative approach in which teaching played a major part (McConville 1995).

The status of work itself changed from one of useless hard labour to useful industrial labour. This trend continued into the 1920's with the provision of educational material and non-formal education such as concerts. Vocational education and training developed rapidly during the thirties since work was conceived of as reformatory rather than punitive (Flynn and Price 1995). The following decade saw the close matching of prison education with national education patterns. The expansion in quantity was not matched by a rise in quality so that by 1953 the Ministry of Education became more involved and began to send inspectors to see what was going on (Prison Reform Trust 1995). Art was given its rightful place in the education programme and the whole enterprise became more organised. Within ten years this forward thrust was slowed down as education had to play second fiddle to security which became the number one consideration (Cavadino and Dignan 1998). By the end of the seventies the rehabilitative principle had been pushed aside and the rapid increase in prison population started (Harris and Smith 1996). By 1983 prison education was found to be fragmented, confused and under funded. The much needed boost to prison education came in 1989 with the adoption of the Council of Europe Recommendations no. R(89) on education in prisons and the Woolf Report in 1991.⁶ The last ten years saw the 'privatisation' of prison education as this was farmed out to colleges and Universities which tendered for contracts. This does not seem to have resulted in the raising of standards while education staff became more insecure and demoralised.⁷

⁶ After the Strangeways Prison riot of 1990 Lord Justice Woolf and Judge Stephen Tumim were given the task of investigating the reasons and conditions that led to the riots. Their report (1991) was critical of certain aspects of prison practice and conditions and made important proposals for improvement.

⁷ For the effect of prison privatisation on education programmes and prison conditions in general see Andrew Coyle, Allison Campbell and Rodney Neufeld's *Capitalist Punishment: Prison Privatisation and Human Rights*. 2003. Clarity Press Inc.

In the Netherlands the seventies and eighties right up to 1993 marked the period of progress and development in prison education (Suuval 1998). During this time the programme consisting of physical education/sports and the library service expanded to include adult education and art education. Four national coordinators were appointed to head each section. The Dutch prison education service was being really consolidated. As Suuval (1998 p 119) states:

The prison system itself was characterised by humane regimes concentrating upon the individual prisoner and the human rights of the individual detainee.These developments were all made possible by the belief that society was 'perfectible'; it was a stable and placid period in the penal field

In 1990 the government decided to decentralise power and control over the prison service with the intended consequence of the introduction of managerialism. Governors now decided on everything that took place within the institution. This period was also characterised by two changes. The government embarked on a reduction of public expenditure and people lost faith in the belief of the perfectibility of society. Prison riots and dramatic escapes followed as incarceration rates increased. The public withdrew its support for educational and rehabilitative initiatives and begrudged the money spent on them. The half day work regime in prisons became a full day making it difficult to devote time to education. Prison education in the Netherlands suffered both quantitatively and qualitatively (Suuval 1998).

These examples from the United States, Canada, the Netherlands and Britain have a number of precedents and echo what took place at the very beginning of the modern prison system. The Walnut Street jail inspectors (1798) and the Quakers who ran the Eastern Pennsylvania Penitentiary (1820) considered education for prisoners as valuable and did their best to provide it. At the same time Stephen Allen and others founded the Auburn Prison System in New York (Davidson 1995, Thomas 1995, Silva 1994). The thinking behind the Auburn System was in direct opposition to that of the Pennsylvania System. By 1840 the 'right wing' philosophy of severe, terrifying punishment which excluded 'time wasting education' prevailed. Prison conditions often reflected how

prisoners were perceived. After visiting the United States in 1833 Alexis De Tocqueville reported that prisoners were considered as something between humans and beasts (Williford 1994). Prison education was again given its due importance towards the end of the nineteenth century when Zebulon Brockway, first warden of Elmira Reformatory in New York, declared his faith in education and reformation of prisoners. His efforts ushered in new ideas like job specific education and training, postsecondary education and parole (Silva 1994).

In public schools, colleges and universities change follows fairly long periods of struggle, debates, petitions and perhaps even industrial action by teachers. What bogs down the process is the fact that in public education there are so many stakeholders that constitute a web of interests. There is nothing of the kind where prison education is concerned (Werner 1990). Change in curricula and working conditions may descend upon prison educators out of the blue. No advance notice and no consultation are deemed necessary by the prison authorities or central office.

Some believe that educating prisoners is tantamount to 'spoiling' them and rewarding their misdeeds (Cavadino and Dignan 1998). This assessment of education provision in prisons is as simplistic as it is naïve. It is simplistic because spoiling comes about as a result of lack of discipline, excessive generosity and pampering. One can hardly describe pouring over books and slogging away at exercises in these terms. It is naïve because although what is being provided for prisoners is valuable for the individual its beneficial effect is far more reaching than critics think. It is an investment in society's security and workforce.

An all inclusive society

Besides utilitarian considerations there is another moral reason why prison education should be provided, one that has been declared a foundational principle for the European Union's Lifelong Learning Policy. This is the

achievement of a truly inclusive society.⁸ In this case it simply means the extending of access to sound, meaningful education which would enable prisoners to become participating members in civil society. Now whenever it was proposed that a particular social group should be included in education programmes, social welfare provision or the political process a debate flared up about their entitlement, what type of provision it should be, the goals that such measures would achieve and the impact on the rest of society (Skrtic 1995).

During the last thirty years or so in the European Union member states and in a number of candidate countries significant groups of persons were targeted for particular attention with regard to education. Persons who had some kind of disability such as impairment of sight or hearing, restricted mobility, ADHD, dyslexia and various learning difficulties benefited from tailor-made educational programmes, efficient learning aids and one to one support. In places where these services were weak or quite late in coming many young persons spent their schooling days trying to survive humiliation, scorn, emargination and terrible frustration. Every year some of these young persons end up in prison.⁹ Education in prisons did not develop as fast as it did for other sectors. The public's perception of convicted persons and attitudes towards them has always been negative and hostile. Joe Bloggs, down the road is a lively, fun-loving twenty year old one minute and a sinister, shadowy character the next having been given a prison sentence for breaking the law. This Dr. Jekyll and Mr. Hyde change attributed to prisoners by the public has been in existence for a very long time (Rivera 1995).

In its opening paragraph the European Union Education Commission Staff Working Paper: A Memorandum on Lifelong Learning (2000) states that:

⁸ Commission Staff Working Paper: A Memorandum on Lifelong Learning Commission of The European Communities SEC(2000) 1832

⁹ For details and statistics see *Literacy Behind Prison Walls – Profiles of the Prison Population from the National Adult Literacy Survey*. This was prepared by the National Center for Educational Statistics for the U.S. Department of Education.

This means not simply that individuals must adapt to change, but equally that established ways of doing things must change too.¹⁰ (p.7)

Should this apply to the criminal justice system too? Considering that the modern prison system which has been in operation for roughly two hundred and fifty years has never worked in any significant way (Garland 1991), it would be foolish not to try and change 'the established way of doing things' (Gardner 1963) in prisons. The change would involve a paradigmatic shift in the concept of the prison. Instead of a place for banishment sustained by feelings of revenge and disgust it can become a (physically) exclusionary institution driven by education and hope of a successful return to civil society. This may not have universal application given the wide spectrum of 'criminalised' behaviour and the equally wide variety of offenders. But it may apply to the majority of our prison population which is made up of young persons who are not serial murderers, habitual rapists, paedophiles or hardened gangsters. This is not to say that persons convicted of these offences should not benefit from educational services. At this point one might argue that there are education programmes in prisons in many countries. They are education programmes within a regime that is not educational. Tensions between the two are therefore high and perpetual (Werner 1990).

Prisons as educational institutions

To turn prisons into educational institutions authorities need, at the very least, to criminalise the offence not the offender, provide learning programmes that address the prisoners' needs and make the entire period of incarceration an educational experience. For this idea to have a chance of working out all prison staff from the governor/director down to the cleaners must become 'educators' and 'educators' assistants'. Prison employees need to be retrained or re-educated so that each in his/her way contributes positively to the education project. Conviction for an offence (assuming that the person is really guilty) is

¹⁰ Commission Staff Working Paper: A Memorandum on Lifelong Learning Commission of The European Communities SEC(2000) 1832

proof that the person has not been educated enough. The computer programmer convicted for throwing someone's dog in the path of oncoming traffic in a fit of rage needs educating (a recent incident in the United States); the law or medicine student convicted for peddling drugs to feed his/her own habit needs educating; the accountant who cooked the books needs educating; the manager brought down by gambling or alcohol needs educating as much as the illiterate who stole car parts or burgled houses. As has been stated earlier (p.2), 'education' as it is understood in this thesis includes social, political, moral and emotional development. Enlightened self-interest is one way to persuade one to go down this path. These persons have broken the rules but more importantly they have left in their wake victims nursing their wounds, physical, financial, psychological or emotional ones. Imprisoning them for a year, two or three is only a palliative and hardly ever a cure. It needs to be ensured, as far as possible, that when it is time for complete release (partial, gradual release throughout or at some stage of the sentence could be part of the reformed regime) these persons can carry on with their lives as successfully as the average citizen and never harm anyone.

If prisons are to change into educational institutions a number of current practices have to be turned on their head since prison regimes, world wide, are inherently anti-educational (Clare and Druysdale 1992). The 'infantilisation' of prisoners, which is the major prop of the modern prison (Lichtman 2004, Coyle 1994), must become the 'responsibilisation' of prisoners since the latter is conducive to education and a fundamental aspect of lifelong learning (Ramsbotham 2003). What chance have the educational efforts if every part of the prisoner's life is thought out, implemented, monitored, checked, altered and evaluated for him/her? There is no input by the prisoner in the prisoner's life (Duguid 2000). This is hardly educating for responsibility. The elimination of personal identity by the regime must be turned about to become the building of a positive self-identity which is the necessary framework for developing a motivational disposition for learning.

Inclusive Lifelong Learning Policy

This thesis is arguing for the provision of good education programmes for prisoners. A careful reading of recent EU policy documents on education and social development will show that what is claimed and proposed on behalf of European Union Citizens applies to prisoners. Although what is proposed in these position papers is intended to benefit citizens of the European Union the arguments may equally apply to United States and Canadian citizens if the government of these countries profess their belief in and support for an inclusive society. The Memorandum on Lifelong Learning takes education to be the key to societal inclusion. This thesis aims to show that education is a major contributor to the reintegration of prisoners back into mainstream society. The Memorandum, then, is a very important document which reinforces the position taken in this thesis. The conclusions and recommendations of both the Lisbon European Council¹¹ and the Feira European Council¹² make no reference to the exclusion of any person or group of persons. The Member States, the Council and the Commission were urged to identify coherent strategies and practical measures with a view to fostering lifelong learning for all. The Memorandum on Lifelong Learning echoes that call with reinforced vigour.

The coming decade must see the implementation of this vision (lifelong learning). All those living in Europe, *without exception*, should have equal opportunities to adjust to the demands of social and economic change and to participate actively in the shaping of Europe's future.¹³

Here, all, should include those thousands of men and women, mostly young, who are 'doing time' in prison. Within the logic of the regime proposed above their educational needs are even more pressing than those of other persons who so far have not had a brush with the law. The document further states that the six key messages suggest that a comprehensive and coherent lifelong learning strategy for Europe should aim to:

¹¹ Lisbon European Council (2000) http://www.europarl.eu.int/summits/lis1_en.htm

¹² Feira European Council 2000 <http://europa.eu.int/scadplus/leg/en/cha/c11054.htm>

¹³ Commission Staff Working Paper: A Memorandum on Lifelong Learning Commission of The European Communities SEC(2000) 1832 p3.

Guarantee *universal* and continuing access to learning for gaining and renewing the skills needed for sustained participation in the knowledge society.¹⁴

Another aim involves the raising of levels of investment in human resources in order to place priority on Europe's most important asset, its people. Europe's people must include persons who are in prison, on probation or in high risk contexts where they can get into trouble. There is an unacceptable level of waste of personnel especially young males in most European countries (Ruggiero, Ryan and Sim 1995). Education holds a lot of promise for reducing this. Since Europe is aiming:

to build an *inclusive society* which offers equal opportunities for access to quality learning throughout life to *all* people¹⁵

it needs to raise the level of investment in prison education and allied services. Most prison inmates have been socially excluded in one way or another since childhood so that lawbreaking and prison were almost inevitable.¹⁶

The document rightly stresses that people's knowledge and skills should match the changing demands of jobs and occupations, workplace organisation and working methods. Prisoners who have little knowledge and few skills obviously need to obtain these, but those who have plenty are in a crisis. Since work related demands are changing so fast (Simon 1999) a knowledgeable skilled prisoner will no longer be so by the time he/she is released. Therefore both types of prisoners urgently need their knowledge and skills to be updated so that the ultimate goal of leading a decent life within the law remains realisable.

Our shared aim is to build a Europe in which everyone has the opportunity to develop their potential to the full, to feel that they can contribute and that they belong¹⁷

¹⁴ Ibid. p.4

¹⁵ Ibid. p.4

¹⁶ From Prison to Reintegration Project: Exchanging experiences in the Social and Labour Reintegration of (Ex) Prisoners. Barcelona 1999.

¹⁷ Commission Staff Working Paper: A Memorandum on Lifelong Learning Commission of The European Communities SEC(2000) 1832 p 5.

All those who work with prisoners will agree that a large percentage of inmates have developed little or nothing of their potential. They come from homes and a social context which does not encourage or support the development of young people's potential (West 1982). They want to leave school as early as possible since their experience of schooling is quite negative. Beneath the facade of bluff and apparent smugness there is a deep sense of uselessness (Stern 1998). Most people would like to excel in something or other. If they cannot do so in socially acceptable ways due to lack of education these young people will try to excel in behaviour and 'jobs' that are illegal.

People with similar problems tend to be drawn together. They 'gang' up and share both problems and experiences. This gives one a sense of belonging, albeit, a limited one. It does not extend to society and its institutions (meant in its widest sense) but to the housing estate, the neighbourhood (Wortley 2002). If they live in a depressed area they do not feel they belong outside its confines. When they enter prison even this limited belonging disappears. The prisoner's total isolation from society makes his/her feeling of hopelessness complete. The current prison regime is a daily reminder to the prisoners that they have been banished from society because they broke the law. Now nobody likes them and nobody wants them (Crow 2001). What sense of belonging? A new regime would be a constant reminder that society is well aware of their lack of a sense of belonging and it wants to put that right by providing quality education and training and involving them and citizens in programmes of mutual support and exchange. This is in line with the declared policy of the document about social cohesion and social integration. Prison needs to be turned into an inclusionary institution.

Today's Europeans live in a complex social and political world. More than ever before, individuals want to plan their own lives, are expected to contribute actively to society, and must learn to live positively with cultural, ethnic and linguistic diversity. Education, in its broadest sense, is the key to learning and understanding how to meet these challenges.¹⁸

¹⁸ Ibid. p.5

This project is obviously the task of schools and the family. -But what if the project fails with regard to certain people so miserably that they end up in prison? If they are really to be included in European society they must be provided with another opportunity to try to 'make it'. 'Making it' includes:

.....the freedom to adopt varied lifestyles, but equally the responsibility to shape their own lives.¹⁹

Now the skills needed to be able to do this are not innate. They need to be learnt. The more complex our society the more we need to learn. Prisoners do not seem to have acquired these skills (Wilson and Reuss 2000). They need to learn as many of them as possible before they leave so that they will shape their own lives responsibly. If lifelong learning sees all learning as a seamless continuum 'from cradle to grave' it should not be interrupted by incarceration. It should be intensified:

It is essential to raise the demand for learning as well as its supply, most especially for those who have benefited least from education and training so far²⁰

Turning prisons into educational establishments would probably achieve this. For efforts to bear fruit, first of all, prisoners need to be motivated. It is still fairly common in European prisons that while prisoners are paid a small wage if they work (within the prison) they get less or nothing for participating in education programmes (Council of Europe Legal Affairs 1990). This is a serious obstacle to learning. Prisoners who opt for education should be encouraged in every conceivable way. Not only should they get equal pay but also, perhaps, the enjoyment of certain 'privileges'.

The EU Memorandum further states that people themselves are the leading actors of knowledge societies. Creating and using knowledge effectively and intelligently is within our capacity. But people need to do this 'on a continually changing basis' since the rate of change is so fast:

¹⁹ Ibid. p.7

²⁰ Ibid. p.8

To develop this capacity to the full, people need to want and to be able to take their lives into their own hands - to become, in short, active citizens.²¹

One of the major skills needed for this to happen is the ability to make choices. The type of choices that most prisoners make betrays a serious lack of education in making choices. Choosing from alternatives is not always easy and straightforward. The wider the choice the more confusing it is for one who does not have the necessary skills to make the right choices. Right choices here mean those that benefit the person doing the choosing and, hopefully, the community. Choice skills are an important component of social skills and within the context of this memorandum the latter are combined with the economic rationale for lifelong learning. The importance of choice is highlighted by Box (1987)

people choose to act, sometimes criminally, [but] they do not do so under conditions of their own choosing. Their choice makes them responsible, but the conditions make the choice comprehensible. These conditions, social and economic, contribute to crime because they constrain, limit or narrow the choices available.

One of the messages running throughout the memorandum stresses the idea of partnership. Universal lifelong learning is not the responsibility of experts, government ministers or education authorities alone. For the project to be realisable the contribution from many more actors is needed.

The key to success will be to build on a sense of shared responsibility for lifelong learning among all the key actors—the Member States, the European institutions, the Social Partners and the world of enterprise; regional and local authorities, those who work in education and training of all kinds, civil society organisations, associations and groupings.²²

This applies particularly to prison education. Support from the general public means recognising the need for prisoners to be educated in a holistic manner. It also means accepting that this enterprise has to be financed from public funds. This goal is realisable if prison education runs parallel with a public awareness and education programme. It is worth noting that the EU Memorandum declares that the formal education and training systems of Member States are

²¹ Ibid. p.7

²² Commission Staff Working Paper: A Memorandum on Lifelong Learning. Commission of the European Communities. SEC (2000) 1832 p.5

responsible for ensuring that everyone 'acquires, updates and sustains' an agreed skills threshold. It insists that those who, for one reason or another, failed to acquire the basic skills threshold must be given other chances to get there. It does not matter whether they lack this threshold due to their failing the course assessment or their not taking up courses. Universities, colleges, schools, vocational institutes and other sites could open their doors to prisoners, particularly young ones, so that, given that reasonable security requirements are satisfied, they will be helped to join the millions of citizens who 'contribute and feel that they belong'. This is already happening in a number of countries like the United Kingdom, the United States of America and Canada.

Prison Education: Great Expectations?

Why place so much emphasis on education? The more the authorities advertise prison education and raise public awareness about its justification and benefits the greater will the expectations be. The social responsibility it takes on board requires it to deliver on its 'promise'. What it can deliver is what education in any other context provides. Prison, however, is a unique context and public expectations may place unrealistic demands on prison educators. It is right, therefore, to sweep aside at the outset that which prison education cannot provide.

Prison education cannot turn prisons around in their current form and make them work. The whole regime is too anti-educational for this to happen. It cannot satisfy the demands of external authorities and politicians for a 'quick fix' improvement in statistics and crime rates, very often in order to boost a party's electoral prospects. Prison education is not part of the punishment process which still underscores daily life in prisons everywhere. Incarceration with its loss of freedom and its 'separating out' of civil society is punishment enough. When education is used as an instrument of punishment the penalty is inflicted more on society than on the prisoner. When prisoners are released still poorly

educated or not at all, they usually turn on society with greater vigour. Punishments imposed for infringement of regulations should not interfere with the student/inmate educational programme. As will be made clear in the next chapter, incarceration without education is illogical unless the motive is retribution

Prison education does not directly rehabilitate prisoners. To do so implies restoring inmates to the clean, sane, healthy, honest, civil life they led before committing crime and being convicted. A large number of inmates never experienced such a life (Stern 1998). The pre-incarceration life of prisoners is discussed in Chapter three. In many cases prison education introduces prisoners to civil society. In spite of the widespread title used over the last thirty years, that is, 'correctional facilities' and 'correctional education', prison education does not correct anyone. Neither does school education for that matter. Correction implies A fixing a mistake in B so that the latter earns the approval of the former. Education is not about doing this. It is not a process done to someone but with somebody so that he/she can grow into a responsible person and become a significant contributor and recipient within civil society.

Prison education is not simply a skills programme. If it were then it would not deserve the title 'education'. Animals can be trained; persons can be educated and trained. Skills training does not provide the moral justification for behaving in one way rather than another. People live in a social, political community and for this to be peaceful and prosperous knowledge must be governed by wisdom. For this reason prison education cannot be simply vocational or skills based but should facilitate the full development of the person.

What can prison education do? It can do a lot if it is supported and resourced and given the space to flourish. It can do what it does in most other settings even if the odds are stacked against it because of the prevalent regime

(UNESCO: Basic Education in Prisons 1995). It can empower prisoners since education is an enabling process which allows for the development of individual intellectual, moral and psychological potential. This development includes thinking clearly and creatively, judging people's acts wisely and communicating effectively. It also includes the ability to understand and respond to consequences of action in an ethical manner together with understanding and responding to the social and political context in which action takes place (Werner 1990). For all this to succeed education must be meaningful to the student. It should be interesting and appealing to them. Its empowering effect can spill over to include all prison staff.

In their effort to empower prisoners, educators need to acknowledge that persons are always in a state of becoming, that they can grow and be more than they are now. This excludes to a certain extent a minority of prisoners whose situation is complicated by pathological conditions. Positive results need not be complete and universal for prison education to be considered successful. Education is recognised as a human right by the United Nations ('Universal Declaration of Human Rights' Article 26 1948) and the European Convention (Article 2 in Protocol 1 1952) and endorsed by national constitutions. This right should not be forfeited by incarcerated persons because its loss does not only affect the prisoner but all members of society. People can enjoy the right to education and all other rights more if they live in a free, safer society. In getting to grips with the world prisoners need to learn to think clearly, a process which is enhanced by inquisitiveness, observation and mastery of language. If this is achieved then wise judgement of people, things and situations is facilitated. The third leg of the tripod is effective communication. This involves understanding the power and primacy of language, the strengths and weakness of the various means of communication available to us and practice in their use. Effective communication brings about clearer thinking and so a new cycle begins.

Education is a moral enterprise (Sirotnik 1990). This is true not only where the teaching of disciplines within the humanities is concerned but also where vocational education and training is involved. The teaching of vocational skills and to a certain extent social skills in prisons may turn out to be a double edged sword. If it is not backed by the moral and ethical context in which these skills are practiced one may be turning out highly skilful and therefore more dangerous persons intent on crime. Science, technology and social skills (which make a person more charming and attractive) can be dangerous tools in the hands of persons who are insensitive to other people's harm and suffering. Prison students need to learn to make choices and decisions within the best ethical and moral framework that their educators can help them achieve. These need to be informed choices and decisions but information is never neutral (Apple 1993). Education will help them to see information within the political and social circumstances that produced it and hopefully evaluate their own political and social circumstances. After all one of the goals of prison educators is to see these men and women back on the street going about their lawful business, able to live their lives like decent citizens. This, however, is not to be construed as meaning that education is an end product of some process called teaching or learning. As Carr and Kemmis (1986 2:77) rightly point out:

For a point constantly stressed by educational philosophers is that educational aims are not descriptions of some desirable end-state that can serve as criteria for assessing some extrinsically related 'means'. Rather, they are attempts to specify the sort of values to which any distinctively educational means must (if they are to be educational means) conform.

The aim of prison education should not only be to prepare inmates for when they leave prison. Rather it embraces and defines a number of activities that nurture and develop qualities in prisoners that help them think more clearly, judge wisely and communicate effectively even as the processes within these activities unfold. If these are valuable qualities and it is worthwhile to pursue them then what facilitates their development is called education.

Michael Oakeshott (in Fuller 1990) states that education in its most general significance is a specific transaction between (in a prison context) a mix of juvenile and adult persons as a result of which some are initiated into civil society while others are helped to return to it. He sees education as a human engagement. Prisoners have failed in one way or another in their relationship with other persons by causing harm, grief or disadvantage to them directly, as in burglary, stabbing or mugging, or indirectly as in tax and customs evasion. The fading away of this failure may come about with the establishment and consolidation, over time, of new relationships between them and teachers together with other prison staff in their role of 'educators'. The deep, vivid, almost colourful way Oakeshott describes what it is to be human reinforces the argument in favour of quality education in prisons. Human beings are what they understand themselves to be. They are made up of beliefs about themselves and about the world around them. Our world is not just one of physical objects but also of occurrences which are meaningful and are interpreted in one of a number of possible understandings. The prisoners' life situations are what they understand them to be. They respond to these by choosing to do or say one thing rather than another. Their wants are not simply made up of biological impulses and urges but also of imagined satisfactions, wished-for outcomes, in short, life plans. It may be the case that for a number of prisoners the way they understand their situation leads them to transgress. Oakeshott (in Fuller 1990 p 64) states that:

The wished-for satisfactions of human beings lie, for the most part, in the responses their utterances and actions receive from others, responses which are themselves utterances and actions related to the wished for satisfactions of those who make them.

Formal education takes place within a framework, a curriculum. This helps to direct and spur the thoughts of the learners, to focus their attention and to help them to distinguish and discriminate. These are skills that in adult life facilitate good judgement and wise choices. When inmates enrol in courses, regardless of whether they are basic literacy and numeracy or post-secondary, they need to

learn by study, an undertaking which requires effort and perseverance. The benefits of such effort are summed by Oakeshott (in Fuller 1990 p 68) thus:

It is in this perseverance, this discipline of inclination, that the indispensable habits of attention, concentration, patience, exactness, courage and intellectual honesty are acquired, and the learner comes to recognize that difficulties are to be surmounted, not evaded.

Education is an undertaking based to quite an extent on hope. There are no guarantees that can be offered to or on behalf of individuals. But the alternative is ominous both for those inside and the others outside prison. In the case of prison inmates what was ominous has already turned into stark reality. A person who is educated comes to care about his own well-being which does not include being locked up. This caring should not be equated with selfishness. The person who drives recklessly endangering himself and others, carries weapons and seeks the company or to do business with others who similarly carry weapons, steals and burgles, takes drugs and is violent towards others does not care about his/her well-being as the term is socially, commonly understood. Education which includes a focus on values and virtues helps to draw persons away from such risky lifestyles. Prudence comes to temper impulsiveness. The educated person cares about the well-being of others. It seems to be a common if not natural trait that caring for people and other beings increases in direct proportion to knowledge about them. Education provides such information and knowledge which may serve as a launching pad for introducing ethical, moral, social and political considerations relating to sharing life in a village, town and country. They will still be confronted with conflicts of value and other difficult choices but having been educated they would be better placed to make wise judgements. They would have broken out to some extent from the terrible restrictions on thought, on their world view that the housing estate, the neighbourhood context imposes on them. One of the functions of an empowering education is the opening up of a spectrum of options not simply referring to employment but to life's choices.

Could this be moulding dressed in a skin of empowerment? Given that the teaching/learning process, the interaction between educator and student is not the traditional top down model where the knowledgeable master speaks and informs while the ignorant students listen and remember prison education need not be so. Fostering positive dispositions to learning and helping inmates acquire values such as honesty, solidarity, respect and tolerance serve as foundations for an undefined number of different life plans. Education seeks to help inmates formulate life plans that do not harm or threaten other persons not ones that serve the interests of capitalists or the middle class. In order to have inmates flourish within civil society one does not need the type of 'banking education' described by Paulo Freire (1970). Prison hardly ever changes people for the better.²³ Education often does. Prisoners need the kind of education that enables them to perceive change, adapt to it, manage it and refrain from being passive recipients of its effects. They can participate with others in bringing about change using their intelligence individually and collectively.

Conclusion

Life, then, is a series of transactions. Prisoners live with people and they will live and interact with greater numbers of people directly, indirectly or even remotely after release. For relationships to succeed, at least, enough to keep them away from prison they need to be helped to develop the skills needed. Education will help them move from hearing to listening and then to thinking and further on to self expression. This will be met by responses from others and the cycle starts again. As a result of this process prison students will understand and invent languages of (Oakeshott in Fuller 1990 p 65):

..feelings, sentiments, imaginings, fancies, desires, recognitions, moral and religious beliefs, intellectual and practical enterprises, customs, conventions, procedures and practices, canons, maxims and principles of conduct, rules which denote obligations and offices which specify duties.

²³ Garland (2001) explains (p 119-120) that even the agencies involved with prisoners, namely, police, prisons and probation implicitly agree and seek to be assessed on outputs rather than outcomes. The traditional claims of reducing criminality, catching criminals and reforming inmates are played down because they have been consistently challenged and proved futile.

These languages are a source for better living not a prescribed 'grammatical' code for strict observance. This makes our world one of meanings. Being socially human involves (among other things) looking, listening, thinking, feeling, imagining, believing, understanding, choosing and wishing. Education helps one to do all this in full respect for the rights of others to do the same. Those who lack any of these do not get it as a result of incarceration. These qualities that education helps to nurture and reinforce will only become part of the prison student's personality if they are transacted by persons who display them with conviction. Educators are among a minority within the prison system who do so. The anti-educational context of the prison will be dealt with later.

Society, therefore, cannot afford to go on doing what it has done for the last two hundred years; that is, using prison education as a political ball (Garland 2001). A lot of time has been lost due to a lack of conviction on the part of both the authorities and the public about the benefits of education in prisons to the prisoners and to society. Education may win hearts and minds, brutality never does.

In developing the argument for quality education in prisons the following points have so far been made:

- a) Over the last two hundred and thirty years education in prisons has been like a yo-yo. There cannot be real progress in any field unless there is sustained incremental development.
- b) During the twentieth century all kinds of traditionally marginalised groups received the attention and support they needed and deserved. Prisoners are a marginalised group and in most cases they come from economically and socially marginalised groups before incarceration.
- c) The European Union is committed to an all inclusive society. It cannot become such if thousands of men and women, mostly young, are excluded and left to 'rot' in institutions deprived of the very basic need for survival, namely, education.

- d) Europe's most important asset is its people. Prisoners are part of Europe's people and they need to be turned into an asset and cease being a liability.
- e) The fact that prisoners have transgressed shows that they need to be educated in one or more areas so that they will not reoffend.
- f) Both the United Nations Recommendations and the European Convention on Human Rights declare that education is a basic human right. We deny this right to prisoners at our own peril.

Lost in these thoughts about education and its possible effects on prisoners one is apt to forget what the prison is for and has been for the last two hundred years or more. Since its birth the modern prison has been a place of punishment. It has served as a place where transgressors are divorced from society and made to 'pay' for their crimes. Ideals of reformation and rehabilitation had to cohabit with that of retribution. During this period several theories were proposed attempting to explain why society has been incarcerating law breakers. The next chapter will look at some of these and how education fits into them. It will show that the progress of society and the welfare of each member can only be enhanced by having a good education system in our prisons. It will bolster the argument even if one adopts a position of enlightened self interest.

Chapter Three

Punishment and Prison Education

Introduction

Like a number of other institutions prison has become a 'taken for granted' part of social life in most societies. It is as if prisons have been here for ever. Few people ask or wonder where prisons came from, how they came about. Most people also take for granted the punishments meted out by the courts as if these are a self evident method of crime control. People have been brought up to believe that when they do 'something wrong', break the rules, they deserve and should be punished. They never quite understood why or bothered to ask.

In this chapter four theories that attempt to answer this question are reviewed. Garland's book (1990) in which he critiques these theories will be the main source. However unlike Garland's the concern here is predominantly education. The four prominent thinkers are Durkheim (1984) who believes in a collective conscience and social solidarity, Rusche and Kirchheimer (1968) who declare the prison system as a capitalist ploy, Foucault (1977) who analyses the dynamic of power within the prison system and Elias (1978) who traces and explains the evolution of punishment for offenders through public sensibilities. They are taken separately, presenting the theory first, then adding comments and finally showing that the best response and conclusion is education.

The debate about crime and punishment, when it flares up from time to time, is never about the question of how to deal with lawbreaking. We never ask whether the courts of law should be the arbiters on such cases, or whether punishing is the best way to respond to lawbreaking, or whether the courts are the best institution to decide on the type of punishment, or whether incarceration is effective (Garland 2001). The debate centres on getting more (or less) tough

on crime, the length of sentences, solitary confinement, chain gangs, parole and so on. As Garland (1990 1:4) says:

Once a complex field of problems, needs, and conflicts is built over by an institutional framework in this way, these problematic and often unstable foundations disappear from view.

The 'regime of truth' which this framework creates ensures that incisive questions which may challenge or undermine the authority of the institution cultivated over two and a half centuries are not asked. The false self evident naturalness of punishment and prison developed over time obscures the fact that it is after all a convention (Rusche and Kirchheimer). During the last forty years an increasing number of people began to 'breach' the apparently safe bastion surrounding punishment and incarceration. Penologists, criminologists, social theorists and others started asking questions as they realized that punishment and prison do not work (Garland 1990). They started to focus on the failure of these institutions to achieve the goals that have been held up to us in justification of their continued existence (Martinson 1974). Each time someone promised progress, reform, a new way of doing things, a better system, it was always within the established paradigm (Cavadino and Dignan). It is like doing skin grafts and organ transplants on a patient suffering from a serious degenerative disease. If the latter is not addressed the former will not have a lasting beneficial effect. Stone (1987 1:10) describes prisons as vestigial institutions 'less useful for system maintenance than an appendix in an individual'. The system's failures will not go away by having better trained personnel or heavier financial investment. For most of the twentieth century the failures were effectively hidden behind a facade of rehabilitation. This could not withstand the critical onslaught of the early seventies and it soon crumbled (Rothman 1974).

Within the framework of the Enlightenment Project prison and punishment must have, at least *prima facie*, made sense. These were among a number of institutions designed to engineer the social fabric in a particular way. It was

hoped that by rationalizing most of what goes on in our lives together with social engineering we would build a new order and enjoy a better quality of life (Foucault 1979). The question which at present must be haunting most if not all those who work within or close to the penal system is: what are we about? What are we doing here?

Since most of the theoretical writing produced over the years was done from 'within the institution' there was a lot of tinkering with the structure and system but very little in the way of an overall, comprehensive sociological and philosophical perspective on punishment (Garland 1990). What there is does not even form a complementary body of knowledge but a group of independent attempts to provide insights, reasons and justifications. Four such major scholarly works are those of Durkheim, Foucault, Rusche and Kirchheimer and Elias. Foucault is the odd one out in this group because while the other three work from a base of a universal social theory, solidarity, Marxism and cultural mentalities respectively, he in fact repudiates the idea of a global grand theory (symptomatic of post-modern thinking). Their task was further complicated by the fact that the term 'punishment' does not have a single meaning or refer to a single purpose. Nietzsche (1887) was among the first to note that punishment has 'a great many meanings'. He maintained that because it has such a long history and has always been so adaptable it became a very complex term which defies definition.

Punishment has for a long time been thought of as a means to an end, this being the control of criminal behaviour by deterring would be law breakers, making offenders resolve never to offend and return to prison and removing law breakers from circulation. It is now widely accepted that punishment fails to achieve what is claimed for it (Mathews 1999). However, people are still labouring within a means-end framework. The end for Emile Durkheim is social solidarity (1984), for Foucault, domination (1977). Garland (1990 1:19) makes the point, however, that:

Punishment is not wholly explicable in terms of its purposes because no social artefact can be explained in this way. Like architecture or diet or clothing or table manners, punishment has an instrumental purpose, but also a cultural style and a historical tradition.

Thinking about and response to crime, punishment and prison is influenced by penological and sociological considerations with the latter dominating the former. Policy is determined by the 'official' perception of crime and the political positions it gives rise to. The way a particular society conducts its policing, trials, metes out punishment, determines the extent of punishments, organizes institutional regimes and 'frameworks of condemnation' depends on social convention and traditions more than on criminality (Bottoms 1983, Mathiesen 1983). It is these that give legitimacy to punishment.

Punishment: In Defence of Social Solidarity

Durkheim (1984) sees punishment as a straightforward embodiment of the moral order governing a society. He gives it a privileged position in his project since it is a clear manifestation of 'the collective conscience' which underpins social solidarity. Its moral and social importance is far greater than its crime control function. Moreover, he uses his discussion of punishment to facilitate understanding of his social theory on social morality and solidarity. Durkheim explains that what binds people together, bonds of moral solidarity, gives rise to punishments which in turn defend and sustain these bonds. Penal law was not concerned simply with the quasi-pathological nature of offending (as understood in the early 1900's) and its treatment (rehabilitation), but also with censuring the unlawful act as a moral offence. What is to be censured? Durkheim states that crimes are socially constructed. There is nothing natural or absolute or timeless about criminal acts. They are violations of the fundamental moral code of society. The conscience collective is offended and calls for retribution. This begs the question: why is punishment the most appropriate way to respond to crime? According to Durkheim some rules are considered sacred by members of society, even if they are 'manmade', because they defend deep seated moral convictions. When crimes, such as homicide, infanticide, rape, indiscriminate

terrorist attacks on the public and gross corruption of trusted officials, are committed there is a strong public outrage and anger and a strong desire to 'balance things out'. These rules have a kind of religious status which can only be undermined at the risk of social disintegration. Passion and vengeance are the driving force behind punishment. Even in its modern, controlled, state managed form punishment derives its energy from sentiment, deep psychological aversion to crime and criminals. It is, after all, popular sentiment that provides the context since the state claims to act on behalf of the people.

Having earlier claimed that punishment does not serve a specific end but is the reaction of outraged people Durkheim now explains that there is a consequence of punishment backed by popular feeling. This 'consequence' soon takes the shape of an 'end' achieved by collective condemnation of crime. One gets the feeling that crime and punishment for Durkheim are quite useful if not desirable. When there is a public outcry against a crime and its perpetrator it serves to highlight the popular adherence to certain moral values and to strengthen the moral bonds and solidarity among members of society. People express condemnation and call for punishment in order to defend their moral code and social cohesion. Durkheim could see that in a maturing modern society the division of labour was taking over from public outrage and punishment as the bond of social solidarity. He maintains however, that it still serves its original purpose even if there is more room for diversity of opinion and feeling. Modern secular moralities are still dependent on a transcendental force. This stems from the reverence accorded to the moral code even when this is manifestly man-made. This sense of the sacred is generated within the family and the school and when there are infringements there is the usual show of outrage. Punishment still retains its power to limit the demoralising effect of crime. It shows that the moral order can effectively defend itself. Punishment's primary function is still the reassertion of the moral order. He appeals to teachers and law administrators to make this the focus of their punishing. Durkheim maintains that there is no real basis for the claim that punishment is a deterrent. Threats of punishment

have no moral content and as we live a life of risk anyway (playing football, racing cars, simply driving cars, flying in planes and travelling in trains) it is accepted by potential law breakers that they face risks.

Durkheim practically ignores the practices associated with crime and punishment (court proceedings, sentencing policies, prison, etc.) because he is specifically concerned with the moral aspects of crime and punishment within the social framework. The public moral outrage against crimes is spontaneous and justified, but is punishment and the traditional penal practices the way to respond to the feeling of outrage? Cannot public moral solidarity be defended and public moral outrage addressed by some means other than the traditional ones? Are punishment and its public manifestation socially necessary? Durkheim and Dahrendorf (1959) think it is. Both are necessary because it is not simply a direct response to crime in the hope of reducing offending but a more serious response to the affront to the 'conscience collective'. Punishment and its public knowledge reassert the moral order making it clear to all that the system of values and principles that govern society is in good shape and will survive such attacks. There is also a political bonus attached to this. Punishment reaffirms the authority of those in power (who are supposed to act on behalf of society) and shows them up as defenders of social stability, peace and prosperity. For all this to work, however, the context needs to be right. We have seen attempts at reducing criminality, both in the United States and in Europe, based on harsher and longer sentences. Very little, if any, success has been reported (Tonry and Petersilia 1999). According to Durkheim for punishment to work there must first be an established and accepted moral order so that the offence will be widely felt as alien to popular sentiment. Otherwise those who live within the 'housing estate', 'the neighbourhood' or the 'inner city community' will not be on the side of law and order. The harsher regime will be perceived as simply more oppression. Punishment, then, as Durkheim and Garland, but not Dahrendorf, maintain should be applied sparingly and when other means are not available or have failed.

In his reworking of this Durkheimian theme, Garland (1990) rejects the idea that the 'conscience collective' is to be taken as a given, something that has been here since people formed communities. Even if it were the 'totality of beliefs and sentiments common to the average citizens of the same society'²⁴ the beliefs and sentiments evolve and change from time to time. It may even be the case that for many, adherence to the social order is utilitarian rather than moral, something which Durkheim would have found very depressing. No matter how deeply embedded popular sentiments are they are neither eternal nor universal. The social order at any point in time is the dominant one that prevailed over other competing orders. There is no end in sight for social conflict (big or small). Durkheim, however, would deal with this by positing two layers of social life. A surface layer contains all the social conflicts and an underlying layer composed of the moral framework shared by one and all. A major goal of socialising persons, young and older, is to bring them to live together within the underlying social framework so that to some extent they share a common way of life. The implications of this for education are enormous. Curriculum design and content and the basic principles that breathe life into them depend on a particular philosophy of life (or living), a shared purposeful existence. The task of curriculum specialists is more complicated than Durkheim would have acknowledged since the context in which they work is not stable and enduring but made up of a set of social relations, the result of conflict and negotiation, which prevail at a point in time (Ornstein and Hunkins 1993).

This is not to say that Durkheim was entirely wrong. Although the prevailing morality at any one time is that of the dominant social group there is always a set of values that permeate popular sentiment (Caplow and Simon 1999). To ignore this sentiment would be foolish and bad politics. The other side of the coin shows the dominant group being able from the heights of the social framework to affect, sometimes in significant ways, this popular sentiment by

²⁴ Durkheim, E., (1984) *The division of Labour in Society*, Trans. W. D. Halls (London) p.79

giving it a desired particular direction (Usher and Edwards 1996). This is usually done by reinterpreting the existing set of values.

Durkheim does not believe that punishment (mostly imprisonment) has had the effect claimed on its behalf. It does not really control lawbreaking. He attributes this failure to the absence of any moral content in punishment. It does nothing to improve the offender's moral conscience. It often hardens the individual and facilitates recidivism. Even if the public sees the trial, judgement and sentencing as having moral content the offender usually 'misses' the point. It is the offender's moral disposition that needs to be improved much more than that of the public (Garland 1990 3:75).

Moral reproach produces guilt, remorse, and reform only where the offender is already a member of the moral community represented by the law, and in such cases, self-reproach makes formal punishment more or less redundant.

For Durkheim 'punishment as social control' is a defeatist approach to lawbreaking. Society resorts to this when it gives up on its ability to change offenders for the better. But as Garland correctly points out the majority of offenders are not members of the moral community or exist on the fringes. They usually come from whole neighbourhoods that are like this. In this case self-reproach is not spontaneous. It is in such a context that the modern prison developed the way it did. Garland (1990 3:75) states:

Modern penal policy endeavours to transform conduct by threats, penalties, behavioural training, psychological adjustment, and the manipulation of environment---it seeks to improve and correct by technical means rather than by moral persuasion.

The public, Durkheim's main concern, is the net beneficiary from the infliction of punishment on offenders. Regardless of the intention of the incarcerator the 'conscience collective' is vindicated and the social solidarity so dear to him is preserved. However even this notion comes in for criticism and doubts are cast on its value. Mead (1918) agrees that crime and the rituals associated with it evoke in people a sense of outrage and of coming together to oppose the affront to public morals. He also states that what surfaces on such occasions is

solidarity of aggression. These hostile, violent feelings take away from society rather than add to it. They obscure the real issues involved so that little or no interest is shown in the reasons which drive people to break the law. Durkheim's social solidarity in defence of moral righteousness is seen by Mead as a threatening fundamentalism which prevents persons asking pertinent questions and making linkages between crime, criminals and social conditions.

In his critique of Durkheim's functionalist theory of punishment Garland (1990 3:78) refers to Garfinkel's (1956 61:420-424) doubts about the effectivity of penal rituals. The 'structural preconditions' and 'contextual requirements' needed to bring about the desired effect of positive, constructive social solidarity are not easy to come by. There are too many variables. This is echoed in Mary Douglas's (1986 p 35) work in which she states that the effects claimed as a result of rituals or institutions do not always materialise.

Even if one went along with Durkheim's theory of punishment it would be bizarre to welcome lawbreaking because it affords occasion for reinforcing social solidarity. The logic that would follow should make one hope that prisoners, once released, would re-offend. Recidivism would ensure a continuous surge of moral outrage and a high level of 'social cohesion'. If one extends this scenario chances are that the higher and wider the level of the 'conscience collective' the less is the number of offenders. This will make the whole process burn itself out; and then what?

In the real world the vast majority in any society would like to see a drastic downturn in crime. The misery and suffering that crime causes are horrible. The price that ordinary citizens have to pay in terms of money, property, injury, psychological well-being, emotional stability and dignity is too high (Stern 1998). It certainly does not justify whatever silver lining Durkheim might have seen around the dark cloud that crime is. If there is such a thing as a 'conscience collective' it would be correct to reason that Durkheim would desire a higher level of moral living in as large a number of people as possible. This would

raise the moral quality of life in a society and there would be nothing to worry about with regard to social solidarity

Given the complex societies we live in, most of which are clearly marked by an unfair distribution of wealth, preventing crime is a really difficult and therefore challenging task (Dahmer Pereira 2001). The problem is far from being linear. In fact it is web-like in nature and it needs to be tackled from different angles. These include the economic, occupational, cultural, familial relationship, youth subcultures, and street gangs, psychological and above all educational (Richards 1998). Central and local government may embark on initiatives designed to help young people stay away from crime. These initiatives are usually complemented by programmes designed and delivered by Non Governmental Organisations such as those working in drug abuse prevention, alcohol abuse prevention, sports promotion and others. What most of the public do not know is that community based programmes are not enough. A sizeable number of crimes are committed by persons who already have a conviction and may have served time in prison (Ramsbotham 2003).

The majority of inmates are persons who left school rather early and with very little to show for the time they spent there. Their experience of schools is usually rather negative. Having failed to develop skills which facilitate a normal, positive, productive life they are unemployable so that their life options are very limited (Crow 2001). Deviance leading to serious crime appears as a soft option in the circumstances. If and when the perpetrators are caught there is the usual ritual consisting of arrest, media reports, arraignment, more media reports, trial, sentencing, still more media reports and finally imprisonment. At this point the spotlights are switched off and the offender 'disappears' for months or years. By now the good positive effects on society described by Durkheim would have materialised and all can live happily ever after, or until the next time. But the next time may come from the very same person recently released from prison. Thus the popular public myth that one can sleep easier for having thrown Tom, Dick or Harry in prison explodes when one studies the rate

of reoffending (van Zyl Smit and Dunkel 2001). Incarcerating people, particularly young ones, is simply sweeping a problem under the carpet and pretending it is not there anymore. But problems have a way of creeping from under the carpet and surfacing again. It is the total disappearance of public interest in offenders once they are sentenced that perpetuates this situation. Most people seem to forget that within a few months or a couple of years the young ones that are imprisoned will be back on the street.

When Durkheim proposed his theory of punishment he must have envisaged a fairly low rate of criminality. Thus each case as it comes up would add new fire to society's moral life, social solidarity and reinvigorate the 'conscience collective'. A sustained high rate of offending would surely have an opposite effect. There may very well be a general downturn in public morale. If more people offend and more of these re-offend the public may feel that the feeling of outrage and reinforcement of the 'conscience collective' is affecting a smaller number of the population while crime is infecting a larger number. One way of attempting to redress this state of affairs is to mount a serious, professional, well-resourced, long term educational campaign. It would need to be two pronged. There is a need for prison education in prisons for inmates and officers and 'prison education' for the general public. The former will serve the 'students' well both during and after the term of the sentence. The latter will educate our society on what prison is about, what is being done to and for prisoners. In turn they will learn how all this benefits them as much as it benefits the inmates and they will demand educational provision in prisons from their politicians.

In a Durkheimian world prison education is certainly justified. Each person is a potential offender and each offender is a potential clean living, upright citizen. The latter may also be a potential second time offender. Surely Durkheim's social solidarity should extend to men, women and youth in prison. Once the process of arrest, trial, sentencing and imprisonment is over and the 'conscience collective' has been strengthened the very same public that was outraged in the

first place should see to it that the prisoners are given the attention they need. Their needs may be few or many for each person is a 'story' and stories range from almost identical to totally different. One important need, which is not exclusive to prisoners, is education (Peters 1973, Oakeshott 1989, Stenhouse 1971). People do not come into this world thinking and behaving in a morally right way programmed to fit the society they are born into. Each one is educated and socialised to be so. As far as offenders are concerned this exercise seems to have, at least partially, failed. Even if this failure is not questioned it would be a neglect of duty to raise the level of morally right living in society if a sound, quality education programme in prisons is not provided.

Men, women and young persons in prison are not a strange species of animal nor did they drop from outer space on to this planet. They are fathers, mothers, sons, daughters, brothers, sisters, uncles, aunts, friends and neighbours. Needless to say social solidarity extends to the families of these prisoners. The latter contribute to the 'conscience collective'. Therefore in a Durkheimian sense there is a moral duty to help these suffering relatives. One of the ways of achieving this is by ensuring that adequate educational provision is available to prisoners so that these families may realise their dream of welcoming home their loved ones who would then be educated, have useful skills and be employable.

A common objection to providing education in prison concerns money. It goes something like this. Why should taxpayers' money go towards improving the lot of those who have caused harm and grief to others? Honest, upright citizens are more deserving and the money should be spent on them (Thomas 1995). It could be used to maintain roads, embellish public gardens and upgrade the National Health Service. From the point of view of who deserves what, the honest public surely deserves to be left alone to carry on with its life in high relative freedom and security. This is not served let alone guaranteed by dumping more and more offenders into prisons and forgetting about their existence. They will come out sooner or later, bitter, angry, far less respectful of societal values and ready to 'get their own back' on everyone (Ramsbotham

2003). Ramsbotham states that the current budget needed to run the Prison Service in the United Kingdom stands at about 2.8 billion pounds. The cost of crime committed by recidivists is 11 billion pounds annually. Freedom and security can be served by investing in quality education custom made for the particular context. Spending on more facilities, more personnel and more security equipment is false economy. A good educational programme would cost a fraction of what is spent on these. Uden (2003) states that the money voted for prison education for 2003/4 is about 85 million pounds. Overriding all these considerations is the fact that these people are persons in all its senses and their personhood is not diminished by their wrongdoing (Melden 1977). Avoiding the philosophical argument concerning the status of the concept 'human' and 'rights' in human rights and taking these as given, that is, as stated in the UN declaration and the Council of Europe Recommendations (1989) on prisons, one would see that the right to education is as much the prisoner's as it is everyone else's. It is a constitutional right. One may argue that convicted prisoners and to a certain extent those on remand, are denied some of the basic rights and this is accepted everywhere. However the deprivation is limited to those rights that if abused may harm others (Garrity 1961). Better education would certainly have an opposite effect. No one can mount an argument that education may be used by prisoners for criminal activity inside prison or after release. This type of argument would have to be followed by a recommendation to stop educating children in schools for fear of their doing the same with their education. If Durkheim's theory of punishment is pursued into the present it would lead not only to a justification of prison education but to a very strong appeal for it to be provided.

Punishment: In Defence of Capitalist Economies

In sharp contrast to Durkheim's account of punishment as an instrument for moral solidarity in society Rusche and Kirchheimer's (1968) theory of

punishment defines punishment and prisons as an instrument for capitalist financial aggrandisement. According to the latter the history of development and change in punishment and prisons is intertwined with the history of economic/industrial activity. They maintain that penal policy was determined, almost exclusively, by economic and political considerations. State power is reflected in this policy as does the traditional class struggle. Although Rusche and Kirchheimer worked from an unacknowledged Marxist base their work is original in the full sense since Marx wrote very little about punishment and almost nothing about prisons (Garland 1990). They were compelled to work from a broad Marxist theory of society in order to develop their theory of penal sanctions and institutions. There is no true Marxist position on punishment and prisons but a number of theories developed by Marxist writers or others using Marxist categories to underpin their analysis.

Punishment and Social Structure, published in 1939, is Rusche and Kirchheimer's major work in this area. It has been criticised as being rather reductionist in character because it focuses almost exclusively on the relationship between modes of production and penal institutions (Matthews 1999). The authors examine the development of penal sanctions and institutions from the middle Ages to World War II. It is thus both historical and analytic. It differs from other works that came out of the Frankfurt School in its narrowness of vision. It excludes cultural aspects which one normally finds in the work of other authors. In sharp contrast to Durkheim, Rusche and Kirchheimer looked at and analysed those factors which prompted those who had executive power to choose certain methods of punishment rather than others. Durkheim was far more interested in their social effects.

They make it quite clear at the outset that there is nothing metaphysical or ideal about punishment. In fact there is no such thing as punishment. There are modes, systems of punishment in response to criminal practices (not crime). Any idea of universality of punishment and crime is ruled out. Even if not stated they follow a Marxist mode of analysis since the framework they work

with makes it clear that the historical evolution of society, the processes that make up its dynamic, is determined by successive modes of production, each one rising, reigning and receding to make room for the next one. They maintain that the history of penalty, the types of punishments, correspond (neatly) with the history of labour relations and the job market.

Another striking feature of Rusche and Kirchheimer's work is the underlying principle that since punishment is a social construct it is bound to be complicated in nature. Contrary to common belief the modes of punishment are not designed and chosen with the goal of crime control in mind. There are other considerations and it is these that Rusche and Kirchheimer are particularly interested in. Implicit in the text is the belief that penal institutions should not be analysed in isolation but as they relate to other institutions and social policies not connected with penalty. Penal policy is part of a much wider scheme. The latter is designed to control and manage the working classes. These must be kept in harness and behaving in an acceptable (to the elite and capitalists) manner. Factories, workhouses and prisons were three cog wheels of the same machine, this being the capitalist mode of production. They have a similar structure, regime and organisation.

What makes Rusche and Kirchheimer's work more economic oriented rather than political or ideological is the fact that it relates penal policy directly to the labour market, the prime site of class struggle in Marxist analysis. Punishment, according to them, is not the product of social indignation and disgust brought on by criminal activity (as Durkheim maintains) but a chip in the broader 'game' played out by the proletariat and the capitalist/elite class with the latter using penal sanctions to preserve the upper hand. *Punishment and Social Structure* attempts to unmask the deception that ideology promotes. Punishment is presented as an institution which benefits the whole of society. In fact it benefits one class to the detriment of another and plays an important part in the economic class struggle. It is the interest of the dominant class that punishment and prison serve. These control the labour market and therefore hold the

working class by the throat, relaxing or tightening their grip as the fortunes of industry and commerce fluctuate from time to time. The fluctuation in the fortunes of the capitalist class are accompanied by fluctuations, or 'reforms', in the choice of punishment and its implementation.

In their historical account of punishment, Rusche and Kirchheimer explain how the labour market determined what happened in prisons. The lower classes tend to regulate their behaviour according to the prevailing economic conditions rather than by some adherence to society's moral order or respect for the law. To reduce the attraction of living off criminal activity instead of the harsh regime of the factory and other workplaces penal institutions were designed to afford the worst option in the way of living conditions. These were to be worse than the living conditions of the poorest segments of society. In such a context it is difficult to envisage meaningful 'prison reform'. If this pushes the 'quality' of prison life one notch higher than that of destitute unemployed persons the deterrent effect may be lost. This argument assumes that prison has a deterrent effect, a contested notion these days (McGuire 1997). It also shows the totally materialistic conception of humans that Rusche and Kirchheimer had. It excludes the possibility that even poor people may have various concerns in life other than bread and water. Another function of punishment and prison is the moulding of errant members of the working class to fit regimes prevalent in factories and other workplaces. Inside prison there is total submission to official authority, a 'regular timetabled life' with no room for idleness. When in certain cases (as when changes in the manner of production occur) the prison regime does not need to be geared to the 'factory mode' the dominant social class concerns itself with the financial burden of keeping people in prison. The money spent on penal institutions is not considered a sound investment any more. This explains the rising popularity of imposing fines rather than imprisonment for a large number of offences.

Rusche and Kirchheimer's work has had its fair share of criticism both because of its restrictive vision of punishment and penal institutions and its simplistic

description of their history (Sparks 1996). Their interpretation of the motives behind the transportation of prisoners to the colonies has been found wanting by other researchers (Garland 1990). There were very important economic reasons for the practice during certain periods but not to the exclusion of other goals such as crime control. Houses of correction were not 'cheap labour factories' as they maintain since most of these institutions could not break even let alone realise profits (Cavadino & Dignan 1998). Very few, if any, prisoners left prison nicely moulded and trained for factory life so that this premise of Rusche and Kirchheimer does not really stand. Throughout their work they insist on a correlation between the standard of living of the working class and the quality of prison life. This does not explain how states with very similar standards of living had such widely different (in quality) penal practices. If punishment and penal institutions are so tied up with a capitalist form of society how does one explain the great similarities between penal practices in socialist and capitalist states? If penal institutions are a feature of class struggle one would expect to have the capitalist and upper classes supporting them while the lower classes would be waging a war against them. However, the truth points to widespread support for punishment and prisons from all social classes (Garland 1990). Thus *Punishment and Social structure* suffers from an overdose of economic reasons, a condition made worse by the underestimation of ideology, politics, religion and other forces in the shaping of penal policies and practice.

Pashukanis, in his *Law and Marxism: A General Theory*, (1978) focuses on the juridical process in order to show that penal institutions are in the service of capitalism. Modern juridical formulations are a reflection of the economic categories of a capitalist driven society. It is a two way relationship. Law derives its form from economic market relations while the latter enjoys legitimacy through the strength of the former. Pashukanis states that in such a context the person is perceived by the Law as an isolated egoistic subject who is a bearer of autonomous private interests and an ideal property owner. Contract, ownership and exchange are the ways persons relate to each other. This simply

reflects a capitalist way of life. This state of affairs does not apply solely to commercial and industrial law but also to the criminal law sphere. The accused is a legal subject having free will, responsibility and wishing to be better and flourish. This is quite correct when applied to middle and upper classes but does not necessarily fit the life style and psychological disposition of the working class and much less that of the poor. Pashukanis points out that the principle of commensurability between the offence and the punishment is a market concept. The convicted person 'pays his dues'. The dominant class owns most of what there is in society to be owned. The social structure and the moral code that keeps it together reflect the interests of this class. Punishment and penal institutions are modes of class control.

Pashukanis despairs of the possibility of real penal reform because as long as penal institutions mirror capitalist categories they will not move from a retributive mode to a social defence or rehabilitative mode. Juridical processes and penal institutions are moulded in a culture of class dominance and market principles both perfectly incompatible with policies aimed at making people better persons and citizens. Pashukanis's account of punishment and prisons suffers from the same defect that afflicts Rusche and Kirchheimer's work. It is too restrictive in its categorical vision. Although capitalism marched on, reforms in penal policy and institutions were initiated during the twentieth century. Some failed while others endured (Garland 1990).

In the capitalist world we live in the demand for 'muscle' has been receding steadily so that the term 'worker' does not conjure up visions of hordes of illiterate or semi-literate men and women (Torres 1998). Today's production, services, installation and maintenance requires persons who are not simply literate but skilled to an ever rising degree. These are not the traditional skills. Most involve the use of digital equipment of one sort or another. Even the traffic warden uses some kind of hand held computer instead of the pen and ticket booklet. However, the conclusion that follows from Rusche and Kirchheimer's critique would not recommend an updating of prison education to

bring it in line with present Capitalist exigencies. Rather it would appeal for a type of pedagogy that would be liberating. In Marxist terms this would certainly be a critical pedagogy (Cordella 1995). Given the prevailing dominance of free market economies and the persisting hangover from the fairly recent New Right victories it is very unlikely that penal institutions will change their philosophy or any aspect of their modus operandi unless new circumstances warrant a change. Such changes will be effected in the maintenance of current power relations that constitute prison life. The only hope for changes in the opposite direction is through education.

There is one major hurdle that any critical pedagogist will find very daunting. A large number of inmates are quite conservative (Davidson 1995). They have been completely taken over by the trappings of the 'glittering' Capitalist world. Rather than overthrowing the system that created their own downfall they simply want to be part of it. Needless to say they want to be on the successful (in money terms) side of the social divide and enjoy the fast cars, the comfortable housing, the eating out, drinking and spending.

Cordella (1995) states that when prisoner-students either intuitively or through learning come to recognise the functional superiority of those who wield power they are eager to participate in prison education programmes in order to transform themselves from functional inferiors to persons who have functional superiority. It is the minority of inmates who are or become politicised through education. Critical pedagogy offers the best possibility for increasing this group.

Critical pedagogy is about creating a 'critical consciousness'. It politicises students and fosters resistance to oppression even when this is in the form of a domesticating education.²⁵ It seeks to promote democratic practices in

²⁵ For a discussion on Critical pedagogy see Paulo Freire *Pedagogy of the Oppressed* (1970), New York Continuum; Shor I. (1993) *Education is politics: Paulo Freire's Critical Pedagogy*. In P. McLaren and P. Leonard (Eds.), (1993) *Paulo Freire: A Critical Encounter*. London Routledge.

educational settings. According to Freire one should not try to map out a programme for Critical pedagogy before the teacher-student interaction (sessions) actually starts because the agenda is a joint effort. The programme is worked out through negotiation between teacher and students. Rather than imposing an 'alien culture' the teacher works around their lives, what is relevant to them. Critical pedagogy takes on board the students' life experiences so that they may come to realise their strengths and weaknesses among other things. Through this kind of education prisoners are encouraged to be conscious of the oppressive forces that, masked as education, control their self expression, their world view, their own perception of their future prospects and the breadth and depth of their understanding. Collins (1995) strikes an optimistic note when he challenges teachers to find the ways, which he claims are there, of resisting the prescribed curriculum for prison education. This curriculum is not just passive in the face of the oppressive power game that the elite play; it actually is part of the panopticon. In the absence of a popular revolution a Critical Pedagogy is the only option available to try to combat the wrongs that Rusche and Kirchheimer describe.

Punishment: In defence of power

Foucault's *Discipline and Punish*, (1977) is neither concerned with morality and the social conscience nor with the economic goings on in society. He focuses exclusively on the notion of power and how this is played out through discipline particularly in a prison context. He examines the technologies applied within the prison that include discipline and surveillance and the rationalisation of penal processes. There are occasions where he 'breaks out of the prison' to show how the processes in the management of penal institutions reflects processes of governance in the wider social context.

Foucault focuses on the power relationships within the penal system and the knowledge that accrues from them and in turn helps to maintain them. Since he does not believe in "Grand Narratives" he does not bring in questions of ideology and global social structures. He analyses the control techniques

employed in penal institutions going back to their very beginning and produces a genealogy of carceral practices in the last two and a half centuries. His detailed analysis of punishment exposes it as a question of power and governance. His work is unique in that it deliberately ignores punishment's wider social grounding and the political context in which it exists although he does question the very foundation of Modernity, that is, rationality. Foucault is critical of the Enlightenment and subjects its fundamental tenets to a scathing scrutiny exposing not only their development but also the price people had to pay because of their 'oppressive' character. Through his approach he highlights the way persons are socially constructed and dominated. His account begins around the last quarter of the eighteenth century when there was a marked decline in the practice of public punishment of offenders and an increase in imprisonment as a means of retribution. Even the scope of the latter soon changed from vengeance to reforming the 'criminal'. The target shifted from the body to the mind. The more one knows a person the more one is properly equipped to intervene. While the parts of the body are exposed and more or less the same for everyone, the mind or 'soul' is obscure and difficult to unravel and then build into a comprehensible collage. This necessitated the introduction of a number of professionals in order to piece together the 'problem' of the inmate and produce a 'corrective' prescription.

In his study of punishment Foucault uses the basic concepts he applies in other works, namely, power, knowledge and body. Power is exerted over bodies. According to him this did not change over time. What changed is the way domination of bodies took place. From a destructive power it changed to a reforming subjugation designed to domesticate persons (mostly men). He studies the way technologies of power in penal institutions manage to reach and control the actions, attitudes, discourses, learning processes and other aspects that together make up an individual. His concern, however, is with the techniques not the people. It is the power relationships and their dynamics that interest him.

When it comes to power, its distribution and effects Foucault does not follow any organised, hierarchical model (as in Marxism) because he believes that people living together experience a plurality of forces from many diverse sources. Power is not simply 'top-down'. It is multi-dimensional and multi-directional. His analysis is more complex than that offered by authors working from large scale social and political theories. Power is pervasive, running through people's everyday life. During any twenty four hour day persons go up and down the graph of power a number of times. The employee who is dominated by the power the boss wields at work is in turn powerful at home where he calls all the shots. The same person, as a member of the local football club, has to abide by the rules set by the committee but as chairperson of the local amateur fishermen's association he takes decisions which affect a considerable number of people. The very wide context in which Foucault analyses power relationships marks him off from other authors who restrict their study to political action at a macro level, state power or economic and industrial relations. Power works through people inducing them to actions which may adversely affect them or which may be beneficial. It is not always necessarily oppressive.

Power is intrinsically dependent on knowledge. Strategies and technologies will operate successfully in direct proportion to the degree of knowledge on which they are based. The more one knows the more detailed and specifically targeted one's plans are. Foucault is such a strong believer in this that he does not consider the development of the social sciences as a cumulative development of the intellect and academia but as the growth of different forms of knowledge about the body which enhanced the power of those who owned them. He also discounts a connection between the change in the form of punishment, from public flogging, torture and execution to imprisonment, and the eighteenth century reformers who appealed for humane, commensurate, corrective treatment of offenders. Political considerations were responsible for the changes

not philosophical theorising. Public involvement would now extend up to the trial. After that a veil of obscurity (if not secrecy) falls on the rest of the process. The Modern God, rationality, was spreading into most aspects of everyday life and this included the punishment of offenders. At the same time the underlying reason for punishing shifted from defending the Sovereign's absolute power to defending the rights of society to live in peace and security. Foucault explains that instead of the rationalised system of punishment, proposed by the reformers which aimed to introduce a 'fit' between the crime and the punishment and the public use of this as a lesson to others, imprisonment became the standard form of punishment for almost all types of offending. Up to that time prison was simply a 'holding' place for criminals waiting for punishment.

Foucault devotes a considerable part of *Discipline and Punish* to a detailed explanation of how the disciplines affecting the body were developed. He refers to the army, the schools, monasteries, hospitals and workshops as the sites where most of the development took place. Bodies become ever more efficient 'machines' that could adapt to new military strategy, industrial machinery and generally a routinised way of life. Sport, of course, is the perfect example of this development. All this could not be achieved without adequate supervision. From the beginning of the nineteenth century the prison, having made the disciplining of the body its fulcrum, sought to develop organisational structures for constant surveillance and correction of deviance. The prison became the starkest example of a totally timetabled life. Conformity became the key to a 'stable' existence in prison. Individualising became the natural consequence of all this. The new system did not look at a mass of people but at singular men and women. Each person's life had to fit into the regime and new methods were invented to assess to what extent this was happening. Hence the proliferation of psychiatrists, psychologists, social workers, doctors, chaplains', criminologists within the prison context. The information stored in each person's personal file is an instrument of power.

Foucault contrasts the evolution of democratic institutions with the development of the disciplines. The latter are 'a counter-law' in opposition to the positive law enacted to diffuse democratic principles and practice. In fact he states that discipline is the 'dark side of democracy'. He seems to overlook the dangers of the absence of discipline. Since the beginning of the Industrial Revolution society has become ever more complex. Issues, problems, difficulties on the one hand and progress and benefits on the other connected with everyday processes like transport, personal communication, food and drink production and consumption, manufacturing, financing, education and others melt away when processes, systems and equipment become outdated and phased out only to be replaced by newer ones. What would a progressive technologically dominated world populated by millions of persons who are not disciplined look like?

Discipline standing alone may be just as negative and destructive as Foucault makes it out to be. It must be turned to everyone's benefit by establishing it on a sound education. Even the latter may be found wanting from time to time after a period of stagnation and complacency. Education defies definition because it shares (or should share) the same dynamism that characterises life processes and community living. It is never ready, never set (Dewey 1916). It is difficult to imagine a democratic society without discipline. The above applies even more to prisons. Putting in place the 'disciplines' without breathing life into them by means of sound, relevant education programmes is like producing the packaging but not putting in the goods. There is not much that is intrinsically wrong with the disciplines although there may be a great deal that is wrong with the aims to which they may be applied.

As Garland (1990 6:148) points out Foucault's genealogical argument that the prison is a disciplinary institution must imply a dual function for it. It confines people and deprives them of liberty and it seeks through discipline to transform them. This, Foucault insists, gives the prison authorities a free hand to do with and to the prisoners what they please, always camouflaged by the declared aim

of practising a correctional policy. One very important consequence of this is the invention of the 'delinquent', the 'criminal'. Prison, with its regime of disciplinary techniques without substantial educational and reformatory content, turned offenders into hardened, embittered persons with a chip on their shoulder blaming society and its institutions (rather than themselves) for ruining them. When they got out they sought to avenge themselves by committing more serious crimes. Prison is the gate to a criminal career (Stern 1998). It was also due to the prison that 'the criminal' came into existence as an observable subject that belongs to a definable category. Whether this came about as a result of a deliberate plan, a worked out strategy as Foucault claims is doubtful since he does not support the argument with evidence. However, what matters is the fact that it did happen and the term is applied to every person who is found guilty of an offence and sent to prison (even if only for a few days) regardless of the nature of the 'crime' and the circumstances pertaining to it. In spite of its categorising, observing and whatever else it did for the last two hundred years, prison has failed to deliver what was attributed to its scope. It persisted, according to Foucault, not in spite of this but because of it. Its failure turned into an instrument for those who had and wanted to retain political power. It divided the working classes and the agencies and their technologies employed in surveillance of criminals could be used for political control of the masses. This is another example of Foucault's speculative position since there is no evidence to show that what he states is correct. Garland puts it down to an attempt to prop up a functionalist approach using invalid reasoning. He also invites us to dwell for a moment on the idea of 'failure' of the prison system. Systems pass or fail depending on whether they satisfy a set of criteria. If the criteria are mainly punitive then the failure of prisons is not so obvious any more. If, on the other hand, the criteria are reformatory, empowering and educational then they have been failing for a very long time.

Punishment and anything connected with it is rational. It stems from a planned course of action with specific designs intended to achieve particular aims.

Those that mete it out must therefore have their personal agenda. This is exclusively power. Such is Foucault's conception. Throughout the last two hundred years nothing happened by chance where prisons are concerned. Punishment is power which controls the prisoners so that they behave in ways which are acceptable to the 'powerful' and makes others refrain from offending. 'Punishment as power' is the heart and soul of penal processes. Foucault's exclusion of the possibility of other explanations or interpretations is too restrictive. Both Spierenburg's (1984) and Garland's position (1990 7:164) seems closer to the truth:

The principles of discipline and power-knowledge techniques may provide a technology of control with a given logic and potential but the extent to which it is used, and the purposes to which it is put, will depend upon wider social and cultural forces.

An example of this is provided by multi-party parliamentary democracies. Opposition parties make it their business to find out what is going on in government controlled institutions so that as soon as any undesirable activity is noticed they blow the incident wide open to embarrass the governing party and gain political mileage. Persons crave after power and 'do what they have to do' to obtain it in order to....., so that they can....., as a means to....; power is in the service of someone or something. It is therefore difficult to accept Foucault's reduction of values to simply power and control as if nothing else exists. Power and its degree must affect the lives of those who have it in one way or another. People's lives are complex (as Foucault explains clearly) and consequently involve a number of values. These values persist, even if 'hidden', after a whole century of rationalisation, bureaucratisation and professionalisation of the penal processes. During the nineteenth and twentieth centuries prisons were overrun by all sorts of types of professionals who profess to work in the interest of inmates but actually support (intentionally or otherwise) the managerial ethos of today's prisons.²⁶ As this process evolved, sentiments and emotions were confined to a safe deposit box where they could

²⁶ For a detailed description of how rationalisation came to envelop the prison system see Garland, *Punishment and Modern Society*, Ch.8.

not interfere with the work of these professionals. Their work was to be carried out in the most efficient, clinical, detached manner. One can imagine a pendulum swinging from a maximum height of punitive emotions and attitudes that dominated penal institutions when they first developed to a minimum (total absence being the ultimate aim) of feeling. Perhaps it is time now for the process to be completed (not in the strong, finite meaning of the word) by retaining the efficiency, as long as this works in everyone's favour, and replacing the punitive, judgmental, condemnatory emotions by pro-education attitudes. The pendulum continues its swing to a new high on the opposite side of punishment to the side of education. This requires everyone to conceive of today's prisons as educational institutions. As every teacher knows such places cannot be run by people who make it a point never to show any emotions (Lichtman 2004).

Foucault claims that as the disciplines, in a relatively short time, came to invest the whole process within penal institutions they became an instrument of total control over the bodies and subsequently the 'souls' of the prisoners. They also served to control would be lawbreakers by deterring them. Both claims are difficult to sustain although the first has been partially successful. The strict, rigid regime that evolved during the first half of the nineteenth century and the tightly time-tabled life that the inmates led within the institution did regulate the overall management of prisons. However, the docility and obedience manifest on the surface brought about by the disciplines were not assimilated by the inmates. As Sykes (1958 p xii) states:

In attempting, then, to understand the meaning of imprisonment, we must see prison life as something more than a matter of walls and bars, of cells and locks. We must see the prison as a society within a society.

The inmates resist the totalising regime by developing their own society with its norms, sanctions, rewards, hierarchy, 'policing', punishments and 'business' transactions. All this helps them to retain some form of personal identity and with it their sanity. The control inside prisons that Foucault attributes to the

disciplines is to a large extent due to the inmates' coping strategies. Evidence over two centuries suggests that prison has little or no positive effect on offenders (Garrity 1961). There is very little individual deterrence effect. We have seen an increase in crime rates everywhere in the world which suggests that the promise of incarceration is not deterring people from offending.

If one accepts Foucault's thesis, that the disciplines developed within the penal system the way he describes, with the motives he attributes to them so that prison inmates are at the receiving end of a power game then one may support such a regime and wish it to work as it was originally intended (complete control over the body and soul of prison inmates), or reject and oppose the system proposing some viable alternative. In each case what promises, at least, a measure of success is education. For people to appreciate and embrace something (with the exception of mysteries and dogma associated with religion) they need to understand what is happening and see its relevance to their lives and to that of others. This, in turn, obliges educators and managers to acknowledge that there is learning, which to a large extent has been happening in many prisons for a fairly long time, and education which is still rather scarce (Jones & d'Errico 1994). There is no reason why these two cannot come together. When a bunch of new prisoners are introduced to the institution's regime and given a rigid timetable to follow and a list of instructions on what to do, how to do it and where to do it, the immediate feeling, which persists, is one of oppression. What may turn this around is a short education course on time management when hopefully the inmates will come round to understand the benefits of the timetable. If beds must be made each morning in a standard way then let us furnish reasons (practical, aesthetic or whatever else) why it has to be so. Bodily exercise, if imposed, should be accompanied by courses on the anatomy of the human body, how certain parts work and what is needed to keep them healthy. For those who take science, biology and gardening courses the pedagogical emphasis would be on the regularity in nature, the virtue of classification to facilitate identification and research, quantitative work to

highlight the utility of measurement, the negative effects on agriculture when the autumn rains are very late and how much better it is to respect deadlines and schedules. Critical theorists²⁷ in the field of education identify three pedagogical models that have been applied in prison settings. All three are subject to the panoptic ethos of the institution and, therefore, serve very well the 'power-knowledge through disciplines' model described by Foucault.

Through the first, the Medical Model, correctional education is offered in a way that seems to take for granted that the prisoners need psychiatric treatment. It has a pathologising approach based on the belief that the offender suffers from psychologised deficiencies which require normalising techniques (Duguid 2000). Education will sort out any personality disorders and reduce the chance of recidivism. The curriculum is a functionalist one and the teaching method is simple, sterile and unchallenging. The second model is the Opportunities Model (Collins 1995). This model is intended to afford as much as possible a wide variety of educational and training opportunities for inmates during their time inside. The main motive as stated is not rehabilitation. Although this model is quite flexible relative to the Medical Model it still works in the interest of the penal institution since it is meant to keep inmates busy, doing things for their own good. The Opportunities concept is still mainly concerned with job training and allied skills. Finding jobs after release is not easy because of the persistent high rates of unemployment. In spite of this inmates get the impression that a lot is being done for them and a disciplined regime is not too bad after all.

The third model is the Cognitive Deficiency Model. This assumes that ignorance is behind the offender's law-breaking attitude and actions. Education should therefore aim at moral development by sharpening practical reasoning skills (McGuire 2003). When Kohlberg is invoked in support of this model a very crucial element is overlooked. The 'cognitive deficiencies' that need to be addressed are not genetic. According to Collins (1995) they are caused by the

²⁷ For a critique of prison education from a critical perspective see *Schooling in a 'Total Institution'*. Edited by Howard S. Davidson. (1995) Bergin & Garvey

life experiences of the individual particularly early on in one's life. Prison regimes are the least amenable contexts for developing moral reasoning. He further states that in spite of its shortcomings this model creates the illusion that something really worthwhile and beneficial to both inmates and society is being pursued in earnest. What makes the implementation of these education programmes 'safe' is the fact that teachers would normally be expected to work from a sanitised curriculum. Collins explains how. Set texts are chosen for their 'neutrality'. They do not throw up controversial issues such as wealth distribution, poverty, unemployment, power relations, race relations and environmental degradation. Unless the inmate manages to discover and clearly comprehend the contradictions inherent in his/her prison life/education he/she will think that the disciplined prison regime did him/her some good after all. If one feels that the disciplines in our penal institutions are an instrument of oppression (Foucault 1977) which puts prisoners at the bottom end of the power gradient then the next best thing to abolishing prisons in favour of some other system is an educational programme that seeks 'quietly' to subvert the efforts of those who wield power. Freire's (1970) work may be quite useful here as well as that of Gramsci (Hoare and Nowell-Smith 1971). In spite of the panoptican context teachers may still use strategies and approaches which are not constrained by the functionalist curriculum prevalent in prisons. The 'neutral' situations in the prescribed texts can be substituted by instances from the prisoners' own lives making the lessons more meaningful and self reflective. Contemporary social issues can be smuggled in during practically any lesson. Prisoners may be taught how to read, write, discuss and appreciate literature without any reference to functional aims. The critical pedagogy reflected in these initiatives serves as a countervailing strategy to the panoptican-power-control context and the 'correctional' ethos of the prisons. Collins (1995 4:58)

With prison literacy projects that are dependent for their design, and day-to-day delivery, on the competence of committed teachers, it is often the authorities that tend toward accommodation.

Where prisoners are not being prepared for any public examination teachers are freer to experiment with both content and method. This may be a very good opportunity for them to facilitate the realisation on the part of the prisoners of the contradictory situation the place is in. Teachers can help in the formation of various 'study groups' that would organise their own meetings, set their agenda and through a kind of 'give and take' arrangement with the prison authorities begin to control (to a degree) time and space. If teachers in prison think of themselves as 'transformative intellectuals' rather than robot like educational technicians they will help prisoners in forcing the power-knowledge hold to relax its grip.

Punishment: In defence of and subject to popular, cultural sensibilities

What about the people then? In both Rusche and Kirchheimer's and Foucault's account of the development of Modern punishment and prisons, the masses of people out there are portrayed as alienated, disciplined, passive recipients of the effects of power in the hands of ruthless capitalists or in the hands of those who used the disciplines to gain and preserve supremacy. Whatever happened to prisons and the people inside them over the last two hundred years was in the service of the capitalists' agenda and that of rulers and politicians allied to the wealthy establishment. Even in Durkheim's case, which does make space for 'the people', there is a kind of metaphysical entity, the Conscience Collective, and everyone is governed and controlled by it. It does not matter much, then, what ordinary people think about punishment, prisons and crime control.

This position is challenged or contrasted by the work of Elias (1978). In 1939 he published his major work *The Civilising Process*. This consisted of two volumes, *The History of Manners* and *State Formation and Civilisation*. He produced a genealogy of people's sensibilities as they developed and changed since the time of the knights and courtiers. His very detailed account traces the slow changes in attitude and behaviour and how these affected social organisation and the way people interacted. He used a very wide variety of

historical sources in order to construct a picture of how people (in the Western world) thought and conducted themselves in matters of eating, drinking, washing, sleeping, clothing, sex, toilet needs, relating to children, social men-women relationships and much more. The seventeenth century saw the state and its institutions wrest the use of violence from the hands of the people and make it the prerogative of the authorities. But unlike what used to happen in previous eras violence was to be applied according to a set of rules. By this time the status symbols had changed too and now consisted of language, manners, cultural achievement and other aspects of behaviour and image which made one appear and sound sophisticated. During the eighteenth and nineteenth centuries a number of characteristic manners, ways of doing things, were 'adopted' by the next social stratum (down) and then by the next so that what started as an exclusive mode of conduct at the top of the social ladder spread down and out and became almost universal. Conduct is intrinsically entwined with attitudes and these mirror sensibilities.

Elias argues that as cultural demands and social relations change so do the mentalities of people. This in turn affects the way people respond to drives and emotions. When these changes are internalised they become part of one's self, one's personality. Once a person is brought up with a code of conduct which becomes part of his/her psychological disposition it is difficult to break out of the code without feelings of guilt, discomfort and frustration. If Elias is right then the general public must have contributed in one way or another to the changes in the way society punishes lawbreakers. As Garland (1990 10:219) put it:

In the course of this process, (of civilisation) individuals come to develop new ways of relating to themselves, new ways of relating to other human beings, and new ways of relating to the physical and social environment.

As society enacted more and more new laws new crimes came into being and some old ones were perceived differently than they were hitherto. This must have affected the general population's views on punishment. As the right to one's physical integrity came into being and spread throughout various sections

of society the practice of maiming prisoners died out. Elias gives a Freudian account of how social learning helped people to overcome their instinctive drives and emotions. As each generation refined the process it must have become easier to socialise little children in acceptable ways of behaving. The civilising process is dynamic and new social demands keep cropping up. The concept 'manners' implies the existence of at least two persons. It underscores the way we perceive of one another. The history of the development of social manners suggests that human relations changed accordingly so that the humanity of each and every person was increasingly acknowledged. This extended to prisoners also although not to the same degree as it did to law abiding citizens. The civilising process did bring about the loss of a primitive naturalness that people had which came to be replaced by a good measure of hypocrisy, shallowness and mindless pique but it also controlled public aggression and violence, the perception of the other as a threat in a 'game' of survival and the barbaric treatment of prisoners.

The slaughter of edible animals, the carving of cooked ones and the infliction of pain whether for medical or punitive reasons are included in the list of manners and conduct that Elias describes. The civilising process, the development of manners and the important changes in people's sensibilities made the sight of certain things and certain conduct very disagreeable and distasteful. In keeping with this drive towards privatisation the display of public punishment slowly disappears and instead we see the development of the modern prison. The high walls are not there simply to keep the prisoners in but also to keep prying eyes out. This in fact nullified a good proportion of the benefits of the civilising process because violence, systematic torture and other forms of brutalising treatment could go on unnoticed and therefore uncensored. Garland makes an important point: he points out that a careful reading of both Elias and penal history shows that there are quite a number of parallels indicating that there were connections between the development of modern sensibilities and the changes in the area of penality. Could 'intensification of conscience, increased

restraints on violent behaviour, growth of inter-human identification, heightening of sensitivity to pain and suffering and the broad cultural tendencies towards privatisation and sanitisation' have had no bearing on penal history?²⁸

The 'civilising processes' affected penal development, but not always in favour of prisoners. Certain reforms came about because of the affront to the developing human sensibilities that prevalent penal practices became. Elias explains that in order to protect these sensibilities punishment was hidden away behind closed doors. It was hidden so well that soon, and for almost two centuries, it slid into obscurity so that only a limited number of people really knew what went on inside. The language used by the public when talking about prisons and prisoners betrays a certain detachment, as if they are talking about another planet and the 'aliens' that inhabit it. However, as the civilising process took a firmer hold on the public's day to day life, laws were enacted and inspection procedures put in place to monitor what was being done with and to prisoners. It is therefore difficult to deny any public contribution to changes in penal practices as Rusche and Kirchheimer and Foucault do. The connections are there and Elias's work highlights them. Garland (1990 10:235) states:

Indeed, the appeal of Elias's very broad conception of the 'civilising process' is that it seeks to capture the interdependence of processes of change occurring in quite different areas and 'levels' of society. In his work one can see how the processes of 'rationalisation' which Weber discusses correspond to changes in the structure of social organisation as described by Durkheim, and to the structure of human personality as described by Freud. Society, its institutions and its individual members are always historical and configurational outcomes - never the product of any single determinant or any necessary law.

The deliberate infliction of pain on others became an act of cruelty. This was not only ungodly but perceived as a hangover from the 'primitive' heartlessness of the middle ages. The process of reforms in the penal system has had its ups and downs. But the downturn never reintroduced practices which had previously been perceived as inhuman and cruel, with the exception of capital

²⁸ This thesis is supported by P. Spierenburg in his book *The Spectacle of Suffering: Executions and the Evolution of Repression*. (Cambridge 1984).

punishment in certain American States and the chain gangs (Tower Oliver 1997) in some States.

Elias's account of the civilising process, the development of human sensibilities, seems to establish a connection between this phenomenon and the gradual changes that took place in penal policy and penal institutions. Human sensibilities work at two levels. At one level they determine what is and is not acceptable in our society as far as behaviour and person to person transactions are concerned. A long list of behaviours previously accepted or 'unnoticed' have become so repugnant, disturbing and provocative, touching our sensibilities and offending our sentiments that people clamoured for them to be outlawed. Hence there is an ongoing list of 'new crimes'. These laws carry punitive sanctions against offenders. When our sensibilities are attacked we defend them by punishing the attackers proclaiming in the process that our sensibilities, our values will prevail. At the second level human sensibilities determine and control where, when and how the lawbreakers will be punished. Physical punishment, the starving of prisoners and the withholding of medical attention are not approved in North America, Canada, the United Kingdom and many other countries. Authorities in these countries have come to respect everyone as persons even though racism, sexism, ageism and homophobia have not yet been eradicated. The public is beginning to accept that there are categories of offenders. The serial rapist, the car thief and the heroin addict who holds up a store cannot be bundled into the same basket. There are different feelings towards different groups of offenders rather than a generalised feeling towards 'criminals' (Garland 1990).

Education may have been introduced (at a national level) in order to 'gentle the masses' but by time it achieved much more than that. Education became more and more the answer to many social ills, the solution to many social, industrial, commercial, administrative and security (police, the military, secret services) problems (Carr & Hartnett 1996). For millions of parents education became the key to their children's prosperous future. It did accelerate social mobility for

masses of poor and working class children. Over the years statistics and research have shown that there is a correlation between low educational opportunity and achievement and lawbreaking followed by conviction (Rider-Hankins 1992). Education and prisoner population are in inverse proportion.

A significant part of the civilising process takes place in schools and in other contexts with an educational input (Ornstein & Hunkins 1993). The spreading of the civilising process described by Elias must have accelerated a great deal as compulsory education became firmly established. The development of modern sensibilities and their refinement owe a lot to universal education. Elias (1978, 1982), Freud (1962), Durkheim (1984) and others have described how modern sensibilities have helped us repress primitive instincts (not eradicate them) so that we are able, in most cases fairly easily, to control them. Garland (1990 10:238) makes the point:

Civilisation does not succeed in abolishing the instincts or in legislating them out of existence, as the wars and holocausts of the twentieth century show all too clearly.

Repressed instincts continue to exist in the unconscious. There is then in each individual a basic conflict between the instinctual drives and the internalised super-ego controls. Countless millions go about their lives from one day to the next having 'successfully' repressed their basic instincts. Departures from this position are usually infrequent and relatively harmless, at least not enough to earn one an arrest and much less a conviction. However, there are some in whom the civilising repression has not developed well enough or has been (perhaps temporarily) abandoned. There may be various reasons why this happens including social, economic, psychological and health problems. This will be dealt with in the next chapter. That part of the developmental process of modern sensibilities attributable to schools and education has not worked well in their case (Fiftal Alarid and Cromwell 2002). The efforts of the school and its staff were flawed or nullified by external circumstances. Whatever the case is the problem needs to be addressed. It seems that the best if not the only way to put the situation right is through education. We must try again. The brutalising

effect of the prison regime certainly does not help in this case. In fact it exacerbates the situation by bringing to the surface the undesirable primitive instincts that society, partly, through schools and education has been trying to subdue for three centuries (Stern 1998).

Society convicts those who put other persons' physical integrity in danger, those who actually, physically harm others, those who steal, rob, and burgle; those who defraud others, those who damage property and those who fail to comply with court sentences. These behaviours stand in direct opposition to the sensibilities of the law abiding majority at their present level of development. These offenders, particularly those who offend because of social and economic reasons, need to learn why their behaviour is wrong and unacceptable to society. They need to learn as much as possible about alternative ways of doing things and solving problems. Prison life, that is, just spending time in a prison does not enable anyone to learn much and what is learnt will not contribute to a better, 'clean' life after release (Ramsbotham 2003). A well structured education programme is, probably, the only hope. One may complain that what is being proposed is a domesticating process. This depends to a large extent on the content of the programme and the pedagogy adopted (Davidson 1995). In any case the inmates' behaviour and their underdeveloped sensibilities are hardly a viable alternative.

A programme inspired by Elias's work will have to be an educational one rather than a learning one. This is not to say that they are mutually exclusive. On the contrary they should be complementary. A learning programme may be interpreted as one designed to teach mathematics, functional language, computer use, car maintenance, carpentry, welding, cooking and other skills that make one employable. An education programme includes this and more. Education imports into the programme the development of socially acceptable values, a distinction between ethical and unethical conduct together with the nurturing of self-confidence, self-respect and self-esteem (Honneth 1996). Learning a trade or other employment enhancing skills sits well with this since it fosters self-

esteem and pride in one's ability which is transferable to other persons' abilities. That is one would appreciate other persons and their skills. This fosters respect for others, which is something that prison inmates lack.

Conclusion

It seems, then, that there is not a comprehensive, widely accepted theory of punishment. During the last two centuries there have been a number of serious attempts at providing an explanation, perhaps a philosophy, of incarceration. The urge to provide reasons and justification for imprisonment stems from the fact that it has always been acknowledged that depriving persons of liberty and confining them in very restricted spaces under awful conditions is contrary to the very nature of men/women (Kleinig and Leland Smith 2001). We are active mobile creatures. Inactivity and immobility generate a great deal of suffering making life almost intolerable.

Of the seven goals of punishment listed by Glaser (1997 3) four lead logically to the need for education. The other three do not. However, these have been shown to be ineffective at best and crime generative at worst especially when there is no education to counter their negative effects. Revenge, one of the three goals is fading out of the discourse since it is considered a somewhat primitive practice (Unesco Report 1995). The deterrence effect claimed on behalf of prisons is more imaginary than real. In two hundred and fifty years no one has shown that the existence of prisons reduced the rate of criminality (Cavadino and Dignan 1998). Even capital punishment has failed in this regard (Pratt 2002). Incapacitation, the third goal, partially achieves what is claimed on its behalf since it prevents offenders from harming the community. Partially because in most cases the incapacitation is for a determinate period of time at the end of which they are back on the street. It is partial also because although they cannot break the law or harm innocent citizens they quite often continue to offend within the prison (Wortley 2002).

The other four goals are anti-criminal enculturation, retraining, restitution and re-integrative shaming. Unlike the other three these are forward looking and constructive in scope. They would be rather hollow if they are not grounded in a meaningful education programme that shows inmates that there are realities other than the one they came from. They need to see that there are various lifestyles and a certain degree of choice. They need to be educated, schooled and trained in order to ensure that they share the community's values and are prepared to protect them, prevent exploitation of themselves and others, become aware of instances of gross imbalance of power and social control and be open to the dynamic processes that move society forward.

So far it has been shown that if one had to accept that there is no alternative to imprisonment for offenders, then regardless of the reasons for locking them up the deprivation of liberty would be of little benefit to society if serious efforts to educate and habilitate the prisoners are not made by all those involved in the penal system. Prisoners have a fundamental human right to education. The public has a fundamental human right to live in peace and security. The first right enhances the second. Social solidarity (Durkheim) is built on a body of shared values and compatible goals which are learned through the family, the community and school. Offenders appear to have missed something along the way. This strengthens the argument for education. Exploitation of the working class (Rusche and Kirchheimer) can only be combated by attacking ignorance. Quality education is needed both in prison and outside in order to empower the disadvantaged. An empowering education is also the answer to the predicament described by Foucault. The disadvantaged become considerably less so if they are academically, vocationally and socially educated. Since prisoners appear to be lagging behind the rest of society in the development of their sensibilities the only way to close the gap is through education understood in its widest sense.

There is, then, a strong case for arguing that whatever the reason for putting people in prison unless they are educated during their incarceration, and one would hope afterwards too, the punishment would have none of the desirable

effects one finds in the rhetoric of judges, justice ministers, prison governors, politicians and right wing journalists. Theories of punishment purport to describe and explain how penal sanctions came about and evolved with time. Whether prisoners are portrayed as guilty of anti-social conduct or as victims of power and manipulation they need to be made aware of the prevailing reality. The best vehicle for this is education. The challenges are great but then so is the negative effect of crime on the offender, the victim and society.

The expression 'quality education for prisoners' has been used a number of times. But who are the prisoners? It does not make much sense to write a curriculum, prepare syllabi, print texts and produce handouts and teaching/learning material without knowing who the students are, where they come from, what kind of baggage they bring with them, what their academic, vocational and personal/social needs are and the kind of world they are going out to on release. The next chapter will shed some light on these issues and show that in most cases the educational/social deficit that most prisoners have is an obstacle to a disciplined, profitable life in prison and a decent, law abiding one on the outside.

Chapter Four

The Prisoners

Introduction

Visiting prisons is a sad business. But the saddest aspect of it is seeing the young people, the fifteen-, sixteen-, and seventeen-year-old boys. They have a cheeky bravado which often cloaks terror or despair.²⁹

Who are the prisoners? Why should anyone care? It is important to find out as much as one can about them if a prison education programme is to bear fruit. This chapter will do just that. The first part describes the socio/economic context from which a lot of prisoners come. The second part reviews some of the theories that purport to explain what 'is wrong with them', what 'makes' them offend. There are a lot of such theories and a fairly large number of books about them some of which have been used to put together this section (Anderson 2001, Irwin 1970, Bowlby 1946). Next, referring to published research, the chapter tries to show how prisoners see the world and the people in it (Irwin 1970). The last sections see if there is any connection between unemployment and home/school on one side and delinquency and criminality on the other.

It does not make sense to create a curriculum, write detailed syllabi and devise teaching methods without first knowing who the beneficiaries of this project are going to be. Teachers need to get to know their students. They will not achieve this through statistics and percentages, through positivist research. They need to know more how their students think, what the world and the many things in it mean to them. And meaning is the key. The pivotal value of meaning in research has been emphasised as far back as 1927 by Thomas and Znaniecki (vol. 11) and more recently by Bruner (1990). Referring to cognitive psychology Bruner wrote that it was supposed to be an all out effort to establish meaning as the central concept of psychology - not stimuli and responses, not overtly observable behaviour, not biological drives and their transformation, but

²⁹ Stern, V. (1998) A Sin Against the Future - Imprisonment in the World. Penguin Books P.154

meaning. Just as positing that 'The facts of the offence would be the sole determinant of sentencing' (Miller 2001 vol.3 p 155) is neither just nor fair so basing educational programmes on age and qualifications at point of entry (into prison) is neither sensible nor useful (Rider-Hankins 1992). The former ignores the existence of the offender, the person, while the latter ignores the diversity that exists among any group of learners. This chapter takes a closer look at the prisoners so that teachers will realise what they are up against when it comes to classroom practice. Knowledge is power and in this case teachers may become more powerful in order to better benefit their students.

Who are they?

A large number of young prisoners come from the 'urban jungle'. They are the abandoned inner city kids who had a slim chance of leading a flourishing life from the time they were born and a much slimmer chance now that they are 'inside' (Glaser 1997). There is a lot to say for the principle propounded by egalitarian liberalism which declares that any disadvantage for which the victim is not responsible establishes a prima facie claim to remedy or compensation.³⁰ This implies that special measures to help the disabled are fully justified and by the same token so are measures for providing assistance to members of groups disadvantaged in other ways (Barry 2001 4). These ways may include low income, poor quality housing, lack of a job or poorly paid one, poor education, a high probability of being physically abused, unhealthy environment, early exposure to crime and prostitution. A high proportion of young offenders come from such a world (Crow 2001).

Inner city ghettos are plagued by an inclination towards violence (Richards 1998). The lives of people living in these poverty stricken areas are characterised by unemployment or exploitative labour, racial prejudice, the effects of drug use and in many cases of trafficking and a general feeling of

³⁰ For a detailed exposition of this principle see John Rawls's book *A Theory of Justice*. The second principle of his theory states that one may retain and enjoy whatever qualities, talents and other goods one has as long as these are to the benefit of the least advantaged.

hopelessness and resignation to a life that is 'brutish and short'. Survival in such areas requires the development of an aggressive mode of behaviour. One needs an aggressive defensive shell in order to be able to negotiate the streets. The pessimism that darkens these young lives neutralises even the love, affection and commitment to accepted social values that their families might have (Cloward and Ohlin 1961). One can imagine the effect when the adults in the family do not subscribe to societal values. The street has its own code of values and these are at odds with those accepted and practiced by the rest of society (Cohen 1955). The street code of values is underpinned by respect. Respect may be earned, enjoyed and lost on the streets as in the rest of society. The personal qualities that facilitate the acquisition and loss of respect on the streets are different from those appreciated in the rest of society only in their application. In both environments, leadership, loyalty, initiative, courage and image are crucial (Glaser 1997).

Anderson (2001 vol. 3 p135-152) makes a very crucial distinction between the 'street element' and the 'criminal element'. A sizeable number of youths in prison start as part of the street element and then 'graduate' to the criminal element. Although in the first phase laws are broken, offending does take place, the lads are not in a strong sense criminals. The distinction is crucial because teachers really need to know whom they are dealing with before they embark on any programme and not only educational ones.

The offender's post release life is to an extent affected by his/her prison experiences and the way one experiences prison life is related to one's life before arrest and incarceration (Mathews 1999). The offender's career usually begins with some degree of contact with other delinquents who are involved in some 'behaviour systems of crime or deviance' (Irwin 1970) as sociologists call street 'gangs'. This contact provides a delinquent identity and perspective. In other words he /she acquires a set of beliefs, values, understandings, meanings and self-definitions relative to his/her new deviant lifestyle. The novice delinquent naturally brings to his new lifestyle the 'old' set acquired during

childhood even if these are subdued or put into deep freeze (Matza 1961). If the old set was a fairly positive one it will facilitate the offender's understanding and acknowledgement of, and insertion into civil society. Towards this end offender profiling is very important (Gordon 2002, Hollin 2002). Prison staff, and not only the education personnel, need to ensure that they do not end up being responsible (even in part) for the offender's failure to 'make it' once he/she is out. Wrong policies and negative behaviour may pull prisoners towards delinquent or criminal tracks rather than opening up acceptable alternatives for them. Failure to correctly interpret the prisoner's acts and responses and understand his/her viewpoint causes this to happen (Coffey 1994).

What is 'wrong' with them?

Over the last forty years many people have tried to answer this question. Before expending time and energy on developing educational programmes for prisoners one has to be sure that they are educable. A number of theories claiming that they explain delinquency and criminal behaviour have been proposed. Most are sociological but some physiological and psychological theories have been advanced as possible explanations. If there is any validity in these theories then our educational efforts must be preceded by some medical, surgical or psychiatric intervention.

Physiological explanations hold that some people are more susceptible to delinquent and criminal behaviour than others because of the genetic make-up they inherited. Such theories have been around since the mid-nineteenth century and in spite of their crudeness they still enjoy some limited support. The early ones used the shape of the skull and facial features to distinguish crime prone persons (Lombroso and Ferrero 1958). Later theories were based on the shape of the body (Glueck, Sheldon and Glueck 1956). The more recent ones rest on biochemistry. They claim that chemical imbalances in the body can lead to crime. Hyperglycaemia sufferers are an example. Vitamin deficiencies may have the same effect (Kelly 1991). A number of sociologists have shown that

any possible link between physiology and behaviour can be explained in other ways.

Psychological theories pathologise the mind rather than the body. The delinquent is still different or abnormal and predisposed to criminal behaviour. As in everything else there are different explanations as to why this is so. Some (Eysenck 1964) believe that personality characteristics and criminal behaviour are inherited through the genes. They consider extrovert persons as being examples of this type because they take chances, are always seeking excitement, jump into action too quickly and are impulsive. Others blame all on a deficient socialisation of children, particularly during the first seven years (Bowlby 1946). If they are deprived of the intimate, loving relationship with their parents, especially the mother, they develop a psychopathic personality. This makes them impulsive and devoid of any feeling of guilt or regard for others or their own actions. Institutionalised children are obviously prime candidates. Psychological theories of delinquency still enjoy a good deal of support even though they have been seriously challenged especially by sociologists. It is claimed that such theories neglect social and cultural factors. Inherited personality traits may be nothing more than acquired values. Measuring personality characteristics is not a very reliable process and therefore cannot be used to determine who is mentally healthy and who is not (Giddens 1998).

The twentieth century produced a number of sociological theories of delinquency and crime. It is worth noting what the proponents of these theories are saying. There is no intention to review them in order to choose the 'best one' or to offer a critique. Some of the explanations that have been offered are taken on board in order to recommend an educational programme that responds to as many of these positions as would be possible. The main ones are the Functionalist theories, the Structural and Sub cultural theories and Interactionist theories.

Sociologists reject physiological and psychological theories and posit that it is the culture and structure of society that causes crime. All members of society have the same code of values but experience life differently since they are placed in different places in the social structure (Merton 1968). The pressure of their circumstances pushes some people towards crime. The vast majority of people want and value more or less the same things. Society determines how one can achieve these things. The path to achievement is not open equally (not even equitably) to everyone. Some despair of their situation and seek to achieve and satisfy their desires and ambitions outside society's code of rules (anomie). Those who 'innovate' are the ones who turn to crime in order to short circuit the societal paths to success while others give up on both the goals and the ways to success believing they will never make it turning to drugs, alcohol, vagrancy and aloofness. Merton has been criticised for neglecting the overall framework of society, the power relations within it which keep the societal motor working the way it does (Taylor 1971).

Merton's work was developed and modified to account for subcultures, particularly delinquent and criminal ones. Structural and Sub Cultural theories attempt to explain criminal behaviour by reference to the offender's situation in the social structure. Various groups develop subcultures particular to each group. Cohen (1955) agrees with Merton on the question of pressure caused by the disadvantaged and frustrating position of lower working class children. He then takes a different track because he disagrees with the individualistic nature of Merton's theory. He argues that delinquency is a collective response expressed through a subculture.

Merton's and Cohen's work was taken to greater heights of sophistication by Cloward and Ohlin (1961) who introduced the idea of the 'illegitimate opportunity structure'. While the former pair explained delinquency in terms of failure within the legitimate opportunity structure the latter explained it in terms of three sub-cultures: the criminal, the conflict and the retreatist. The first develops in a context which includes a pre-existing adult organised crime, the

second where there is none and therefore little chance of a lucrative criminal career. Delinquency takes the form of street violence. The third is inhabited by those who fail to make it through legitimate opportunity structure and fail as well in both the criminal and the conflict sub-cultures. They tend to seek an escape through drugs.

In contrast Miller (1962) develops a theory which is not based on failure as are the previous ones but on the existence of a lower class subculture which is distinctive. Because of its code of values it facilitates lawbreaking especially by the young. Its main focal concerns are toughness, displaying macho attitudes and courage, involving fighting and assault, smartness which translates into outwitting, duping and conning others and excitement which is usually obtained through gambling, alcohol and sex. Miller's explanation seems to posit the existence of two worlds: the lower and the middle class world with little connection between the two. This seems to ignore the bridging effect of school.

All the theories referred to so far betray a certain degree of determinism. Delinquents and criminals are victims of social structure and the rules that determine who is who and who gets what. They in turn make other people victims of their crimes. These theories also hold that the youths have a code of values different from that of mainstream society. These views have been challenged by Matza (1964) who believes that delinquents have by and large the same values as the rest of society. Pathologising them is wrong. Delinquency is not an eight to five, six day week occupation. It is occasional with offenders drifting in and out of such activity. They manage to turn to crime in spite of their normal social values because they apply neutralising techniques to 'switch them off'. Feelings of guilt, regret and remorse on the part of offenders are presented in support of his theory. Matza states that all members of society pursue to a large extent the same values (enjoyment, spontaneity, self expression, aggression and excitement). Offenders pursue them in the wrong place, at the wrong time and in a wrong manner (Matza and Sykes 1961).

Over the last forty years a number of sociologists have attempted to turn the question asked at the beginning of this section and point it in the opposite direction so that it reads: 'is there anything wrong with us?' They developed what became known as the Interactionist approach (Becker 1974, Young 1993, Lemert 1972, Goffman 1968) which looks at delinquency and crime from a different perspective. This approach examines the meanings and understandings that emerge and develop on both sides of the relationship, that is, the delinquents and those members of society that define and regulate the context and whatever takes place within it. The latter are the ones that produce the accepted official definitions of what is right and wrong, deviant and straight, legitimate and illegitimate. According to Interactionist theory an act is considered as delinquent or criminal if it is labelled as such by the 'audience' that interprets it. It is a question of who does what, where, when, who's looking and what they make of it. As Becker (1974) states what is worse is the labelling of the youths as delinquents by the police, teachers, social workers and other agents of social control. Labels tend to project a 'master status' which overrides other statuses that a person may have. Labels (Giddens 1998) define people in particular ways and these elicit certain responses from persons with whom contact is made. Such a situation gives rise to the self fulfilling prophecies. By defining someone as a delinquent we may be unwittingly causing that person to immerse himself deeper in anti-social behaviour.

So far prisoners have been looked at in much the same way that the police and witnesses look at them from behind a two way mirror during an identification parade. The real world is more like plate glass rather than a mirror. The prisoners, both before and after they become so, look at people too, size them up and make up their minds who and what they are. Just as, most people misunderstand, misinterpret and misrepresent what these young men and women do and say in prison and outside it so do they about what other people do and say (Irwin 1970).

What Irwin called the lower class is now known as the underclass although certain sociologists reject the concept (Wilson 1987) while others accept the existence of these people and their characteristics but do not believe that they constitute a class (Gallie 1978). Charles Murray (1984) argues that there is a growing underclass in America which, if not checked, will threaten and destabilise society. The Government, according to him, is making the situation much worse by dishing out social benefits to the people even though this class provides a considerable number of offenders. Murray groups these people according to a type rather than a degree of poverty mainly based on behaviour. They live in littered and unkempt homes. Men drift in and out of jobs and are prone to drunkenness. Children are brought up ill-schooled and ill-behaved with quite a number of them joining the ranks of juvenile delinquents. He noted (Murray 1989) that this 'plague' was affecting Britain as well. Dahrendorf (1992) describes the underclass in terms similar to Murray's but disagrees on the reasons that cause it to exist. They are characterised by a laid-back sloppy lifestyle, hostility towards the middle class, peculiar habits of dress and hairstyle and use of drugs and alcohol. Rather than welfare it is changes in work practices that brought about the underclass. Technology edged workers out. He makes an interesting point regarding citizenship and social behaviour. Since members of the underclass do not see themselves as full citizens as they do not have an economic stake in society and they are not provided with appropriate security they have no reason to conform to society's norms. They develop their own which are then passed on.

In his critique of these theories and what he calls 'correctionalist criminology', Garland (2001) claims that a basic feature of this, was a routine differentiation between the 'normal' and the 'pathological' with criminologists focusing on the latter. This group included the 'delinquent' and the 'criminal'. This development gave rise to what Garland calls penal-welfare which included all sorts of treatment programmes for those prisoners who were considered to be 'suffering' from 'maladjustment' or 'condition' that pulled them towards

delinquency and crime. A large number of offenders, mostly young, who were thought to be 'normal', were ignored by criminologists and other specialists working within the penal-welfare framework. If their acts were not perceived to be symptomatic of pathology then they were not important. This 'correctionalist criminology' approach reduced prisoners to objects to be acted upon, treated, changed, and improved. Although this type of criminology suffered a mortal blow with the collapse, in the seventies, of the rehabilitative ideal, Duguid (2000) states that there has been a gradual resurgence of the biological theory of crime in the last ten years. He fears a reinvigoration of the objectification paradigm of prisoners and appeals for a shift to considering them as subjects who may want and have the capacity to change.

Unemployment

Traditionally it has been assumed that there is a direct causal link between the level of unemployment and that of crime and imprisonment. The results of various researches conducted over the last few years provide a reasonable amount of evidence of the relationship between unemployment and crime (Dodd and Hunter 1991, Simon and Corbett 1996, NACRO 1993, Braithwaite 1980). However research which focuses on statistical data may be missing a vital factor. It would be more profitable to study how the nature of employment has changed over the last thirty years and whether society has been insensitive to the creation of the unemployable mass of young people who have not received an adequate education. Are the qualities that make one employable changing faster than the education/schooling system can respond? If this is the case it would account for new causes of marginalisation and social exclusion. Access to a 'good fit' education is a key to social inclusion in many ways. It prepares individuals for participation in the productive economic system and enables them to develop their skills so that their future prosperity can be enhanced. It also provides young people with access to participation in the wider lives of their contemporaries in sport, culture and social activities.

The introduction of league tables of 'school success' and market forces in the world of education has made a bad situation worse for a lot of young people. Pupils who are perceived as tending to depress the position of the school in the table due to 'lack of ability' or 'bad behaviour' are likely candidates for exclusion. Various studies and reports show that the number of exclusions has increased alarmingly since 1990 in the UK (Imich 1994, Bourne, Bridges and Searle 1994). Children coming from families experiencing various social problems are more likely to be excluded. Most of these families are poor. The number of excluded boys is five times bigger than that of girls and the most likely age would be fifteen (Smith and Noble 1995, Smith and Thomberry 1995, Farrington 1995).

Adolescents are naturally eager for excitement and constantly in search of stimulation. Some find their goal in sports activities, some in daring or 'extreme' sports like car racing, sky diving and bungee jumping while others take to stealing and vandalising or drugs, sex and alcohol. It is a defiant streak in young people who are 'sick' of being told what to do. They want to feel grown up and independent. If school experience was negative and opportunities to be successful in sports were scarce there is more chance of them turning to defiant activities, mostly illegal, which give them a sense of achievement (West 1982).

The situation is exacerbated where opportunities for decently paid employment are very scarce. A situation of relative deprivation develops which fuels crime. Such a situation comes about when persons are not only deprived but are aware that they are so relative to other persons or groups. In the advertising dominated world we live in this has become inevitable. Television, radio, the printed media and billboards are constantly telling people what they are to consider as the constituents of a good life. Over time humans became possessive animals so that they tend to want more rather than less, better rather than worse (Twine 1994). Envy became a natural consequence. Everyone has, at least, some goods. Those who have few may feel hard done by, or cheated by the rich and

some turn to crime in order to move up the material ladder or to maintain their current level after losing their job. Those who are fairly well off and some of the very rich are not immune from these feelings and cravings. Some have defrauded and embezzled and on rare occasions even killed in order to have more.

Home and School.

A significant number of young offenders tell stories of turbulent family relationships. Both fighting and violence and indifference and near abandonment are a sure recipe for youthful 'delinquent' behaviour. In such a context they are not exposed to responsible choices and reasonable conduct. Domestic causes which may lead to juvenile crime are large families, intense marital discord, parents involved in crime, excessively harsh, too lenient and too inconsistent discipline. Victims of childhood maltreatment are likely candidates for crime (Gordon 2003). Studies in this area discovered a correlation between the degree of maltreatment and the seriousness of the crime. Rosenbaum (1989) found that the same holds for girls. In a number of cases biological factors contribute to the development of anti-social behaviour. Low intelligence, Dyslexia, large mood or attention swings and sluggish nervous system reactions have been identified as contributors. (Raine 1993) The way this is dealt with is an oversimplification. There are many persons who have these potentially disabling qualities who have done very well for themselves in life. The ones who did not were the unlucky ones. They would have been just as successful in life had they received an adequate education which involves particular attention, one to one facilitator (where necessary), a more relaxed programme not strictly tied down to a syllabus/time framework.

High on the list of variables which lead towards crime are ethnicity, social class and neighbourhood (Young and Mathews 1992). Those at the bottom of the social ladder have lives which are totally conditioned by poverty. Poverty exacerbated by widespread unemployment is the perfect 'fertiliser' for thieving,

burgling, mugging, prostitution and drug dealing.³¹ Slum neighbourhoods are the fields. Crowded, dilapidated dwellings and streets serve as a reinforcing agent for crime. The question of ethnicity involves a number of problems such as recent immigrants seeking very low rent accommodation, immigrants with 'alien' customs and traditions who are perceived as having 'odd' behaviour, poor education and racial/social discrimination. All of these breed frustration which may lead to crime. Glaser (1997) refers as well to studies from both sides of the Atlantic which show how parent-children bonding and time spent together declined over the last fifty years. The point he makes is that parental pressure has been reduced almost to zero leaving a clear field to peer pressure.

The question of why some children do so well at school while others do so badly has troubled teachers and educational researchers for decades (Parsons 1999). Answering adequately such a question is made infinitely more difficult because of the very large number of variables that make up the web of one's life. These may include damage from accident or disease, turbulent home environment, demotivation by one or both parents, poverty and a negative self-image in the case of low achievers (Levin and Riffel 1997). Most of these children would have an underdeveloped sense of self-worth, low self-esteem and little or no self-confidence. This is a perfect recipe for deviance and delinquency. Self-identity develops in a context, one influenced by environment, culture and one's interaction with others (Honneth 1996). One is not simply a man but a Mediterranean man as distinct from a Nordic one. He/she is a city dweller or a peasant. One is not just a man but a Catholic man (or a Muslim). Why should all this matter? It does because over time certain qualities have been attributed justly or unjustly to these categories. How one perceives oneself determines the motivation or lack of it, the level of appreciation of and the attitude towards one's education. These personal qualities contribute to the degree of educational achievement that one obtains (Wilson and Reuss 2000). The expression

³¹ For statistical information and discussion of the link between unemployment and crime see Michael Cavadino and James Dignan's (1997) *The Penal System* Sage Publications Chap. 8 and 10.

educational achievement is being used to mean more than success in examinations and the obtaining of certificates, diplomas and degrees. One's personal, social and political developments are included. All those working in the field of education, particularly teachers, need to be well aware of the connection between self-identity and educational achievement. They need to know and understand the consequences of ignoring those fundamental building blocks underpinning such qualities as self-confidence, self-respect and self-esteem. Together with other agents impinging on a child's life teachers contribute in no small way to its self image (Kleinig 1982). The teacher's responsibility, then, goes beyond coaching pupils in reading and writing and leading them to success in examinations. It should lead also to successful citizenship. Anthony Giddens (1994) advocates a greater emphasis on dialogic democracy, or what he calls the democratising of democracy, in which formal political processes such as voting are less important than the ongoing work of individuals and groups around particular issues. This places a heavy demand on education since as Levin and Riffel (1997 p148) state:

In this view of democracy, education plays a particularly important role, since it is one of the primary institutions through which skills and processes of dialogue can be developed. Political purposes are closely related to educational purposes and vice versa.

Teachers are, at least, partly responsible for the flourishing of democratic communities. These need independent-minded citizens who are able and willing to stand up for what they believe to be right, to challenge any attempts to violate democratic practices and to effectively defend their rights and those of others. But to do all this citizens need to be brought up believing in themselves and therefore having the confidence, self-respect and self-esteem necessary to secure a democratic way of life (Mott Osborne 1924). Do the teachers in inner city schools feel and live out these obligations? Even if they do could their efforts be thwarted by the hostile environment in 'the streets' to which their pupils return after school?

Why place so much emphasis on the relationships between children and their teachers? It is because one's relationships with others are not merely optional, not readily detachable and quite relevant to his/her being. They create, sustain and in a large measure determine one's self-identity. Without them one would be nothing, in the sense that one would not have a yardstick or a set of indicators against which a person can measure how he/she are doing in life and what kind of person he/she is. In terms of relationships persons have a position and their world has meaning. Teachers, parents and other care-givers should know that where the relations are severely fractured those involved feel diminished or threatened and in the case of children whose self-identity has not yet been established that identity may be twisted and deformed (Kleinig 1982). In the contexts and environments described earlier this kind of outcome is quite common. The kind of person one is depends on the relationships in which one stands. Where does one, as a very young teenager, get his/her confidence to chat up girls/boys and ask them out? Surely not by looking at the mirror and deciding that he/she was good looking, for that is extremely difficult for one to decide on oneself. It sprung from the kind of responses one received in the early attempts which were successful enough to give one confidence.

One might ask: is all this relevant since we do not have any children in prison? It is for two reasons. First, our prisoners are former children a good number of whom may have had childhood experiences that did not help them develop their self-confidence, self-respect and self-esteem. These negative experiences usually come from both the home and school (Rider Hankins 1992). Second, what is written above about school children applies to older persons especially if they missed out in their childhood. Lack of self-confidence and a poor self image push persons in the wrong direction.

Conclusion

It should be clear by now that prisoners are ordinary people most of whom do not possess an adequate education that normally helps persons to function as

citizens in society. The lack of education is compounded in a lot of cases by a difficult childhood, perhaps an abusive one, and a social context that supplied all the wrong messages, all the wrong images. Most come from a world with a limited menu of options. Like everyone else in the world these persons did not have a choice where, when and to whom they want to be born. That they were dealt a bad hand is not their fault. It is silly to talk about choices where little children and young teenagers are concerned. Most choices, and certainly the very important ones, are made for them by others. The more teachers know them and about them the better placed they are to help them raise their level of education. There is nothing medical about education, it is not a cure. The thousands of persons within the groups that were considered in this chapter have fallen behind in some aspect or other of their personal development. They have problems, some quite complex, and when they bounce these off other persons the problems become the innocent persons' as well. People cannot and should not pathologise their situation. When prison education was associated with the rehabilitative model it did not deliver at the level that was desired and expected. The same happened when it was immersed in a correctional model. All this does not apply to prisoners who have serious psychological and psychiatric problems. The psycho/medical profession needs to intervene first before one can hope to work with these persons fruitfully.

Given the circumstances described above, it seems fair to try to redress in part the situation by providing as wide ranging education programme as is possible. Whatever the reasons that have made these persons grow up with characteristics and attitudes that drive them to offend it is a fact that their misdeeds do not simply affect them but they make honest citizens victims since in most cases these are on the receiving end of their actions. It has been proven over and over again during the last hundred years or more that locking young persons in prison, often in very bad conditions, does not induce them to turn their lives around. It turns their lives upside down and they leave in a worse frame of mind than when they entered. Once they are back on the streets there is a high

probability that they will violate persons or their property or both (Ramsbotham 2004). If the offence is directed against public property it still hurts everyone financially through taxation. There is every reason then to introduce (where there is not) and develop (where there is) quality education in prisons.

It is a characteristic of most young people that they are impatient particularly when it comes to good, nice, exciting things. They need to be helped to realise that the urge for instant gratification is a trap which rarely delivers on its promise. The fact that they are locked up is proof. They need to come to believe that it is preferable to enjoy good things in life at reasonable intervals than acting on impulse to satisfy urges.

It was stated earlier that the prevalent attitude among disadvantaged youths with regard to the police and the judiciary is not positive. Such attitudes need to change for everyone's sake through education so that they learn how to handle themselves in difficult situations. They need to learn about police laws and the powers of police officers. They need to learn how not to react to the police in a provocative manner and how to manage provocation from the police if and when it crops up. They should learn how the courts look at certain offences and why. They need to change their image from that of a bunch of losers. They need to learn how to behave in ways such that they will be left alone to get on with their lives. They certainly do not get any of this by simply being locked up.

A substantial number of prisoners would have given up on their schooling and education at an early age. The paths to success and recognition laid by society were inaccessible to them or were perceived to be so. They turned to alternative ways outside the law. For these, prison must be changed into a second chance school. It will be the kind of school that seeks to show its students that they have more than they ever thought, are bigger and better than they ever thought themselves to be. Pride is a great motivator. A dialogic method of education is a must in a prison context. They need to express themselves and talk about what they are and where they come from. The dialogue must not be bogus but real,

balanced. Sub cultural theory posited that delinquency and law breaking are an expression of a sub cultural code of behaviour. Whether this is an individualistic response (Merton 1968) or a collective one (Cohen 1955), the task is the same. Teachers need to show that there are alternative ways of expressing oneself and that these are preferable because they are safer, more effective and provide space for satisfaction over a long period of time. Citizenship education should be provided in prisons. Inmates need to learn what the benefits of having a civil society and of belonging to it are. Given the right assistance they will come to see that they do belong to civil society, that they have something to contribute to it and that it has something to give them in return. The first example of the latter is the provision of quality education.

The argument for prison education has so far shown that prisoners are a marginalised group, in most cases before incarceration and certainly during this period and therefore they should receive educational provision for reasons similar to those that justify education for other groups. Prisoners are an integral part of Europe's population, its most valued asset, and hence should form part of the inclusive society that the continent is aiming for. Education as a recognised human right is universal and should not be forfeited by virtue of being locked up in a penal institution. The fact that prisoners have failed in their duties and harmed others in one way or another shows the need they have for a better education. The theories that try to explain why the modern prison came about and how it is still 'going strong' provide another thrust to the argument since they point to the need for education even if the authors did not see this or were not concerned with such matters. It was shown that there is an important divide between mainstream society and the social enclaves that provide fertile ground for delinquency and criminality. Through education prisoners coming from these contexts may be re-socialised and given the opportunity to rebuild their world view and acquire the skills to live in the 'new' world.

The next chapter will show that the context itself where education is provided provokes the need for such provision. It will try to answer the question of

whether the prison regime is anti-educational to the extent that even the best education programme will struggle to counter balance its ill effects on the prisoners. It has been common knowledge for the past two centuries that persons come out of prison much worse than when they entered. Only education offers some hope of putting an end to this ridiculous and dangerous situation

Chapter Five

The Prison

Introduction

No one who has not been a prisoner can really know what prison is like.....
One does well never to lose sight of the fact that prison is an abnormal
institution.³²

It was seen earlier that different theories of punishment offer varied reasons in order to justify the punishment of offenders. It was argued that given the reasons and arguments in support of incarceration (and other forms of punishment) it followed that the exercise would be almost futile unless it was given substance by a well designed education programme. Education programmes are provided almost invariably within the prison complex. Education is a wonderful thing to have. For most prisoners prison is a terrible place to be in. How can the two inhabit the same space? Most prisons were not built to educate people but to punish them (Brookes 2001). Prisons deprive people of their freedom; education liberates people from their ignorance. Duguid (2000 p73) makes the point:

.....the prison itself was seen as the problem, successfully negating whatever hopes the intervention might have had in changing the lives of the inmates.

This chapter will look, on the one hand, at the objectives that education sets out to achieve together with the principles underpinning them and on the other the context, prison, where efforts to achieve them are made. Coyle's book, *the Prisons We Deserve* provides a clear realistic account of what really takes place in a typical United Kingdom prison. His vast experience in governance of UK prisons comes through blended with understanding and compassion which is a very welcome quality in a senior prison administrator. Official reports from the UK and the Council of Europe are used as sources in order to highlight the glaring contradictions that exist between the prison regime and educational principles. This is followed by a section which describes the relationship

³² Coyle A., (1994) *The Prisons We Deserve*. p.5

between prisoners and prison staff. This shows the unofficial and totally avoidable negative vibes between the two groups which further militates against education. The third section paints a picture of prison as a constantly tense environment and rounds up the picture of prison as a most anti-educational context.

Contradictions

To be sent to prison is to be sent to another world (Garland 2001). This holds true even for those offenders, mostly young, whose world was described earlier. For these it is a case of moving from the frying pan into the fire.

It is to be regretted that for many prisoners, and particularly those on remand, their first custodial experience is of a cramped, claustrophobic, and poorly equipped establishment.³³

As soon as the prisoner enters the prison gates he/she ceases to be an actor. The prisoner is acted upon. The passive creature becomes a non-entity, a number. When he/she 'checks in' the new inmate is processed. Court documents are checked, fingerprints and photograph taken, personal property checked and put away, all sorts of forms filled in and a superficial check by the prison nurse usually concludes the initial traumatic inception into prison life (Coyle 1994).

This treatment is in stark contrast to the recommendations of the Committee of Ministers of the Council of Europe on Adult Education policies.³⁴ The Committee recommended that governments of member states should promote, by means of adult education, the development of the active role and critical attitudes of women and men, as parents, producers, consumers, users of the mass media, citizens and members of their community. It recommends also that as far as possible the development of adult education should be related to the lifestyles, responsibilities and problems of the adults concerned. Prevailing prison regimes give rise to two diametrically opposed currents. Life in prison as

³³ Report of HM Chief Inspector of Prisons, January 1990-March 1991, HMSO, London

³⁴ Recommendation R (81) 17 of the Committee of Ministers to member states on Adult Education Policy (Council of Europe, 1981).

described in this chapter produces the harmful effects of depersonalisation, institutionalisation and desocialisation. Adult education is about participating and experiencing rather than the passive absorption of knowledge or skills. It is about exploring and discovering personal and group identity.³⁵ The first few hours and days in prison are the first major blow to personal and group identity.

A large number of prisons are old buildings with few facilities. Nineteenth century standards of health and hygiene are still prevalent in many prisons (Ramsbotham 2003). The Spartan nature of the prisons extends beyond the state of the buildings. Coyle (1994 1:1) sums it up thus:

Basically prisons are the same the world over. They are buildings in which one group of human beings deprives another group of human beings of their liberty. In some cases it is done humanely and with care while in others brutally and without feeling but in all cases the principle is the same.

The drab look and awful conditions in many prisons are hardly conducive to enthusiasm and motivation for learning. Teachers everywhere are aware that the ambience of the educational establishment does have a bearing on the level of motivation. A depressing environment dampens the spirit. Education is always “sold” as a process that aims to make one feel a better person, that it effectively makes people better persons capable of developing life plans that keep them away from places of confinement and of managing such plans intelligently (Gehring 2003). For this to succeed education cannot be perceived as being part of the punishment structure. It should be understood as being counter to punishment. The prison education unit must be built and equipped in such a way which says education does not discriminate. Education does not recognise prisoners, officers, police or civilians: it only recognises learners (Campbell 1994).

In describing prison regimes one tends to refer to ‘prisoners’ rather than a singular prisoner. This might imply that all prisoners perceive their captivity in

³⁵ Adult Education and Community Development. Project No. 9 of the Council for Cultural Co-operation. (Council of Europe 1987)

the same manner. The truth is that for every prisoner the prison presents a unique text which is read through the lenses of one's own background, needs and feelings. Each inmate has his/her 'own' prison (Tonry and Petersilia 1999). One's world view is never the same after a spell in prison but the nature and extent of the change may vary from one person to another. While acknowledging that the Modernist discourse of generalisations is no longer welcome it is necessary to maintain a plural account since there is enough that is common to prisoners' perception of prison and it would be impossible to give singular understandings of thousands of inmates. The choice is between a somewhat generalised account and no account at all.

Being in prison means having to cope with frustrations and deprivations. Whether these are part of a deliberate punishment or unavoidable aspects of organised prison life it is maintained that they are far better than the physical brutality and abject neglect that preceded the modern prison (Garland 1991). However the deprivations and frustrations are no less painful because they are mental rather than physical. Just like corporal punishment they gnaw at the inmate's personality and his/her self-perception (Bomse 2001). The prison educator's hill is made doubly high. He/she has to deal with problems related to self-confidence, self-respect and self-esteem which a large number of prisoners carry over to the prison from the outside and try to stave off the effects of the frontal attack by the prison regime on these three fundamental qualities necessary for a balanced, flourishing life (Duguid 2000). One of the most serious aspects of the regime is the deprivation of liberty. Being confined to an institution regardless of how large it is should be punishment enough. The loss of freedom of movement is compounded within prisons so that it becomes soul destroying. All movement within the prison is restricted so that it becomes a monotonous, frustrating ritual dependent on the benevolence of officers for one to go from one place to another (Foucault 1977). It is part of a prison teacher's mission to help improve the prisoner's self-confidence, respect and esteem in

order to build his/her personality and character. The infantilisation of inmates with regard to internal movement runs counter to the teacher's efforts.³⁶

Education for life within a democratic community emphasises the importance of interpersonal relationships. Young persons are taught how to get on harmoniously with each other, with family members and with fellow citizens in various situations (Levin and Riffel 1997). People live in close proximity to one another and therefore should always respect others' rights and space. The vast majority of prisoners would surely benefit from an educational programme geared towards these aims. It is a failure in this area that landed them in prison in the first place. In this case the 'students' are completely isolated from the community and to quite an extent from their family and friends. Personal visits and mail are considered as privileges which can be withdrawn at the drop of a hat. In this scenario it is easy to see how emotional relationships dry up while loneliness and boredom set in (Hagan and Dinovitzer 1999). Teachers may find themselves in the awkward situation where they are teaching prisoners how to be a respectable, active citizen within the very community which has morally rejected them. This is one of the worst aspects of an inmate's punishment especially as it often endures beyond release (Cavadino and Dignan 1998). Only a very small minority may be immune from the effects of public rejection. Within the institution there is the constant stark reminder that the prisoner is not trusted. The lack of trust is not even focused on the nature of the person's crime. Whether one is inside for murder, robbery, habitual shoplifting, domestic violence, inability to pay a fine, or repeated driving offences, the total lack of trust in absolutely everything is applied indiscriminately to all (Smith 2001). One of the goals of education is to generate trust in oneself, in one's ability to move ahead in life, to initiate small and large projects, to see them through successfully, to cope with difficulties and setbacks. The prison regime makes this very difficult.

³⁶ For a detailed account of the 'real' mission of prison and its effect on the possibilities of success in rehabilitation programmes see Stephen Duguid's *Can Prisons Work?*, Chapter four.

He wants—or needs, if you will—not just the so-called necessities of life but also the amenities: cigarettes and liquor as well as calories, interesting foods as well as sheer bulk, individual clothing as well as adequate clothing, individual furnishings for his living quarters as well as shelter, privacy as well as space.³⁷

The prisoner is reduced to a state of total poverty. Particularly in Western and Oriental cultures material possessions are so large a part of the individual's conception of himself that to be stripped of them is to suffer an affront to the deepest aspects of personality (Sykes 1974). Even if he/she still has property and deposits they cannot be spent, moved or transacted. The prisoner cannot exercise any control over them from his/her situation. In certain places the situation is so extreme that there is no stationery for learners. Stern (1998) describes the situation in a Zimbabwean prison where students had to take notes on the only paper available: the daily ration of toilet paper. It is the teacher's duty and a necessary pedagogical strategy, to do everything possible in order to bolster the prisoner's self image. This will improve one's disposition towards learning. It seems that the teacher is the only source of encouragement for the inmate as everyone else and the prison regime are doing the opposite (Covelli 2004).

The quest for knowledge, skills and wisdom is what fuels interest and motivation for learning. Inmates are exhorted to think clearly as much as possible, to focus their thoughts when it is appropriate, to let them roam in the realm of creativity, to look for reasons, to support one's position with valid, coherent argument and to periodically, if not constantly, ask how, why, where and when. Prison regimes everywhere are diametrically opposed to this. Prison life eradicates all vestiges of personal autonomy by subjecting inmates to a vast body of rules and commands which are designed to control behaviour in minute detail (Foucault 1977). Phone calls are recorded, mail is censored, and movement is heavily restricted and monitored. The triviality of much of the officers' control is most infuriating for the inmates. It may be argued that everybody is in the grip of a control regime outside the prison. There are

³⁷ Ibid. p. 68

controls on driving, parking, crossing the road, dress, swearing, drinking and so much more. People are also controlled by custom. Thus what happens in prison is not that much different. But it is. In spite of our grumbling we do want most of the public rules that control community life. Nobody would feel safe in an anarchical situation. So the partial abdication of our autonomy is Hobbesian in nature. Not so in prison. The total loss of autonomy is completely imposed and suffered as a punishment. Prisoners are hostile to the far-reaching dependence on the decision of the officers and the absence of the ability to choose (Sykes 1974).

A lot of rules do not make sense to the inmates. They do not understand why things have to be the way they are. They do not see what purpose is served by the rules. Sykes (1974) refers to the inmates' ignorance of reasons for rules as either accidental or deliberate. In the first case the rules, commands and decisions which flow down to those who are controlled are not accompanied by explanations because it is 'impractical' or 'too much trouble'. In the second case explanations are purposely not forthcoming to suit the officers' agenda. It is to be made clear that inmates do not have a right to know so that they will not evaluate any explanation and agree or disagree. To the officers that would be a serious threat to their undisputed power over the prisoners. Arguing with the officers is not to be tolerated so it is best not to have anything to argue about. Since the birth of the modern prison inmates have always considered their infantilisation as most intolerable. A number of inmates try to make up for this loss by being aggressive and domineering towards their fellow prisoners. This raises the question of personal security. A new inmate is soon tested (Sykes 1974). Things will happen to him/her and words will be said to see what the reaction would be. If the prisoner does not put up a decent resistance to his challengers he will be bullied. If he/she succeeds in giving a 'good account' of him/herself life will be better unless he/she becomes an attractive target to beat. The level of violence varies greatly between one institution and another but even though a prison seems peaceful enough to the casual visitor the underlying threat

is ever present to the inmate (Havel 1990). This, surely, must add to the level of anxiety that one feels. Anxiety and successful efforts at learning are inversely proportional.

The motives behind the law's penalties for crime are not always simple. The legislators, judges and correctional officials who determine actual punishments have multiple objectives. The decisions they take are influenced by the prevailing public attitudes (Richards 1998). These change from time to time. They vary from one community to another and towards different types of criminals. Since the time when prisons developed into state institutions the major goals behind society's punishments have changed in line with the evolution of Modernist philosophy propping up the Enlightenment Project. However, prison regimes everywhere have always been harsh and in many cases quite brutal (Kleinig and Leland Smith 2001). This comes on top of other problems that the prisoner has to live with. He/she may be preoccupied about their families, a sick child, a rebelling teenager, a wife's or husband's loyalty, financial loose ends that are simply there waiting for him/her to come out. These problems are not particular to prisoners. Anyone could have some or all of these problems at any time. Being in prison makes them a hundred times worse because one feels that there is little or nothing that can be done to solve or at least improve the situation (Sykes 1974). Visits from relatives and friends are so infrequent and of such short duration that one cannot even begin to discuss family or personal problems. Even phone calls are drastically rationed. Against this feeling of hopelessness and uselessness prison educators have to whip up enthusiasm for learning. The staff are not much better (Duguid 2000 p45):

The talents, motives, and ideals of the corrections staff are debased as they struggle with competing mandates, impossible expectations, and hopelessly inadequate resources.

The prisoner also has internal problems and preoccupations. He/she has to juggle and balance a number of things. By and large prisoners respect teachers and really make an effort not to fall out with them. Cell mates might have other ideas, disrupting the students' study and assignment writing and at times

disturbing their sleep. Unless students are accommodated in one building or grouped on the same landing they do not have anyone to share an informed, educated conversation with. School and college students discuss their course work or course content while on campus, in halls of residence or maybe even over a drink in a pub. Prisoners do not have this opportunity.

There is a long history of attempts to make imprisonment 'work' including reforms of various aspects of prison life, medical programmes, psychological programmes, rehabilitation programmes, open regimes, harsher regimes. All that these efforts could produce was sparse, partial success. Since its institutionalisation the aims of prison have been threefold. It is meant to remove from the community those who transgress so that they will not pose a threat to civil society. It is intended as a place of punishment, so that the community exacts retribution. It is also claimed that the prison regime will reform the inmates and deter them from offending again (Glaser 1997). In respect of the first aim prison has worked save for the occasional escape. A cursory look at the history of prison conditions in the last two hundred years is enough to show that the second aim has always been reached. Reform and deterrence, however, have failed dismally throughout the existence of the modern prison. Recorded crime rates and the frequency of recidivism are a constant reminder of this:

.....most of the justifications for the use of imprisonment were based on an erroneous belief in what it might achieve. In Western countries these were centred on a belief in the reforming influence of the prison.³⁸

The only initiative that researchers and practitioners agree has had a good measure of success is education.(Gerber and Fritsch 1995, Maguin and Loeber 1996) An education programme for offenders that will significantly contribute to making them persons who can lead a life that is fulfilling and is on the right side of the law is sorely needed. Life is never free from problems. Each day brings with it challenges, sometimes tiny and at other times huge. No education

³⁸ Ibid. p.23

programme will ever provide all the answers and solutions but it may supply the basic skills to help persons formulate answers and devise solutions.

Educational efforts in prisons have been dogged by a fundamental contradiction. Teachers are trying to educate persons whose life in its totality is circumscribed by punishment. The educational programme itself is perceived as forming part of the 'punishment mode' of living when one is imprisoned. Thus the context is basically unsuitable (Duguid 2000). Punishment is the deliberate infliction of pain on someone who has violated the rules by someone who has the authority to impose retribution (Duff and Garland 1994). It is therefore unpleasant and in most cases undesired. Education is the process by which one 'grows' in all aspects of life, has a much greater spectrum of choices, is better placed to realise life plans and in general lead a flourishing life. Education is intrinsically forward looking making a person more knowledgeable, hopefully wiser and better able to steer a straight course through life. Literacy, numeracy and vocational skills may be applied by a person who has them at any moment by a conscious decision. Knowledge and wisdom or education in its widest meaning is applied most of the time in one's life automatically since these become part of a person's nature (Leder 2000). Prison is a backward looking institution where a person is placed not to construct a better future, with the assistance of others, but to 'stop the clock', create a vacuum, make the future a vague incomprehensible concept. It is a constant reminder for the prisoner of the decisions and actions that landed him there. It is not a positive reminder intended to bring about a change in attitude towards harming others and breaking the law. It is more like the class bully taunting a fellow classmate for having come last in the hundred metre race months after the event (Bellmore 2004).

While education seeks to develop in persons skills that make them reasonable, responsible and assertive, the prison regime infantilises them by having everything decided, chosen, organised, prepared and censored for them.³⁹

³⁹ For a vivid description of what prison life is like see Andrew Coyle's (1994) book, *The Prisons We Deserve*, particularly chapter three. New York, Pantheon Books.

Foucault (1977) defines this setting in terms of Bentham's panopticon. Continuous surveillance is what underscores the panopticon. Both prisoners and staff can easily be monitored. According to Foucault the aim of disciplinary technology, wherever it is applied, workshops, schools, hospitals and prisons, is to 'forge a docile body' that may be subjected, used, transformed and improved. This is achieved through drills and training of the body, standardisation of actions over time and control of space. Collins (1995) explains how a panoptic viewpoint is systematically embodied in a conventional curriculum design. A lot of adult literacy programmes in prisons have been given a correctional dimension. This proves that educational provision in prisons is not only accommodating the system of surveillance and control but it is an integral part of the panopticon project. The activities of both students and teachers are continuously monitored within the parameters of standardised curriculum formats. The mediocre content of these formats steers students towards predictable responses. There is no room for critical discourse because it cannot be bounded easily, if at all. Teachers cannot take creative initiatives which are perceived as unsupportive of management. As Collins put it deskilled teachers are easier to keep in line. In such a setting the most appropriate pedagogical mode is the "banking method" as described by Freire (1970).

The Staff

Reforming offenders means enculturation into a frame of mind, a world view, and patterns of thinking and acting that contribute to their own well being and that of society generally. A reformatory penalty aims to wean the offender from the context (mostly social) that reinforces his/her criminal tendencies and offers instead a more wholesome life close to people who are positive role models (Glaser 1997). Prison officers can be such role models. They do have to put up with a lot and in some cases their behaviour is in direct conflict with that of the teachers and the kind of disposition that the latter are trying to bring about in prisoners (Thomas 1995).

As Coyle rightly emphasises:

The reality is that the prison officer is the key to the good management of any prison and the most important person in respect of the treatment of prisoners.....it is the prison officer on the landing or in the compound who will determine the real quality of life for the prisoner.⁴⁰

Prison officers are ideally placed to promote learning because they spend a lot of hours every day in close proximity to the prisoners. Officers are very significant people in the prisoner's life. Therefore the type of relationship between them is important. They can help make the principle of the right to learn a reality (Wheeler 1961). Although officers are very often stereotyped as uneducated and brutish and impacting negatively on inmates the description cannot be applied universally. Attractive conditions of work and sound training and education are indispensable. They need the self-confidence and self-respect that generates a sense of security. These vital constituents of personality may be enhanced by the way the authorities treat the officers and the way the public perceives them. The better the treatment they enjoy the more willing they are to accept reforms in favour of the prisoners and ideally actively participate in educating the inmates. Prison officers are the ones who know best what and who each prisoner is. They are also the gatekeepers to inmate jobs, appointments with medical staff, influential reports, telephone calls, mail, clean shirts, food, television and more. They sort out the arguments and brawls and communicate news, good and bad. Officers and teachers can complement each other particularly in a reformed prison regime that is sustained by educational and learning principles.

Thomas (1995) describes some of the ways in which staff frustrates the teachers' and students' efforts. From time to time there are lockdowns which are normally resorted to for security reasons. Prisoners are confined to their cells until the authorities decide to lift the lockdown. They are not allowed to attend classes or visit the gym nor do anything unless it is deemed absolutely essential. This creates havoc with the teaching programme both for the educators and their

⁴⁰ Coyle, A., (1994) *The Prisons We Deserve*. HarperCollins\Publishers

students. Extra, non-timetabled lessons cannot be organised because prison is the most inflexible institution that exists. Searches are sometimes conducted during these occasions and sometimes lesson notes, assignments and other material is destroyed or strewn about or confiscated or “lost”. This attitude is not widespread but where it happens it disrupts the educational process. Sometimes books are confiscated because the prisoner has more than is allowed. How in an educational world, when we are well into the era of lifelong learning, one could have more books than one should is beyond comprehension.

In such circumstances teachers need to be not only ‘good teachers’ but also ‘good prison teachers’. They need to be strong, clever, diplomatic and in possession of highly developed interactional skills. It is not uncommon to have interference in academic matters. A member of staff, or in less frequent cases a prisoner, may point out to the authorities that a teacher is introducing a text or a topic that may be ‘subversive’ with regards to prison discipline and order. Whenever this happens the governor’s decision prevails. There may be a conflict, real, imagined or made up, between prison security and academic freedom (Thomas 1995). Academic freedom is not and should not be a privilege enjoyed exclusively by university students and teachers. Education and censorship do not sit comfortably together. The wider the spectrum of a person’s reading the richer is his/her education.

Officers in many prisons fail to appreciate the positive contribution that education makes to the maintenance of good order and security in prisons. This happens because men and women who participate in educational activities tend to relax, to release tension, to express themselves and to develop mental and physical abilities. Education has a humanising effect on students by highlighting their positive qualities and potential. It keeps them in touch with the world and its people. The personality deficiency which is the hallmark of incarceration is countered while students maintain a high level of mental alertness. Prisons, then, may be managed more successfully (Lichtman 2004).

A 'messy' environment

Living conditions in prison, both physical and social, can be quite problematic. In a lot of prisons they militate strongly against the peace, relaxed atmosphere and opportunity for students to forge ahead in their studies. Havel's description of prison sums it up quite clearly:

I used to think prison life must be endless boredom and monotony with nothing much to worry about except the basic problem of making the time pass quickly. But now I've discovered it's not like that. You have plenty of worries here all the time, and though they may seem trivial to the normal world, they are not at all trivial in the prison context. In fact you are always having to chase after something, keep an eye on something, fear for something, hold your ground against something. It's a constant strain on the nerves (someone is always twanging on them), exacerbated by the fact that in many important aspects you cannot behave authentically and must keep your real thoughts to yourself.⁴¹

Prison can be a very conflictual context. There is the ever present threat of potential conflict and even violence with other prisoners or with staff. Disputes arise over the most trivial things and the way they are resolved would appear incredible to one who is not familiar with prisons. Since the prisoners have no choice but to inhabit the same space interpersonal tensions tend to linger much more than they would outside where people are changing locations frequently and associating with different persons in a lot of cases out of personal choice (Sykes 1974). Teachers are not spared the tension since even the choice of academic content may be problematic. The class may be ethnically mixed and the course content may touch upon racial issues. Political issues may be tricky but less so than racial ones. Teachers have to remember that very often what begins in the classroom carries on in the cell block and recreational areas. If a prison has a gang culture teachers will have to contend with gang power besides prison officer's power (Thomas 1995). Prisons which house prisoners two or more per cell are particularly difficult. A place where different persons want to do different things at the same time is not the best location for study. The web of obstacles facing the prisoner\student can be quite frustrating.

⁴¹ Havel, V., (1990) Letters to Olga London, Faber & Faber as quoted by Sir Stephen Tumim in a Foreword to Prof. William Forster's book Education Behind Bars (1998) NIACE

In a majority of prisons education does not enjoy the same status as industrial work. While prisoners who do jobs get remunerated for them there is no equivalent for education courses so that students get nothing or a basic allowance. This practice in a number of countries goes on in spite of the Council of Europe Recommendations of 1989 particularly number five which states:

Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education.⁴²

Although most basic necessities are provided by the institution prisoners still need money. The lack of remuneration for studying keeps a number of inmates away. The physical ambience of a number of prisons is not conducive to learning. Lack of space, poor ventilation, poor heating in winter and stifling atmosphere in summer are characteristic of nineteenth and early twentieth century prisons of which there are still too many in use (Ramsbotham 2003).

Success depends to a certain extent on trust between the teacher and the student. Empathising and trusting facilitates mutual understanding and communication. What militates against this necessary situation is the fact that teachers (and social workers) find it difficult to convince their students that sensitive information will not be disclosed to the authorities. The 'doomist' characters among the prisoners tend to reinforce this lack of trust in other inmates by going on about it. The more research that is conducted that sheds more light on the phenomenon of peer pressure and how persons construct ourselves (or our multiple selves) the more one will appreciate the value of reformatory practices when compared to the criminalising practices within prison walls (Garrity 1961, Wilson and Reuss 2000).

⁴² Recommendation No. R (89) 12 of the Committee of Ministers to Member States on Education in Prison. 13th October 1989. 429th meeting of the Ministers' Deputies.

Walking into prison is entering a new strange world. As soon as a person enters he/she is switched off, becoming a 'passive player' in all that happens. The person becomes a number; personal identity begins to slip away fast. The process is dehumanising and the attitude is one of neutrality. Entering prison, especially if it is the first time, is a harrowing experience even for those who pretend to be tough. It is made worse by the impersonal approach of the staff and system (Coyle 1994). In a lot of cases, and quite perversely, persons on remand have to put up with worse conditions than convicted prisoners. A number of these persons will eventually be acquitted, having had to endure inhuman and degrading treatment. Being restricted within an enclosed area, even if this covers a considerable number of acres, is already a severe punishment since nothing of one's life exists inside that space. The person must feel like stepping out of his/her life and falling into a limbo on entering prison. This loss of freedom is not enough. It is as if there is the need to be more brutalising by confining prisoners for very long stretches in tiny cubby holes. The 'lucky' ones have access to sanitary facilities in their cells (Kleinig and Leland Smith 2001).

A prisoner's life is trivialised in at least one respect. It is quite empty not only of activities but more importantly of decision-making, choice, plans, likes and dislikes and initiative. Very soon after admission the infantilising process begins. The way they request, sometimes plead, for an extra telephone call, a change in the work location or schedule, the restoring of a privilege taken away for misconduct and other seemingly small matters is reminiscent of primary school days. This is hardly training for a responsible life after release (Duguid 2000). Education for prisoners should focus on seeking personal improvement, accomplishing personal goals, learning and growing and acquiring credentials and skills required for full participation in society. How can one speak of such an empowering education in a prison context?

Conclusion

Teaching has never been considered as an easy or light job regardless of the level or age of the students. Anyone who has taught for any length of time from a year to a working lifetime can attest to this. The teacher needs to want to teach for the right reasons. He/she needs to want and enjoy negotiating knowledge and skills with other persons. There is the salary besides having the satisfaction of being assigned a responsible job by people in authority but these are not particular to teaching. Teachers need to have the inner strength to be able to switch off their personal private circumstances as soon as they meet their students and focus on their work. Teachers everywhere have to overcome institutional hurdles but the ones in prison education have more than their fair share. Shabby rooms, inadequate furniture, a dearth of equipment and apparatus, a very tight budget and a terribly inflexible regime are but some of the obstacles.

In many cases the non-academic staff of a prison is not supportive of education. They begrudge the money and effort spent on the inmates. They feel that they and their children are getting a worse deal even though unlike the prisoners they never offended. The more knowledge, skills and wisdom the inmates have the less secure they feel. It is still taking a long time for uniformed staff to accept educators as colleagues. The latter are an extra nuisance for whom officers have to be forever opening and closing doors and escorting prisoners to and from lessons. At times this dislike degenerates into deliberate obstruction and interference (Thomas 1995). Censorship, a key feature of prisons, does not spare education so that teachers do not have a free hand to choose and develop teaching material as they see fit. Education is always second to security.

These problems impact negatively on the students, the prisoners, who constitute the other end of the learning axle. All this comes on top of the inmates' own problems which are out of the teachers' sphere of influence. Their efforts at doing well in their courses are constantly challenged by some nuisance or

another. Lockdowns, crowded cells, noisy and unsympathetic cellmates, the institution's rigid daily routine, inadequate libraries, scarce stationery and bullying from prisoners and officers are some of the barriers they have to surmount. Add to this the prisoners' private personal problems which may be emotional, financial or both. It requires a great deal of motivation to embark on educational courses in prison and unflinching resilience to see the tasks through to the end.

The prison regime and education seem to be pulling in opposite directions. Education seeks to provide the necessary skills for one to be able to move about in society relatively unaided. Reading, writing and numeracy skills are fundamental. From descriptions of formerly illiterate adults the change to being fully literate and numerically competent is like migrating from one planet to another (Gordon 2000). These skills coupled with vocational education gives inmates the prerequisites for securing employment. The main obstacles in this case are societal attitudes. More important than these utilitarian merits are the effects of education on the inmates' personality including his/her self-confidence, self-respect and self-esteem. An adult's world view may undergo some change due to many things but nothing is more influential in this regard than a sound education. It gives access to information and knowledge through reading and better comprehension of the media. Most importantly it helps in the development of critical thinking so that the inmate can make sense of his/her personal and cultural history, his/her present situation including relations with prison staff, fellow inmates and others, his/her potential future and to put comprehensively what his/her life is about.

The prison regime seems to be at war with all the above. It infantilises inmates by denuding them from the normal basic faculties of choosing, deciding, planning, controlling, questioning, challenging, disagreeing, holding and expressing opinions. Contemporary human activity is reduced to strict rule following. They are placed in a bizarre situation where they do not 'own' time nor space. Both are dispensed by others in authority as one would offer a sweet

or chocolate from one's box. They are forced to go through bureaucratic procedures and at times to plead for the most basic things including access to prison services. Self-confidence, self-respect and self-esteem, if they were present to begin with, soon vanish into thin air especially in prisons where living conditions are awfully primitive. The underlying message is: you are considered to be subhuman and you are being treated as such; society has no time for you and it pays us to make sure that from one day to the next you do not forget it. As long as this situation prevails the tug of war between the regime and education goes on.

Life in prison is such that it makes people far worse characters than they were before their detention. This chapter has explained how and why. The four chapters have shown that most of our prisoners are young and fairly young persons. A high percentage of them are male. As persons they have a basic human right to the best education available which is not forfeited in prison since their sentence specifically deprives them of their freedom of movement and of nothing else. Investment in people has outgrown that in equipment in today's developed world and since the current prison population is very high it will be a sinful waste to exclude them from education and training. Both the Council of Europe and the European Union have set regulations governing the rights of prisoners and the obligations of governments and prison administrations. Education features prominently in the reports and recommendations. It was made clear, particularly in chapter two, that those who argue for the continued existence of prisons would have 'half an argument' if they did not include education. The miserable, soul-destroying life that one experiences in prison as described above simply adds to the socially, and in a lot of cases economically, hopeless life that prisoners come from. The only route of escape from reincarceration and the crime generative life they led before is education and training. One may also argue from a position of enlightened self-interest that the better educated prisoners are the less likely it is that they harm us again. Prison education is an investment in our security.

Thus far the thesis has argued the case for prison education. The next chapter will extend the argument in favour of quality education in prisons. Both the needs of 'prison students' and the challenges thrown up in trying to address them are greater than in other contexts. Education in prison, therefore, should be 'bigger and better'.

Chapter Six

Two hundred years of prison education

Introduction

As was stated earlier education in prisons is the Cinderella of the institution. There are still many prisons where little or no education in any shape or form exists. Others offer a very basic programme, comprising reading, writing and arithmetic, mainly to illiterate inmates (Forster 1998). Europe and North America offer a mixed bag. There are good quality education programmes in some prisons going up to university courses and poor or basic programmes in others. Distribution is haphazard so that within the same country and in many cases in the same region different facilities offer very different programmes. In fact the Education, Science and Arts Committee reports of 1982, 1987 and 1991⁴³ complain about the fact that education in penal institutions in the United Kingdom is fragmented, complex and confused. The level of education provision was not uniform across Britain's prisons. This raises the issue of fairness. There is no equitable distribution of provision, funding and support. The level and quality of education depended to a large extent on the mentality of the prison governor and that of the education co-ordinator.

This chapter will offer some comments about education programmes in prisons implemented over a span of two hundred years. It will be useful to map out where we came from in the field of prison education. The first section goes over the nineteenth century to show the philosophy behind prison education then and how it changed from time to time. The second section continues in the historical

⁴³ Education, Science and Arts Committee, *Report on Prison Education*, Volume 1, HC 45 (session 1982-83), London: HMSO
Education, Science and Arts Committee, *Report on Prison Education*, Volumes 1 and 2, HC 138 (session 1986-87), London: HMSO
Education, Science and Arts Committee, *Report on Prison Education*, Volumes 1 and 2, HC 311 (session 1990-91), London: HMSO

mode of the first covering the twentieth century. The account shows that each time education made some headway it was the result of efforts by an individual committed to the 'cause'. The forces stacked against progress each time were enormous. The many models purporting to explain the needs of inmates and the solutions to their problems are reviewed in this section. In spite of good intentions each model that came about failed, for different reasons, to 'solve' the problem.

Whenever a 'school' subject, a skill, a trade and some area of study is offered to students in a school, college, university or anywhere else there are specific reasons (usually stated) why it is being included in the programme. The benefits of pursuing such a subject are spelt out. This can be seen in any university and college prospectus. There are benefits to be enjoyed by the student who follows a particular course of study, by the community of persons qualified in that area and by society as a whole. The justification goes further because in order to make sense the inclusion of a particular area of study fits into a higher scheme which describes and explains what kind of people are desired in our community and why. When referring to schools it is usual to use the term curriculum to describe this. The curriculum itself is the expression of a particular philosophy which is a synthesis of various philosophical areas such as political, moral/ethical philosophy as well as philosophy of science, language, history, aesthetics and religion. Education programmes in prisons are no exception. They too fit into a larger scheme of things.

Before beginning to teach a group of students, teachers usually ask who the students are and where they come from. They do so in order to get in tune with the students' social, cultural and economic background. This is important to an educator so that he/she can design and plan pedagogical styles and approaches that will promise the greatest success in his/her teaching efforts (Werner 1990). Teachers need to ask another important question. They need to know why the students are there. The answer to the last question determines how teachers perceive their students and therefore how they relate to them. Nowhere is this

more important than in prisons. Are the prisoners genetically programmed to go against the grain? Is there some chemical imbalance in the brain or anywhere else inside the body making them think and behave erratically? Are they victims of poverty, a brutal childhood, overindulgence by parents, and religious, cultural or racial discrimination? Over the years answers did change and with them strategies. There were times when people thought that offenders were sick people who needed treatment (Duguid 2000). Later it was decided that the best 'treatment' should consist of intensive vocational and academic instruction. This was followed by the belief that prisoners were let down by their ignorance caused by underdevelopment in thinking and reasoning skills (Collins 1995).

These fundamental perceptions of prisoners were very important since they determined the educational content and pedagogy. Werner (1990) refers to Yochelson's and Samenow's (1978) investigation of 240 male criminal patients at St. Elizabeth Hospital in Washington D.C. They claimed that their research showed that there exists a 'criminal personality' which is set very early on in one's life and tends to remain set for life. If this is correct what can educators offer in a prison education programme? Reading, writing, arithmetic, history, geography, social studies and languages are safe but can they include computer courses, accountancy, chemistry and vehicle repair and maintenance? If 'once a criminal always a criminal' should we provide 'tools' to develop a wider spectrum of potential criminality? This theory of a 'criminal personality' carries a political bonus in that it helps divert attention from social and economic conditions possibly being crime generative factors.

The nineteenth century: 'experimenting with new ideas'

From around the middle of the eighteenth century the function of prisons began slowly but surely to change. They had till then served as a holding pen for the gallows or some other display of public punishment. The change meant that incarceration became the punishment. This is not to say that brutalities did not occur within the walls. Physical, emotional and psychological torture took a

long time to wane. It has not gone away yet since conditions in a large number of prisons around the world are so bad that inmates are still subjected to suffering that goes well beyond the scope of the sentence (Foucault 1977). The nineteenth century spawned a debate on the purpose of prison which still goes on today. The retributive aspect was carried over from the pre-modern prison era. Communities still believed that wrongdoers should be punished. But certain individuals and groups began to question whether prisons should be exclusively places of punishment (Howard 1777).

Up to the end of the eighteenth century in Judeo Christian countries crime was exclusively tied up with sin. People were born to sin because of the fall of Adam and Eve and in spite of all the efforts to combat evil, individuals still fell foul of the devil's temptation. There was the compelling need to punish sinners in order to clean them from the effects of sin. This was what really mattered since it had serious implications for eternal life while the crime was earthly and temporary (Norval and Rothman 1998). Punishment had social implications as well. Monarchs ruled by Divine Right. The people expected the ruler to sort everything out and protect them and their property (Hobbes 1982). Every crime that was committed was an affront to the monarch. He was a victim too. This gave him, together with church rulers, the right to exact punishment.

The last thirty years of the eighteenth century brought about a great deal of change in the way authorities and society dealt with offenders. In America there were several 'experiments' with new systems of incarceration beginning with the Walnut Street Jail in Philadelphia. This city also produced the first prisoners organized group, Philadelphia Society for Alleviating the Miseries of Public Prisons. (Werner 1990 1:12) The prisoner reform movement was on its way. The first educational provision during this period, however, showed that the philosophy of crime as sin was slow in waning. It consisted exclusively of religious instruction often through bible reading with the help of ministers of religion. Education meant abandoning wicked ways and living by the precepts laid by Jesus Christ. The same philosophy prevailed in England at that time.

The noted English penal reformer John Howard did what he did for prisoners out of religious convictions, mainly that God expects mild sinners like himself to do whatever they can to help others who were in more serious trouble. The latter included prison inmates (Garland 1991). Coyle quotes Howard as saying:

Solitude and silence are favourable to reflection; and may possibly lead them (prisoners) to repentance.⁴⁴

Prison education became the victim of political, philosophical and policy exigencies from the very beginning. The post-revolutionary debate in the United States about prison education pitted the Pennsylvania system against the Auburn system of New York. The first advocated individual cell study while the second went for group instruction. Although the discussions were camouflaged as educational ones the underlying reason for the pro-Auburn faction to press so hard was economical. The factory type system of work carried out at Auburn was far more profitable and this in turn had a political bonus for the authorities because they could be moderate in taxing the citizens (Norval and Rothman 1995).

Prison education and rehabilitation moved on mostly through the efforts of strong willed personalities who believed in the possibility and desirability of reform and in respecting the dignity and humanity of people even when they transgress. Elizabeth Fry in true Quaker tradition campaigned throughout Europe for better prison conditions for women and the implementation of literacy programmes. Her influence extended to the United States (Mathews 1999). Towards the middle of the nineteenth century Captain Alexander Maconochie introduced a new regime in the penal colony of Norfolk Island which included decent living conditions, vocational education and parole. In most cases the move from good intentions to good actions depends not only on the originator of the ideas but also on other persons and institutions. In some cases the strong will and courage of particular persons keep the light flickering if not shining in spite of the odds. Fry's motives were cleaner living and the

⁴⁴ Howard, J., (1777) *The State of the Prisons in England and Wales*, Wm Eyres, Warrington, quoted in Coyle, A., (1994) *The Prisons We Deserve*. Harper Collins

salvation of souls. Her work coincided with a period of hardening of attitudes towards prisoners which eroded a lot of the optimistic, humanitarian spirit of Robert Peel's Parliamentary Goal Act of 1823.

Vocational education at Norfolk Island meant that prisoners would be skilled workers if and when released. In a country in its early stages of development, as Australia was at that time, skilled workers were a valuable asset. However the underlying mentality among the authorities in London was still totally hostile to lawbreakers as if these ceased to be human as soon as they broke the law. Maconochie's foray into sanity, humanity, optimism and faith in human nature lasted only four years. He was relieved of his position on higher orders and the penal colony went back to being a 'hellhole'. His 'experiment' on Norfolk Island came to an early end but his new system of running prisons did not (Gehring, McShane and Eggleston 1998).

Maconochie's system attracted the attention of certain persons ideally placed to further develop his philosophy. In Ireland, Sir Walter Crofton became an enthusiastic supporter of the Norfolk Island system of prison governance. He implemented Reformatory Prison Discipline, as the system was known, in all Irish penal institutions (Petersilia 1999). In England Mary Carpenter wrote about Maconochie's system and campaigned for its adoption in prisons everywhere (Carpenter 1851). Knowledge of Crofton's and Carpenter's work based on Maconochie's system soon reached the United States where it fired the imagination of a number of leaders in the penal system. One of the most renowned was Zebulon Brockway who was a firm believer in reform and rehabilitation and in education as a key element in both. He made education the lynchpin of prison life. His 'laboratory', Elmira Prison offered instruction in forty two vocational trades and academic courses from elementary to post-secondary (Silva 1994). Brockway had great faith in humans no matter how criminal their acts. Everyone could turn their life around and become productive and useful. He believed in the social and economic roots of crime and argued that society was to share in the blame for the offending behaviour of

criminals. Coming into being in an environment dominated by social and economic deprivation was an accident of birth. Prisoners coming from such a background deserved a second chance to be 'born again' into what we now call civil society. He was sure that the best way for this to happen was through sound education (Silva 1994). Schooling up to grade eight was made compulsory. Brockway developed an all inclusive education by implementing educational programmes for disabled prisoners. A number of professional persons participated in these programmes including physicians, craftsmen, professors, attorneys and teachers (Gehring, McShane and Eggleston 1998).

Although Elmira was not replicated throughout the United States it had a lasting effect on American penal thinking and institutions. It gave rise to attempts to establish political and social education in prisons. Dewey's (1916) philosophy of education must have contributed to this development. He was advocating democratic education as education for democracy. Democracy, he claimed, was not something one read about or studied, but something that is lived, experienced from early childhood. It was at this time that attempts were made to democratise prisons and youth institutions. William George established what became known as the Junior Republic at Long Island (Gehring, McShane and Eggleston 1998). This institution catered for boys and girls who were encouraged to manage the place themselves mirroring the social practices in the United States complete with elected 'senators', a president, a supreme court and so on. In this place the girls had a vote when American women were not yet enfranchised.

Thomas Osborne, who was involved in William George's Junior Republic, became a great reformer in his own right. Having gained first hand experience of prison life at Auburn Prison by pretending to be an inmate he managed to turn the place round from a degenerate institution to a well managed, progressive, education oriented one. He had the same success at the prison on Sing Sing and at the Naval Prison in New Hampshire (Silva 1994). Brockway's legacy survived through George, Osborne and in the thirties Austin MacCormick. As

assistant director of the Federal Bureau of Prisons he was ideally placed to influence the development of educational programmes and libraries.

The twentieth century: consolidation.....two steps forward, one step back.

The United States, Canada, and certain European states continued to develop their prison system and the education provision for prisoners. However as we saw in Chapter One this development has not been smooth. It passed through highs and lows. In the United Kingdom, as late as the early fifties, prison education was described as activities intended to prevent mental deterioration, to fill leisure hours with worthwhile pursuits, to provoke thought and reflection on varied issues. During the sixties the authorities came to realise that prison education can achieve much more than this, particularly in rehabilitating and preparing prisoners for post release civil life. The seventies brought the rehabilitation era to an end after sustained development in that area over the previous forty years. Until the end of the sixties rehabilitation was the dominant principle of criminal justice, particularly in the United States. It was driven by a philosophy which attributed criminality to biological, psychological and social reasons (Crow 2001).

Stephen Duguid (2000) describes how prison systems moved from 'dungeons to correctional institutions, from convicts to inmates, from keepers to curers.' He explains the origin of the sociological, biological and psychological understanding of deviance and criminal acts and of those who do them. These attempts at 'understanding and explaining' were the fruits of the Enlightenment Project which exalted reason above all else. Deviance must have a logical explanation. It cannot just happen. This new concept of what it is to be human replaced the old idea that man is intrinsically bad, prone to anti-social behaviour. Within that old paradigm the only response to criminal action consisted of punishment. The Modernist view ushered in the possibility of reversing anti-social dispositions in people if only one could discover the fundamental causes and devise the right 'treatment'. The psychological approach to criminality

located the problem within the offender. He/she cannot help it and will not be able to do so until the root cause is discovered and appropriate professional treatment is applied. Sociologists saw offenders as 'victims' of the social context from which they come. Poverty, unemployment, inadequate housing, poor education and racial discrimination push their victims to crime which, in turn, creates more victims. The distribution of wealth, respect and dignity needs to be more equitable and the offenders need to be coached how to cope with and manage inequality and unfairness until these are put right. The biological perspective has a long tradition and according to Duguid it is re-emerging. During the last hundred and fifty years it has gone through many phases locating the 'problem' in the shape of the head, facial features, body shape, neurological dysfunction, chemical imbalance and inherited genes. If these theories were proved right then one could fairly easily predict the onset of crime. All three approaches ignore instinct and intuition, a fact strongly criticised by Nietzsche (Parkes 1996) in his attack on the centrality of reason.

Education in prisons was closely tied up with the ideal of rehabilitation and the reform of prisoners. It aimed to correct functional learning deficiencies in prisoners which made them susceptible to committing crimes. 'Correctional Education' would address this problem. Some perceived the problem as being the prisoner's lack of academic, vocational and social skills necessary to achieve socially acceptable goals. Their absence leads one to deviant and criminal behaviour intended to secure by whatever means that which cannot be obtained legally. Learning would remove the prisoner's handicap by opening up job and social opportunities to flourish within the law.⁴⁵ All this falls squarely within a functionalist theory. It is popularly known as the 'opportunities model'.

The 'moral development' or 'cognitive development' model comes at the problem from a different angle. It is based primarily on the cognitive

⁴⁵ Davidson, H. S., (1995) *Possibilities for Critical Pedagogy in a "Total Institution": An Introduction to Critical Perspectives on Prison Education in Schooling in a Total Institution* by the same author. Bergin & Garvey

development theory proposed by Piaget and Kohlberg together with a neoliberal discourse on crime. The former holds that those who commit crime are prone to making the wrong decisions when faced with the many problems that most of us have to wrestle with from time to time. Their cognitive development has fallen behind and is not mature enough (Duguid 2000). Neoliberalism, driven by the market concept, holds that persons make rational decisions based on calculating benefits against costs. With mature cognitive development one can, when deciding on a course of action, calculate the possible extent of punishment, social costs, moral standpoint and interpersonal relations of doing one thing rather than another. Prisoners have failed in this regard and such a situation calls for corrective measures.⁴⁶

The ethos of prison education according to Davidson (1995 1:3) conceptualised schooling as 'a means to habilitate /rehabilitate /reform prisoners by correcting functional learning deficiencies correlated to criminal activity', hence the term correctional education. This was, and in many places still is, the fallacy connected with education in prisons. It was presented as, and people understood it to mean, a direct change agent, one that transforms people as if by magic or an epiphany like the conversion of St. Paul (Werner 1990). It is not a transfer from entrapment in an antisocial mode of living highlighted by lawbreaking, by causing harm to others and depriving them of and damaging their property to enclosing them in a socially acceptable lifestyle. Teachers in prisons are trying to educate men and women, not train dogs. Prison education has nothing to do with conditioning or brainwashing. Regardless of the extent of education received the prisoner is still free to make up his/her mind about what to do, to choose from whatever options are available (Haydon 1997). Rather than constraining the person in a 'positive' box instead of the 'negative' one he/she is in, education seeks to extend as much as possible the individual's freedom of choice. This choice still includes the freedom to reoffend. Education makes a

⁴⁶ For a comprehensive description and explanation of the rehabilitation ideal and the efforts made within its framework see Stephen Duguid's *Can Prisons Work?* University of Toronto Press

difference in students' lives but educators cannot control that difference. After all the real test of a successful education is when one chooses to live within civil society having an equal possibility to choose to live outside it. Although education does not aim to remove one's choice to do wrong, experience, over the last hundred and fifty years, has shown that the number of educated offenders is very small compared with that of uneducated or poorly educated ones (UNESCO 1995). A good education that offers personal and social development together with economically valuable skills normally leads to a standard of living and a lifestyle that does not include a lot of crime generative factors. A large percentage of educated prisoners are victims of drug addiction which creates a chain of offences and victims (Glaser 1997). Prison education should not be presented as a solution but as a possibility, a choice. It can definitely be advertised as a big improvement, one that is well worth investing in.

The early seventies spawned a number of prophets of gloom and doom who argued that rehabilitation does not work. Others attacked it for ideological reasons arguing that it was really a disguised capitalist tool to domesticate the naughty masses (Platt and Tagaki 1980). Martinson (1974), sealed the fate of the rehabilitative ideal when he claimed that evidence clearly showed that rehabilitation efforts were a waste of time. According to him a prison system could educate an inmate for, say, four years, or the inmate could be confined to a cell for four years and neither action would have an effect on the prisoner's chances on the streets. All this was not wasted on the New Right. Wherever they took over they moved to their law and order agenda implementing harsher regimes, longer sentences, mandatory prison sentences and reductions in budgets for prison education and services. While they chopped off most of the post-secondary courses that were available at the time they buttressed the basic education courses (Mathews and Francis 1996). The motivation for such policies is quite transparent. Removing college courses meant saving some money but more importantly it removed the possibility of inmates becoming

critical thinkers and reduced the deviation from the principle of least eligibility. On the other hand teaching inmates how to read and write could make them more skilful, more trainable and more productive. They could be net contributors to 'society' and not net beneficiaries on release.

Teaching basic literacy and numeracy to prisoners can hardly be termed education. It is certainly essential and as its title implies it is fundamental to further study and development of vocational skills but when we set out to educate a person our programme needs to be much wider. Real education is completely incompatible with the principle of 'least eligibility'. The former is boundless both in width and depth; the latter is chokingly restrictive (Pratt 2002, Mathews and Francis 1996). An objection to this line of argument runs something like this: how can one argue for more sophisticated educational programmes when there is still some way to go to see the implementation of basic education in all prisons? It is true that there is still some way to go but the agenda is not simply the eradication of illiteracy. The aim is to educate people so that they develop not only talents and skills but also a more refined, sophisticated world view underpinned by values that enable them to flourish within civil society (Jones and D'Errico 1994). To radicals this may sound like the rhetoric of conformity. Committing crime and serving custodial sentences does not advance anyone's cause. It does not minimise the power of those who have too much of it. Rather, it strengthens their position because it appears to justify an ever increasing repertoire of social controls. Those who dream, hope or strive for a better world, whatever that means to them, will certainly not succeed from within the walls. Their best bet is a good sound education which enables persons to access information easily, be knowledgeable about their rights and obligations, be skilful in organising or working within various social movements, be able to see through and beyond ministerial speeches, official documents, 'press conference' type statements and biased journalism (Taylor 1994). Anyone who wants to change the world or bits of it had better be armed with a good education. Needless to say no claim is being made that all prisoners

or even most of them can reach university level qualifications or become intellectuals. However, if programmes are restricted to basic literacy and numeracy we will never know.

In the hands of experienced teachers, basic literacy and numeracy may still lend itself to education which addresses personal, moral, social and political issues. The kind of pedagogy developed by Freire (1970) may be used to achieve these goals. One of the advantages is the lack of transparency when a teacher decides to go down this path. Prison authorities will support literacy and numeracy programmes but they may be far less enthusiastic about courses dealing with social issues. The possibility of this 'covert wider education' has diminished over the years as the literacy curricula have become modular. Modules are usually dominated by prescriptive guidelines and 'orderly, sequentialised progression' (Collins 1995). In this matter of switching off the thinking process teachers are not entirely blameless. Students often want to be given answers rather than be asked questions. Teachers often want to be given prepared lesson plans, marketed as education courses, which they can easily follow rather than developing their own tailor-made for their particular students. This format fits snugly within the discourse on literacy in prisons. The perspectives which shape the discourse are the medical model, the opportunities model and the cognitive deficiency model (Morris and Rothman 1998).

The medical model pathologises the inmate so that he/she is considered practically a mental patient who needs treatment (Duguid 1998). In spite of the heavy criticism that has been levelled at it some of its influence survives mostly due to a school of thought in criminology which still holds that prisoners have psychological problems which require treatment. Education, then, is part of the treatment which hopefully leads to the cure. The approach is highly positivistic with standardised testing. The course work itself is very sterile with students having to underline, circle or in some other way mark the right answer. There is little or no space for the student to express him/herself, for creativity, comment or critical thinking (Crow 2002). The qualified, experienced, competent teacher

is really redundant in such a context. The narrow track, restrictive model of this education seems to be a natural extension of the traditional prison regime: 'you, the prisoner do what you are told, when, where, how and if you are told. You do not initiate anything.' This curriculum format is very easy to manage. But management is part of the job description of the prison governor and his officers not of teachers in an educational institution. Hence the absence of distinction between the traditional prison regime and the education programme. Education, then, is part of the medicine that will cure prisoners from this ailment that afflicts them, namely criminality.

The opportunities model (Duguid 1998) seems to differ, at least on the surface, from the medical model in that it is less restrictive, offers a wider spectrum, and therefore a greater choice of areas of study. The goals of the programme appear to be different from those of the medical model. The stated aims do not include the removal of some pathological disposition nor does it claim to rehabilitate. The main aim is to give prisoners a wide range of educational and training opportunities while they are inside. This will make them more employable and socially acceptable. The whole education programme is geared to job training and job readiness skills. This throws up two problems. The first has to do with jobs. Whether inmates will find gainful employment on release does not simply depend on the students' success at their training programmes. It depends to a large extent on the current jobs market and on the public perception and attitude towards former prisoners. The second has to do with a wide understanding of education. Basic academic education to service vocational education and vocational training does not offer the essential educative experience that widens the horizons of their thinking, generates a more comprehensive world view, provides the critical thinking skills for making sense of arguments, contexts and situations and ensures a moral and ethical safety net for the prisoner to have self-respect and respect for others. It does, however, keep the inmates busy, give a sense of purpose to them, and give a sense of achievement on successful completion of modules and courses (UNESCO 1995). All of this may give a

much needed boost to the prisoners' self-confidence. A preoccupation that seems to have escaped the promoters of this programme concerns the prisoner's outlook. A prisoner may have come to prison for picking pockets, that being the only skill he had. He now leaves as a skilful car mechanic and can set up his own business. The opportunities model has succeeded. Has this young man been educated to respect his clients, to refrain from cleaning out their pockets 'legitimately' by overcharging or making them pay for new parts which are really used ones or for phantom repairs? The first change without the second would leave the former prisoner much the same person he was before he was caught.

The cognitive deficiency model seeks to address this point by promoting moral development through education. This model is not intended to treat 'unhealthy prisoner/patients' nor does it provide job training. It aims to educate prisoners who do not 'know enough' and therefore do not 'think enough'. These shortcomings provoke unreasonable behaviour (Gaes, Flanagan, Motiuk and Stewart 1999). Even if this model does not seek to cure or to drill and instruct it still sits quite uncomfortably with education as we normally understand it in the big world outside the prison. Jones and D'Errico (1994 p8) rightly ask:

What sort of education is it that is based on the implicit or explicit recognition of individual failings? And what sort of education is it that is based on the need to correct?

In spite of all the good that might come out of such education it is still not based on respect for the learners nor is it a transaction as teaching and learning is in universities, colleges and schools. Like the ones before it this model is saying: by this age you (the prisoner) should know much more, be able to think clearly, reason things out, take the right decisions and make the right choices. It looks as if you have not managed; therefore I (the teacher) am going to fix everything for you. A major prop for this model is Lawrence Kohlberg's developmental stage theory (Collins 1995). This theory is somewhat 'misapplied' with regard to education in prison. While the cognitive deficiency model points at the individual to locate the problem Kohlberg pointed at his/her experiences which

stultified cognitive and moral development. Prison is hardly the ideal place to compensate for the lack of positive wholesome experiences in the earlier part of the prisoner's life. In prison there are hardly any decisions to take and any choices to make. Outerbridge (1977) explains that:

The obscenity of prison is very clearly this fact: a criminal is viewed as a man who can make choices and, out of all the available alternatives, chose to commit an offence. When we put him in prison we take away every opportunity of choice he has and then expect him to be able to make the right choices after he has been released.

Every aspect of the regime is prescribed and imposed. There are no discussions about anything save for the conversations between inmates. What positive interpersonal relational development could there be in this vacuum? One further problem: it has been pointed out that whereas promoters of the cognitive deficiency model claim a change from criminal to non-criminal action as a result of educated, developed moral reasoning, Kohlberg never made such a link (Collins 1995). However it is fair to assume that the higher the cognitive level and moral reasoning, the lower are the chances that one would offend again.

The 'lock them up mania' that dominated the last decade of the twentieth century in North America, Europe and other regions has not delivered its promised goods. Crime rates have not significantly improved and recidivism rates are nothing to be pleased about. The prison system is hopelessly inadequate to address these problems but this point has been made enough times above. Prison educators are quite conscious of the context in which they have to work. Prison is not serving the interests of society because it is failing to make public and private spaces safe for citizens to live out their daily lives. Prison is not serving the interests of the prisoners and indirectly those of society because it is failing to substantially reduce reoffending and not deterring the younger generation from committing crime (Ramsbotham 2003). Prisons are maintained from taxpayers' money as is the education given to prisoners. Apart from the issue of accountability involving correct expenditure and value for money there is a social responsibility.

Prisons cannot go on churning out men and women who pose a threat to law abiding citizens greater than the threat that existed prior to their incarceration. On the one hand prison authorities cannot in any imaginable way pass the buck on to prison educators but on the other teachers cannot totally absolve themselves by blaming the prison regime (Davidson 1995). Educators cannot accept being dictated to by non-educational officers, regardless of their rank, on what to teach, how to teach it, when to teach and where. Prison education cannot be exclusively skills based. There is little, if any, space for thinking, reflection and arguing. There are many skills that are essential for one to live life successfully on the street within civil society but they are not enough to create a safe distance between the individual and crime (Wilson 2000). The liberal approach to education will not do either. That is prison education cannot be entirely based on liberal principles. Yes, education is valuable in itself. It should not be considered simply as a means to an end, this being employment, making lots of money, acquiring power and so on. People should appreciate education for its intrinsic worth, the thrill of knowing, the satisfaction of reasoning and arguing intelligently. Even where schools are concerned, in spite of all the liberal rhetoric about the joy of learning, utilitarian considerations are never very far away. Both the students and their parents have visions of good jobs and rewarding careers at the end of the formal part of their education (Giddens 1998). The social responsibility of teachers anywhere, but particularly those who work in prisons, will not be properly respected by an education programme modelled exclusively on one of these approaches. There are prisons where the staff has put together a balanced programme which gives prisoners a chance of success on the outside having left the institution capable of functioning critically in an increasingly technological society (UK Parliamentary Group Report 2004). Inmates need social and intellectual skills so that they can flourish in a crime-free environment. In a lot of prisons the educational programme is very restricted offering basic numeracy and literacy and a limited choice of trades. The prospect then is a dead end job usually of a menial nature

which does not pay much. The gulf between this and the money obtained through crime is too wide.

The positivistic influence of the rehabilitation era still dominates to quite an extent. The Coombe Lodge report of 1990⁴⁷ commissioned by the United Kingdom Prison Service defines the purpose of prison education as the enabling of prisoners to learn effectively. Education, vocational training and libraries are primary resources for this purpose. The report goes on to say that these should be managed effectively and efficiently in order to meet the individual needs of as many prisoners as possible. The needs are mainly vocational, personal, social and general elements. The resultant changes should be observable and capable of being evaluated. There has to be measurable results. The reason for this emphasis has to be mainly political. The prison education sector has to show that enough learning is being generated to justify their continued existence. The Prison Service has to persuade the government that it is running prisons, including the education department, effectively and efficiently. The government has to assure the public that their tax money is being spent well and they are getting 'value for money'. All this seems to be quite alright. However, one can never be sure how each building block in the educational development of a person is affecting that individual. The span and depth of the effect of each educational item is not immediately measurable. Its value and application may surface at a future date in a particular circumstance. Another complicating variable is the fact that although the 'educational item' is transmitted singularly, coming from one individual teacher, it is received and perceived by a number of distinct persons with possibly different world views constructed from different life experiences. The insistence on observable and measurable results seems to be like hanging a mill stone round prison education's neck.

The most obvious response to these exigencies is to teach only that which lends itself easily to quantitative assessment. Maths, grammar exercises,

⁴⁷ Quoted in the Prison Reform Trust project report (1995), *Education in Prisons: A National Survey* p.11

comprehension tests and multiple choice exam papers all fit in nicely. It is a well known fact that areas of study such as literature, critical thinking, sociology, philosophy, politics and history do affect students in various ways. Their effects on persons are not easy to discern and most certainly not quantifiable (Trounstone 2001). They reinforce or amend already held views, opinions and beliefs; they clear or create doubts about one thing or another. They may affect one's personality. How can teachers observe and measure these effects in the weird world that prison is? The effects of a sound quality education are demonstrated unconsciously by individuals within civil society acting as free agents and citizens. A considerable degree of change brought about by prison education can only be observable after release and not necessarily in the short term (Pawson 2000). The easy way out of this problem is to offer a restricted, functional programme containing areas of study which can be assessed on a numerical scale. This excludes the most fundamental areas that can really make a difference to the inmates' view of the world and their performance in civil society.

The Prison Reform Trust report (1995) reveals another worrying aspect of prison education in England. When referring to vocational education and training it states that out of 41 prison education departments only seven reported that they aimed to familiarise prisoners with the changing world of work. Even if other sections are involved in throughcare education personnel can give a valuable contribution in a collaborative effort. Having academic education, vocational education and training and pre-release programmes directed, organised and delivered by different departments is, courting trouble (UK Parliamentary Group Report 2004). It is a well known fact, from experience, that it is easy to end up with three different and differing agendas. It may develop into a situation of conflict, pique and a struggle for 'power'. In such a situation the prisoner/student is the loser. It is possible that the inmate who embarks on a vocational course may receive excellent instruction and training in the trade or skill chosen without the social, ethical/moral education that should

underpin his/her industrial and social life both before and particularly after release. One has to keep in mind that the goal is not simply the production of a qualified carpenter, welder or computer programmer but a man or woman who can successfully manage situations and circumstances as they arise (Simon 1999). The more employable and settled they are the more they can achieve this.

Conclusion

The comments in this chapter on prison education programmes and the thinking behind them are not intended to be an indictment on prison educators. Throughout their fairly turbulent history they had to struggle against all odds to find physical, administrative, economic and political space to put into practice what they believed to be a truly valid contribution to specific individuals, to society and to the dissemination of education. It is perhaps not difficult to understand why the initial difficulties persisted for two centuries. Crime has always brought out the worst in people. It brings to the surface intense feelings of disgust, anger and a strong desire for retribution. Persuading governments and the public to supply education provision in prisons and pay for it has always been a difficult uphill struggle. After over two hundred years that hill is still quite steep. The Council of Europe Recommendations R (89) on prison education are thirteen years old and their full implementation in all European states is still a dream actively pursued by the European Prison Education Association. Equity in the provision and distribution of education has not yet been achieved in individual states let alone across Europe (UK Parliamentary Group Report 2004).

Whether a prisoner comes across educational opportunities for self development and what level of programmes is on offer is a question of pot luck depending on which institution he/she is sent to. It depends as well on the education staff's outlook and how they perceive the prisoners. Over the last two centuries education in prisons did grow and spread and is now present in all five

continents albeit to varying degrees of quality, levels and access (van Zyl Smit and Dunkel 2001). Whatever measure of success has been achieved is due to a large extent to the foresight, determination, ambition and resilience of people like Maconochie, Fry, Carpenter, Crafton, Howard, Brockway, George, Osborne and MacCormick. They had faith in education and people. This faith culminated in the widespread adoption of the rehabilitative ideal especially during the forties, fifties and sixties. It was a period of great expectations. However, more was promised than could actually be delivered. The stark incongruence between what was being attempted and the context in which it had to work was to some extent overlooked. The inbuilt impediments to success together with cases of abuse of the system brought about enough adverse criticism to doom prison reformers and pass the helm to right wing retribution mongers (Bonta 1996). Prison education and habilitation models introduced during the last thirty years had both strengths and weaknesses. Their strengths lay in their renewed faith in persons and education and in focusing on specific goals believed to be connected to offending behaviour. Their weakness includes a degree of short-sightedness exemplified by ignoring market forces in employment opportunities and the socio-economic realities that prisoners go back to even if they do so with more cognitive skills, more mature moral reasoning and an improved world view. The insistence on observable, measurable results and effects certainly does not help the development of certain educational areas such as critical thinking, real world problem managing and solving and interaction with day to day significant others in the prisoner's life.

After twelve years Lord Woolf's (Woolf and Tumin 1990) words are still fresh and very relevant:

'We recognise the dangers of being too optimistic about the prospects of rehabilitation, whether through education, training, or any other facility provided in prison. But whether the argument is approached from the point of view of control within the prison; or from the point of view of the prisoner who wishes to feel that he is making some constructive use of his time in prison; or from the view of those who believe that every prisoner should be given an opportunity to find a better alternative to repeated recourse to crime, the arguments all point the same way. The argument in favour of extending educational opportunities as far as resources will allow is overwhelming.'

This chapter has extended the 'argument for prison education' developed in the first four chapters to one 'for sound, meaningful prison education'. The best formula for success has to address the many needs of prisoners highlighted so far in a way that makes education a holistic one. Medical, psychological, sociological models have come and gone and brought with them different educational approaches and methods. Perhaps the basic mistake running through these attempts consists of the fact that they took off from a position of labelling. The prisoners are ill or psychologically messed up or socially underdeveloped or genetically pre-disposed or god knows what else. Therefore they require a cure or therapy or conditioning or some other application that will put things right. The argument is stating that we need to do away with all these 'grand theory' solutions and take off from a simple position that these persons are at different levels of education. Their education needs to carry on and move forward. Generalisations and a totalising discourse are not much help in a prison context.

The next chapter will argue for the revival of the 'rehabilitation' ideal as a starting point to the development of education in order to counteract the more recent policy of 'containment'. It will also focus on a number of obstacles that would need to be overcome and challenges that need to be taken on in order to provide the kind of education that is argued for in this thesis.

Chapter Seven

The Way Ahead

Introduction

The loss of faith in the rehabilitative ideal was followed by a massive expansion in penal institutions. This was evident in both the physical sense, with the building of more prisons, and in prisoner population, with an explosive increase in custodial sentences (Tonry and Petersilia 1999). The ideal was 'shot down' by attacks on the results, or lack of them, of the various programmes that together made up the rehabilitative effort. (Martinson 1974). By focusing on the results the opponents of rehabilitation ignored the context in which the efforts had to be made. They ignored as well the possible defects in the design, the implementation strategies and the expertise and level of preparedness of the personnel (Harris and Smith 1996). While describing the Non-traditional Approach education programme that he developed in a New York prison Rivera (1995) criticised prison education for becoming an administrative tool serving the interests of the prison authorities including the parole board. He condemns prison programmes for ignoring issues of race. He claims that prison education maintains a white, middle class, Eurocentric interpretation of the world even though the students were mostly Latino or Black.

This chapter argues for the return of the rehabilitation ideal since nothing really worth considering replaced it in the last thirty years. It was argued earlier that prisoners are people whose educational process was interrupted for one reason or another. Now they need to pick up the trail and carry on even if confined in such a bizarre context that prison is. A picture of prison as a negative learning context will be presented and this is followed up with a vision of prison as the learning context that it should be. This should be underpinned by a civic virtue tradition rather than a civil society tradition. The chapter includes a presentation of the aims of prison education, the situation prevailing at the moment in view of the globalisation phenomenon, the main principles that underpin adult

education and a framework for a prison education curriculum. In the latter part the chapter presents a number of serious challenges which educators need to face in order to have the sound, meaningful education referred to earlier which will include as a main component educating for responsibility.

Instead of giving the rehabilitation ideal central position and then seeing whether the prison regime complemented the programmes critics expected the latter to deliver the goods when almost every aspect of prison life militated against the possibility of positive results (Cavadino and Dignan 1998). Did they consider what post release care would have done to 'results'? What future does prison education have if faith is lost in the principle that prison, if it continues to exist, is not simply a place of punishment but one of personal growth and development for a large number of prisoners? In their appeal to liberals to embrace rather than reject rehabilitation Cullen and Gilbert (2000) offer four reasons in its defence. I will discuss them and tease out their implications for prison education. The main preoccupation is not restricted to the content of education. The concern includes the philosophy underpinning the institution, the aims of education and how the two fit together. The content and pedagogy follow from these.

The case for rehabilitation

Persons are sent to prison with one or more of these aims in mind: retribution, deterrence, incapacitation and rehabilitation. Retribution, which is probably uppermost in the public's mind when it comes to dealing with offenders, serves the very narrow purpose of giving society and particularly the victims of crime the 'satisfaction' of seeing the criminal suffer hardship in many different forms. There is no interest or concern about the person's behaviour after release and, therefore, whether we will have less or more crime. If education is considered a good thing, indeed quite valuable, then it is the last thing we will provide for the offender. One does not punish by giving a long lasting valuable asset. Deterrence is supposed to work on both the offender and the public. The

deprivation of liberty and the conditions on the inside are expected to generate enough suffering for the prisoner that not only he would be dissuaded from re-offending but also others who might be tempted. In this case prison should not do anything besides striking terror in the minds of those contemplating criminal behaviour. Providing education is hardly going to have this effect. Incapacitation is simply the removal of offenders from civil society for a determinate period of time. Locking them up prevents the infliction of any further harm on good citizens. Whether the infliction of harm resumes after time is served is not considered in this case. Keeping offenders isolated from society for the latter's protection does not in any way connect to education. If the above is what prisons are for then the public and the state that acts on its behalf have no obligation or interest to provide education in penal institutions. If on the other hand prison is a place where offenders are given the opportunity to get to 'know themselves', find out who they are, where they came from, what went wrong, what they need to do to have their desires and choices realised within the constraints of civil society then education is indispensable (UNESCO 1995). This is not an argument for a return to the rehabilitative programmes that abounded between 1940 and 1970. Besides the reasons for their failure given above they had intrinsic flaws. A number of them were founded on behaviourist psychology which dominated the best part of the twentieth century. Within this paradigm people are like stimulus-response machines. They react to impulses which follow chemical reactions in the brain provoked by things and situations external to the body. Moral change cannot be achieved in such a model (Cunneen and White 2002). People change if and when they want to and usually take some time to do so. Change cannot be an institutionalised, collective process. The enormous diversity among people defeats this approach. The 'treatment experts' claimed to know how to change an individual's behaviour and when the change has taken place. Time proved them wrong! Duguid (2000) argues that one of the fundamental flaws in the 'treatment paradigm' was its claim to transformation of prisoners. Rehabilitation and reform acknowledge that the previous ways which may have started out well

became distorted, corrupt and socially unacceptable. The 'corrective' processes would include a partnership between the professionals, teachers and inmates. If the collective efforts are successful the inmate would revert to the original good, decent life. Transformation is different. It is deeper, more fundamental changing one person into another 'new' one with no resemblance to the former. This means creating a new self. The inmate must gain insight into himself/herself and since it is accepted that this cannot be achieved single handedly it has to be done by professionals working 'on' the inmate.

With the acceptance of the ideal of rehabilitation comes a whole baggage. One would need to acknowledge that the principle applied in jurisprudence which affirms that every individual is an autonomous, free, rational agent is in a lot of cases a myth. It is not the case that every offender was unconstrained, in fact totally free to choose whether to break or uphold the law. There may be social, economic, psychological and cognitive reasons why he/she was not as free as the courts hold (Richards 1998). One would need to be prudently optimistic with regard to human nature. Crime generative factors will have to be taken into account. These include the quality of family life, family breakdown, poor health care, substandard housing, poor education, high unemployment, drugs, teenage pregnancy, discrimination and prison itself (Cunneen and White 2002). One needs to abandon the rehabilitative principle as it was applied during the twentieth century which more or less ran something like this: there is something or many things wrong with you. We are going to find out what they are and then fix them for you. We do not fix prisoners; we provide the means for them to sort out their own lives. We work together as partners with mutual benefits. The prisoners get a clearer vision of themselves, the world they inhabit and their role/s in it. Educators get the satisfaction of working successfully with others seeing them turn their lives round, and greater insight into how adults learn all sorts of things thus enhancing expertise and constant recharging of their motivation and will to go forward and do more.

The liberal vision of prison reform rests on the principle of just deserts. This justice model lacks the caring element which is central to the rehabilitative model. Punishment and rehabilitation are very strange bedfellows (Richards 1998). The centre is instead occupied by the legalistic notion of rights. Prisoners should have a humane regime so that conditions will respect the humanity and dignity of each inmate. This defensive shield against neglect and brutality should be composed of rights enshrined in law. Education should be available to prisoners because it is a good in itself and not to serve some other purpose like conforming to social norms. It certainly is but whether intended or not a sound education is bound to have a lasting effect on the participant and most of the effects lead to a decent living within civil society and/or an intelligent, dignified, respectful participation in reform movements. The justice model accompanied by rights is an adversarial position. If any confrontation ensues the state, the powerful side, will most likely win over the prisoners and their allies, the weak side (Cavadino and Dignan 1998).

The rehabilitation model became the principal target of the New Right made up of conservative elements. Their response to the increase in the crime rate was not how, why and where more people are offending and re-offending. It simply called for the doing away with the 'pampering' of prisoners and increasing the repression against them. This 'law and order' lobby made 'get tough on crime' their motto. Crime rose, they claim, because it is too easy to offend and get away with it or pay a small price which is useless as a deterrent. They clamoured for more custodial sentences, longer stay in prison and tougher conditions inside (Sasson 2000). Liberals do not share this outlook because they argue that the 'get tough' policy ignores causes of crime and personal histories, overpopulate prisons, reduce the quality of life inside which is already quite low anyway and waste tons of money trying to maintain an ever growing penal system. What makes it difficult for the liberals to argue against the conservatives is the fact that they both hold some core views, namely, that offenders have a free choice to offend or go straight, that punishment should fit

the crime regardless of circumstances and that the state should punish because the offenders deserve it. Within this framework opposition to 'get tough' policies is not easy. Quality education in prisons is assured only through the rehabilitative route. If liberals do not want to fall on the side of brutality and repression they need to come much closer to the rehabilitation model. The other side is in the service of unbridled capitalism which blames the offender exclusively in order to acquit the existing social order (Siegel 2002).

Although the public seems to have supported the call for tougher sentencing of offenders, being taken in by the conservatives' propaganda, they certainly do not support a 'lock them up and throw away the key' policy. The public knows that sooner or later they will be facing the former offenders again in public places once the latter would have served their time. People still want inmates to be helped in finding the right ways to a civil life. They will support rehabilitation because they know that if they do not pay for it now they will have to pay much more as a consequence of recidivism.

It is a fact that the days of rehabilitation, especially where and when it assumed a medical model, were peppered with too many cases of corruption, inhumane therapies and exploitation of prisoners. These shortcomings must be acknowledged and never repeated (Crow 2001). One must also acknowledge the benefits that accrued during the period as a direct result of the efforts of those who really strove to make prison life humane and help prisoners find the 'straight' path forward. Adoption of the justice model may mean throwing out the baby with the bathwater. If the rehabilitation model has to give way to something else then let this be education. Not an educational model since, as Duguid (2000) stresses, the whole notion of a model must remain highly suspect in the complex world of prisons, prisoners, the law, and the state. What one should look for is rather a programmatic style or approach that is more conducive to breaking down the subject-object relationship so endemic in the prison and in the criminal justice system as a whole and programmes that have

an educational objective at their core seem to have the greatest potential to accomplish this.

The world inside: Prison as a learning context

Prisons and the educational efforts made there are beset by a number of problems as was shown earlier. There are some who believe that in order to make educational provision more substantial and less symbolic prison administrators and their staff need to do their jobs properly (Dilulio 1987). Incompetent administrators preside over 'bad prisons'. A number of prison educators believe that what is needed is a transformation of prison educational programmes (Thomas 1983). However, successful prison education does not depend exclusively on either good administration or programme reform but on both. Prisons do not deliver on their promises. If ever there was any sense in which one can say that prison worked this is not found in any of the mission statements hanging, nicely framed, in the governor's office or the prison board room. What is claimed in the prison's name is not achieved (Uden 2003). One reason for this failure is the fact that prisons are backward looking. Every minute of every day in the prison takes one back to the offence. As long as the criminal justice system remains firmly embedded in an ethos of retribution one should not expect any better. The prison as an educational institution, like all other educational institutions in the world, must be forward looking. We should be interested in the past only as far as assessment (educational, social, medical) is concerned in order to plan together the path for a successful future. Once that is done the past must be put behind us so that we can look ahead. In this context prisoners are persons working towards desired and desirable goals. From then on what matters is the degree of progress being made by each one.

Prisons have always been a learning context regardless of whether there were teachers and education programmes or not. Prisoners learnt from the environment, the regime, and the staff and to a very large degree from other prisoners (Werner 1990). The problem concerns the content of this learning.

From the environment the prisoners learn that regardless of the level of seriousness of their offence they are considered as less than human and will be treated as such. For the 'lucky' ones conditions were austere and monastic, for the rest they were filthy, unhealthy and brutal, buttressed by a sadistic attitude on the part of the staff (Stern 1998). From the regime the prisoners learn a great deal more, most of which has been written and referred to in earlier chapters. They do not have a will or a mind and if they have a brain it is only there to control and keep their biological body parts functioning. Life is reduced to sleeping, eating, drinking and idling for hours (Ramsbotham 2003). Where there is work this is to a large extent not stimulating. Everything is imposed, prescribed, restricted, controlled and censored (Simon 1999).

From the staff the prisoners learn that might is right. They learn that non-prisoners are just as wicked as, if not worse than, most of the inmates. The world is populated by the powerful and the weak and it is right and fitting that the former oppress, threaten, torment and use the latter. They learn that the concept of rights belongs to an incomprehensible, pie in the sky kind of world. In order to obtain and achieve one should lie, cheat and lick boots. The smug, sardonic smile of the jailer is despised but it is also intensely envied (Werner 1990). From other fellow prisoners one learns that the only real mistake that the inmates made was getting caught. In that world of seeming hopelessness many display an optimistic streak. Next time they will not be caught and can, therefore, enjoy the returns of their 'efforts'.

Learning in prison must not only continue but increase considerably. The content, however, has to change. If incarceration is to remain a feature of the criminal justice system for the foreseeable future, then prisons need to be residential premises that respect the dignity of personhood and human rights. When courts hand down custodial sentences they order that the prisoner be deprived of his/her liberty, and nothing else. The prison regime needs to change in order to reflect the proposed dominating ethos, education. For this to happen, the authorities' perception of prisoners needs to change. Despite efforts at

classification of inmates they are still by and large considered as one mass. Prisons characterised as educational institutions will be staffed by men and women who would be suitably qualified and specifically trained to join the overall educational effort. They need to be perceived and appreciated by the prisoners very much like most tutors are in post-secondary and higher education institutions. The era of the jailer, guard, officer or 'screw' has to be consigned to history. Prisoners who are open to all kinds of learning bar that which is considered criminal and anti-social and who want to better themselves holistically, would be resident in an institution that does not include those who persist in their anti-social attitude as manifested in their relationship with fellow prisoners and staff, their speech and reluctance to participate in wholesome activities.

The upsurge in incarceration in North America and Europe during the nineties and beyond cannot be sustained indefinitely. Economically it is to a large extent a monumental waste. It costs a great deal of money to construct new prisons, recruit and train new staff and accommodate an ever increasing number of prisoners. The streets are not safer and people do not feel more secure. Socially it is a cop out on the part of the major institutions, chief among them the government. Rather than seriously studying the nature of crime, 'finding out' who the prisoners are and which are the circumstances that favour offending and recidivism, authorities take the easy, short term, politically expedient way out and lock up as many people as they possibly can (Blumstein and Beck 1999). As more and more people become disillusioned by the poor effect of the retributive paradigm they are looking for alternatives that may be more successful in reforming prisoners, reducing crime and helping victims. By the end of this decade retributive justice will be overtaken by the restorative paradigm (Magnus, Min, Mesenas and Thean 2003). For this model to succeed prisoners need to develop certain skills and acquire certain qualities. This in turn calls for a particular type of education.

The world outside: what is it really like?

Prison education should have a structure in order to realise its aims and achieve its goals. At a national or continental level one may argue whether one should examine the context and then come up with aims for general education that 'serve' that context; or define the aims of education so that it will control and determine the context in which people live. It is probably more like a dynamic interaction between the two. As Torres (1998) states, given the predominance, the unchallenged power that Capital has achieved in the last twenty years it seems that industry, business and finance are determining most of the context in which people live. Education, then, and not just in prison but nationwide has to adopt a rather schizoid approach. While it needs to prepare children (and prisoners) to work within and continue to develop industry, commerce and finance it needs also to educate them in aspects of humanity (values, qualities, characteristics) which Capital has little regard for .

Torres's assessment of what has been happening in the world with regard to democracy, education and multiculturalism may be applied to prisons. It is necessary for prison educators and administrators, particularly those that hold the purse strings, to be clear about what kind of world is unfolding. This is a precondition for the successful development of curricula and education programmes for prisons. They need to know what is going on and why. Eventually the prisoner/student will know too. Globalisation has created a 'new world'. Worldwide social relations have intensified so that what happens locally is shaped by events and decisions occurring many miles away. The state as people used to know it is under pressure from all sides. The international boundaries of the state are hardly visible any more. Torres describes how globalisation of production, trade, finance and culture are moving within and across states at a rate that makes it impossible for any one state to control what is going on. Regional conflicts are a misnomer since each one affects the whole world. Even terrorism has gone global. Since the collapse of the great divide between East and West political and military alliances are not as stable as they

used to be. At a local level the state is rocked by shifting solidarity groupings typical of a post modern society. Regional, linguistic, religious, ethnic, gender, lifestyle and other social movements are challenging constitutional provisions, laws, customs and national budgetary allocations. Persons move in and out of these groupings as issues arise, are fought out and settled. The traditional lifelong loyalty survives in the world of football and in not much else. As the state is under pressure so is the traditional concept of citizenship, meant as exclusive membership of a nation state. In this continent persons have become citizens of Europe. It goes further. The increasing diffusion and globalisation of human rights has imposed limits on the state in two ways. Firstly it is becoming more difficult, thankfully, for governments to treat their citizens in ways that violate human rights; and secondly those persons, regardless of the position they hold, who are allegedly responsible for serious human rights violations are being pursued, apprehended and tried by international courts of justice. Persons suspected of criminal offences are being moved from one country to another to 'face justice' much more easily than ever before. Their passport no longer gives them sanctuary.⁴⁸

The world of work has also changed radically in recent years. In the context of global economy the situation is characterised by uncertainty. In such a scenario investment in people becomes even more crucial. Industry, commerce and finance are shifting at a more rapid rate than ever so that the economic landscape is not unlike that of the desert with its shifting sands. The more stable element is the workforce. This needs to be not only highly trained and well educated but also flexible in skills and mindset.⁴⁹

Leisure is considered as a very important aspect of our lives. As the official working week becomes shorter we need to learn how to use our leisure time

⁴⁸ The recent (and still ongoing) international hunt for war criminals from the Balkan Wars is a fine example.

⁴⁹ Commission Staff Working Paper: A Memorandum on Lifelong Learning Commission of The European Communities SEC(2000) 1832

creatively, pleasantly and in ways that promote health. Hobbies, sport and culture are three ways with the third increasing in popularity but still needing a lot of promotion. Altruistic activities are one other way of employing leisure time. The world is changing rapidly in politics, work, leisure and other fundamental aspects that define our way and quality of life (Torres 1998). For the prisoner who is in for eighteen months or more the world he comes back to is not the same one he knew at the time he went to prison.

Prison education and aims

Whenever there are substantial changes taking place so that our whole way of life is being affected people turn to schools to help the young and therefore its citizens adjust to the new circumstances (Levin and Riffel 1997). It has often been said that schools are reactive and to quite an extent it is true. School programmes are modified to reflect societal changes. A recent great example is furnished by the coming of the digital age. Computers are becoming more pivotal in the life of schools (UNESCO 1995). Prison education is no different. If it is not dynamic, reflecting the needs and opportunities as they unfold in the big world outside, while addressing issues particular to individuals and small groups connected with the reasons for their incarceration, prison education will not be worthy of its name.

It is helpful to establish what aims are since the term is often confused with others such as goals, objectives, ends and purposes. Aims are general statements that provide both shape and direction to the more specific actions designed to achieve some future 'product' or behaviour. Aims are often ideals or visions that one would like to reach. In the case of education teachers use them as guides for the educational process. To a large extent the aims of prison education are very similar to those of education in general. Some addition is needed in order to address the particular needs of prisoners qua offenders. The aims of prison education include (1) self creation and realization (2) making persons literate and numerate (3) helping persons to be sociable and have a pro-

social attitude (4) providing skills, knowledge and understanding necessary for productive employment (5) furnishing skills, knowledge and attitudes necessary for making effective and non-offending choices regarding material and non-material things, services and actions (6) provide lifelong learning skills (Wilson and Reuss 2000).

Doll (1992) brings these aims closer to earth by specifying what these aims should address, namely, the intellectual or cognitive focusing on the acquisition and comprehension of knowledge, problem solving, skills, and various levels and methods of thinking. The social-personal or affective dimension is concerned with person to self, person to person and person to society interactions. They include the psychological and emotional aspects of individuals and their adaptation to home, family, local community and religion if any. The productive dimension concerns those aspects of education that help the individual to function in the home, on the job and as a citizen and member of society. Prison education should include other aims such as the development and maintenance of strong and healthy bodies, the appreciation of the arts and dealing with values, dealing with behaviour so that it becomes appropriate and finally discussing spirituality.

In the same way that giving children a sound education translates into a number of benefits for themselves and society, quality prison education will benefit the prisoners directly, the prison staff and administration and, on release, the whole community. The aims of prison education, if realised, are worth every penny invested in the process to reach the goals and achieve the objectives. The prison system is a voracious monster that eats up a mountain of money every year (Ramsbotham 2003). Prison education may provide a win-win situation. Every inmate who leaves prison educated and trained and who makes a good life for himself saves the system the expense of hosting him in a penal institution for a time longer than the first round. Having become a working productive citizen the former inmate raises his own quality of life and level of economic activity.

Prison education: pedagogy and prison teachers

The education literature suggests that students who are actively engaged in the learning process will be more likely to achieve success. Once students are actively engaged in their own learning process they begin to feel empowered and their personal achievement and self-direction levels rise. A key to getting (and keeping) students actively involved in learning lies in understanding learning style preferences, which can positively or negatively influence a student's performance (Schroeder 1996). It has also been shown that adjusting teaching materials to meet the needs of a variety of learning styles benefits all students.

Schroeder (1996) points out that the "typical" student learning style profile is changing today and there is a much greater variation in the range of learning style preferences to be considered. Therefore it would be wise for prison educators to understand what learning style preferences are, and how to address them when preparing instructional materials for adults. Birkey & Rodman (1995) point out that, just as there are "striking differences in the way people learn and process information...there are significant differences in how learning styles are defined and measured." Perhaps the most important thing a teacher can do is be aware that there are diverse learning styles among the inmate population. Litzinger & Osif (1993 p73) describe learning styles as "the different ways in which children and adults think and learn." They see that each of us develops a preferred and consistent set of behaviours or approaches to learning. In order to better understand the learning process, they break it down into several processes: (1) cognition--how one acquires knowledge (2) conceptualization--how one processes information. There are those who are always looking for connections among unrelated events. Meanwhile for others, each event triggers a multitude of new ideas (3) affective--people's motivation, decision making styles, values and emotional preferences will also help to define their learning styles.

Kolb (1984), one of many who tried to "catalogue" the ranges of learning styles in detail is perhaps one of the best known. He showed that learning styles could be seen on a continuum running from (1) concrete experience: being involved in a new experience (2) reflective observation: watching others or developing observations about own experience (3) abstract conceptualization: creating theories to explain observations (4) active experimentation: using theories to solve problems, make decisions. Although Kolb thought of these learning styles as a continuum that one moves through over time, usually people come to prefer, and rely on, one style above the others. And it is these main styles that teachers need to be aware of when creating educational materials. (1) For the concrete experiencer--offer laboratories, field work, observations or trigger films (2) for the reflective observer--use logs, journals or brainstorming (3) for the abstract conceptualizer--lectures, papers and analogies work well (4) for the active experimenter--offer simulations, case studies and homework

So where do all these lists of learning styles leave us? There are probably as many ways to "teach" as there are to learn. Perhaps the most important thing is to be aware that prisoners do not all see the world in the same way. They may have very different preferences among them for how, when, where and how often to learn. Given the particular nature of adult education and prison education it becomes an absolute need for anyone involved to be educated and trained in this field. Quality education can only be delivered by quality educators.

What makes adult learners different from kids? Adults are self-directed, that is, they like to feel that they are in control of their learning. They are goal oriented, wanting to feel that they are moving towards a specific target. They value relevancy; they need to know why they are learning something. Adults are generally practical and problem solvers. They have accumulated life experiences which they bring to bear on their learning. Kearsley (1996) summarizes what this means to teachers in practical terms. Andragogy means that education for adults needs to focus more on the process and less on the

content being taught. Strategies such as case studies, role playing, simulations, and self-evaluations are most useful. Teachers adopt a role of facilitator or resource rather than lecturer. All over Europe one finds that a lot of teachers working in prisons are employed by the ministry of education to teach in schools, both primary and secondary and spend a day or two a week at the prison. For the successful implementation of a curriculum designed for prisons there is the need for teachers to be trained in adult learning. A substantial number of aspects of school education are not transferable to prisons.

The issue of student motivation is such an aspect. Adults typically, have different motivations for learning than children such as those proposed by Cantor (1992) (1) to make or maintain social relationships (2) to meet external expectations--the boss says you have to upgrade skill X to keep your job (3) learn to better serve others -- managers often learn basic First Aid to protect their employees (4) professional advancement (5) escape or stimulation (6) pure interest. For prisoners one may add (7) to become more employable (8) to prove to themselves and family members that they have worth and are capable of becoming 'better'. It becomes important then for teachers to find out the motivation behind their students' enrolment so that the educational transaction becomes more meaningful. There are a number of concerns in a prisoner's world that work against motivation. These may include lack of money since prisoners hardly earn anything, lack of time if labour is compulsory, scheduling problems between work and education and between subjects, lack of self-confidence, forcing oneself to enrol in order to please the parole board, family problems and relationships, relationship with other prisoners and fear for personal safety (Sykes 1974).

Prison: an educational context

All those who work within the criminal justice system need to be re-educated into a new paradigm which acknowledges every crime as a harm done to another person or persons and not to the state. Even in cases where there are no directly

identifiable victims the recipient of the harm is not the state. When a prisoner is accused of tax or customs evasion or of vandalising a bus shelter the victims are the taxpayers and the commuters not the Council or the state. Within this paradigm education seeks to make the prisoner aware that his actions and behaviour are harming other men, women and children who are no different from his/her mother, father, sisters, brother, relatives, friends and neighbours (Dunkel and Rossner 2001). Even in cases of robbery from banks, businesses and state institutions the victims are the customers. Insurance companies charge entities higher premiums which are invariably passed on to the customers. It is very difficult to instil a sense of guilt, remorse if the state, government, Council or big corporate business is portrayed as the victim of one's crime. Within the new framework, expressions such as, 'I paid my dues' or 'I did my time' or 'paying one's debts to society' become meaningless. It is more just and fair if the prisoner is held primarily accountable to the victim or victims rather than the state. This approach is the foundation of restorative justice (Magnus, Min Mesenas and Thean 2003, Morris and Maxwell 2001).

An educational programme that supports this paradigm would seek to help prisoners see the consequences of their actions within a wider spectrum and a longitudinal perspective. They will learn that crime and the harm it causes to individuals have a ripple effect which may touch a number of people besides the direct victim. They will also learn that crime may have a lasting harmful effect on people which may be physiological, psychological, social or economical. They will also learn that positive behaviour and actions may also have a ripple effect and can be beneficial over a period of time. One of the ways to teach all this is through a critical thinking programme (Davidson 1995, Duguid 2000). This area is a fairly recent addition to the school curricula and it holds a great deal of potential for education in prisons. The courses can raise the level of sophistication of the prisoners' thinking. It would be beneficial to the individuals inside the prison and everyone else outside if the higher level of thinking is given a specific positive direction. This can be 'the common good'.

This is far from being a straightforward notion (Carr and Hartnett 1996). However, to avoid getting embroiled in a lengthy inconclusive review of the debate concerning this notion it will be understood that the common good is an aggregate of conditions within a society that ensures a dynamic evolution of living standards for everyone. These standards include the moral, social, economic, environmental and health levels of the community. Any reduction in the level of intentional harm in society works towards this end.

Francis J. Schweigert (1999), writing about the loss of a sense of the common good, refers to the works of Bellah et al (1985, 1996); Bronfenbrenner et al. (1996) and Benson (1997). The first study refers to 'two aspects of modern life that combine to obscure a sense of the common good in America.' The first is a history of social disintegration over the last two hundred years due to industrialisation and urbanisation combining to break down social cohesion in families, neighbourhoods, work, politics and religion. The second is the rise of a political and social philosophy of individualism. Their study of the same topic ten years later confirmed the first study. Bronfenbrenner and colleagues studied several social problems including family break up, the decline in moral values and behaviour, more crime on the streets, increasing numbers of families with young children in poverty, falling test scores, mounting youth violence and crime, increasing rate of incarceration, outbreaks of racial conflict and the rocketing cost of dealing with all this. The disruptive effects of these social factors combine to erode quality of character and social competence leading to a narrow individualism where the only thing that matters is personal acquisitions coupled with the satisfaction of personal drives and desires at all costs. This work is complemented by Benson's which found that sixty four per cent of high school youth engage in high risk behaviours such as drug abuse, alcohol, smoking, unprotected sex, shoplifting, vandalism, violence, depression and attempted suicide. The relationship between youths and adults has changed over time so that the former are hardly influenced by the latter whether within the family, school, church or other organisations. The entertainment world,

advertising and the media have the upper hand and the messages they dish out reinforce strictly individualistic, self gratification even if this is at the expense of others.

The aggregate of conditions within a society that raise the quality of life of everyone is pronounced achievable by both the main traditions of the 'common good', namely, the civic virtue tradition and the civil society tradition. They both ultimately want the same result but the attitude they display towards the social good and the process they propose to achieve the goal are different. In the civic virtue tradition morality and virtue are tied up with the concept of a public. The community is the nucleus that animates each person's life particularly in the moral sphere. Every citizen pursues the good of all including him/herself. There is no room for uncontrollable self interest (Mulhall and Swift 1994). In the civil society tradition persons pursue their self interest in free and fair exchange. The good that accrues from this type of social organisation is spread throughout the community. The moral sense is a feature of each individual as a complete autonomous person. Being virtuous is a private matter (Galston 1995). The former is a good, morally sound Rousseauian community that determines how each member should behave while the latter is an aggregate of morally autonomous individuals who make up a good Lockean society.

Since citizenship education would form a cornerstone of any teaching programme in a prison turned education centre do educators have to choose between two different if not conflicting approaches? The best way forward is to try to marry the two as far as it is possible perhaps with a bias towards the virtue tradition. The civil society tradition with its emphasis on the autonomous individual, free to choose to do or not do anything, free to decide on a lifestyle of one's choice, to pursue self interest is not the best backdrop to an education programme in a prison. The majority of prisoners have shown through their offences a high level of disregard for others. A Liberal approach with its focus on the individual may not be enough to sensitise prisoners to the harm caused to others by wrong actions and anti-social behaviour. It appeals to the prisoner to

do all the right things and stay out of trouble because his interests are served much better that way. It is a kind of enlightened selfishness, a safe self centeredness. If people refrained from harming others directly or indirectly it would be a very good thing regardless of the motive for doing so. Scepticism stems from the overemphasis on self interest associated with a civil society approach. When it comes to balancing one's interests and those of others a former prisoner educated in the civil society tradition may not be able to appreciate enough the right of others not to be hindered in their pursuit of the good life.

The civic virtue tradition (Benhabib 1997) stands on a web of bonds that bring and keep people together. It highlights a considerable degree of interdependence which, managed successfully, brings peace and prosperity to all. It rests on co-operation between citizens rather than 'transactions' between unconnected persons. It seeks to make everyone feel a degree of responsibility to and for others, a kind of fraternity where we look out for each other because we are all humans deserving of sympathy and assistance. This social solidarity is directly contradictory to the infliction of harm on others. In this paradigm persons are expected, if they wish, to further their interests and be successful. The more one has the more one can give. Everyone is expected to strike a balance between taking and giving.

The civic virtue tradition is critical of the civil society tradition because the latter does not give adequate, if any, consideration to community, to political life, to certain types of obligations and commitments that are not chosen, to the social embeddedness of the self and to personal responsibility. The civic virtue tradition believes that any conception of the good life and the common good includes community, that participation in politics has intrinsic value, that we are obliged to assume certain important responsibilities, that the self is socially constructed and that responsibility is an important moral value at least at par with justice (Mulhall and Swift 1994). Given the situation that prisoners are in and the socio-economic background that most of them come from it seems more

appropriate to imbue in them through education civic virtues rather than traditional liberal values. A sense of community may help them realise that they can be successful in life with others rather than at the expense of others. They should learn that they were not 'genetically programmed' or 'destined' to be rebellious, anti-social or downright criminal. Who they are and what they do has a social history not a genetic or chemical one. If the self is socially constructed then it is always amenable to change and development (Bakhurst and Sypnowich 1995). Hope and effort should follow. They should realise that irresponsibility is not liberating but enslaving since it always leads to some form of trouble with ensuing dire consequences. Certain responsibilities precede persons as individuals. People cannot at the same time choose to be members of society and pick and choose which responsibilities to respect.

Challenges

There are a number of challenges that have to be faced when trying to put together meaningful education programmes for prisoners. These include the unfolding post-modernist world which challenges traditional ways of doing education, bridging the distance between the world prisoners come from and the world it is recommended that they should inhabit after release, the task of understanding each other's language beyond the sounds as words, initiating and managing change, the degree of student participation at all levels and in all aspects of education and self creation in a community.

Breaking out of a Modernist mode of education may not be easy. In fact it can be quite problematic. Not only are the prisoners educated in a Modernist mode (if they were really educated at all) but so are most of the teachers. In order to educate students for the Post-modern world out there teachers need to get to grips with the very significant changes taking place around them (Usher and Edwards 1996). They need to identify and understand the new perspectives on power and the players in the game, knowledge and its creation, values and their temporal relative status, the development of relationships and the constructing

and reconstructing of identity. It is not being suggested that they should stop teaching History, Geography, Mathematics, English, Physics and so on. They will continue to teach and develop all the areas of study but do so from perspectives which are shaping today's world. The difficulty that presents itself is no excuse to be complacent, pessimistic or have a defeatist attitude. The price they and their students have to pay if they do is the 'preparation' of today's people for yesterday's world.

One of the first fundamental problems that teachers need to sort out for themselves is what Bereiter (1985) called 'the learning paradox'. In pre-service and in-service teacher training and professional development teachers are told how wrong it is to indoctrinate students. Liberal education insists that reasons should be given to back whatever is claimed and that students may or may not accept them as valid and in the latter case would have no obligation to accept the stated views. This brings about the development of autonomy. The problem lies in the fact that reasons do not have a life of their own. They derive their meaning from the context in which they are embedded. When students try to assess the reasons teachers provide they do so against a pre-existing world view which they brought into the prison. How can they assess the reasons teachers give from their standpoint, judge them as valid to the point where they move from the paradigm in which they grew up to the one they are coaching them for?

A similar situation arises when teachers come to deal with the question of open dialogue. For their students to understand what they are saying and teachers understand the students they all need to understand the claims being made. The question is not simply one of semantics but also depends on the listener's world view, his/her commitments. Speech is comprehensible within one's frame of reference (Haydon 1997). Unless teachers are aware of these problems they may be uttering the same words but using a different language. The implications for education particularly in a prison context are obvious. Teachers cannot begin to help anyone learn unless they are able to understand that someone. In a teacher's frame of reference solidarity includes co-operating with

the police to help them uphold law and order. In the prisoner's frame of reference solidarity may include harbouring a criminal protecting him from the common enemy, the police. If teachers can sort out this issue they can then move on to make their teaching really dialogic. They should not appropriate the right to define problems or the direction in which a dialogue is expected to move. The more they listen to their students the more qualified they will be to help them learn (Haydon 1997). They need to learn about their problems as they define them and then enmesh them with those of the victims and of society in general. Everyone has equal rights to communicate and do so without internal constraints. Teachers, of course, are not neutral beings. They have values and a way of life that they would like others to follow. They have their own world view which gives meaning to their lives. They have 'a starting point' (Heberle and Rose 1994)

The prisoners also have theirs. A redefined role of students and teachers makes them all learners and does away with the imposition of the teacher's paradigm on students' work. Mutual respect for the 'other's starting point' and world view needs to be real, lived out in the daily classroom practice. All points of view, desires, curiosities, parts of life plans, emotions and judgements expressed in the classroom should be considered valuable and given equal weight. Teachers and students have the right to try to understand and interpret themselves. Both have the right to try to understand and interpret the other.

The kind of education given to prisoners should be such that they will be able to cope with change. The alternative is frustration and despair. They should go beyond coping with change. They should be participants in change. A dialogic education will help them realise that reality is neither fixed nor universal. They need to learn how to perceive their problems, both personal and those they share with countless others. Teachers need to help them acquire the skills to deal with these problems by bringing about social change without violence and other dubious methods. A mutually respectful participative pedagogy will give them the self-esteem, self-confidence and assertiveness they need to achieve this.

One of the issues that have to be settled is whether the education methodologies are going to be content-centred or person-centred. According to the former the student has to be led to pre-determined goals and thresholds at a pace set by the system. The latter approach is characterised by a substantial leading role taken by the learner, his/her talents and capability, and the baggage of life experiences accumulated up to that point (UNESCO 1995). If one takes the first option 'education' may become totalitarian, oppressive. If one is to take on board the issues referred to above the choice has to fall on the latter. The all encompassing power of capitalism has, over the last two hundred years, determined to a considerable extent what was to be regarded as valuable and what was trivial. The valuable was, of course, the skills and personal qualities needed for industry and commerce to flourish. The course to be run was determined at the outset and it was then up to each child to struggle to reach the end. Those that did not, a large number of starters, fell by the wayside. This resulted in a lot of schooling and not enough education (Parsons 1999). Today teachers are still thrashing about in the same unfair, soul-destroying waters. In most prisons education programmes are exclusively geared to courses set by national or regional agencies which are functional, utilitarian in character and form (UK Parliamentary Group Report 2004). In a context determined by the range of employment opportunities available these courses are useful and in a limited sense empowering. The nature of what goes on here is mostly schooling. The teachers' mission is primarily to educate. Prisoners need both. Authorities need to be persuaded that investment in educational initiatives for prison inmates is sensible, valuable for both the individuals and society, and an obligation the community has towards them as part of a two way restorative justice. These educational initiatives should be locally negotiated between teachers and inmates and developed to be a personally transformative process and not a session of shared ignorance.

The unfolding post-modern world is throwing up a dilemma which we have to face sooner or later. The thrust of counter modernist empowerment is towards individual self-creation (Bakhurst and Sypnowich 1995). Most people live in communities where they share physical structures, technologies, goods, ideas and much more. Can post-modernist self-creation exist in a flourishing community? Will self-creating individuals have any regard for others? The 'new' world is celebrating diversity in beliefs, values, desires, lifestyles and so on. Will living together still be viable? Self-creation outside any kind of framework may render impossible most forms of collaborative social action. This presents an enormous challenge to both those who are responsible for designing educational courses and those who teach them. Teachers need to respect every student's effort to create him/herself. This process takes place in a context where values, beliefs and judgements are relative so that one's choices are as good as everyone else's. The teacher then has no blanket answers but must use an atomistic approach to deal with questions, problems, incidents, decisions, choices, conflicts and so on. This will stretch teachers' wisdom and wit to the limit.

Conventional criminal law penalties have no restorative effect. Wright (1992) put it in a nutshell:

Balancing the harm done by the offender with further harm inflicted on the offender, only adds to the total amount of harm in the world.

Restorative justice (O'Connor and Pallone 2002, Bortner and Williams 1997)) has an ethico-judicial approach:

1. It defines crime as an injury to victims (individual or society)
2. It is oriented towards restoration which may be symbolic
3. It involves the offender in direct and active restoration
4. It retains a judicial framework which affords coercive power and legal moderation if needed.
5. It binds both sides, offender and community, to restore what was taken or not given.

This is the kind of intervention that is recommended here. Needless to say, it needs a sound philosophical base which cannot be satisfactorily developed within the constraints of this work. This kind of intervention is what comes closest to the type of world that is developing now, a Post-modern one. In this scenario the prisoner becomes the offender and perhaps even a party to a conflict. But this needs to be worked out. Before teachers can conceive and develop educational programmes they need to be quite clear about two things: one, the kind of world there is now and what the indications for the foreseeable future are, and two, the way they conceive of the person who has transgressed so that the education they provide is 'custom built' designed to give their students personal, moral, vocational and social skills befitting the twenty first century.

Educating for personal and social responsibility

It was stated at the outset that the concept 'education' is not only different from 'schooling' but encompasses a great deal more. All aspects of personal and social development are considered within this concept 'education'. English, French, Geography, History, Mathematics, Physics, art, music, P.E., carpentry, welding, computer skills, engine repair are but a part, albeit an important part, of education. From what was stated earlier it follows that prison education needs to address the moral concept of integrity and responsibility and that these are socially embedded in structures and processes such as socialisation, solidarity and community. The interplay of persons within families, communities and regions, at least partly forms, promotes or inhibits these moral concepts (Bakhurst and Sypnowich 1995). It is therefore wrong to judge individuals as if social pressures were not morally important. If teachers want to educate prisoners so that they adopt lifestyles and modes of behaviour that contribute positively to their wellbeing and that of the community the content and pedagogy must take on board the socialisation patterns and degree of solidarity among individuals within the community they came from.

Group affiliations are constitutive of the self (May 1996). This is important to keep in mind when considering the prisoner's life both inside and outside prison. The two main features are the type of group and the strength of the affiliations. The first supports the idea expressed earlier that a number of prisons, hopefully the majority, are changed into educational institutions with a totally different regime while the second calls for a social setup within the institution which is diametrically opposed to the present. The atmosphere will be characterised by friendship, solidarity, teamwork and mutual help in both social and educational matters. As May (1996) explains positive group support is more effective in influencing one to do right than the traditional 'conscience'. There is no danger that what is being proposed here will create a culture of dependency since as one matures the positive influences of friendship, solidarity and teamwork become one's own and will see the individual through various life episodes. It is a consequence of the interconnectedness between moral theory and social theory and practice. The major part played by socialising influences on the making of the self is not to be misunderstood as a kind of 'social enslavement' which is irreversible. There is always the capacity for auto criticism. However, this does not spring into effect automatically and effortlessly in every human being. In fact it does so in a relatively small number of people. For most it is activated as a result of deliberate or informal educational experiences.

Thinking from within the current criminal justice system paradigm one is apt to understand group affiliations as those between prisoners. Something wider may be proposed. Prisoners in educational institutions may, indeed they should be encouraged to, become members of associations, action groups and other bodies. They will thus receive from the NGO and contribute towards its aims. There are plenty of NGOs with social, environmental and other agendas. Besides keeping contact through correspondence and telephone, NGO officials may hold meetings inside the institution for their members and prospective ones. If we are going to educate prisoners to be personally and socially responsible persons we

need to take a leaf from Dewey and have them experience these responsibilities besides 'lecturing' about them.

There are prisoners who show that they find it difficult to follow overarching strict rules that regulate conduct. They lack that something, will power perhaps, which enables them to follow narrow prescriptive principles such as that of utility or Kantian categorical imperatives (Heberle and Rose 1994). Prison education would seek to help them become personally and socially responsible persons by concrete, real life stories to which they are able to relate easily avoiding strict abstract principles. Rather than following the dictates of an 'external' authority students will feel that they should behave one way rather than another because they have thought it through and concluded that the chosen course is the reasonable way to go.

May (1996) lists six elements which are characteristic of an ethic of responsibility. Each one of these elements is relevant to the question of how one should proceed with the task of developing education programmes. In the case of education for prisoners their relevance is even more significant for two main reasons. The students are seventeen years old or older and they have committed crimes against persons directly (assault, robbery, drug trafficking, vandalism) or indirectly (defrauding banks and businesses, tax evasion, damaging public property). The first point, their age, shows that in spite of eleven years of schooling (maybe more) they are not at all clear about responsibility and how to handle it. From this age onwards one is expected to behave responsibly, so much so that one is entitled to vote, drive a vehicle, raise a family, be a police officer and use all sorts of weapons as a member of the armed forces. The second point, their crimes, show that their irresponsible behaviour has caused harm to others and this can never be condoned.

The first of the six elements is responsiveness to those whom we could help, especially those who are in relationships with us or toward whom we have taken on a certain role. Within a civic virtue tradition this means that not only are we

to refrain from harming others, in every way, but to acknowledge that others may have problems and that it will add to the common good, from which we benefit, if we helped in some way. There is a certain degree of selfishness attached to crime whether this is material or violent. The offender either appropriates from others in a criminal manner what he does not have or gives vent to emotions by harming others. Education towards responsiveness to others would include awareness of the fact that the offender is letting a number of people close to him/her down. They may include parents, spouse, brothers and sisters, sons and daughters and friends. These persons are also victims of the crime. With very few exceptions prisoners are responsible to and for others.

The second element involves sensitivity to the peculiarities of a person's concrete circumstances and contexts. This cuts both ways. The prisoner may appeal to this element, having worked out the implications through the prison education course, in his own defence, asking for his peculiar concrete circumstances and context to be considered when we appraise him as a person and the offence committed. He/she, in turn, will be expected to consider the concrete circumstances and context of victims of crime and those who suffer collateral damage such as family members of both the victim and the offender. If this element is successful in the prisoner's education it will be a short step to the third one. This element includes motivation to respond to another that grows out of the needs of others, especially those who depend on us. The prison lends itself to good training in this aspect of responsibility. In many respects prison is a jungle but the institutions described earlier (educational establishment) with a positive constructive regime encourages this element of responsibility so that each one looks out for the other.

The fourth provides a wide discretion concerning what is required to be a responsible person, rather than an emphasis on keeping an abstract commandment or rule. Basing an education programme on Kantian rules or principles of utility is inviting failure. A considerable number of prisoners lack the strong will needed to comply with such categorical imperatives (UNESCO

1995). The programme would push for a more pragmatic understanding of responsibility which is more accessible to them. It must give guidance, however, for practical decision making.

The next element promotes respect for the legitimacy of emotions as a source of moral knowledge, and especially for the feelings of guilt, shame and remorse that are central to people's actual moral experiences. These feelings presuppose a learning, involving the previous elements, which creates a disposition for these emotions. The presence or absence of such feelings should help teachers discover the degree of responsibility for actions which may have undesirable effects.

The last one presents a sense of what it means to be a responsible person that is tied more to who we are, and what we can do, than to what we have done. The new educational institutions for prisoners would be forward looking and this sixth element of what constitutes an ethic of responsibility fits like a glove. Prisoners need to see (with help where necessary) what kind of person they are and how they can improve themselves building on whatever positive qualities they have. This will be reinforced by that which they can do within the limits of their talents and capabilities and the constraints of the institution. To a large extent the past cannot be undone but the present and future offer a sure route for redemption if the prisoners grasp the opportunities on offer.

The vehicle for teaching prisoners how to develop an ethic of responsibility cannot be the traditional lecture. It is boring, ineffective, detached from real life and a one way street. The teacher needs to listen as much he/she is listened to. In education nothing beats dialogue. One may use films, or excerpts from films, portraying fairly common real life situations. The group can then discuss the theme and details aided by the chairmanship of the teacher. The teaching of languages and literature are ideal for this kind of pedagogy because they throw up so many opportunities for discussion. The regime itself has to be turned

around in order to offer as many chances as possible for prisoners to assume responsibility for people, things and events.

A curriculum for prison education: a framework

Society feels the need to periodically examine the guidelines governing the purpose and content of its education. This must include prison education if it really is working towards an all inclusive society. A prison education curriculum for the twenty first century should place the needs of the learner before other considerations. The vision, planning and provision are in the service of this main aim. The holistic spirit of the curriculum includes various aspects of human development. It should also embrace the diversity of learning styles as well as a whole range of abilities, backgrounds, specific learning difficulties and special needs that are bound to exist among a community of learners. The needs of society must also be taken on board since every inmate is not just one of its members but an active participant, especially on release. Prison education should be as wide and as balanced as possible in order to equip learners not only to make them capable of taking charge of themselves and their lives but also to have the will and courage to stand by others.

1) A prison education curriculum should aim to develop an educational ethos that stimulates the development of the inmates' potential whilst strengthening the principles of solidarity and co-operation. This should bring about a constructive self awareness and the development of a system of ethical and moral values. There should be a list of optional areas of study together with a small number of core courses designed to stimulate thinking and animate discussion of real life situations involving ethics and values. Added value may be obtained if teachers included issues of ethics and values across the spectrum of areas of study. These should include rights and responsibilities to themselves, to others, the community, the country, the natural environment and animals; issues of discrimination including race, country, politics, colour, religion, gender, age and mental/physical ability. Inmates will develop the skills and

attitudes that will help them appreciate knowledge and its contribution to everyday life, become able to prioritise and apply values, to make choices and decisions that are pro social.

2) Each prison has within its walls a vast repertoire of skills, experiences and needs. This diversity, allied with the individual and social differences evident in the inmate population, enables and requires pedagogy based on respect for and the celebration of difference. Prison education should depart from the tradition of valuing certain classical areas of study to the exclusion of everything else. Talents, skills and abilities in all areas (including that which is classified as a hobby) should be equally appreciated, encouraged and valued.

3) Stimulation of analytical, critical and creative thinking skills should be actively pursued. This may be done by encouraging a process of continuous search. Inmates should become capable of establishing the link between people, things, events, processes and ideas and continuously change and elaborate their structure of knowledge. Political education may be of value in this area and may include: the meaning of democracy, citizenship, modes of participation in a country's democratic life, interest groups and lobbying. Fixed term posts of responsibilities may be established within the prison to be occupied by inmates elected by the inmate population.

4) Prison education should be relevant for life. Since relevance could mean many different things to many different people this principle widens the spectrum of the curriculum while imposing the task on students and teachers to establish the relevance as each topic unfolds. The logic of this principle requires that prison tradition be put on its head so that the inmates are given the maximum opportunity to train in choice and decision making.

5) Quality prison education requires a stable environment where the learning process is smooth and flowing. In a disciplined/educational institution (prison) there should not be anything that disrupts the learning process. Disciplinary measures, visits, medical checks and procedures (unless urgent) and administrative processes should not encroach on learning time.

- 6) Given the right environment inmates should develop a sense of commitment towards effort, progress and success. The primary example must be given by the institution. The entire prison staff and regime in a disciplined/educational institution should constantly 'advertise' their commitment to personal, educational development and success.
- 7) Every effort should be made to ensure a greater integration of educational content. This integration helps inmates to establish a relationship between the different areas of knowledge and encourages an interdisciplinary application of knowledge, skills and attitudes. Creative expression should be encouraged and provided for. There should be opportunities for appreciating art, music and theatre.
- 8) Within the logic of social justice (Rawls 1971) as it is conceived today, there is a compelling need to make prison education inclusive. This involves a commitment to acknowledge individual differences and to cater for the full range of educational interests, potential and needs of inmates. The practice of inclusion within the prison should be used as a platform for developing an attitude that appreciates cultural diversity as enriching, that fundamentalism in any and every field is a scourge, that xenophobia and racism are destructive, undesirable phenomena and that both the linkages and the distinctive traits of various communities are to be celebrated.
- 9) Assessment should be mostly of a formative nature. Its purpose is to indicate the stage at which inmates had started their present stage of learning and the stage or stages they can reach in their individual process of educational development. Since court sentences are so varied in length courses should be cut up in stand alone modules that have a beginning, a sequence of sessions and a conclusion. However, a string of modules would form a complete comprehensive course in an area of study.
- 10) The learning environment should be given its due importance. There is an intimate relationship between the physical conditions, the allocated space and the educational resources allowed by specific learning environments and the development of inmate attitudes and behaviour (UNESCO 1995). Prisons

should seek to establish partnerships with academic and vocational institutions. Where possible inmates would enrol for courses and join the rest of the student body for lectures, practice, library and cultural activities during the day. Alternatively (or both) video conferencing and other technological systems may be profitably used.

11) The process of educational development in penal institutions should benefit from the knowledge and skills of those community members who are prepared to dedicate some time to the educational effort. Their contribution is meant to be in support of the teachers' work and as an added attempt at developing a positive participation in civil and civilising activities. Inmates will be encouraged to join NGOs which coincide with their particular interests. To this end all NGOs in the country will be invited to accept members from within the institution. Inmates will participate and contribute to the aims of the NGO, within the unavoidable constraints of the institution. NGO officials will visit the inmates to discuss the organisation's policy, agenda and activities.

12) In order to ensure continuing access to learning, one needs to have today's new basic skills which include proficiency in information technology, foreign languages, technological culture, entrepreneurship and social skills. Which ever form the acquisition of these skills takes there must be a constant link with the reality of everyday life in society as it unfolds. This calls for an about turn from the traditional secrecy, silence and cutting off of prisoners from the rest of the world. They need to be in touch with what is going on in the world of work and beyond. The employing authority must ensure that its teachers and instructors are up to date in their field not only at the point of entry into the job but throughout. Naturally investment in in-service training is inevitable. The business community and industry should be encouraged to respond positively to the appeal made by the EU Education commission through the Memorandum on Lifelong Learning.⁵⁰ They can contribute by offering (at no charge) refresher courses and training for prison teachers. Officials who are responsible for

⁵⁰ Commission Staff Working Paper: A Memorandum on Lifelong Learning
Commission of The European Communities SEC(2000) 1832

vocational education in prisons need to have their ear to the ground to be constantly in touch with the world of work. This will enable them to adjust and change curricula, methods and processes to be in tune with the real world.

A good Vocational Education and Training programme should include oral and written communication, literacy, numeracy, teamwork, ICT, problem solving, foreign language teaching together with citizenship, project activity and the human dimension of work. The structure of the programme should be based on modular courses. This is very relevant to a prison context since students/inmates who enrol are serving different lengths of incarceration. Academic, vocational education and training should not work independently. A serious framework would link education, training guidance and skills validation. It would also promote integration between various programmes thus respecting adult education methodologies. Interpersonal skills and positive social attitudes are indispensable in such courses.

Implementing the curriculum

For this plan to work things cannot be done by half measures. The authorities need to invest in capital projects, human resources and equipment. This is justified, apart from other reasons, by the fact that courts condemn those found guilty of an offence to the deprivation of liberty and nothing else. The sentence does not include the deliberate infliction of physical and psychological harm. It does not include isolation from humanity, the reduction to a vegetative state. The days of the principle of least eligibility should be confined to history. All those who have served or are serving time in prison and those who work within the prison walls can testify to the fact that no amount of comfort or perks can ever make up for the loss of freedom (Goffman 1961).

- *Capital projects.* The building, or cluster of buildings may have the necessary security perimeter equipped with whatever it takes to make the area secure. The sectioning of the institution into levels of security, perhaps on the British model of categories A to D may still be necessary.

The process of graduating from one category to another would remain. Within each category there will not be the traditional endless opening and closing of gates and doors. If one must have doors and gates all over the place (exclusively for use in an emergency), these will be open all the time. This is not much different from universities and colleges. They have doors and gates too but during the day they are all open and people are moving in and out going about their business. Accommodation should be strictly one prisoner to every cell. Prisoner/students need the space to work in. The furniture will include a desk/table with a reading lamp and enough shelves for books and files. They also need the privacy and peace to study and work out assignments. Adjacent to a specified number of cells, say twenty, there will be a room with a small number of computers (four) for prisoners to use in connection with their education programme. A good supply of CDs would ensure that the hard disc does not get cluttered since student work is copied and stored on CDs and not on the computer. These would be apart from the computer labs where prisoners have formal lessons. The 'classrooms' would have plenty of natural light and be kept in a very good state of repair. The Council of Europe report on education in prison states:

Adult educators in any situation must come to terms with the context in which they are working and pay attention to special needs therein, and this adaptation has particular significance in the prison setting.....However, professional integrity requires teachers and other educators working in prisons, like those in other professions, to take their primary aims, their underlying orientation, from within their own professional field.⁵¹

Teachers worthy of the name would not accept to teach in substandard classrooms simply because it happens to be a prison. Teachers and educators insist on having an environment that is welcoming, attractive and conducive to learning.

- *Human resources.* There are different systems of recruitment of prison teachers in different countries. The three main types are; full time prison teachers employed by the ministry of justice (or interior) or the ministry

⁵¹ Council of Europe: (1990) Report on Education in Prisons. p.13

of education, a mixture of full time and part time teachers where the latter work in schools and colleges as well, or part time teachers only who come in from the schools a number of hours per week. A prison based on education would require teachers to be not only qualified as teachers but well trained in adult education methodology. They should also undergo courses that prepare them for teaching in a prison context. It was stated earlier that every member of the prison staff would contribute to the educational ethos of the prison. The prison governor/director would have a dual role; one of a prison director, an administrative job, and another of programmes general manager (not unlike a college principal). The ideal person would be one with a degree in education and trained in administrative processes and skills. The uniformed personnel would also undergo a course of training in motivational skills. Some may have part time tasks as teaching assistants.

- *Equipment.* Reference to some basic equipment was made earlier. Classrooms, workshops and laboratories would have contemporary facilities, tools and equipment in order to deliver the latest teaching methods as one would find in schools, colleges and universities. Computer laboratories would be connected to the internet. This is already being done in a couple of countries with adequate safeguards and no problems.
- *Courses.* Students may spend up to thirty hours a week on lessons, seminars and tutorials. This number may have to be different depending on local circumstances. This leaves plenty of time for study, doing assignments and relaxation. Courses will be split up in short complete units. If inmates carry on with their studies after release they may be exempted from those parts of the course already covered. The programme of studies should be as wide as possible. It will cater for nationally recognised certificate and diploma courses both academic and vocational. It will include core subjects which will be taken up by

everyone regardless of their choice of academic or vocational areas. These may include critical thinking, citizenship and life skills education. Since idling will be anathema in such an institution those inmates who for one reason or another have a light timetable will choose from a number of activities on offer. These may include hobbies, music appreciation, art, physical training and NGOs related work. Those who are qualified to enrol in university degree courses may do so either through distance learning or by having tutors coming into the prison to deliver lessons. The timetabling nightmare can be made a less daunting task by having an adequate full time teaching staff. The whole programme must be worked out in collaboration with all the other inmate services provided by psychologists, social workers and others.

- *Evaluation.* The success rate of inmate/students in public examinations and awards/license boards may be gauged as a percentage of those who sit the examination and contrasted with passes and their level of an equivalent number drawn from a number of prisons working under a traditional regime. Twice a year the education staff submit a short report indicating and describing the progress or otherwise of their course measured on the quality of the work submitted but more importantly on the change in attitude and disposition of the students, the evolution of dialogue and its level of sophistication mirroring the development of thinking skills. Behaviour patterns may be useful as an indicator. A substantial degree of benefit derived from this education programme cannot be measured empirically especially while the student is still serving a sentence. The change or rehabilitation of the prisoner is manifested after release in the way he/she lives, interacts with people, regards work and duty, manages relationships and copes with adversity. This can only be assumed on the basis of faith in the same way it is assumed for children and older students in schools and colleges. Nobody demands guarantees from school teachers about their children and no one should demand them from teachers in prison.

Prisoners may be offered a place in this institution or they may request a transfer from the one they are in. Prior to entry they are assessed and interviewed. The interviewers will be clear about the inmate's academic and vocational skills, attitudes, plans and ambitions. The inmate will get a clear picture of what life will be like and what is expected of him once he becomes a student in this new establishment. This institution is not available exclusively to a particular age group. Education in the twenty first century knows no age. The same applies for type of offence. If there are very good reasons why prisoners identified with a certain type of offence need to be segregated from others then so be it. Arrangements can be made for them to have different timetables. This institution will not tolerate any of the negative goings on found in most prisons. Any cases of bullying and intimidation, skiving, ganging and gross sustained disrespect towards teachers and prison officers will result in a transfer out of the facility. All inmates will receive remuneration at par with those who work in other prisons. An additional allowance will be paid to every inmate in appreciation of the fact that they decided to make something constructive out of their time inside.

Tomorrow's prisons

This thesis has put together a case for prison education. Two hundred and thirty years of experience have shown that imprisonment does absolutely nothing to improve a convicted person's self-perception, character, attitudes and understanding of people and things. Two thousand five hundred years of experience have shown that education can. In the process of building the argument it became clear that prisons, as we know them, are the worst place for implementing an educational programme. Nearly every aspect of prison life is diametrically opposed to educational aims and goals to the point where it may easily nullify the benefits of educational efforts. This is why it would be much better to 'build' or develop a new institution rather than tinker with the existing ones. This does not exclude the redesigning and refurbishing of existing structures.

A disciplined/educational institution would be purpose built as a residential educational establishment respecting the necessary and unavoidable security measures that would ensure safety for both inmates and the community and attract wider public support. These institutions will have none of the problems described in chapter four. No inmate may reside in them unless he/she is following a full time education programme. Those that 'play up' after repeated chances given to them will have to go to another establishment that will probably have a different regime. A disciplined/educational institution will be equipped and maintained so that it offers educational and vocational opportunities at par with schools and colleges in the community. There will also be those services that inmates may require from time to time like clinics, counselling and guidance, psychological support, social workers, spiritual support and link officers that will involve the inmates' families (where appropriate) in the educational/rehabilitation efforts. These places will not be run like secret societies within 'Fort Knox'. They will be open and inviting to an array of visitors who will assist and be involved in the processes that go on. Various knowledgeable persons will give talks or lead sessions occasionally but within a rational, organised programme.

The non-teaching staff will be made up of personnel who would have undergone specialised training designed to contribute and support educational processes. The institution would support the educational development of its staff as well as that of the inmates. This support can take the shape of scholarships for those who want to pursue part time study. In-house courses for staff are also desirable. The regime would be very different from that of a traditional prison. There will not be separate wings with iron gates, closed up divisions, officers with bundles of keys forever opening and closing gates and doors. This does not mean that security will be compromised. It means that those responsible for security will have to be much more ingenious and creative in devising security measures that are a great deal less intrusive, oppressive and disruptive. After all the ethos of the place will be hope and success. The furniture in the inmates

room designed for a single occupant will be supportive of someone who is a student. There will not be a lock up time during the day. Contact with families will be frequent. Family members, where appropriate, will be 'trained' by link officers on how to support the inmate's educational effort. At its basic level this may mean simply what one ought to say or not say during visits and phone calls.

In chapter four the economic and social background of a large number of inmates was described. This context would have taught them that they were dealt a bad hand by nature or luck or whatever else one believes in. This meant that they are less than those from other parts of the city, that they are useless as far as socially acceptable tasks are concerned, and that the state and its institutions exist to oppress them and keep them under. Their self-confidence, self-respect and self-esteem are very low. Principle three of the curriculum framework is meant to address this issue.

Contrary to popular belief sustained by our courts of justice most offenders do not make a measured, mature, responsible decision to break the law after due consideration of its implications, consequences and the various options available. This description applies to a tiny minority of prisoners; hence the need for principle one of the framework.

The present prison regime and popular sentiment fuelled by cheap tabloid pseudo journalists tell inmates that they are considered less than human and are no longer wanted anywhere by anybody. Principles ten and eleven are intended to redress this by saying that society abhors the crimes committed and the anti-social behaviour displayed and tends to look down on the persons who do this. Just as strongly society supports and applauds those who genuinely make a serious effort to succeed as decent citizens and is prepared to provide what is necessary for this to be realised.

Chapter three dealt with theories attempting to explain why prisons were developed and still thrive. Principle three is in part a response to Foucault and

Rusche and Kirchheimer. These thinkers described prisoners as mostly disempowered people. The skills encouraged by this principle and the political education proposed by it should counter the oppressive, manipulative behaviour of the power mongers. The reference to rights and responsibilities in principle one should foster a sense of social solidarity which was so important to Durkheim, while principle eleven should cater for the dynamic civilising process that Elias writes about. It was shown in chapter one that the European Union is pinning its hopes for a successful launch into the twenty first century on education of the whole population. It wants an inclusive education for an inclusive society. Principle eight promotes the process and the values that will achieve this desire.

Conclusion

The majority of prisoners in carceral institutions all over the world are men and women who have had little, if any, education or one which was not adequate enough to see them pursue a peaceful life within the law. Most come from areas where social and economic conditions are not conducive to healthy, clean living. A fairly small number of them were 'prisoners in waiting' from the age of seven or eight. These are the children 'recruited' by their parents to assist in shoplifting and others whose thieving and bullying were ignored if not encouraged by parents. Knowing right from wrong was absent in their upbringing and it is, therefore, unjust and unfair to prosecute them under a justice system which presumes that they had complete freedom to choose to act rightly or wrongly. But they did break the law and that cannot be ignored. The best way to combat crime is to seriously address crime generating factors which have to do, mostly, with economic and social conditions. Since this is outside the jurisdiction of educators they cannot deal with them directly and can only exhort the government to tackle the issue. They cannot, meantime, sit and wait hoping that these preventive measures will come into existence. For those who have already fallen into the trap teachers can provide a sound education

programme that will hopefully make up the educational and social deficit these persons have in their lives.

The negative criticism heaped on the rehabilitative programmes developed in the post war period brought about their demise. This left a vacuum since no other alternatives were created. Incarceration does not solve problems nor does it make anyone a better person; quite the opposite. If persons are to be taken out of circulation and restricted to a limited space then their waking time should be spent on tasks and activities which would make them worthy members of civil society on their release. The rehabilitative ideal needs to be the driving force behind restrictive institutions. Success in this venture is made more possible if the education department and other rehabilitative services work together. Some prisoners are disturbed, others remain unsettled after admission. Psychologists, psychiatrists and social workers would help prisoners with their problems and make them receptive to education. Education, particularly reading and writing skills, would facilitate the therapists' work.

Current prison regimes are inherently hostile to education understood as a development process that makes one a decent person and a valuable citizen. With its segregation from society, terribly restricted contact with anybody including family members, the erosion of anything positive in one's self-image, the infantilisation of inmates prison is diametrically opposed to anything educational. Many prisons in developed and developing countries boast of an education department. But, by simply mimicking what goes on in schools they are not providing the special, all round education that most prisoners need. The traditional 'school subjects' should complement other specially designed modules which may include critical thinking, citizenship education, parenting skills, political education, current affairs, money management and others. An ethic of responsibility can only be acquired if besides learning about it one also practices it.

Such a programme can be assured of a good measure of success if carried out in institutions specially developed for the purpose of educating people in a safe and secure environment. The physical and psychological environment within these places will not be anything like current prisons. More importantly the regime must be designed to educate not punish. Persons, especially young people cannot be punished out of committing crime; they can only be educated out of it. Everybody, especially those who influence policy and others who develop and implement it, needs to understand and acknowledge that, with very few exceptions, human beings are and continue to be learning animals. This may be stating the obvious but when it comes to prisoners there are still too many people in government and in senior administrative positions in many countries, not least European ones, who carry on as if inmates are not part of the learning public. Since the beginning of time nobody has claimed, let alone proved, that learning and education are harmful or detrimental to human beings. On the contrary the value and benefits of both have been extolled for at least two and a half thousand years. Given the enormous damage, harm and suffering caused by crime and the failure over the last two centuries of the current retributive philosophy and regime we should place our faith in education. The quality of life can only improve all round.

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RECOMMENDATION No. R(89)12
OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
ON EDUCATION IN PRISON

(adopted by the Committee of Ministers on 13 October 1989 at the
429th

meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe -

Considering that the right to education is fundamental;

Considering the importance of education in the development of the individual and the community;

Realising in particular that a high proportion of prisoners have had very little successful educational experience, and therefore now have many educational needs;

Considering that education in prison helps to humanise prisons and to improve the

conditions of detention;

Considering that education in prison is an important way of facilitating the return of the prisoner to the community;

Recognising that in the practical application of certain rights or measures, in accordance with the following recommendations, distinctions may be justified between convicted prisoners and prisoners remanded in custody;

Having regard to Recommendation No. R(87)3 on the European Prison Rules and

Recommendation No. R(81)17 on Adult Education Policy,

- recommends the governments of member States to implement policies which recognise the following:

1. All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities;
2. Education for prisoners should be like the education provided for similar age groups in the outside world, and the range of learning opportunities for prisoners should be as wide as possible;
3. Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context;

4. All those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible;
5. Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education;
6. Every effort should be made to encourage the prisoner to participate actively in all aspects of education;
7. Development programmes should be provided to ensure that prison educators adopt appropriate adult education methods;
8. Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems;
9. Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour market:
10. Prisoners should have direct access to a well-stocked library at least once per week;
11. Physical education and sports for prisoners should be emphasised and encouraged;
12. Creative and cultural activities should be given a significant role because these activities have particular potential to enable prisoners to develop and express themselves;
13. Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating the return to society;
14. Wherever possible, prisoners should be allowed to participate in education outside prison:
15. Where education has to take place within the prison, the outside community should be involved as fully as possible;

16. Measures should be taken to enable prisoners to continue their education after release;
17. The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available.