Gerard Lemos was described by *Community Care* magazine as ‘one of the UK’s leading thinkers on social policy’. His previous books include *The End of the Chinese Dream: Why Chinese people fear the future* published by Yale University Press and *The Communities We Have Lost and Can Regain* (with Michael Young). He has held many public appointments including as a Non-Executive Director of the Crown Prosecution Service.
THE GOOD PRISON
THE GOOD PRISON
CONSCIENCE, CRIME AND PUNISHMENT

Gerard Lemos
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Foreword

During his imprisonment, Vaclav Havel (the late President of Czech Republic) wrote to his wife Olga:

‘It’s interesting, though, that I never felt sorry for myself, as one might expect, but only for other prisoners and generally, for the fact that prison must exist and that they are as they are, and that mankind has not so far invented a better way of coming to terms with certain things.’

Yes, prisons must exist but society must do much more to offer meaningful rehabilitation and reduce reoffending. This thoughtful and sensitive book by Gerard Lemos recognises the challenges and difficulties but the concept of ‘a Conscience Compact’ and a holistic approach to rehabilitation, that is working on the inner aspects of a person as well as the circumstances of their life, offers an approach which is worthy of serious consideration and deserves wider debate.

Baroness Usha Prashar of Runnymede
Former Chairman of the Parole Board for England and Wales (1997–2000)
Introduction

The Monument Trust has put substantial sums of money into charities working in prisons for many years. This important work has been highly effective in giving prisoners a sense of meaning and purpose while in prison and then improving their life chances on release; work on literacy for example, or encouraging prisoners to write creatively or to take up painting and sculpture. Many charities funded by the Trust are small and only have financial and other resources to operate in a few prisons. As a result good work is often not widely known about even among prison governors and government officials. So projects which make a big difference find it difficult to operate across the majority of prisons. Good ideas struggle to travel.

In 2006 the trustees of the Monument Trust enlisted Lemos&Crane’s help, with first establishing through research a framework of what might be considered a good idea likely to improve the prospects of prisoners and reduce the risks of them reoffending and, second, ensuring those in charge of running prisons and allocating financial resources knew about this good work.

Since then I and my colleagues at Lemos&Crane have visited all sorts of prisons: those with a substantial proportion of inmates on remand; high security jails where the majority of prisoners are serving long sentences for serious and often violent offences; womens’ prisons; young offenders’ institutions; prisons in which many if not all prisoners are doubling up in cells creating a population nearly double the prison’s original capacity; prison wings for drug users or sex offenders; prisons run by the private as well as the public sector; those with many foreign prisoners in limbo, awaiting the decision of immigration
authorities about their fate or pending extradition back to jail in another
country. I talked to many prisoners and staff working in and running prisons.
I and my colleagues also spoke to hundreds of people who work with prisoners,
in private, statutory and charitable services. The material we gathered was
organised and published on the website PrisonerActionNet. Thousands of
people working in prisons came together into a network, to meet online and at
seminars and conferences to talk about their work and share ideas. As we had
hoped, some of the best transmissions between them were informal.

Liberal critics of prisons set out a litany of shortcomings: inhumane living
conditions; short disruptive sentences with little evidence of corrective impact
or benefit; overcrowding however rapidly new prisons are built; poor conduct
of prison staff; lack of meaningful activities; hours on end spent locked behind
cell doors; poor educational opportunities and preparation for work; inadequate
services for prisoners with mental health problems; frequent suicide attempts
which defy surveillance; offenders stuck in prison having completed their
sentences awaiting decisions about asylum, deportation or extradition.

From the other end of the political spectrum prisons are regarded as a soft
touch for the feckless, their punitive rigour undermined by bogus liberal, 1960s,
psychoanalytic philosophising. From this point of view prisons are seen as too
comfortable by half and a long way short of punitive enough to be an experience
sufficiently horrific to act as a deterrent against future criminality. But the
most pervasive and persistent contemporary criticism from all sides of the
debate is the failure of imprisonment, in a large proportion of cases, to prevent
reoffending. The recidivism rate is all too readily ascribed to the shortcomings
of the prison regime.

My own impression of life in prisons is rather different to these critical
perspectives. I have encountered many well-meaning, talented and dedicated
staff among ordinary, front-line prison officers; many innovative, original ways
of working with prisoners; good quality education from highly motivated
teachers, some of whom are genuinely inspiring – for many prisoners this might
be the first decent education they have had. They had either entirely failed
to participate first time around (the quality of the education itself was simply
poor) or their particular educational needs had not been met by conventional
education undertaken in large classes. A plethora of humane and fascinating
work is undertaken by charities (some of which I shall describe later).
The medical staff are committed to helping some of the most troubled and
alienated people imaginable. The approach of many chaplains to religious belief
is humble and compassionate, profound and infused with the capacity to enrich
these outsiders with the feeling of belonging through spirituality. In one prison I was pleasantly surprised to meet a pagan chaplain who cheerfully introduced herself, ‘I’m the witch of the west. Anyway, I must go now...’

Despite many complaints about prison food one of my more implausible impressions of prison life is of the excellent quality of some prison food, almost always cooked by the prisoners themselves working for £12 a week. No one who walks around prison grounds can fail to be assailed by the often delightful traditional cooking smells that suffuse the immediate surrounding atmosphere of the kitchen block. If, like me, you ate school dinners with relish, walking past a prison kitchen block is a Proustian moment; an olfactory remembrance of times – and food – past, complete with the drone of industrial extractor fans for sound effect. Speaking as a connoisseur of fish and chips, I can confirm that the best plate of fish and chips I have ever eaten was cooked by prisoners in the staff canteen at H.M. Prison Parc.

Another implausible experience, this time of beauty, was the remarkable landscaping of the prison garden at H.M. Prison Brinsford. The day I visited, the high fences topped with rolled barbed wire and the endless, featureless prison walls seemed to touch a leaden grey sky, which would disgorge a great weight of snow later the same day. Prison grounds can be bleak prairies of litter and neglect. Not for nothing are some parts of prison grounds called ‘sterile areas’. As well as being sterile for security purposes they are aesthetically sterile. Not this one. In between the forbidding blocks of the prison the grounds had been laid out with a modernist, architectural flair. Behind low, square box hedges, thin, tall grasses of many types swayed and bent in the icy wind. No attempt was made to soften the sharp corners of the prison buildings with a ‘wild’ English-style planting scheme; no sign of low maintenance ground cover much favoured by unimaginative municipal authorities. Instead the angular plants brought the looming, dark buildings into an accentuated, geometrical abstraction.

From the offender’s perspective, the prison sentence begins with a short and unpleasant period of induction. The new prisoner’s former life of community citizenship is stripped from them and they must adjust to new and highly constrained, standardised surroundings and conditions. The requirements and rules and the need to comply with them could not be made clearer. Similarly the conditions and benefits of achieving enhanced status are clearly spelled out. Staying out of trouble and good behaviour means the prisoner may get a telephone of their own; bigger choice of activities; a shower in their cell; more time out of their cells; a cell on their own or conversely the
opportunity to ‘bunk up’ in a shared cell with another prisoner with whom
they have become friendly. They can be out of their cell most of the day
working in the prison, as an orderly in the kitchen, the laundry, the library,
or in the gardens (the most popular jobs). The enhanced wings are more
pleasant environments with plants and pictures. A good choice of meals is
served on these enhanced wings, which can be eaten convivially on the landing
with other like-minded inmates rather than alone in a locked cramped cell.
The atmosphere is mostly calm and predictable, without the tense sense of
incipient frightening chaos that can prevail in some parts of prisons. As one
young prisoner told me, ‘once you get yourself sorted, you’re just marking time’.

Another young offender told me he had graduated through good behaviour
to an enhanced wing where he had made the choice to bunk up with a friend.
They had one television with two remote controls. This quirky fact created the
possibility of endless hours of suspenseful amusement by suddenly changing
channels at a particularly tense and dramatic moment of a TV programme,
entirely breaking the spell over the engrossed cellmate. More sombly, they
often talked late into the night. One night after many hours of conversation
he persuaded his friend not to attempt suicide. This was reported to me in a
matter of fact tone of voice. Perhaps his youth and inexperience of the world
made him unaware of the near impossible scale of that achievement.

Many prisoners work almost full time around the prison. The health centre
looks after sick and disabled prisoners with special services for people with
drug or mental health problems. Many interesting and beneficial activities
are organised: opportunities to regain a sense of calmness through meditation
or yoga; opportunities to learn to paint, write, act or sew or to acquire new
skills which will make it easier to get a job on release. At the weekends and
sometimes during the week prisoners have visits from close family and friends.
At other times there are activities to strengthen their sense of connection to
their families.

Eventually, having proved they are no risk to the security of the public,
prisoners may be sent to an open prison to complete their sentence or until
they are released on licence or parole. Once in an open prison, they may be able
to get an ordinary job and go to work every day, returning in the evenings to
prison.

The most striking – and paradoxical – thing about these clear,
transparent rules, which are welcomed by prisoners and make prisons much
more manageable for staff, is how infinitely more structured, transparent
and motivating they are compared to many, if not all, lives on the outside.
In ‘normal’ life, relationships with partners and children, employment and friendships can all seem ephemeral, unpredictable and chaotic. So prisoners can experience a huge sense of relief that for a while at least their lives are ordered and predictable, if not exactly comfortable or congenial.

Many prisons could be better run, of course, but there are inherent challenges in maintaining infallible security. Often in old buildings, some prisons are no longer truly fit for purpose, managing a demanding and sometimes disruptive group of inmates, motivating the workforce, devising regimes and systems that do more than warehouse the prisoners, all the while focusing on rehabilitation and encouraging long-term desistance from crime. One of the biggest challenges of managing a prison is practically the most mundane aspect of life inside. Moving prisoners securely, accompanied by prison officers, from one place to another; to the library, the medical centre, the education block, or where they are working as an orderly can often prove extremely complicated.

Criticising prisons is easy, and it is equally easy to imagine that the well-known shortcomings of prisons are the reasons for high reoffending, but it may not follow. Prisons are generally staffed by well-meaning people doing a lot of good things and many prisoners want to turn their life around if only they knew how. Why then are there such high levels of reoffending? Is it because prisons are still not doing enough towards the rehabilitation of many prisoners? Is there a lack of resources? Are the wrong activities taking place in prisons? Are prisoners not undertaking the activities most beneficial for them? Are some prisoners incorrigible? Or is it, as I have begun to fear, that life on the outside turns out be much more difficult and less aversive to crime than life inside?

Shockingly, prison life can be a significant upgrade on the life of crime and alienation left behind on receiving a custodial sentence; almost a place of sanctuary. Worst of all, life once released may be so frustrating and existentially impossible that the spell in prison can become suffused with a nostalgic sense of camaraderie, order and even the perception of remembered well-being. The world has been turned upside down when reoffenders returning to prison, having failed to cope with life on the outside, are greeted by prison inmates as a long lost friend; a welcome and familiar addition to the companionship and solidarity of life in jail, a shared bond between those for whom a crime-free life on the outside had proved impossible.

I decided to write this book because it seemed that liberal and punitive arguments about prison had both lost touch in different ways with the generality of public opinion shaped since the 1980s by social trends and
counter-trends that have fractured and combined into a new mainstream view of crime and punishment. Prison policy (more than practice) has struggled to keep abreast of these developments. This has given rise to a persistent sense of crisis, sudden changes of policy and many ill-considered initiatives, which are often quickly abandoned. Confusion persists and grows about the most fundamental question: what is prison for?

Without a balanced and widely accepted answer to that question, setting up prison regimes, training staff and focusing on rehabilitation became inherently more difficult. Without clarity of purpose how can there be consistency of method?

But, as I have said, there are good things going on in prisons, run both by the prison authorities and by inspiring charities and volunteers. These good people have an instinctive sense of doing the right thing. I hope if they read this book, they will take strength and commitment from understanding the context for their work: not just what needs to be done but why. Clarity of purpose, consistency of method and commitment of people – leaders, staff, volunteers and the prisoners themselves – will create the living reality of the good prison.

Prisons are not all the same and prisoners are not generalisations or stereotypes. Indeed, I shall have much to say about the need to strengthen the individual identity of offenders and ex-offenders. There are, of course, men’s prisons and women’s prisons as well as young offenders’ institutions. Many people are also in prison for reasons to do with their immigration status. While I refer to these groups of people at various points of the narrative my principal focus is on adult male prisoners serving more than a short sentence. Numerically, this is the large majority of the imprisoned population. Consequently, when discussing prisoners I refer to them throughout as ‘he’.

This book is in two parts. The first part is about the means by which families, communities and society inculcates values, belief and modes of behaviour that taken together form a person’s conscience, which is the best – perhaps ultimately the only – crime prevention strategy. In some people that combination of nature and nurture does not have the desired effect and they act in ways that do not seem to be reflections of good conscience. A great deal is known about the experiences, particularly in childhood, that can lead to the disdain for others and for consequences to oneself, which mean that people commit crime, seemingly unthinkingly. When people do wrong in the eyes of others – regardless of their motives, perceptions and explanations – all societies have sought to define and enact forms of punishment. These methods are
socially constructed in their specific historical context. A social commitment
to punishment is permanent and continuous; its form is mutable. The social
consensus that defines punishment in the contemporary context in the UK
has been transformed since the 1970s. In the most recent period thoughts and
practice in criminal justice have turned, hopefully decisively, towards the idea
that restoration might represent punishment and a better form of justice of
more lasting benefit to victim, perpetrator and society as a whole.

The second part of the book sets out how a ‘good prison’ might be
managed and what such an institution might do to inculcate the virtues of
conscience: a married prisoner’s commitment to being a good partner and
staying in the relationship even while in prison; being a good father while in
prison; committing to the community life of the prison; practising a wider
commitment to empathy; a more reflective state of mind; a greater willingness
to collaborate with others; a more constant sense of personal purpose; a
commitment to self-exploration, self-expression; a search for creativity,
originality and authenticity; a nuanced understanding of what may give an
individual a sense of life satisfaction, well-being, autonomy and personal agency.
Finally, the last chapter makes a radical proposal to offer ex-offenders cash
incentives to do the right thing; not just to avoid reoffending, but specifically
to pursue the activities that may lead to the acquisition of attributes, good in
themselves, but which might also act as the protectors and reinforcers of good
conscience and thereby prevent reoffending.
Most people seem to have an intuitive sense of right and wrong. Because these instincts seem commonly evident, they cannot be random or arbitrary, but nor is a shared unthinking sense of right and wrong universal or ubiquitous. So what are the roots of conscience? They seem to lie in early childhood but are reinforced constantly and throughout life by significant encounters and relationships, both close and more distant; personal as well as professional; neighbours and nearby community members; people with power and status and those with nothing other than invaluable moral authority. The cumulative effect is not only a seemingly innate sense of right and wrong, but over and above that the powerful feeling of shame after a lapse or transgression. Shame is the paradoxical wellspring not just of remorse but also forgiveness and rehabilitation. The forces that ensure that most people have good, if sometimes troubling, conscience are discussed in this chapter. The reasons why some seem to act in breach of good conscience are set out in the next chapter.

Conscience and an acceptance of mutual obligations are the best
– ultimately the only – crime prevention strategies. Even the most institutionalised, longstanding and formal criminal justice decision-making relies on these anthropological customs and conventions and the self-restraint they instil. Otherwise law enforcement does not command social acceptance and becomes impossible or tyrannical, easily challenged, readily ignored, with all moral authority spent. The knowledge that doing something is wrong, which puts an individual in breach of their obligations to others in a way that may bring harm back to them in the long run, saves everyone from a life of outright selfishness and a dog-eat-dog survival of the fittest. Some argue that reciprocity, kindness, generosity and altruism are all in the end forms of enlightened self-interest, not genuine intrinsic instincts in themselves. For the purposes of discussing crime, criminals and what should be done about them it doesn’t matter. What matters is the widespread acceptance of the responsibilities of conscience and the obligations of reciprocity.

**Conscience instilled in the family**

Throughout early childhood the bulk of signs, signals, warnings, reassurances and restrictions come from parents. Disapproval and sanctions applied by an adult with whom the child has a warm, trusting relationship and a strong sense of attachment have by far the highest impact, because of the pre-existing sense of security and protection. A reprimand from someone loved and trusted who also protects and provides is heeded more readily than anger or disapproval from strangers. Consistency over time achieves the strongest reinforcing effect, though every parent knows how difficult that is. But, within acceptable boundaries, reinforced messages about dos and don’ts are likely to be absorbed and accepted, so long as they are congruent with the child’s own experience of pleasure and pain, good and bad. After a while, the child intuits these moral opinions as their own. That is the dawn of conscience: the understanding and acceptance of generally held principles of right and wrong as conventions by which the individual should live – and if breached, should feel bad and ashamed about.

Building on the feelings of security, trust, approval and disapproval in the growing child is a heightened feeling of inter-dependence with others. Of course, parents (and adults in general) are palpably stronger and harder to ignore, but they are also providers of things that children cannot procure for themselves, like food or shelter. Early on, however, the child realises that the role of provider is not one way. It is not only the child that is reliant on the parent. Emotionally speaking, much traffic flows the other way. The child
quickly learns that their own behaviour is a major determinant of their parents’ mood, relationship to one another and outlook on the world. They know, in other words, that they have the power, not only to win their parents approval or disapproval, but to be a bringer of pleasure or pain to the parent. Reciprocity awakens.

Something similarly protective, though less powerful, applies to other family members. There is a special quality of nurturing from grandparents to grandchildren. Unlike parents they do not see themselves as the arbiters of good and bad behaviour or right and wrong. Instead, anthropologists talk of the merging of alternate generations. To the children grandparents represent unconditional love with few restraints; certainly fewer prohibitions than those imposed by parents. With fewer external demands and distractions, grandparents are also more likely to give the child uninterrupted attention. As well as being carers and supporters, grandparents are givers and playmates, not rule-makers and refusers.

Grandparents gain a new lease of life by the arrival of a grandchild. They welcome once more the opportunity to connect with a child, an experience they had with their own children but which the passing of time has nostalgically dimmed. They can indulge the pleasures of play and shared excitement and the child’s sense of discovery, but the obligations for the child’s general well-being and for its implicit moral education remain with the parent. The grandparent may have opinions and might be openly or covertly critical of the parent’s approach. That may become a source of conflict between parent and grandparent, but ultimately the responsibility for the child lies with the parent. In the main, grandparents recognise this and think it best to avoid these conflicts, confining their involvement to a great deal of generous and tender loving care and a shared sense of fun, coupled with diplomacy and tact.

The parent, who will certainly not relish conflict about the dos and don’ts of the child’s upbringing, will nevertheless note that the grandparent’s attitude to the grandchild seems a good deal more mellow and relaxed than that adopted towards them when they were a child. This can also lead to some bewilderment and irritation! As far as the begetting of conscience is concerned, it is primarily the parent’s responsibility, but when it comes to consolation, unconditional tenderness and a softer reinforcing sense of adult authority, grandparents have a big part to play. For the troubled child who had a poor relationship with difficult parents the significance of stable and loving grandparents cannot be over-estimated, as evident in the number of grandmothers who visit their grandsons in youth offending institutions.
Siblings too have their role in the gaining of conscience. They are important co-conspirators, but also restrainers. Older children are both role models and protectors. The smaller child acquires many habits largely by unthinking imitation of older children, who are reflecting their own learning gained both by imitation and autonomous reflection. The distilled wisdom is passed on, imitated and absorbed often without so much as a soul-searching moment’s hesitancy. Younger children provide the pleasures of leadership and influence to older children and expect protection, reinforced by parental reminders, from their older siblings. Outside of the immediate family, uncles and aunts are also important figures, providing assistance to parents and cousins as playmates, but they are also safe havens for children in trouble with their parents. When the parental relationship breaks down altogether or the child is orphaned or abandoned, extended family members are potential foster carers and adoptive parents. Uncles and aunts without children of their own take a special interest in their nephews and nieces. They are not encumbered by the need to protect or educate; they can stretch the child’s imagination and ambition, harbouring the quiet hope that the child may do more than their parents think they can. The child sees them as alternative adult role models; another way of being, seeing and telling.

As the child enters adolescence parental influence wanes and the prospect of self-determination starts to take hold. Also external influences from peers, authority figures outside the family such as teachers, clerics or police officers are all amplified and strengthened. Those signals, because they come from so many different sources, are intrinsically weaker and less consistent than parental and family messages, obliging the young adult to rely more on what they already ‘know’, the store of knowledge and experience which has now become intuition, or gut instinct. The strength of a sense of conscience relies on the need everyone has to approve of themselves and their own behaviour as well as enjoying the approval and fearing the sanctions received from others.

Similarly, the young adult with greater autonomous agency has the capacity to give and receive on a far wider front than a child can. Children principally deal in the currency of emotions. Adults have any number of currencies, rational and emotional, some of them manipulative and selfish, others kind and reciprocal, and some even generous and altruistic, with little or no expectation of return on any realistic timescale. A favour now, whether to a friend or a stranger, may bring an instant return in gratitude, payment or assistance. A small store of credit has been established with that person, which can be called in when needed. The return may come later. Reciprocity extends beyond
one-to-one obligations and far beyond the immediate ties and obligations to family. Reciprocity readily becomes multilateral. I do you a favour now; someone else does me a favour later; that kind someone else receives a favour from yet another person, who is then a beneficiary of someone else’s kindness, and on and on….until the web of humanity is all woven together; though the individual exchanges and loops may never be closed. Despite changes in lifestyles and attitudes, we are still bound by our shared commitments and obligations, between individuals and at the largest level, for the survival of our entire species – and at every intermediate stage of relationships and sizes of communities.

**Community life teaches conscience**

Community life is different from family life. People do not feel so permanently connected to those in their neighbourhood as they do to members of their family. Nevertheless some obligations do derive from proximity and in particular the increased likelihood that proximity brings of repeated, regular encounters. People are likely to moderate the worst aspects of their behaviour towards people whom they know they may see again and, crucially, to whom they may one day need to turn for help. One-off encounters with strangers can feel like a zero sum game; nothing given, nothing gained. The maximum individual advantage has to be extracted regardless of the price paid by the other person. Road rage is perhaps the most obvious example of a chance encounter, unlikely to last or be repeated, which therefore brings out the worst in everyone. Protected by the strength of the car and its ability to get away at speed, the driver feels able to behave badly with impunity. No wonder that the behaviour of drivers is subject to such heavy statutory control, though, even with all that, smooth and safe flow of traffic relies almost exclusively on co-operation and shared observance of convention as well as rules. Considering the general absence of massive adverse consequences, road rage is remarkably rare.

Within a neighbourhood there are also authority figures, longer-standing residents, police officers, head teachers, clerics and so on, all of whom can claim some authority even over strangers by virtue of their officially-approved role in the community. They too can exert positive influence. Many people are also now tied into professional associations, sports supporters’ clubs and other communities of choice. These exert informal and formal compliance obligations. Members will be expected to adhere to standards and published codes of conduct or professional standards. There will also be other expectations – dress codes, attitudes to language and in particular swearing, attitudes to the opposite sex; a definition of doing the right thing in the right way.
In *Ethics and the Limits of Philosophy*, the philosopher Bernard Williams distinguishes between ‘thick’ ethical concepts (such as treachery, courage and cruelty) and ‘thin’ ethical concepts (such as good, right or equality). Williams argued that traditional communities, ‘maximally homogeneous and minimally given to reflection’, are confident with thick ethical concepts. Bad behaviour is instinctively recognised and immediately condemned without resort to external authorities. The prospect of summary denunciation, stigma and ostracism was often enough to impose prior self-restraint. People thought twice before doing wrong. In modern life, people are more equivocal, fearful and less ethically confident. Police, courts and prison must fill the void, but they only have thin ethical concepts enshrined in laws at their disposal, with all their inherent inadequacies and limitations. They can only act once prior self-restraint has failed.

All these relationships, associations and networks, everyone from the family to the work colleague or boss are potential sources of shame. Shame in the eyes of family members, friends, community leaders, professional colleagues is what people fear and dread, far more than exposure in the media or a trial in court. Shame is a wellspring of self-restraint, which is one of the best crime prevention mechanisms in itself. Shame of this kind is most powerful if expressed by someone whose opinion one respects; that is likely to be someone close. The guiding principle is that the better the wrongdoer knows someone the greater weight their disapproval carries, both as a deterrent and a sanction. Once the wrong is done and disapprobation expressed, a well-adjusted individual is likely to feel remorse and repentance. In turn, expression of that remorse through an apology and a willingness to make amends is likely to make the disapproving other soften their censorious attitude, if not immediately, in due course. The combination of shame followed by repentance is one of the preconditions for the expression of forgiveness, compassion or mercy. Shame is therefore not an end in itself, designed to humiliate and degrade, but the beginning of a process of reintegration. The child who is sent out of the class for being naughty feels like they have been banished, but the teacher knows they have taken the first step towards rehabilitation.

Here’s an example from my own experience. A group of adolescents were persistently teasing and tormenting highly vulnerable residents of a group home for people with learning disabilities. The manager of the home, a local middle-aged woman, was increasingly upset about this but felt she was in a dilemma. On the one hand she was extremely angry with the young perpetrators and desperately wanted to find a way to stop their behaviour, some
of which was undoubtedly criminal. She was also concerned the vulnerable victims might face traumatic experiences of being witnesses in an adversarial court system. On the other hand, she knew many of the young perpetrators and their families and did not want to bring down the full force of the law on them. She could see that might cast a long blight over their young lives.

So she agonised about how to stop the entirely unacceptable behaviour without locking the young people into a criminal justice trajectory. In the end she went to the school they attended and spoke to the head teacher – who was also appalled. Together, they got the young people in to the head’s office and gave them what on the street would be called a ‘bollocking’. They told them they were going to call the police and they were all in big trouble. Shame and fear was duly induced.

On second thoughts, however, the two of them decided on a different approach. They got the young people in again and told them that if they absolutely swore never to do it again as well as – and here’s the important point – volunteer and to help at the home, and so long as the people they had harassed were content to let them, the head teacher and the manager of the home would hold off involving the police any further. The young people accepted this, complied and over time became valued volunteers. Reparation was made; safety for the victims was assured and an entry into criminal justice was averted. Re-integration followed shame with remorse and recompense as the price of the ticket.

The act of reprimand works in an uncomplicated way between a parent and child: disapproval is administered; remorse is shown and re-acceptance is enacted. The lines of authority and accountability are clear. Within the wider family of grandparents, siblings and extended family, the exchange is not so direct, nor are the relationships so clearly defined. But all those family members have a role to play at different stages in the shame-remorse-forgiveness cycle. These roles will not be explicit, nor conducted sotto voce or in secret. Nor, generally, are family members so likely to intrigue or conspire against one of their own family. Probably the exchanges will be direct and the expression of emotion fairly raw.

**Reputations destroyed by failures of conscience**

Among communities or work groups with less shared history and fewer mutual obligations enunciating shame and encouraging remorse can be more subtle, complex and indirect. The recognition that someone has done wrong can be addressed among a group of other people without the suspected culprit
knowing either that anyone else knows what they have done, or that it is the subject of debate and speculation. An individual’s reputation can be sinking fast without them knowing. But eventually the consequences will be unexplained but evident, as people avoid them or they feel ostracised. And more likely than not, the behaviour of the miscreant will ultimately be addressed directly, giving them the opportunity not just to receive an explanation of what is going on, but also to state their case if they feel they have been wrongly accused or they want acknowledgement of extenuating or mitigating circumstances or provocations. Once the dialogue has begun, possibilities of remorse and re-acceptance have also begun. Just as in the family, the extent to which a wrongdoer seeks or values forgiveness will depend on the extent to which they value the opinion of the people making the judgment. That won’t necessarily be the same as their status in the organisation’s hierarchy. The more important the condemning voices are to them, as a friend or a valued professional colleague, the more they will be keen to make amends.

Gossip and intrigue like this are what the anthropologist James C. Scott calls the weapons of the weak. They represent the capacity of the relatively powerless to challenge those around and above them. Countless everyday forms of resistance are deployed against superiors whom people feel the need to undermine or challenge. These are not conceived as or intended to be social solidarity or shared group identities, but they can certainly be imitated and spread rapidly and widely within a group. In the context of work, foot-dragging, malingering, dishonesty, pilfering, cheating, non-compliance, minimal compliance, the pretence of compliance, silently, collusive and covert resistance groups, silent disobedience, absenteeism, slander, sabotage, arson, ridicule, irony and much more besides all constitute a rejection of authority; an expression of disapproval; a tacit reproach. All can be deployed to undermine unwanted, unaccepted or undeserved authority. These forms of resistance are tremendous irritants to the powerful because they are slippery and evanescent. Since they are not seeking to mount a concerted resistance or upheaval, but simply to belittle and undermine, the ringleaders and culprits need never show their faces. Cause and effect, leaders and followers are hard to identify. Suppression needs something to get hold of. The powerful feel enormous frustration at their inability to suppress such behaviour: that is a form of justice in itself.

Those who do wrong with impunity granted by their status – the playground bully, the gang leader, the authoritarian boss, the martinet military leader, the nepotistic politician, the corrupt official – can all be brought low
by the weapons of the weak whether or not they ever face a formal tribunal or court. The condemnation of peers and indeed subordinates is a verdict in itself, and one that has been administered without due process or the right of representation and reply, but in the certain knowledge of committing the wrongdoer to an unpleasant sentence of unpopularity, isolation and a profound and perhaps irrecoverable loss of reputation and self-esteem. Even in the absence of formal sanction, they face a lonely professional life outside the group. The damage is done and repair is not possible without many visible acts of repentance and atonement, perhaps not even then.

Shame as a force for good conscience
All these forms of informal shame can elicit a response of humility and remorse. The anger and resentment of the person who feels wronged may be assuaged by expressions of remorse. An apology can restore a sense of equilibrium and create the possibility of renewed harmony. Whatever happened to cause the trouble in the first place will not be forgotten or even forgiven to begin with, but the possibility of a more open communication that may over time start to re-establish trust and a coming together has been initiated. This is what John Braithwaite in his landmark work *Crime, Shame and Reintegration* called ‘re-integrative shame’.5 This process may start with anger and resentment but that may trigger a reaction that opens a path first to the feeling of remorse and the expression of regret. An apology can be verified, strengthened and symbolised by an act of restitution; a far better, more social thing than retribution.

If restitution is made either symbolically (as in the example I gave of the young people and the home for people with learning disabilities) or literally by restoring at least some of what has been lost, then the possibility of forgiveness comes into view. Forgiveness or mercy readily springs from humane compassion and empathy. The situation has then been turned round and come full circle. The wrongdoer in apologising and making restitution has gone some way to acknowledging that they can now see what they have done through the eyes of the person who has suffered. The person that suffered the harm or the loss, by feeling and expressing compassion, is similarly giving an indication of recognising the perpetrator’s newfound perspective of regret. These mutual recognitions do not return the relationship to what it was nor rub out what has been done and the harm caused, but the fog of misunderstanding, intolerance and recrimination that came down between them entirely obscuring the other person, their opinions and sometimes even their humanity, has lifted leaving
both with a more clear-eyed view of the other as a person, warts and all. In the best-case scenarios something new and powerful is gained; a greater insight; a deeper knowledge of the other. This richer perspective may in time draw them even closer together than they were in the first place.

A different but equally powerful sequence of events may have the opposite effect, destroying entirely all prospects of reconciliation. Criticism and obloquy relentlessly repeated to all and sundry draws others who may have been unaffected by the original wrong into a circle of disapproval, tipping the balance within a limited social group against the wrongdoer. If all efforts by the perpetrator to express remorse or regret are rebuffed, always rejected and countered with a further denunciation the repentant person realises they gain nothing from regret. It just triggers more of the behaviour their expression of regret is designed to seek to stop. From their point of view, it is better to give up on regret and return to a hostile posture, rejecting they have done anything wrong and perhaps even motivated by the rejection into doing a further wrong. The cycle of shame-remorse-forgiveness never comes into play. Instead a vicious one way trajectory of shame-rejection-hostility now kicks in. It is not hard to discern where this will end: in a hardened antipathy, a perverse self-pity, a transgressive adoption of outsider ideology and associates and a durable commitment to further offending, not just for acquisitive reasons but also to strengthen ties with criminal associates and to gain status in their eyes. This is ‘disintegrative shaming’.6

Shame is distinct from guilt. Guilt involves feeling anxiety and badly about behaviour that has gone unrecognised and unpunished. Guilt is alleviated by confession, atonement or more negatively, being caught. Arrest is frequently accompanied by a sense of relief. The feeling is of guilt being recognised and therefore lifted. Once punishment is delivered, the feelings are resolved and emotions of guilt attached to the crime are concluded. Guilt can result in feelings of excuse, self-exoneration or rationalisation. Indefinite guilt does not discourage future reoffending as it is attached once to the single, already committed, crime in the past. Guilt is also tied to the wrongful act and felt by the offender alone; shame by contrast is felt not just by the perpetrator but also by all those around them. Sometimes shame is even felt by a victim who, on reflection feels that vengefulness is neither productive nor therapeutic.

Shame is more continuous, deep-lying and cannot be resolved by mere confession, atonement, or capture. The pain of shame is self-focused and inwardly directed. When felt without any means for reintegration, shame can be linked to feelings of depression and suicide. Shame is felt more holistically than
guilt and applies to the feeling of committing crime against the community as well as the individual victim. Society’s morality and that of family and friends can all enforce the knowledge that crime is dishonourable.

Shame and guilt are established concepts in anthropological fields. Japan has famously been described as a society in which a culture of shame prevails over a culture of guilt. That has many consequences, some of them adverse, but it also contributes to greater social cohesion and the relatively lower crime rate in Japan, an important aspect of the wider Japanese exception: the recognition that Japanese society has achieved, like every other developed society, an imperfect version of modernity, but one that does not seem to contain the same levels of social deprivations which have been the price of modernity in Western societies: divorce, drugs and crime, for example.

* * *

Although these personal, emotional and social dynamics are all interwoven and enmeshed into a vast invisible network across families, communities and societies, some people seem to fall through, unwilling or unable to comply with restraints and requirements which are not accepted and may not even be understood.

In this chapter I have posed the question what are the roots of conscience? In the next chapter I want to take the opposite perspective: what are the aspects of people’s experiences that seem to make them so much less susceptible to the forces that inculcate good conscience and social behaviour?
2. Failure of conscience in childhood and early family experiences of offenders

*Are all of us the same, I wonder, navigating our lives by interpreting the silences, between words spoken, analysing the returning echoes of our memory in order to chart the terrain, in order to make sense of the world around us?*

Tan Twan Eng, *The Garden of Evening Mists*¹

The biggest challenges for offenders may be overcoming their own troubled past, whether in the family, at school or among delinquent peers in the community. Those troubled and troubling experiences of failed or unstable attachments with parents and traumatic experiences of many different kinds may be contributors to their offending behaviour by means of removing – or never inculcating in the first place – the self-restraints of conscience and undermining the benign (though often difficult) transition to maturity and adulthood. The routes without delinquent associations and behaviour become harder to access when the symbols and achievements of conventional growing up are absent (such as a reasonable education as a passport into respectable mainstream employment, the attachments and obligations to a partner and a family and some civil engagement and connections). Conversely, without these attributes the paths towards deviancy and delinquency come to seem not just more possible but also more natural; obvious even. Once deviancy has prevailed (which often happens early) people can start to see themselves as an expression
of their troubled histories and personal demons: their problems become their identity. Having acquired that identity, they start to identify with others similarly labelled and those who have also learnt, perhaps not consciously, to label themselves. At that point the group identity is frequently reinforced by others and becomes progressively harder to break. By the same process and at the same time positive aspects of inherited or chosen positive identity may recede. They might even be almost forgotten if ignored by everyone else for long enough. Only the negative identities are left, by then thoroughly cooked into a full-scale crisis of confidence and self-esteem initially decayed and then perished altogether.

**Unpredictable consequences of childhood**

Contrary to the search for predictive trends and as a caution against overly deterministic assumptions, sometimes the slide into alienation and delinquency can seem arbitrary and random, defying the best efforts of the most conventional, law-abiding parental behaviour and aspirations. The effect on these parents can be especially devastating, because they are not neglectful and care passionately about their children and their families. Nobody’s perfect but also not everybody is abusive or neglectful. In *American Pastoral*, Philip Roth describes the life of a hard-working, well-meaning parent, Swede Levov, the son of an immigrant, who has done well with his own business making gloves, an activity to which he is passionately and precisely committed. He feels he’s done the best job he could for himself, his wife and his daughter Meredith making ‘a life that would fit to perfection everyone he loved’. As an adolescent she leaves home, falling in with people with itinerant and eccentric lifestyles and eventually becoming a bomber of the seemingly innocent suburbs. She had a bad stutter as a child and ‘a stubborn streak’ according to her teachers but that was no clue as to what was to become of her. Most children grow out of stutters although stubbornness can be a lifelong affliction.

Above all, her father had no idea how profoundly destructive the effect would be on him. ‘Deviancy prevailed. You can’t stop it. Improbably, what was not supposed to happen had happened and what was supposed to happen had not happened. The old system that made order doesn’t work anymore. All that was left was his fear and astonishment, but now concealed by nothing.’

This is the *cri de coeur* of a parent who has tried to do everything right: be the best father he could; conquer life’s darker, chaotic forces; impose harmony where none exists – and all so that his child would be carefree, secure and happy. But it’s all in vain. His child became a dangerous, destructive adult.
But this of course is fiction. In real life not all parents try to do their best. For the children of the parents who can’t even come close to doing the right thing, there are disturbing, depressing and depressive consequences which can induce lasting trauma. The first manifestation of these consequences is in the child’s own behaviour.

Childhood and parenting

Loeber and Stouthamer-Loeber have comprehensively analysed parental behaviour and family lifestyles likely to lead to ‘delinquency, aggressiveness and other misconduct among juveniles’. They argue that, ‘socialisation variables, such as lack of parental supervision, parental rejection and parent-child involvement, are among the most powerful predictors of juvenile conduct backgrounds and delinquency. Medium-strength predictors include background variables, such as parents’ marital relations and parental criminality. Weaker predictors are lack of parental discipline, parental health and parental absence.’

They derived typologies of parent-child interaction more likely to lead to delinquent behaviour. These include the neglect paradigm, characterised by a lack of appropriate parental involvement and supervision of the child. The conflict paradigm is characterised by poor disciplinary practices by parents, often leading to conflict between parent and child and, in extreme scenarios, leading to the child or the parent rejecting one another. The deviant behaviour and attitudes paradigm focuses on parental criminality and deviant attitudes among parents, and the disruption paradigm looks at marital conflict and parental absence.

These paradigms are not mutually exclusive and often reinforce one another: ‘The largest effect by far is that fathers who were alcoholic or criminal were, all else being equal, much more likely (by a factor of two) to use force and inconsistent discipline on their sons than fathers with no record of alcoholic or criminal deviance.’

Loeber and Stouthamer-Loeber identify factors that will ‘increase the likelihood of delinquency’. First, parental attitudes and approaches to correcting, disciplining and controlling children matter enormously. Harsh or punitive discipline as against measured and proportionate discipline will increase the likelihood of delinquency. A reasonable degree of consistency is required from both mother and father. Second, absent or low parental supervision is also unhelpful to the child. Most dramatic and with powerful negative consequences is parental rejection of the child. Last but certainly
not least is a weak emotional attachment between boys and their parents. Of course these factors often exist in combination. It is unlikely that parents provide adequate supervision, discipline appropriately but then reject their child, for example.

Parental behaviours such as crime and excessive drinking are not just bad examples to the children. They can also lead to inconsistent or harsh discipline, or conversely lax or non-existent discipline. Parental behaviour or discipline has a disproportionate impact on the delinquent behaviour of the child: ‘socio-economic status and disadvantaged social status on delinquency is mediated through parental discipline and monitoring practices.’

Rejecting restrictions, duties and long-term mutual and equitable obligations (to others) are frequent characteristics of the behaviour of adult criminals. They are likely to be particularly poor at patience, thinking ahead, planning, considering consequences before taking action, making long-term commitments for the future and investing time and energy in the short-term with no immediate return but with only the imagined prospect of long-term benefits. Parenting of course also requires selflessness and patience. So this very irresponsible behaviour so evident among many offenders is also the behaviour that means in many cases they will be less than ideal parents.

Other material factors (more superficially distant from feelings and behaviour of parents and children) also have an impact, such as family disruption, family size, socio-economic status, household crowding, residential mobility, mother’s employment and birthplace of parents, which can be correlated for delinquent behaviour in children.

Many of these superficially material (as distinct from emotional) factors may themselves be affected by emotional factors. Family disruption or residential mobility may, for example, be the result of parental conflict or family breakdown in one form or another. Conversely, less than ideal material circumstances, a lack of money or space for example, may lead to emotional conflict and a stressful situation for bringing up children. So poverty does not lead to crime any more than poor parenting transforms children into criminals. But either or particularly both when intertwined with one another can reinforce delinquent behaviour, which can grow in a vicious cycle towards adult criminality. Taken together or separately socio-economic and emotional and family factors can result in a loss of control and it is that loss of control which pushes people towards irresponsible and criminal behaviour.
2. Failure of conscience

**Attachment**

At the heart of these concerns about childrearing and its long-term consequences is the seminal significance of the concept of attachment in early childhood. The importance of attachment was most forcefully propounded by John Bowlby. The motivation for attachment is protection: the parent instinctively wishes to protect and the child instinctively seeks that protection. If the attachment is *secure* through the early years, the child will be able to seek greater and greater independence and distance from the parent, safe in the knowledge that, when necessary, they can return to be protected and looked after. This combination of freedom and protection is the most significant building block of emotional security. A childhood built on these strong attachments can become an adulthood that is a life of adventures from a secure base.

Other types of attachment are less secure. A child who feels uncertain that their parent will be available when called upon can develop an *‘anxious resistant’* attachment. Where a parent is available to protect the child sometimes but not others, that child becomes prone to separation anxiety, tends to be clinging and is anxious when exploring the world, fearing no one will be there to return to if anything goes wrong. Another sort of insecure attachment is seen in children who have experienced longer periods of absence from their parents or are frequently and more or less consistently rebuffed when they seek parental help and protection. Bowlby calls this *‘anxious avoidant’* attachment. Those with these latter anxieties are characterised by attempts to live their lives too independently, without love or support. This kind of person is also apt to seek to control and, in the most extreme forms, to be a bully or violent towards others. It comes as no surprise therefore that many offenders did not grow up with a secure attachment to a nurturing parent.

The writer and former psychoanalyst Alice Miller, in her influential book, *The Drama of Being a Child*, noted that the conventional way of seeing childhood is that the parents, particularly the mother, are looking after and protecting the child. This isn’t always the case. Conversely, the child is sometimes obliged to fulfil the parent’s needs by the emotional and psychological tactics and wiles of the more worldly and effective parent. The parent who is in theory principally responsible for the main caring instead becomes the centre of attention. The child is dependent and generally adaptive. They can be bent to the will of the parent and if they become unco-operative they can be punished, ‘abandoned’ into someone else’s care or left in solitude. Most small children quickly learn to adapt to the parent’s wishes and requirements for fear of these
disturbing consequences and covert punishments, though by adapting to meet their parents’ need they may be psychologically damaged by repressing their own needs and instincts. Consumed by their commitment to their parents and their volubly but inconsistently expressed needs, desires and demands, the child’s own true self scarcely forms. If the chrysalis of personality grows at all, its development is repressed.

The child learns only to reveal that limited part of themselves which will appeal to adults, or if they cannot appeal to their better instincts, at least to attract attention. Disruptive, troubled behaviour is itself a way of getting attention away from the parents and back onto the child, but it could get an uncaring or cruel response, leading the child to learn that this behaviour in the end doesn’t work. Being superficially adaptive, or invisible, is likely to be a safer bet. The parents in this scenario have an insatiable emotional hunger, which the child, being near at hand, is obliged to feed but cannot ever properly nourish. The repression of their true selves can turn the child into a sketchy, shadowy, limited person, without fully formed emotions, aspirations, determination and energy to complete a reasonably successful journey to adulthood’s often hazy destination. Alice Miller notes, ‘Understandably this person will complain of a sense of emptiness, futility or homelessness, for the emptiness is real.’

Their fears of desertion may become anxieties carried into adult life. Or the repressed needs can be ‘perverted’. These perverted needs are, according to Alice Miller, ‘fulfilled’ through an ‘exhausting struggle with the help of symbols such as ‘cults, sexual perversions, groups of all kinds, alcohol or drugs.’

More extreme parental abuse leads to more extreme ‘repression’ by the child and creates a greater risk of self-destructive behaviour as well as behaviour harmful to others in adulthood. ‘Dissociated from the original cause, their feelings of anger, helplessness, despair, longing, anxiety and pain will find expression in destructive acts against others (criminal behaviour, mass murder) or against themselves (drug addiction, alcoholism, prostitution, psychic disorders, suicide).’

Poor parenting that disrupts or destroys the child’s need for secure attachment, or manipulative parenting which places the needs of the parent first, can separately and together lead to trauma, far more painful and causing lasting damage to the individual much greater than delinquent behaviour in childhood or even criminal behaviour in adulthood.

Traumatic events are not just misfortunes. They often involve violence,
or even death. They inevitably therefore provoke terror and so a feeling of helplessness. Trauma also induces a sense of powerlessness and loss of control, because traumatic events overwhelm ordinary relationships. The sense that people can rely on those who are supposed to care for them is destroyed. As well as losing their sense of control, their sense of connection also abandons them. They become wary and mistrustful, feeling and thinking that betrayal is always on the cards. There is no point in being kind, generous or compassionate, because not much that is positive or welcome will be received in return; just mistreatment, dishonesty, maybe even being betrayed or abandoned.

**Trauma in childhood**

There are many forms of childhood trauma. Judith Lewis Herman, whose work at Harvard Medical School is authoritative on trauma and post-traumatic stress disorder, has described the specific experiences and effects of childhood trauma. The developing personality of the child needs a secure sense of connection with people whom they can safely assume are caring for them in practical and emotional ways, but also looking out for them, their safety and security from behind the scenes. This is John Bowlby’s ‘secure attachment’, already discussed. The care-giving parent may not be present physically. However, mentally and emotionally they are a constant reassuring presence in the child’s mind, reducing uncertainty, encouraging adventure because the child knows there is a secure base to return to.

Developing a child’s positive sense of self depends on the carer’s benign use of power. When a parent, who is so much more powerful than a child, nevertheless shows some regard for that child’s individuality and dignity, the child feels valued and respected. They develop self-esteem and a sense of autonomous possibility, the growing recognition of things they can do on their own without reference to their parent but under their benign protection should something go wrong. They start to have a sense of their separateness within a relationship, expressing their own point of view, stating intentions and making decisions for themselves and, with regard to the risk of physical abuse, crucially controlling their own bodily functions. All that could be destroyed by trauma. As the normal child develops, her growing competence and capacity for initiative are added to her positive self-image. The traumatic event thus destroys the belief that one can be oneself in relation to others.

Survivors of trauma typically describe a characteristic pattern of abusive behaviour expressed in totalitarian control, which is pervasive not random.
The Good Prison

Rules and boundaries are erratic, inconsistent and usually patently unfair. Petty rules are aggressively and arbitrarily enforced, sometimes with violence and even death threats. Herman notes, ‘survivors frequently recall that what frightened them most was the unpredictable nature of the violence.’ Rewards are inconsistent, intermittent and often infrequent. From the child’s point of view, they are absolutely not to be relied on. Relationships the child has with others, either in the family or among other adults and children (which may be places of refuge, calm and love) are aggressively disrupted and destroyed, sometimes randomly, sometimes deliberately and consistently, but always purposefully. The child is isolated and betrayed. That is extended to distance and alienation from others to whom the child feels close or attached.

Attachments to nearest and dearest are breached and severed, sometimes permanently. The damage to the survivor’s faith and sense of community is particularly severe when the traumatic events themselves involve the betrayal of important relationships. ‘The imagery of these events often crystallises around a moment of betrayal, and it is this breach of trust which gives the intrusive images their intense emotional power.’ Moreover, ‘Traumatic events destroy the victim’s fundamental assumptions about safety of the world, the positive value of the self and the meaningful order of creation.’

The effect on the child is fear, helplessness, loss of control, a sense of permanent, incipient psychological crisis, even a threat of annihilation. To some extent, the child, dependent and vulnerable with highly restricted choices and limited independence, has no alternative but to trust people they know to be untrustworthy. In the confined spaces in which they operate, they have to find places where they can feel safe. Being left alone may be the best they can hope for. They have to seek places and situations where they can exert limited control, imagining and trying out approaches which assert some sort of control, resisting the abusive behaviour if they can, or cutting themselves off internally if they can’t. Cutting themselves off is a form of inevitably damaging repression.

The child has to develop a sense of self and consciousness in relation to others who are negligent, cruel or uncaring. If they are being physically abused, they have to protect their bodies while regulating their behaviour in ways that might discourage or restrict unwanted, intrusive and damaging physical contact. The child has to develop extraordinary capacities to cope, which are both creative and destructive. ‘Traumatic events, by definition, thwart initiative and overwhelm individual competence. No matter how brave and resourceful the victim may have been, her actions were insufficient to ward off disaster.’

The normal human adaptations, which children have yet to learn fully,
2. Failure of conscience

fall by the wayside perhaps never again to be acquired. Ordinariness is
overwhelmed and the effect is one of catastrophe, external, uncontrolled,
uncontrollable and dangerous beyond imagination, particularly to bodily
integrity and safe and loving forms of physical intimacy. According to
Herman, traumatising abuse ‘fosters the development of abnormal states
of consciousness in which the ordinary relations of body and mind, reality
and imagination, knowledge and memory can no longer hold.’23 ‘Their entire
sense of self – as an autonomous individual capable of making decisions for
themselves and acting on them without risk to their safety, their capacity for
giving and receiving love, as one capable of accessing the higher and better
feelings of consciousness, touching the sublimes of truth, love or beauty – all
that may be gone and prove impossible to recover.

Most of life’s pleasures and much of life’s meaning is derived through
shared experience, but if the poor quality of relationships mean that shared
experiences and the people with whom they are shared are untrustworthy,
then the meaning is polluted and confused or has gone altogether along with
the connection of trust. The authenticity of the experiences and the feeling
they induced are questionable. These pleasures and surprises may not be
the real thing because they had not been shared with anyone to trust. In that
case the feelings have been felt alone and so are thought to be worthless. So,
feeling is meaningless, not meaningful. Their faith in fate, in a natural or divine
order, which is an essential requirement for day-to-day living, is compromised.
Trauma can induce a state of existential crisis, knowing neither what freedom
is, nor what freedom is for.

Effects into adulthood

Parental behaviour and that of other adults in manifold manifestations which
is inconsistent, chaotic, neglectful or abusive is likely to have an impact on
the child’s behaviour and, more importantly, on the child’s sense of self.
The disruptive or delinquent behaviour expressed by the child may well
be carried forward into adulthood and then turn to anti-social or criminal
behaviour. The effect may be mitigated by the intervention of another adult
who offers the child experience of a secure attachment or by the child’s
surprising and untypical depth of personal resources. To varying degrees
these insecure and disturbing childhood experiences are traumatic.

So an important aspect of rehabilitation for some is to promote recovery
from trauma. This requires the identification of trustworthy companions; re-
acquiring the techniques of building and accepting trust; overcoming fear and
The childhood and early experiences of many offenders has been characterised by insecure attachment to parents and few countervailing positive adult influences. Worse than that, the developing child, instead of being protected and cared for by loving parents and other adults, finds themselves being manipulated into becoming a carer for an emotionally dependent adult themselves. The parent’s needs are being met by someone who wants their own needs to be met. The child’s needs and developing persona are set aside or repressed. Beyond that dramatic and bewildering reversal is the extreme experience of abuse and trauma it induces.

There is a continuum from children’s poor experiences of being parented and family life to poor self-control, which in turn can lead to difficulties in education, further weakening the already undermined influence of authority figures like parents and teachers. In the absence of those strong attachments, delinquent peers may have a stronger appeal. A bond may be formed to and between delinquent peers that proves hard to break. Social stigma and disapproval may very well strengthen that bond and the adult criminal has been manufactured through a combination of failed conventional attachments and aspirations and a growth of alternative, amoral and criminal attachments and behaviour.

The absence of trust and care for others in offenders is often the subject of comment. Even more striking in offenders is the greatly weakened sense of self-protection. The capacity to commit acts which are destructive to one’s self – as well as others – is one definition of crime. The roots of these despoiling behaviours without regard to consequences may well lie in childhood experiences which have failed to endow in the growing child the self-awareness and the empathy with others that together form part of our aversion to harmful and criminal behaviour. Rehabilitation therefore has to re-instate – or inculcate for the first time – the ability to care both for yourself and others, even if your own experiences have been largely devoid of these good instincts.

The abusive adult seeks not only to destroy the child’s trusting relationship with them in search of absolute power but also to bend the child to their will. They also, as noted, seek to disrupt the child’s relationships with others. But those relationships with others are where sanctuary and protection are sometimes to be found. A grandmother, an uncle, even a teacher or neighbour can represent a person to trust and a place of safety to retreat to. This wider encounter instils in the child the possibility of survival: the feeling that not all relationships are compromised or destroyed and crucially the
possibility of better, healthier, more mutual, more supportive relationships in the future. The sense of possibility that others are to be trusted must not be lost at all costs. That residual feeling, if it can be sustained in the face of the abusive onslaught, is a kernel of self-esteem, autonomy and personal agency on which other relationships in the future can be built.

Resilience from childhood to adulthood
Some research has been conducted into the heartening phenomenon of resilience in young adults who may have had terrible childhoods but nevertheless emerged surprisingly well able to cope with adult life’s demands and vicissitudes, as well as relishing the joys and surviving the sorrows of a full range of human emotions; all the ups and downs.24 This group have somehow succeeded in avoiding the attenuations and disturbances that flow so often from a troubled past. The substantial difference between those who turn out to be resilient and those who do not is that, despite often poor and sometimes traumatic experiences with their own parents, the resilient ones have nevertheless had a secure attachment to an adult other than their parents. Often a grandparent has played a close and meaningful role in their upbringing. Young offenders frequently refer to visits from granny compared with the often marked absence of mentions of mum and even rarer references to dad.

At one remove this significant person has provided a balance of authority and opportunity that has created a safe emotional space for the resilient child to grow emotionally healthy and confident, despite parental absence, neglect or indifference. The child has had the protection and the challenge, the sense of adventure restrained by a developed need for safety, the need to defer instant gratification in return for greater postponed benefits. In the absence of anyone playing such a role, even for part of the time, the risks of unruly and delinquent behaviour in both the child and the adult are much increased.

As far as offenders are concerned, if they go to prison, they will, like it or not, have to trust lawyers, prison officers, probation officers, chaplains and teachers – hosts of people who, contrary to their previous experience, should be available, reliable and willing to help. Their chances of rehabilitation are significantly enhanced by the capacity to build and benefit from relationships of trust with authority figures that can help, as well as represent role models, advocates and, above all, a sense of possibility.

Influence of schools and peers
Given all these anxieties about the adequacy of homes and parents some think that schools may be better at exerting social control than some parents.
The Good Prison

They are more consistent and regulated. The adults are all trained, more objective and with less emotional ‘baggage’ of their own. The children are in confined, structured settings with one teacher constantly supervising many children. Teachers are also often more objective about ‘naughtiness’ and misbehaviour, not carrying confusing bonds of loyalty and the sense of personal responsibility to the same extent as parents. Schools also have an overriding interest in maintaining order and discipline as a pre-requisite for fulfilling their educational purpose. Finally, as in the family but perhaps to an even greater extent, schools have the ability to bring the full force of discipline in many forms down on a child, not excluding the considerable power of shame in front of their peers. But of course each child’s commitment to, and benefit from, life at school varies.

As far as delinquent behaviour is concerned, four major dimensions of a child’s ‘attachment’ to their schooling are protection factors against delinquency: school performance (which ‘generally displays the strongest association with illegal behaviour’); educational expectations; involvement in school activities; and school-related “satisfactions” and ties of affection.25

Weak or problematic attachment to parents (such as parental criminality, family size, mobility) weakens family social control leaving the door open wider to ‘attachment to delinquent peers and siblings’,26 creating a reinforcing effect. Overall, however, the effects of family and school considerably outweigh the effects of delinquent peers and siblings, though peers and siblings cannot be ignored and can undoubtedly have direct effects on delinquency and criminality.27

Delinquent peers can be influences acquired in school. The problem is not so much the odd mischief or misdemeanour or the fleeting excitement of adventures with naughty children. For delinquent peers to have a sustained influence sufficient to make a lasting negative change in a child’s behaviour contact needs to be frequent and of longer duration. Most crucially, contact must be emotionally intense, both in terms of respect and affection. Those, in the extreme, are the emergent characteristics of youth gangs. Strong bonds of peer attachment and a respected (perhaps feared) leader who is also the object of affection can turn into a group with a strong shared identity, often represented through a name for the group, a dress code, a defined leader, a strong hierarchy below the leader and an alternative, amoral and inequitable set of values. The group’s values are likely to focus on shows of bravado and enhanced status over other groups, translated into the relative status of their leaders. Many will want to be capo di capo, but at any given moment only one
group leader can assume that role. If another one wants it they must create a vacancy through deposition.

Studies of gangs and subculture find characteristics of short-termism springing from a search for instant gratification and a group mentality of inwardly looking group loyalties. Many emergent subcultures are formed on a premise of rebellion and ‘status frustration’. The subculture’s values have been derived precisely in opposition to the values of the mainstream, which is characterised by those who failed to value individuals and their outlooks, turning them into outsiders who must band together, their subversive values intact, their proud opposition repeatedly re-stated. But the transgressive attitudes and behaviour simply calls down more official disapproval confirming the feelings of alienation; of not being listened to or respected. If the members of the subcultural group feel different and devalued, why would they then want to re-join an intolerant and probably uninteresting mainstream?

In feeling marginalised by conventional values, an individual joins a criminal subculture in order to obtain a contrasting set of values that are reinforced in a new similarly disaffected body of people. Social bonds, this time in a negative manifestation, can be reopened in these criminal subcultures and that may be particularly affective on people whose family lives, or educational experiences have left them with a lack of self-control. Since, in these manifestations, the people involved do not think what they are doing is wrong in the first place, why would they stop doing it just because the authorities describe it as persistent offending?

Stigmatising public hysteria and disciplinarian rhetoric and action from criminal authorities is likely to backfire. The group bonds are reasserted in proud opposition and wider social expectations are rejected, precisely because they have been so loudly declaimed. The effect is not frightening, illuminating or corrective. The response is to ridicule and dismiss the mainstream and seek out once more the solidarity of the outsider group. Not for nothing do many outsider groups refer to themselves as brothers and brotherhood. That is what they are, brought together not by bonds of blood, but by the emotions borne of rejection and exclusion which can become pride not shame. This is what John Braithwaite cautions against as ‘disintegrative shaming’.

Some argue that criminality in terms of motives, values and techniques are entirely learned. From this perspective the values of criminal behaviour are not derived biologically but from linguistic construct. Within subcultures this learning can be acquired and acted on in close contact with other criminals by imitation, complete with newly found aspirations and role models in a
community of crime. Criminal behaviour can harness material gain, immediate peer approval and respect in opposition to the values of wider society. Further adaptations to ‘differential association’ (as this theoretical construct is known) are made in identifying learned coping methods for offenders, so-called ‘techniques of neutralisation’, which were assimilated as part of surviving as a criminal while neutralising social stigma.

These effects include: denial of responsibility (for example, ‘I was drunk’); denial of injury (for example, ‘they can afford it’); denial of victim (for example, ‘we weren’t hurting anyone’ or ‘they had it coming’); condemnation of the condemners (for example, ‘you were just as bad in your day’ or ‘they’re crooks themselves’); and appeal to higher loyalties (for example, ‘I had to stick by my friends’). Offenders who feel pushed around by society acquire a resultant fatalism. An offender is made to ‘experience himself as an effect’. Criminality is divorced from the offender and the offender rendered not responsible as well as irresponsible.

As Sampson and Laub note in *Crime in the Making* (one of the most important studies of the factors affecting crime over the life course) ‘childhood anti-social behaviour (such as juvenile delinquency, conduct disorder, or violent temper tantrums)... is linked to later adult deviance and criminality in a variety of settings (for example, family violence, military offences, street crime’ and alcohol abuse... these outcomes occur independent of traditional sociological and psychological variables such as class background, ethnicity and IQ.’

**Crimes committed by men when young**

Most crimes are committed by young men. Perhaps the most optimistic aspect of studies of crime is that crime rates peak in the late teenage years and then decline sharply across the adult life span. The link between age and criminal offending may be the most enduring and indisputable single piece of evidence in the field of criminology. The age crime curve graph shows that the vast majority of people arrested are young. Convictions peak between 16 and 19 years old. There are then fewer and fewer convictions recorded as age increases. This is reflected in the prison population. Year upon year the vast majority of prison inmates are in their early twenties, and there are progressively fewer prisoners in each subsequent age group.

Even among the falling number that continues to commit crime (at a rapidly reducing frequency) beyond adolescence, the seriousness of the offences they commit diminishes. An overwhelming majority of those who are convicted of crimes in adolescence, obviously a minority of all adolescents,
have already manifested anti-social or delinquent behaviour in their earlier pre-adolescent years. Furthermore those that continue as persistent offenders have almost always started this delinquency at an especially young age.

Moffitt’s defining work draws the important conceptual distinction between adolescence-limited offenders and life-course-persistent offenders. ‘As implied by the label, continuity is the hallmark of the small group of life-course-persistent anti-social persons. Across the life course, these individuals exhibit changing manifestations of anti-social behaviour: biting and hitting at age four, shoplifting and truancy at age 10, selling drugs and stealing cars at age 16, robbery and rape at age 22, and fraud and child abuse at age 30; the underlying disposition remains the same, but its expression changes form as new social opportunities arise at different points in development.’

Typically criminal offending, if it begins at all, begins in the early years of adolescence, peaks sharply during adolescence, and rapidly declines in the transition to young adulthood. That does to some extent depend on the nature of the crime as well as the individual offender. It is also important to note that some offenders commit their first crimes well into adulthood, with no indications in childhood or adolescence that they were likely to offend in the future.

There is also a small group of offenders for whom neuropsychological factors in conjunction with failed attachment in significant relationships along with academic failure combine to produce persistent offenders who find desisting from crime extremely difficult.

Conversely, the adolescents who do desist from crime typically have more pro-social skills, better academic achievements and stronger attachments and relationships.

A further caveat: terms like ‘adolescence’ are not specifically age-related. Maturation into adulthood is a combination of biological, psychological and sociological factors that intertwine with one another to produce an adult with ‘a sufficient degree of integration of all major constituents of temperament, personality and intelligence to be adequate to the demands and restrictions of life in organised society’.

In the paper that made the age crime curve famous, the authors asserted that the curve’s most remarkable feature was that it had not changed for as long as 150 years, and was independent of sex and cultural variance. A small group of delinquents (six per cent) account for a disproportionate share (more than half) of all criminal acts. This was made more precise still in a study of boys in London, where ‘fewer than five per cent of the families accounted for almost
half of the criminal convictions in the entire sample. Such a finding highlights the role that families play in the causation of crime, especially relating to parent training in monitoring, recognising, and disciplining the misbehaviour of children.\textsuperscript{39}

Life experiences before prison
The statistics paint a picture of prisoners mostly with poor experiences of education, operating at the lower levels of the labour market and the income hierarchy and often with many longstanding problems of their own. That picture so far mostly relates to recent experience. Reaching further back, the childhood experiences which many offenders have in common are also stark and often disturbing.

Compared to 10 per cent of the general population half of both male and female prisoners had run away from home as a child.\textsuperscript{40} One in four had been taken into care as a child compared to two per cent of the population.\textsuperscript{41} Offenders are also far more likely to come from families with other offenders as family members. Of all prisoners, 37 per cent had a family member who had been convicted of a criminal offence. Thirty per cent had a family member who had actually been in prison.\textsuperscript{42} Family life has also often not been kind to those who have gone on to commit criminal offences. Prisoners are twice as likely as the general population to be single or divorced but young male prisoners are more likely than other young men of their age to be fathers.\textsuperscript{43}

According to government figures only a third of offenders had been in work in the four weeks before they came to prison and one in eight had never had a job. Of those who had a job, only a third (i.e. 10 per cent of the total) expected to be able to return to their previous employment when released from prison. Many had already lost their jobs, in part as a result of their imprisonment or when they disclosed a previous criminal record. They therefore had no prospects of returning to a previous job and would have to start again in a fragmented labour market with the added stigma of being an ex-offender even if they had only served a short sentence. Most of the jobs done before they came to prison were low-paid (an average of £250 per week), low status, rarely responsible for supervising or managing others, and generally routine and repetitive.\textsuperscript{44}

Though this book is principally about male prisoners (who constitute the vast majority of the prison population; female prisoners account for roughly five per cent)\textsuperscript{45} it is also worth noting the experiences of women prisoners before they come into prison. An even smaller proportion of women
prisoners – about one in five – had been employed before they came into custody. Their average pay was only £167 per week, even lower than the men, suggesting that many worked part time. Black and minority ethnic prisoners generally have higher education qualifications on entry than other prisoners, but have earned on average less (£230 per week). Young adults previously in work before going to prison earned on average even less, £200 per week.46 Confirming this picture of poor previous access to employment, nearly two-thirds of prisoners had received state benefits at some time in the year before going to prison. So the picture painted is of people who already had poor labour market experiences, even of extended unemployment and reliance on state benefits, or of poorly paid, mundane work before their imprisonment. Even this marginal participation in the labour market is then disrupted and destroyed as imprisonment then leads to them losing their jobs.

Prison education intends to prepare offenders for work on the outside. As well as compensating for the enormously disruptive consequences of being kept inside, classes in prison must seek to make up the deficits of inmates’ original education and previous work experience long before their offences and prison sentences. Two-thirds of prisoners have numeracy skills at or below the level expected of an 11-year old. Half have a reading ability at or below this level and 82 per cent have a writing ability also at or below this level. Half of male and one-third of female sentenced prisoners were excluded from school.47 Unsurprisingly, prisoners tend to have fewer qualifications than the average. Half of male and seven out of ten female prisoners have no qualifications.48 Many foreign national prisoners speak no English at all and may have come straight to prison from the airport or seaport where they arrived. All they know of British life is the immigration queue and the inside of a prison. On one occasion I was walking through a wing when a passing prisoner said to the teacher who was accompanying me, ‘Good morning, how are you?’ The teacher smiled and looked absolutely delighted. She said to me, ‘That’s brilliant. Those are the first words I have ever heard him utter in English.’ Problems come at a high volume and pace for staff in prisons but efforts are rewarded in a passing whisper of a single phrase.

Prisoners know perfectly well that they need help with education and training and know even better that these are essential components of giving up a life of crime altogether. Only one in ten prisoners thought that ‘learning was not for people like me’. The reoffending statistics tend to bear out the importance of education and skills. Both having been employed in the year before custody and having a qualification were associated with a lower
likelihood of reconviction in the year after release than being unemployed and not having a qualification (40 per cent compared with 65 per cent, and 45 per cent compared with 60 per cent, respectively). By comparison, having been in receipt of benefits in the year before custody was associated with a higher rate of reconviction in the year after release (58 per cent compared with 42 per cent for those not in receipt of benefits). It’s important to stress that these are statistical associations not causal connections.

Prisoners are also more likely to have health problems, including and especially mental health problems, than the general population. About a third has a disability, half of whom report anxiety and depression. About one in 12 has both mental health problems and physical disabilities. Female prisoners are more likely than men to report anxiety and depression. Serious or multiple mental disorders are also far more prevalent among prisoners than the population at large. Around 70 per cent of prisoners suffer from at least one mental disorder.

Prisoners with these kinds of disability are an especially vulnerable group. They are more likely to report having used drugs and needing treatment and support for a drug or alcohol problem; having experienced abuse or observed violence as a child; being homeless before custody; and needing help to find a job for when released. However, they were no more likely to be reconvicted in the first and second year after release than non-disabled prisoners.

Drug use is typically associated with particular types of crime – most notably acquisitive crimes – and with disproportionately high rates of reoffending. For example, 57.2 per cent of offenders identified in 2010/2011 as struggling with drug use went on to reoffend within a year of release. These reoffenders made up just 4.7 per cent of all adult offenders, but were responsible for 25.9 per cent of all proven subsequent reoffences by adult offenders.

The majority of offenders admit to hazardous drinking before going into prison. For about half, alcohol-fuelled behaviour influenced their offence, reducing their inhibitions and making them more likely to behave in ways that would result in a conviction. Violent offences are disproportionately likely to be associated with alcohol. The 2010/2011 British Crime Survey found that 44 per cent of victims of violent offences considered that the perpetrator was under the influence of alcohol when that person committed the offence.

Although there is little difference in the overall rate of alcohol use between offenders and the general population, offenders are far more likely to drink hazardously. Seventy-eight per cent of respondents to the Surveying Prisoner
Crime Reduction (SPCR) longitudinal study reported drinking alcohol on at least one occasion in the previous 12 months, compared with 83 per cent the general population. However, of those SPCR prisoners who reported drinking in the four weeks before custody, a third said they drank on a daily basis and 63 per cent were classified as binge drinkers. Nineteen per cent of young adults entering prison feel they have an alcohol problem. Moreover, 36 per cent of prisoners who received an OASys (Offender Assessment System) assessment were reported to have exhibited violent behaviour related to their alcohol use.

* * *

The litany of problems is undoubtedly depressing: poor education; unemployment; low paid and/or low skilled work; troubled childhoods and unhappy experiences in adult life. But some notes of caution about interpretation should be struck. First, these are statistical associations and are therefore by definition not true about many prisoners. Some high profile offenders have evidently been highly paid and high status members of society. Many are married to devoted partners who stand by them throughout their sentences, welcoming them back to the family home on release.

Second, many people who have suffered more of life’s slings and arrows emerge from these childhood experiences, perhaps not unscathed (nobody is entirely unscathed by their childhood), but remarkably resilient. The same experiences don’t lead to the same biography. The trajectory is not simplistic or deterministic; it is cumulative and many countervailing influences push and pull the shaky, scarcely built foundations of personality hither and thither.

Third, and perhaps most important, simple statistical associations cast little beneficial light on the true nature of cause and consequence. Who did or said what? What was the effect on the thoughts, feelings and behaviour of another? Why are some more affected in one way and others in another? Why are some seemingly wholly unaffected? A more textured, nuanced sense of exactly what happened, not just why, is needed.
3. The search for punishment

_Civilization—spurns—the Leopard!_

_Was the Leopard—bold?_

_Deserts—never rebuked her Satin—_

_Ethiop—her Gold—_

_Tawny—her Customs—_

_She was Conscious—_

_Spotted—her Dun Gown—_

_This was the Leopard’s nature—Signor—_

_Need—a keeper—frown?_

_Pity—the Pard—that left her Asia—_

_Memories—of Palm—_

_Cannot be stifled—with Narcotic—_

_Nor suppressed—with Balm—_

Emily Dickinson, ‘Civilization Spurns the Leopard’ ¹

The manifold factors and influences delineated in the foregoing chapters have sought in general terms to draw out some of the differences between the majority who have developed an instinctive sense of conscience, of right and wrong and those, on the other hand, who have not. However it has come to pass, some will do wrong in their own eyes and in the eyes of others. All the misdemeanours come together in repetitions and overlaps, themes and patterns
into a socially constructed, shared notion of morality. At any given moment this
seems to form a centre of gravity in society. But in fact notions of right and
wrong are always contested and susceptible to revision. Each community and
every society must then stabilise the always contingent consensus into a
set of institutions and institutionalised practices of criminal justice that
can be readily and widely understood, command general confidence applied
consistently in multifarious situations and render powerful state-authorised
institutional actors accountable.

The arrangements that are made must be stable and consistent, as well
as bespeaking community. But alongside a shared sense of consistency and
continuity must be flexibility and adaptation to change. Social attitudes to
crime and punishment are far from fixed and the institutions, practices and
procedures have to be intrinsically intertwined with the changing attitudes.
Institutions should be a mirror of prevailing social norms. Without that they
have no legitimacy. Nowhere is that more true than in courts and prisons.

Whether criminals should be punished, condemned, rehabilitated or
forgiven, or indeed whether they are criminals at all, are questions embedded
in one of the definitive moments of Western Christian cultural history, when
Christ on the cross tells the repentant crucified thief, ‘tonight you will join me
in paradise.’ In this way, to the Christian mind, Jesus Christ gave every human
being hope of redemption, even the wrongdoer; especially the wrongdoer
repentant but facing intolerance and condemnation. Ambivalence and
contradictory attitudes towards crime and criminals is deeply inscribed in our
culture and in every culture.

Despite ambiguities and contradictions about who are the feared
and admired leopards in society, however, in a more abstract sense a social
consensus about right and wrong, about crime and punishment, nevertheless
prevails. First, there is a universal wish in every society, ancient or modern,
anywhere in the world to punish perceived wrongdoing, though both
wrongdoing and the punishment it deserves may be regularly redefined
over time. Second, punishment is seen as a way of the wrongdoer making
amends not just to individuals affected, but to the community and society
as a whole. A crime against one is a crime against all. These overarching and
bonding cultural beliefs have been at the heart of how communities have been
constructed since the earliest agrarian societies. Shared identities and beliefs
are held together in part by defining and agreeing shared values as a basis
for co-operation, thereby highlighting people to be shut out and punished,
however secretly alluring they may be. Punishment is believed to elicit
repentance, that is a pre-requisite for forgiveness, which is never spontaneously given on impulse or as of right.

**Transitory nature of acceptable punishments**

To distinguish clearly and absolutely between bad and good people the search for draconian punishments of a sufficient severity to deter while eliciting remorse has a long, ignoble and inhumane history. In Britain, by the end of the eighteenth century, punishment for crime was execution, deportation or imprisonment. Transportation was initially seen as a benign alternative to execution. The first ships of convicts left for Australia in 1787. Transportation to the colonies could be for life and often came with a requirement to undertake a particular kind of work, such as mining or construction. In the event, exile to a colony sometimes turned out to be preferable to the squalid slums of Victorian cities, not at all as intended.

There is a constant discourse between society and its norms on the one hand and crime and morality on the other, which is neither new nor surprising. This discourse from time to time takes on a theatrical, expressive form, nowadays mostly given life in the media and online.

In the pre-technological era, that same theatre was acted out in real time on the streets. As Michel Foucault describes it, ‘Order and wealth came to watch from a distance the passing of the great nomadic tribe that had been put in chains, that other species, “the race apart that has the privilege of populating the convict-ships and prisons”. The spectators of the lower classes, as at the time of the public executions, kept up their ambiguous exchanges with the convicts, alternating insults, threats, words of encouragement, blows, signs of hate or complicity. Something violent aroused and accompanied the procession along its entire course: anger against a justice that was too severe or too indulgent; shouts against the detested criminals; movements in favour of the prisoners one knew and greeted; confrontations with the police’.3

The practice of flogging prisoners with a cat o’nine tails, spread-eagled on a large wooden frame only ended in Dartmoor Prison in 1947.4 Prisons in contemporary society have moved punishment and offenders out of the public sphere to a hidden and faraway box; out of sight, but not quite out of mind. Punishment, in the form of denial of liberty, has broadly speaking become more humane and largely invisible to the public, its invisibility permitting all manner of fantasy. As Foucault has it when talking about the origins of prisons, ‘The body, according to this penalty, is caught up in a system of constraints and privations, obligations and prohibitions. Physical pain, the pain of the body
3. The search for punishment

itself, is no longer the constituent element of the penalty... the disappearance
of the spectacle and the elimination of pain...the age of sobriety in punishment
had begun.15

The search for certainty has proved elusive; fallacious in fact. Right and
wrong can never be translated into a simple schema of good and bad people.
It’s not just that people and their behaviour spread across all manner of moral
spectrums. To make the situation even more troubling and complicated, the
urge to do right or wrong seems not only to exist in other people but also
in ourselves. By extension, if moral ambivalence is in each of us, then it is
pervasive across the culture, those patterns of thought and aspects of behaviour
that have been learned and shared which draw us into a shared but divided
sense of individual and social identity.

The glamour of crime

If most people have a conscience, everyone also has a dark, transgressive side,
excited by risk and dreading boredom, predictability, endless repetition and
quotidian mundanity. The fate of T.S. Eliot’s Prufrock, measuring out his life
in coffee spoons, haunts and terrifies us all. Academics displace these instincts
into intellectual inquiry and absurd professional rivalries in which, despite
the stakes being so low, ironically, they are governed not by reason but by the
full force of unchecked emotion. Professionals sublimate these attitudes into
competitive, aggressive behaviour at work often at the expense of others and
rarely to the benefit of the job at hand. This is inevitably a rather pathetic,
bathetic facsimile of a genuine sense of adventure. Nevertheless employers
see this as valuable and productive. No wonder so many people talk endlessly
about the awfulness of their bosses and workmates; barely concealing an all too
evident near-despair. For others, the arena for risk and excitement, competition
and adventure is the street, crime and criminal associates.

The apparent public desire to punish criminals and protect itself from
crime on the one hand and the mesmerising totemic hold that criminality
(as a transgressive but intensely appealing identity) has on our culture and
consciousness on the other are caught in an interwoven and inseparable psycho-
social web, inter-dependent and fuelling the other. In contemporary society,
offenders are characterised according to David Garland as ‘the threatening
outcast, the fearsome stranger, the excluded and the embittered.’6 Redemption
seems to have lost its place. Crime and criminals are a fantasy, a fetish and a
fixation, fascinating and frightening.

It would be so much easier and more reassuring for the non-criminals in
society if they could assert distinctions that divide right-doers and wrongdoers with certainty. But truth is more complex. The leopard in Emily Dickinson’s poem is exotic, beautiful and glamorous but also mortally dangerous. In an extreme way this reflects the confused way society apparently sees crime and criminals. Feared but by no means always denounced, glamorised and attractive criminal figures pervade popular culture. In cinema, television and books, crime often looks exciting, glamorous and sexy. It is appealing and attractive in any number of ways, particularly for boys and men. The wildly popular novels of Martina Cole, for example, are all about glamorous gangsters going in and out of prison. They are particularly popular with young men in prison. The glamour of crime is evidently paradoxical. Crime may be immoral and harmful, but is also dangerously exciting. It confers a transgressive status derived from bravado and, of course, from electric sexual appeal. These may be irrational but they are not a new or recent cultural archetypes. I want to consider a few examples from literature and film. As well as these I could have chosen any number of others.

Conventional condemnations of prisons and prisoners are comprehensively upturned in Jean Genet’s novels and plays about criminals and prisoners, drawing heavily on his own experience. Genet celebrates and romanticises – even idolises – the lives of criminals. The young Genet grew up abandoned and without a family. He spent much of his childhood with unloving foster parents, adrift or in a reformatory. By adolescence he was locked up in a notorious prison, Mettray, where the most stentorian discipline prevailed. A rule of absolute silence was strictly enforced. Even a cough was punished. Walking round and round in circles for hours on end was the penalty.

Prisons always have their own codes and language, both official and illicit. In Mettray the prisoners were called colonists and lived in blocks known (without intended irony) as ‘families’. One of the older, stronger and most frightening inmates was the ‘older brother’. He supervised the younger prisoners with a rod of iron, defined and enforced by the prison authorities. The principal punishment was silent solitary confinement. ‘Isolation is the best means of affecting the moral nature of children; it is there above all that the voice of religion, even if it had never spoken to their hearts, recovers all its emotional power.’

Michel Foucault notes ‘the entire penal institution, which is created in order not to be a prison, culminates in the cell on the walls of which are written in black letters: God sees you.’ Genet’s description of night prayers vividly conveys the atmosphere: ‘Each colonist, his back to the wall, stands in his particular place on each of the four sides of the dormitory. The older brother
shouts “Silence” and the children freeze. “Take off your shoes,” and they remove their shoes and align them in an exact row, six feet in front of them. “On your knees”. The colonists kneel before their shoes that may be empty of their feet but which still steam. “Prayer.” A youngster gives the evening prayer and everyone responds: “Let it be so.”10 The young prisoners convert this profound and absolute oppression into a moment of rebellion without liberation by turning ‘let it be so’ into ‘let it be over’, but only in their minds. Externally, discipline is rigidly enforced. “On your feet!” They stand up. “Half-turn right!” and they make a half turn to the right. “Three steps forward, march!” They take the three steps forward and end up staring into the wall.”11

‘Cloister, prison, school, regiment’ were to be found in Mettray. The small hierarchical groups of inmates followed several authoritarian precedents at the same time: the family; the army; the workshop; the school and ‘the judicial model’ (all residually traceable in modern-day prisons). Each ‘family’ was commanded by a head and divided into two sections, with a second-in-command in each. Inmates had a number and were taught to undertake military exercises; there was a cleanliness inspection every day, an inspection of clothing every week; a roll-call was taken three times a day. There were supervisors and foremen responsible for allocating work and apprenticeship of the younger inmates; lessons took place for an hour and a half every day and ‘justice’ was handed down daily in the parlour.

Despite these seemingly brutal experiences, when Mettray closed Genet defended the regime. He took pride and satisfaction from the institution’s existential power to make sense of, and give meaning to confused and lost lives. Something similar can happen in contemporary prisons.

‘The kids we were at Mettray had already rejected the social morality of your society, because as soon as we arrived at Mettray we quite willingly accepted a medieval morality that insists the vassal must obey his sovereign which sets up a pecking order that’s very clear cut and based on physical force, on honour, or on what we called honour... The penitentiary colony of Mettray was an entity so rich, so unusual, with its fields, woods, cemetery, its history and its legend. I scarcely dare speak of myself but when I was shut up there, everything was mine – woods, cedars, parks, streams, fields, meadows, ponds, cemetery... I was happy there.’12

In his own view, these experiences of confined hierarchies were the wellsprings of Genet’s artistic persona, through which they are imaginatively inverted. His plays and novels are infused with alternative moralities, transgressive identities and outsider systems of values and aesthetics,
all forced into rigid repressive power hierarchies. ‘If to write means that you feel emotions so strong that your whole life is shaped by them, if they’re so strong that only by describing them or evoking or analysing them can you understand them – if so, then it was at Mettray that started, when I was fifteen – it was then I started to write.’

Genet’s biographer Edmund White (who himself led a high life outside conventional social morality in 1970s New York, which he fictionalised and aestheticised in his early novels) notes,

‘In the village where he grew up Genet had been an outsider – a thief, a dreamer, a reader, a foundling. He had formed his identity in opposition to its values and activities. Now, at Mettray, for the first time he was accepted by the others. No longer was he the despised sissy; now he was a beauty whose favours were sought by the tough, older guys. No longer was he the bastard given room and board by a family; now the ‘families’ were composed nearly exclusively of boys who had run away from home or who had never known their parents or whose mothers were unmarried. No longer was he a thief amidst honest folk, the bad influence on innocent playmates; now he was an outcast among outcasts.’

To take another example, this time a film. The Janus-like morality of the criminal archetype was given a vivid artistic expression in the classic 1938 film *Angels with Dirty Faces.* Rocky Sullivan (played by James Cagney) and Jerry Connolly (played by Pat O’Brien) are childhood friends who robbed a railroad car when kids. Rocky saved Jerry’s life during the chase by pulling him out of the way of a steam train while running away from the guards. Rocky was caught by the police, but Jerry (who could run faster) escaped. Rocky, after being sent to reform school, grows up into a notorious gangster. Jerry has become a priest, redeemed by faith.

Rocky returns to his old neighbourhood, where Jerry is the parish priest determined to keep errant young men away from a life of crime. Six of those boys, with suitably colourful names (Soapy, Swing, Bim, Patsy, Crabface and Hunky) idolise Rocky. Jerry is understandably concerned that his childhood friend will corrupt them, tempting them down the criminal road he once travelled. Meanwhile Rocky gets involved with Frazier (played by Humphrey Bogart), a crooked lawyer, and Keefer, a shady businessman and municipal contractor. When things get difficult they try to dispose of Rocky, but he finds the book that records their bribing of city officials. Jerry finds out about all this bribery and corruption and warns Rocky to leave before he informs the authorities. Rocky ignores his advice and Jerry exposes the crooked
government, causing Frazier and Keefer to plot to kill him. Rocky overhears this plot and kills them instead.

After an elaborate shootout Rocky is captured by the police, tried and sentenced to die in the electric chair. Jerry visits him in jail and asks him for one last favour. He asks him to die pretending to be a screaming, snivelling coward. Such a display, however false, would end the boys’ idolisation of Rocky. He refuses, insisting he will be ‘tough’ to the end. He’s not willing to give up the one thing he has left, his pride. At the last moment he appears to change his mind and is dragged to the electric chair. Whether his cries are genuine or fake is left to the viewer’s imagination. The boys read newspaper headlines crowing that Rocky died a coward. Although the boys do not believe it at first Father Jerry confirms the accuracy of the newspaper account. Then Father Jerry asks them to say a prayer with him, ‘for a boy who couldn’t run as fast as I could’. Who is the true hero? Is it someone moral and pious, or someone flawed but capable of a dramatic, ethical choice; a final selfless act?

Crime can be exciting. The sex appeal of criminals and gangsters can also be enviably enticing and overwhelming to their romantic targets, occluding entirely the reprobate, abhorrent aspects of their characters. In Jean Luc Godard’s film, Breathless, a seminal work of French New Wave cinema, Michel (played by a young and charismatic Jean-Paul Belmondo) is a petty criminal who models himself on the film persona of Humphrey Bogart (him again). After stealing a car in Marseille, Michel shoots a policeman who has followed him down a country road. Penniless and on the run from the police, he turns to his American girlfriend Patricia, (played by the gamine and innocent-looking Jean Seberg), a student and aspiring journalist, who sells the New York Herald Tribune on the streets of Paris. Patricia unwittingly hides him in her apartment as he tries to seduce her while calling in a loan to fund their escape to Italy. Patricia tells him she is pregnant. She learns that Michel is on the run when questioned by the police. Eventually she betrays him but before the police arrive, she tells Michel what she has done. The police shoot him in the street and, after a prolonged death run he dies à bout de souffle (at breath’s end).

Genet consistently and absolutely inverts traditional morality. Rocky and Michel are stark contradictions: villain and hero in Rocky’s case, romance and self-destruction in Michel’s. There are also more subtle, ambiguous literary and artistic attitudes to crime and offending. A famous short story by Guy de Maupassant, Boule de Suif, is set during the Franco-Prussian War. A group of residents of Rouen flee the city soon after it is occupied by the Prussian army. Ten travellers take the stage coach headed for Le Havre. Sharing the carriage
The Good Prison

is Boule de Suif (suet dumpling), a prostitute whose real name is Elisabeth Rousset. The other travellers are archetypes of French bourgeois life of the times, including two nuns. These upstanding citizens ignore and shun Boule de Suif. In their minds she is immensely inferior to their social status and so much below their dignity. After all, prostitutes are just common criminals. Maupassant’s point is that morality and notions of wrongdoers are never far from hypocrisy.

The weather is terrible and by midday the coach has only proceeded a few miles. Only one of the travellers has had the foresight to bring food for the journey, Boule de Suif. She is happy to share her supplies with her fellow travellers. They quickly overcome their social inhibitions, desperate for much needed sustenance and not fastidious about the profession or social status of their generous provider. The carriage eventually reaches the village of Tôtes. Hearing German voices, the travellers realise they have blundered into Prussian-held territory. A Prussian officer detains the party at a coaching inn. The travellers wait for two days, becoming increasingly impatient. Eventually Boule de Suif reveals that they are being detained until she agrees to sleep with the officer. She is withstanding constant pressure. Initially, the travellers support her, furious at the officer’s arrogance and perfidy. Self-interest however soon gets the upper hand: they become angry at Boule de Suif for not sleeping with the officer, allowing them to leave. Over the next two days the travellers use twisted logic and warped morality to convince her that sleeping with the Prussian officer is the right thing to do, not a fatal compromise to her honour. She finally gives in and sleeps with him. He duly allows the travellers to leave the next morning.

As their journey to Le Havre continues the travellers quickly return to type, ignoring and insulting Boule de Suif, refusing even to share their food with her as she had shared hers with them. Boule de Suif has no other recourse but to seethe with rage and, finally, to weep for her lost honour and the hypocrisy of supposedly morally superior citizens.

Denial of liberty as punishment

Wherever the boundaries are drawn, as a consequence of their misdeeds and harm caused to others and to society, offenders have forfeited John Stuart Mill’s right to liberty, the citizen’s right to do as they please constrained only by the limitation of not harming others. They have suffered a ‘civic death’. This ‘civic death’ is at the heart of the conceptualisation of prisons. Since the Enlightenment in Europe, in its French, English and Scottish variants, the
3. The search for punishment

notion of individual liberty within the boundaries of Mill’s harm principle has been central to understanding both social relations and limits on the power of the state. If all are born free then imprisonment is an extreme punishment even if it is not physically tormenting. The loss of freedom is equally punitive whether the offender is rich or poor, the lowest of the low or the most elevated and powerful.

Imprisonment, as well as being an Enlightenment construct has the added attraction to lawmakers of allowing them to calibrate the sentence in the currency of time, which is applied equally, creating a ‘tariff’ reflecting not the status of the individual but the severity of the crime, as well as an ever-growing list of subsidiary criteria. According to Foucault, ‘by levying on the time of the prisoner, the prison seems to express in concrete terms the idea that the offence has injured, beyond the victim, society as a whole.’ If time spent in prison is a currency, then the phrase so often used by repentant ex-prisoners, ‘I have paid my dues’ is to the point.

As well as forfeiture of the rights of free citizens (including losing the right to vote in the UK), the new prisoner’s identity and individuality is deliberately eroded, perhaps even erased. The prisoner’s knowledge of who they are inside themselves is overtly challenged and diminished immediately on entry and constantly thereafter by the stance of the authorities. Whatever the criminal was before, like Genet, in prison they must be what the authorities prescribe. All the rules and constraints are not only to achieve the primary goal of security. They also seek to ensure that former criminal identities are abandoned and left on the outside. Ties and bonds with family, workplace, friends, community and society are almost entirely severed, maintained only in attenuated form in circumscribed, relatively infrequent and constantly supervised visits. These are a poor substitute for constant social contact and total immersion of the life of the individual in the life of the world. Relationships are disrupted and destroyed, but so also is the sense of self.

As a highly visible symbol of the loss and abandonment of the former criminal identity, when someone enters prison, in appearance and the assertion of numerous regulations and restriction, the criminal justice authorities seek to create uniformity and certainty, prohibiting transgression and disruption. The mostly young-ish males are all in grey track suit bottoms and identical tee shirts, heads usually closely shaved. Each prisoner has a single pair of denim jeans (often manufactured in a prison), kept for smarter occasions. Prisoners thought at risk of escaping are dressed in high visibility clothing with large blocks of iridescent orange on their shoulders and legs.
The Good Prison

The standardised identities of prison life seek to wipe the state clean in preparation for new, more socially acceptable inscriptions. However, behind the simulacrum of similarity created by these ‘uniforms’ lie many contingencies: the prisoners, regardless of standardised appearance, remain individuals with specific ineradicable histories and uncertain but widely varying futures. The regime in prison is far less certain and controlled than the authorities might wish, challenged by invisible subaltern hierarchies brought into being by the prisoners themselves, and a host of subversive conventions and codes of behaviour among some of the prisoners which are more tenacious than official, visible rules and regulations.

* * *

The prison sentence is attached to a crime; an event. It does not, importantly, attach to the individual or (if stigma can be sloughed off like a snake losing its old skin) to the whole of the individual’s life. Nevertheless the criminal’s experience before the crime and the sentence is relevant to understanding both. It will without doubt influence the effectiveness of deterrent or rehabilitative efforts while in prison. Hence the distinction Foucault points out between the way the offender who has committed a specific punishable action is seen and a delinquent, the latter reflecting a more general identity. ‘The observation of the delinquent should go back not only to the circumstance, but also to the cause of his crime; they must be sought in the story of his life, from the triple point of view of psychology, social position and upbringing, in order to discover the dangerous ‘proclivities’ of the first, the harmful predispositions of the second and the bad antecedents of the third’. Of course, if delinquency is more deeply rooted than a single offence, the individual is thought more readily deserving of outright condemnation.
4. A transformed social consensus on crime and punishment since the 1970s

We that have done and thought,
That have thought and done,
Must ramble, and thin out
Like milk spilt on a stone.

W. B Yeats, ‘Spilt Milk’

Crime and punishment have a rooted conceptual place in society, though definitions and boundaries change. In contemporary Britain punishment means the denial of liberty. At any given moment a consensus tends to prevail. The forces that influence and create that consensus are to be found a long way from prisons. The counter currents of social change in many domains act reflexively to change the attitudes of individuals that aggregate into trends and consensus. Although there are more opinions than people, public attitudes do evolve and become established, in advance of the next evolution.

People’s lives and communities have been radically altered in recent decades. Family life has been re-structured into a variety of norms for relationships, child-rearing and ways of living. Intimate, loving relationships are conducted in new and different ways. Individuality and individual expression has been set at a premium. Diversity proliferates. The workplace has also
become a place where self-expression is regarded as a professional capability. The modern workplace is not a place of repetition or physical labour. It is a place of working with knowledge and in teams and networks with others. Friendships are constructed and played out without a physical anchor in space or place. Public space has come to be seen as unsafe, encouraging a retreat to the domestic arena, where loneliness tightens its grip as so many more people live alone, rarely by choice. In short the vertical structures of society are in retreat. The horizontal society is in the ascendant.

The cumulative effect of many social changes going back at least to the Second World War, perhaps even earlier, has been to make some people less likely to abide by the standard moral conventions. In the extreme they commit crime, while the public environment is a space in which there are more opportunities to commit crime and a greatly heightened sense of risk to individuals, their families and their properties. British society has to some extent become an arena of atomised but fearful individualities; people living sequestered lives in private, in part to escape chaotic and sometimes frightening public spaces. Those conditions have, in their turn, brought about a radical reappraisal of the whole approach to personal safety, crime, justice and the purpose and practice of prisons.

Without doubt the grip of tradition, family, community, church, lifelong belonging to a single place and attachment to one employer have all radically declined since the middle of the twentieth century. These changes have definitely had an impact on criminal behaviour and the public perception of it, though not in such a stark, exaggerated or clear-cut way as moral decline-ists argue. Traditional attachments and associations such as these were for a long time crime prevention, reduction and sanctioning strategies in themselves. Relationships and social structures implicitly and explicitly exhorted the reluctant and recalcitrant to good behaviour. Bad behaviour was deplored through social disapproval and, in extreme cases, ostracism.

The prospect of being condemned in the eyes of loved ones is a much more powerful deterrent than the more distant and sometimes unlikely prospect of detection by the police and legal enforcement by the courts. Some people, unbound by social convention or family or community constraints, are more likely to engage in alcohol or drug-fuelled bad behaviour, commit acquisitive crime and get involved in destructive criminal sub-cultures. There are more things worth stealing in shops and people’s houses. There is more unruly behaviour on the street. No wonder that fear of crime – as much as crime itself – has become such an important political priority.
Rehabilitation under fire

Because of these various social trends all to be set out at greater length in this chapter, the 1970s view of rehabilitation came under heavy fire in the late 1980s and early 1990s leading to a decisive and bipartisan shift in political and public discourse. The feeling took hold in politics, the media and public consciousness that crime was growing so rehabilitation wasn’t working. Even when official statistics showed some types of crime had started decreasing, many people were doubtful and pointed particularly to rising violent crime as a reason to be fearful. The much-publicised frequency of released prisoners committing further crimes added to the indictment of liberal criminology.

Fear of crime rose regardless of soothing official statistics. So much so that reducing the fear of crime became a policy goal in itself. Public reassurance was needed. Sensing these changing public attitudes on the doorsteps and in the media, politicians of all parties knew they would have to volubly join in debates about criminal justice and develop a new confidence-building narrative. The narrative needed to be ‘hard line’. That axiomatic conclusion has become the governing consensus regardless of which political party has formed the government.

Much of the rehabilitative thinking about prison policy had its root in social work which, in turn, drew from Freudian theories of the unconscious and radical critiques (based on Marx and Engels) of how poverty and social disadvantage deracinated the lives and behaviour of the urban, industrial working classes. From these perspectives, criminal behaviour derives from unseen workings of the unconscious influenced by experiences in the early years with parents and alienating and dehumanising aspects of industrial lifestyles.

So the response was to remedy deficits created by damaged childhoods and either reconcile people to a life of industrial work or inculcate in them some viable alternative, for example through art therapy or other creative activities that flower into more individualistic identities that are nevertheless socially acceptable. In this world view prison was mostly harmful. In prison offenders were simply exposed to criminal influences which hampered their rehabilitation, worsening rather than improving their future prospects. In so far as there was a role for prison, it was rehabilitative: a strand of thinking about prison that first established itself among Victorian prison reformers and survived, somewhat surprisingly, through thick and thin ever since, though rarely more attenuated than now.

From the 1970s onwards these notions of rehabilitation have fallen heavily
out of fashion. A host of social trends have transformed the social discourse about crime, offenders and prisons. This has been most volubly declaimed in political debate but that is underpinned by far more profound, even tectonic, shifts in the structures of society and the mainstream of public attitudes. Some say that there is no such thing as public opinion, because neither the public nor its opinions can be brought together in a singular narrative. As far as crime and punishment are concerned however, there has undoubtedly been a widespread shift in attitudes.

Nowadays as ever, speculation about the causes and consequences of crime and what should be done about them, abound in pubs, government policy circles, political arguments, academic debate and the media. Some say that shared moral values have collapsed in fear. So great is the risk and reality of crime the ordinary citizen is frightened to go out alone. No sensible parent would let their children out on the streets unaccompanied, not even to walk to school. Even the most blatant wrongdoers are no longer challenged for fear that the innocent challenger might themselves be attacked. Some people don’t even feel safe in their own homes. Bravado, greed and opportunism are no longer sufficiently socially condemned.

The extreme case studies of this supposed moral collapse are destructive and emerging social trends, which begin on society’s margins but start to engulf the lives and communities of ordinary people, particularly young people, such as gangs or the notable recent rise in knife crime particularly in London; the intractability of the anti-social behaviour of ‘troubled families’; binge-drinking and associated unruly behaviour; drug-taking and drug-fuelled criminal subcultures and even from time to time the possibility of terrorist attacks on the city streets. Much to the consternation of the government many of those with terrorist intent turn out to be born and bred in Britain. The ‘war on terror’ cannot be confined to Pakistan, Afghanistan and other distant, ill-understood lands. As far as ordinary people are concerned, parts of their lives that used to feel safe have come to feel unsafe. Whether real or imagined, a widespread perception of greatly increased risk has taken hold.

**A new social discourse about crime**

In response, new approaches to neighbourhood policing were introduced, involving a greatly increased number of uniformed officials (not only police officers) out and about to make the public feel safer as much as catch criminals. The public were themselves encouraged to become much more crime and security conscious in their homes and cars as well as on the streets. Preventing
and reducing crime became everyone’s job, not just the job of the police. This had always been the case but now it was official above-the-line policy, loudly and repetitively declaimed.

This new discourse gained its legitimacy from the strong public feeling that justice could not be done just by state fiat. The public, in particular victims of crime, had also to see and feel that justice had been done. Without that visible acceptance, ‘closure’ for the victims - meaning an end not to their loss but to their bereavement - is not achieved. The victims cannot ‘move on’. So punishment and retribution exacted by the state that does not satisfy victims is not justice done.

The victim of crime has become a cultural trope, featured in the media, often a woman or a child alongside other bereaved relatives. They attend court every day and in serious cases may be expected to provide their own commentary to the TV cameras after the verdict is given. In Britain there is a victims’ charter and campaigners want to see laws named for the victims (notably, for example, Sarah’s law about the disclosure of the identities of child sex abusers). Public fear of crime and victim-centred justice has become axiomatic and central pillars of public discourse about crime and criminal justice.

People have been encouraged to make myriad changes in their day-to-day lives to deal with these new conditions. Late night drinkers and partygoers are enjoined to use only licensed minicabs. In bars, young women are thought wise to consume drinks through a straw from a sealed bottle to avoid being drugged and raped. Cash has been replaced with credit cards and online payments in part to reduce theft and fraud. Cars have had all manner of noisy security devices fitted to make them thief-proof. Many car parks are staffed round the clock. Closed-circuit TV monitors city centres, public transport, and interiors of shops. Private and civilian security staff, including police community support officers, have proliferated. Rival football fans have been separated on the terraces. Retailers shutter shops at night rendering the city streets dark and menacing, attractive only to anonymous graffiti artists in hoods with spray paint cans at the ready. Home owners install security locks and alarms. Whether all this makes people feel safer is debatable. How often does one pass a car with its alarm sounding off without casting a second look? Do home owners believe that alarms make their homes safer or are they just ways of reducing insurance premiums?

Sentencing those convicted of crimes has also been affected by contemporary conditions. Public confidence in sentences had to be increased.
More offenders were given custodial sentences, including young offenders, and longer sentences for serious crime became mandatory. As an inevitable consequence the numbers of offenders in prison in the UK rose to nearly 100,000, one of the highest per capita averages in the developed world. More and larger prisons had to be built and, in line with the marketisation of many public services, the private sector was brought in to provide both the capital funds to build the new prisons and the management of them once built.

One of the strongest effects of all market mechanisms (noted by no less an authority than Marx) is the tendency of the market to commodify everything it touches. Ideas must become goods and services; wishes and dreams must become needs and desires. Those processes have taken a deep hold in the British prison system, as elsewhere. To the prisoner ownership of the prison is almost certainly neither here nor there. What makes a difference are the adequacy of the facilities, the range of options and activities available (and here private sector procurement processes have a distinct advantage), and the number of staff available (where the public sector tends to have the advantage) since so much of prison life is conducted under escort. Above all, perhaps, the important variable is the attitude and behaviour of staff and the vision and dynamism of those that lead them. Creative leaders and compassionate staff are not sector specific.

Prisons have been profoundly affected in other ways too. Public protection has become the primary purpose of prisons, not straightforward punishment or rehabilitation, which was the old left-right binary debate about prison policy. The modern prison must incapacitate criminals and thereby prevent those people committing further crimes. Politicians asserted that an offender in jail was a criminal from whom the public were safe. If public protection was the priority, then ensuring that no one escaped from prison and there were no prison riots was of paramount importance. Breakouts and riots had been common in the 1970s, underscoring the need to prioritise security above all else, even if as a consequence prisoners spent up to 23 hours a day in their cells and rehabilitative activities were few and far between.

These breakouts and revolts were in themselves complex events. They were not simply calculated attempts to evade the authorities’ incarceration and return to the existential freedoms of being an outsider. They were partly revolts against prison conditions and lack of dignity: against ‘cold, suffocation and overcrowding’ and in the UK at least the especially revolting practice of ‘slopping out’. Prisoners locked in their cells without toilets for most of the day had no alternative but to use a bucket which was only irregularly and
infrequently emptied. They were also revolts against ‘decrepit walls, hunger and physical maltreatment’. Foucault also claims with justification that they were revolts against the softer, more manipulative aspects of the prisons regime ‘model prisons, tranquilisers, isolation, the medical or educational services’. Sometimes activities presented as being necessary assistance are received as manipulative, covert coercion – and seem more unacceptable to the angry and the incarcerated for being disingenuous in their intentions and practice.

David Garland in *The Culture of Control* concludes, ‘An institution with a long history of utopian expectations and periodic attempts to re-invent itself – first as a penitentiary, then a reformatory and most recently as a correctional facility – has finally seen its ambition reduced to the ground zero of incapacitation and retributive punishment. But in the course of this fall from grace, the prison has once again transformed itself. In the course of a few decades it has gone from being a declining and discredited correctional institution into a massive and seemingly indispensable pillar of contemporary social order.’

What then are the changes that have brought British society and criminal justice to this position? Family life has been restructured. Intimacy, marriage, childhood, adolescence, masculinity and fatherhood have all dramatically morphed. Social diversity and youth culture have outbid each other in the auction of ever-changing fashion. The uses and abuses of public and private physical spaces have changed dramatically. The British labour market is unrecognisable and technology above all else has cut a swathe through all but the oldest virtues.

**Changing family life**
The generational cycle of parents bringing up children who, in time, bring up children of their own seems endless. Instinct, along with the distilled wisdom of tradition is supposedly a universal guide on how to be a good parent. But in fact childhood and parenthood have been endlessly re-constructed and re-defined in the image of ever-changing times. As the historian Eric Hobsbawm mischievously noted women went out to work because, to put it crudely, children no longer did so. Despite the frequent invocation of ‘traditional family life’, in fact, there are few traditions in family life. The modern so-called norm of the nuclear family, two parents of different genders and two children (preferably also of different genders), only took hold after the Second World War. Soon afterwards the arrival of feminism undermined women’s willingness to play economic second fiddle in deference
to men’s supposedly superior breadwinning abilities. From the 1960s onwards widely available contraception meant women had far more control over when they had babies, how many, or indeed whether they wanted to have babies at all. Child-rearing changed in practice, ceasing to be an inevitable, accepted consequence of marriage, towards a more self-determined norm. Contraception and the control it brought meant parents had to love and cherish the child born by choice in order to justify and validate that choice. Unhappy accidents and an annual cycle of reproduction slipped into the past, without regrets.

Notwithstanding its relative recent ascendency, the reign of the norm of the nuclear family is proving short-lived. It is increasingly common for families to be just two adults with no children. Divorce, having risen rapidly after the Second World War, seems to have stabilised. People get married later and are more circumspect about their marriage partners, hopefully getting it right first time. Nevertheless second families have proliferated, undermining the nuclear construct. Lone parenthood has also become far more common. And the vastly increased tolerance towards lesbians and gay men in open relationships, one of the fastest turnarounds in public attitudes in recent times, also challenges the stereotype of the nuclear family.

Parents were once owners, controllers and arbiters of unchallenged authoritarian discipline of children into adolescence and beyond. But they have progressively been expected to become nurturers and protectors; educators and guides. Parents must provide economic support for their children, as well as inculcating in them behaviour suited to law-abiding citizens in a modern society with skills fit for an ever-changing labour market. The need for children and young adults to be ‘work ready’ has become almost paramount in the expectations of the good parent. Women’s presence in most parts of the workforce has become incontrovertible and irreversible, but that has not been accompanied by an elimination of maternal responsibilities. If anything, expectations of mothers as nurturers have risen. Nor have fathers been exempted from growing social expectations on parents.

The social discourse on the expectations and joys of fatherhood has been re-written. In middle-class neighbourhoods men can regularly be seen pushing prams. The school gates, formerly an entirely female preserve, now witnesses flustered fathers dropping off their children. More important than outward signs of changes in behaviour are the strengthening emotional bonds between children and their fathers. The emotionally detached male authority figure has faded into memory or abandoned tradition. Children have more physical contact with their fathers. Fathers are no longer just there to provide and
impose discipline; they are part of their children’s growth and development. They are expected to turn up and humbly listen to the teacher’s assessment of their child’s progress at parents’ evenings, agreeing, like the child, to do as they are told. Emotionally speaking, expectations of fathers have more or less been invented from scratch in only a few decades.

The place of children in the family and the world has also been radically transformed. Victorian literature provided ample and shocking evidence of cruelty and exploitation of children, enforced by harsh discipline and ready use of corporal punishment. Children were brought into line with adult commands – or, as often as not, adult whims and manipulation – by force if necessary. Or the children simply proved too much for their impoverished, exhausted parents. In Thomas Hardy’s *Jude the Obscure* one of the children kills himself and his two siblings and leaves a heart-rending note saying simply ‘done because we are too menny.’ The boy had come to believe that he and the other children were the source of the family’s many hardships.

Eventually the state started to bear witness to the depredations of nineteenth century childhood and declared an interest in making laws and policies to benefit children. Top of the list was education. In the first half of the nineteenth century some schools, like Dotheboys Hall, where Charles Dickens’ Nicholas Nickleby was employed as a lowly and badly paid assistant to the appalling Wackford Squeers, were more prisons and work camps than places of education. The post-second world war period saw, among other reforms, education made compulsory to the age of 15 and the introduction of free school meals. In 1973 the school leaving age was raised to 16. By 2015 the leaving age will be 18.

**Invention of identity in children**

More recently society has subscribed to the still-evolving belief that children should be ‘developed’ along a recognisable trajectory with discernible milestones. But, paradoxically, as these general standards for all children have been widely promulgated, the idea has concurrently grown that all children are different. They are individuals, with identities and agency, capable of making choices and decisions. In fact encouraging them to make choices and decisions is now seen as a cornerstone of education. When children describe what they want and how they want to get it, adults should take these wishes seriously. Nonetheless, they cannot be acceded to in all cases. Adults, particularly parents, must protect children, especially young children, from what is bad for them, however much the child might want it. Parents or teachers who tell
children that doing something or not doing something is ‘for your own good’ without further explanation are much frowned upon. Adults must facilitate and draw forth an individual child’s hopes and aspirations and help them to meet them, as well as understand their fears and anxieties better and help to assuage them. This combined emphasis on child development and children’s unique identities has culminated in the idea that children have rights, something now approved by the United Nations though not yet much complied with by many member states.

Growing understanding of children’s identities and how they develop, as well as the ways in which parental behaviour can have a positive or negative effect on the child’s behaviour has cast a sharp light on aspects of childhood delinquency and the links between parenting, children’s delinquency, adolescent anti-social behaviour and criminality in adulthood. This is a powerful set of connections which have explanatory salience, as well as providing strong signals of what can influence and make a lasting change on offending behaviour for the better, particularly in young offenders but also among adult offenders more generally. Greater knowledge about the effectiveness of different parenting styles and approaches to the nurturing and development of children also provides strong indicators of how to stop an inter-generational vicious cycle emerging. Poorly parented children who become delinquent in adolescence and criminals in adulthood then have children who, because their experiences of parenting are so similar, follow the same trajectory.

Family life even in its multiple modern variants is still and can continue to be an effective crime prevention strategy. Helping parents to provide children with a better experience of growing up than they themselves had can be a crime reduction strategy and helping families to stay together during and after the time one of them has been imprisoned can reduce reoffending. In short, understanding and supporting contemporary family life has enormous significance in all aspects of public policy about crime. These themes will be elaborated at length in chapter 7.

Emergence of adolescence

The 1960s brought forward a large cohort of teenage males: the age group and gender most prone to criminal behaviour. They were more affluent with a more consumerist outlook as well as newfound aspirations to social mobility. They were also much beguiled by the growth of fashionable sub-cults initially like mods, rockers and teddy boys. These fashions spread rapidly across young generations bringing considerable parental consternation in
their wake. To parents’ relief, many trends proved short-lived. Years spent in education increased.

Time for leisure and absorption of new social trends, particularly in music, as well as the absorption of attitudes and opinions of peers came to characterise being an adolescent. Teenagers and young adults spent more time outside the home with all kinds of new cultural interests to populate that newfound leisure time. Some of these new activities were incubators of rebel spirit. Clubs, cafes, discos and street corners became arenas of different kinds of rebellions, complete with peer identification and group sociability. Adolescence became a moment of freedom – and therefore rebellion – free of the constraints of childhood and the as-yet-unencountered obligations of adulthood.

At more or less the same time traditional authorities came under question. The pre-existing norms governing conduct in sexuality and drug use were relaxed, the new ‘norms’ created in their place quickly attracted criminal prohibitions. Aspects of youth culture made deviance, even criminal deviance, attractive, as in the Belmondo character, Michel, in *Breathless*. Law-abiding convention seemed repressive of individuality and creativity as well as being intolerably dull. What was crime and what was not became less authoritarian, less normative, easier to challenge and less clearly aligned with multi-generational moral force. Doing wrong could be right and what had been the right thing was no longer necessarily right.

In the past adolescence would merely have been a transition to a predictable adulthood, similar in most ways to your parents’ adult lives, so strong was the hold of tradition. Because nowadays everyone, even children, have their own self-defined aspirations and goals adolescence becomes a phase of self-invention, reflecting on what childhood has taught you about yourself; things you instinctively dislike; people encountered as role models, those whom you neither wish to emulate nor for others to compare you with; imagining habits to acquire and ways to live; friends to make and to reject; trying out new ways of being.

All this is done in the disturbing pursuit of that unknown thing: ‘being yourself’. Inevitably, this is a troubling, disappointing business as experiences don’t live up to expectations and misplaced hopes turn to failure. It can be an angst-ridden time; angst has come to be almost an adolescent expectation. Anna Freud noted, “To be normal during the adolescent period is by itself abnormal.”

The stress of adolescence is not only experienced by adolescents themselves, but also inevitably by their parents. As adolescents define and
distance themselves from their parents, they come up against not just parental constraints but also their parents’ hopes and expectations. Far from expecting and wanting their children to live lives like their own, many (especially middle-class) parents now want children to achieve things that proved far beyond their own reach. In part, they look to their children to fulfil their own unfulfilled dreams. With so many high hopes and frequent disappointments in the family atmosphere, conflict during adolescence seems hard to avoid. ‘Individuation’ in adolescence and the transition to adulthood has become a by-word for intergenerational conflict.

**Masculinity transformed**

In the adult world, just as with parenting, feminism has challenged traditional notions of masculinity. The acceptance of gay identity has broken down taboos and prohibitions. That, combined with women’s rising emotional expectations, has placed a greater premium on men joining in a more heartfelt intimacy. Admissions of self-doubt are no longer thought an exclusively female preserve. Hypocrisy and dishonesty as a response to betrayal and jealousy are no longer fashionable. Talking about feelings as facts (which they are) is now expected. On the home front, women expect men to be partners in every sense, including domestically.

At work the pressure is on equality of opportunity throughout the hierarchy. In the labour market softer skills are required in service and knowledge businesses, which are now the leading edge of the British economy. Physical strength is not much valued either in men or women. It is no longer needed and summons up aggressive and violent male stereotypes. Turning strength into beauty and beauty into strength on the other hand has become the acme of high fashion for men and women too; a matter of aesthetics and identity, not brute force.

The aesthetics of masculinity have also been revolutionised. Alan Bennett talks of a long-gone era before male fashions in clothes existed. The barber has been replaced by the expensive hairdresser. Gym going has become both a professional status symbol and a requirement for corporate success. The obese *bon viveur* is no longer an archetype of corporate leadership. Orson Welles or Alfred Hitchcock could never have been modern investment bankers. They just don’t look the part. The lean tri-athlete has shown focus, self-discipline, determination and a will to succeed, just what is needed in a modern senior manager. In prison life the aesthetics of masculinity could not be more
definitively etched. Tattoos and over-built upper bodies are *de rigueur* among many of the officers as well as the prisoners. Meanwhile, homosexuality remains the last taboo.

**Conformities and continuities in family life despite everything**

Despite all the changes in childhood, gender identity, parenting, families and relationships, there are nevertheless continuities in family life. Most people (gay or straight) want to be in couples. Most heterosexual couples have children and most couples stay together. Those that split up soon form a new lasting partnership. Parents universally accept their obligations to provide a safe and stimulating childhood, even if they know they cannot always meet these expectations. Domestic and childcare tasks and responsibilities have to some extent been re-distributed but not reduced. Parents recognise they need to provide age-appropriate care to help children develop normally and as individuals through the early years. Most adolescents eventually settle into a more or less harmonious relationship with their parents. Sibling ties are still strong, even in adulthood. Single people or childless couples, gay or straight, often make excellent aunties and uncles. Ties to grandparents, who are now often much fitter, richer and younger-at-heart than in the past, are still as strong as ever.

Set against these conformities, all these changes to family life have filtered into the changing practice of crime, as well as the discussions about it. More young people, particularly young men, are out and about with little to do and have few family or social restraints on what they in fact do. The greater emphasis on individuality and freedom means that those children without the benefit of secure and developmental parenting can lack not just a sense of purpose, but also a moral compass. Herein lies both a problem and the opportunity to reduce crime in the longer term.

If childhood and adolescence can combine being a free and creative time with being a period when conscience can take lasting hold the modern benefits of intimacy and identity can live alongside the older advantages of self-restraint and family and community values.

Creating that set of possibilities as an offender travels through the different stages of the criminal justice system and engaging them in the activities that inculcate these attributes needs to be the objective for a form of rehabilitation that is relevant to contemporary lifestyles at home and in work in a fragmented post-modern society. If young offenders are not just moving through a criminal justice journey but also passing from adolescence
to adulthood (whatever their age), it becomes all the more important to match the aim of rehabilitation with positive, personal notions of adulthood in the most holistic sense. Being an adult means more than just being a willing participant in an ungrateful, rejecting, soul-destroying labour market. Adulthood also means being a good father, a loving partner, a good friend to good friends, expressive as well as reflective, a giver as well as a receiver and even (though this is not yet compulsory) an interested voter.

**Social diversity and youth culture**

Millions of people arrived from the Caribbean and the Indian sub-continent from the late 1950s onwards, some of them via east Africa. Though they had marked cultural differences with each other as much as with the longstanding denizens of the British Isles, all had a sense of historical belonging in Britain, even if it was an unfamiliar place. They felt entitled as well as grateful to be in Britain. The society in which they arrived also felt some obligations towards them. They were welcome as citizens of the empire, carrying the freight of more than a century of international traditions. Just as the influence of Africa can be heard in Bob Marley’s bass line, the harmonies of Anglican Church choirs come through in the Wailers’ songs. An integrationist consensus towards the new arrivals was promulgated by all parts of the establishment, although many simultaneously failed to conceal their racist attitudes about these citizens of empire.

Diversity soon made its presence felt in the world of law and order. Perhaps reflecting an underlying ambivalence beneath the public consensus, almost from the beginning of large-scale immigration black and minority ethnic people found themselves disproportionately on the wrong side of the law, provoking a sustained reactive outcry against police harassment, unfair and discriminatory sentencing, deaths in prison and a discernible reluctance on the part of the authorities to deal with growing evidence of racially motivated hate crimes.

Prisons still contain a disproportionate number of black and minority ethnic people and racial tensions within the prison population notably surfaced in the events surrounding the death of Zahid Mubarek, who was murdered by his racist cell mate in Feltham Young Offenders’ Institution in March 2000.10

A new and different form of immigration and diversity was to emerge in Britain from the late-1990s. Many people, mostly white, came from former Warsaw Pact countries newly acceded to the European Union, seeking work and betterment. Before the locals’ very eyes, towns and cities all over the UK were
transformed into polyglot communities where hybrid cultural forms flowered even more rapidly than reggae and Tamla Motown had before them. Resistance soon sprang up in the forms of protests about these large groups of immigrants – but all too late. Accession to the European Union had come with the promise of free movement. These new arrivals also cast a shadow into criminal justice and prisons. The European arrest warrant means that offenders convicted of crimes in other European Union countries can be picked up in the UK and imprisoned here while awaiting extradition. One prisoner I met said that he had been told he was to be sent back to Poland in a few days time. He was dreading it. ‘You’re banged up for 23 hours a day. You’ve got six or twelve men in every cell’.

The great and unabated surge in post-1960s youth culture aided and abetted by the shocks and energies of cultural diversity has created an individualised and expressive culture distant from the old British norms of stiff decorum, rigid social pecking orders and Albion’s other perfidious traditions. Men and women of all backgrounds now speak about their feelings, seek out a unique place in the world that may have little to do with their family histories and seek to build professional and social lives in which they ‘can be themselves’.

Ours is an age of identity. It is the post-modern form of liberty while fraternity and equality have, alas, each in turn receded as general social aspirations. Those identities are multiple and situational, not fixed by personal history and natural heritage. Identities can be invented and reinvented; and when a new identity is adopted the old one need not be abandoned, just slipped into and out of more or less at will, like re-ordering a slide show. This expressive culture can bring the social margins, including criminal sub-cultures, into the cultural mainstream. Gangsta rap is the most egregious example: crime is glamour and celebrity and vice versa.

From the point of view of the offender emerging from prison regardless of their ethnic background the mutability of identities may be confusing but it is an opportunity to accelerate rehabilitation and social acceptance. If one can master the modern techniques of self-expression and re-narrating your own story by shuffling the deck of experiences into a different sequence with different interpretations and meanings, the ex-offender can start to become someone new in their own and everybody else’s eyes.

On the other hand the young man in and out of prison, aggressive, violent, unrestrained, insensitive and irresponsible is not just someone likely to reoffend. It is an outdated cultural trope with no accepted place in
contemporary social discourse, except as a permanent delinquent outsider. That is the heart of the matter when it comes to the difficult issue of reducing reoffending. If not an offender, then what?

**Space, environment and crime**

Environmental and space-based living arrangements have changed dramatically. With those changes have come new opportunities and dynamics for committing crime as well as new attitudes to public spaces. The end of a job for life has meant the end of a home for life and neighbours for life. In every street in every town, even where you live, strangers are all around. In Britain people cope with the crowd of strangers by clapping on headphones and turning on music machines. Richard Sennett describes a state of mind brought about by ‘the desire to reduce the anxiety of addressing needs other than one’s own.’

Another way of withdrawing is to take your pleasures at home or on your own, DVDs, video on demand – all enrich domestic space, leaving public space denuded. Many city centres have been abandoned as places to live. Family life has been re-located to more orderly and rural-looking suburbs, a change facilitated by great improvements in public transport. Many long hours of cramped, tedious commuting is an acceptable sacrifice in return for suburban peace out of working hours. In the absence of many people who actually live there, city centres are now places to work in the day and places to play for young workers without suburban homes on weekday evenings, and all manner of riotous fun and games at the weekend.

As retailing moves online and to out of town shopping malls, with the exception of a few high profile retailing zones like Oxford Street in London, high streets and city centres turn into a concentration of bars and restaurants all apparently enjoying relentless demand. City centres have therefore become a noisy enclave of alcohol-fuelled disorder driven and amplified by a relative decline in the price of alcohol, anti-social behaviour involving young women as well as young men and concern about crimes like date rape. Part of the authorities’ response has been to install ubiquitous surveillance technology. The suburbs abandoned in the day and city centres abandoned at night leave streets and neighbourhoods deserted. Choosing their moment carefully, burglars and street criminals can go about their work without fear of being interrupted or caught, except on camera.

The risk to children in public spaces, so-called ‘stranger danger’, is a pervasive prevalent anxiety. Public awareness of the risk of harm to children, and in particular sexual abuse and exploitation of children, is higher than ever.
The CCTV footage of James Bulger, a boy aged two abducted and murdered by two ten-year-old boys in a shopping mall, has turned that brief video clip into an iconic moment of contemporary history endlessly re-visited by the popular media. The abduction was apparently not noticed by the people all around; only the silent, unmanned camera saw it. Although the most likely threats to children are from members of their own family, irrationally though understandably, children are rarely left without adult supervision. Even the school gates are monitored by CCTV and entry is only for those who know the combination. Children are accompanied to primary school usually by car, the person dropping them off waiting to see them safely pass through the school’s locked gates before going about the business of their day. Much more of children’s leisure time is spent indoors. Time spent out and about only with other children has been heavily curtailed. The world of the *Famous Five*, or for that matter the *Lord of the Flies*, seems remote and anachronistic.

As well as increasing people’s feelings of risk and fear in public spaces, these changes in the way space for living, work and entertainment is mentally, socially and emotionally constructed and deployed have increased opportunities for crime (both acquisitive crime and attacks on the person) while reducing the human and relational restraints on committing crime. The inevitable result has been a rise in street crime and ever louder and more persistent calls for greater and more visible police presence, even with ubiquitous surveillance. No politician who values their future career prospects would publicly argue that residential neighbourhoods and city centres need fewer ‘bobbies on the beat’.

**The labour market re-structured**

One of the most dramatic social shifts in the 1980s and 1990s was in the British labour market. The UK, with its notoriously poor labour relations and its unproductive, technophobic workforce, was rapidly and radically transformed. Labour market laws were deregulated, as were banking and the arrangements for corporate financing. The pace of technological development also rapidly accelerated in the 1990s adding another twist of speed to the new world of work.

Continuity of employment with the same employer disappeared in short order. Employer loyalty to longstanding staff came to be perceived as craven servitude to trades unions or an insufficiently virile commitment to cost-cutting, productivity and ‘creative destruction’. Less widespread, but nevertheless pervasive was a shift to part-time working and multiple jobs. All that led in time to the notion that everyone could and should change professional direction often. Lifelong learning was the euphemistic rubric
given to an acceptance that such skills as people had acquired, however recently, were shortly to become redundant in the name of innovation and ‘continuous improvement’. Change for change’s sake was re-dubbed a welcome, relentless search for shareholder value. This has turned the world of work into a turbulent, judgmental and insecure place. And it is the place that everyone insists ex-offenders should arrive at as soon as possible.

**Technological transformation**

Technology, the defining trend of our time, has changed not just working lives. Lifestyles have also been transformed: how people communicate with one another; the way information is consumed has become wider rather than deeper; leisure has become more solitary, private and indoors. The growing centrality of technology in everyone’s lives privileges horizontal, people-to-people, stranger-to-stranger, network-to-network connections, replacing face-to-face, proximate, lasting, involuntary relationships. These are new but less permanent and binding forms of social relations: the internet chat room, professional ‘networking’ and lifestyle identities.

So-called ‘communities of choice’ have replaced ‘communities of fate’. These new networks and forms of association value difference and individuality and therefore place a premium on the urban forms of cultural diversity and hybridity (expressed in particular through music). They also bind these with spending power, professional status and fashionable identity into a close alliance, inevitably leaving out the poor, the old, the out of date or the simply boring. Because they place difference and individuality front and centre, universal, simplistic norms of right and wrong are shunted to the sidelines, putting in their place a greater open-mindedness, a certain moral relativism and a willingness to take moral cues from friends and peers rather than the authorities, family elders or tradition.

The culture that has emerged places less weight on personal privacy because of a considerable shift in favour of individual expression and choice and away from received wisdom, deference for the views of elders and betters and the virtues of self-restrained discretion. Technology has vast capacity to store and sort enormous volumes of miniscule pieces of personal information in perpetuity. The contemporary expressive, individualistic culture has found a vivid place in the newly minted technological and cultural virtual universe of YouTube (100 hours of video is uploaded every minute, most of it rubbish), online social networks, reality TV and global branding of traditional pastimes like football and cricket. Criminals have been quick to seize on opportunities
for theft and other crimes in emerging, insecure technologies. Cyberspace has become a vast arena for network crime, some of it, we are told, international and state sponsored.

These large and long trends have been disruptive, but not wholly destructive. There are continuities in family life: most children still grow up with two parents in a decent and loving home; extended family ties with adult siblings and grandparents are still strong. Parental divorce can be deeply troubling for children, but even if spouses divorce they tend to re-marry, suggesting they have not lost their faith in marriage, only in one other person. Neighbourliness is not entirely dead; volunteering still thrives; new charities are formed all the time; faith groups still play a strong role in community life - strengthened by cultural diversity. New cleaner, greener public spaces are being built to replace the old urban settings, which may have been convivial, but were certainly not beautiful.

As well as continuities, in some senses, these long-term social changes have given way to materially and emotionally richer lifestyles. Hard, demanding physical work is no longer common and not much mourned. Women enjoy far greater equality at home, at work and in the world. Their role in the workplace has increased household incomes. Many men welcome the end of alienated, emotionally sterile and often violent notions of masculinity. Increased understanding of child development has greatly enhanced society’s ability to give children a good foundational education. In the home, the idea that children should be seen and not heard has vanished into history, along with the idea that children are a blank slate for adult influences. Corporal punishment of children, though sadly not extinct, receives much stronger social disapproval now than it used to. The welcome result has been that beating children is prohibited in schools and has become much less common in the home, and not a moment too soon. New forms of intimacy combined with longevity have turned marriages into lifelong partnerships, with shared ambitions and pleasures rather than just a safe place for child-rearing, taciturn non-communication, minimal affection and a basic standard of living. Technology has brought forth a multitude of new social and economic activities, many of them stimulating and exciting. Diversity has unleashed creativity and given civic, cultural and urban life a shot in the arm in many cities.

Sequestered away from this world prisoners can only witness a small part of the emerging technological world and the changes to lifestyles it brings. In one
prison I visited, inmates volunteered for an early lock up on Saturday nights so that they could be behind their cell doors in time to settle down to watch the *X Factor*. But of course the circumstances of imprisonment mean they cannot participate. And since participation is the *sine qua non* of the new technologies, that is a significant form of social exclusion. As one ex-prisoner told me, ‘when I went into prison it was BBC computers, when I came out it was the internet.’

Because they are involuntarily disconnected from families and communities prisoners feel the need to be connected more than anybody else. One member of staff told me the going rate for illegally purchasing a mobile phone in their prison was £500; in some prisons it is higher than that. Phone credits are enormously valued by prisoners. The minimal amounts of money prisoners receive for work are largely spent on phone credits and cigarettes.

**Preparation for a transformed world**

These changes in society have the impact of hardening public attitudes to crime and consequently obliged lawmakers to increase the rates of imprisonment and alter the experiences of offenders in prison. But the challenge going forward is to re-invent the notion of rehabilitation to prepare released prisoners for a return to the world as it has become. This means rather more than training them in the skills to get a job (though a secure job in a comradely environment under the guidance of a fair authority figure is an important factor in deciding to turn away from a life of crime, as I shall discuss in chapter 10). Prisoners also have to be prepared to form and keep lasting and loving intimate relationships; to form a strong bond of attachment with their child and play a full role in their development. Prisoners must also emerge as good citizens. Ex-prisoners must be able to talk about their feelings, express themselves and ‘know who they are’. Society offers the same opportunities it always has for crime prevention, detection and the rehabilitation of offenders. Losing sight of that would be disastrous. There is much more that could be done.

Dealing with crime depends on harnessing the benefits of tradition and exploiting the opportunities of modernity. The new lifestyles and forms of social association also offer opportunities for new ways of thinking about and addressing crime and offending behaviour. Unfortunately this is not what has happened. The flow of good ideas, though never entirely stalled, has not matched the pace of changes in public attitudes and official policy. We need to think afresh about what the criminal justice agencies should seek to achieve as well as how it can be achieved. Both the matter and the manner matter.
Simply observing the law is the minimum requirement of the ex-offender. Good citizens should also make a contribution, not just through work but as civic actors, involved positively in what is going on around them. This means more than desisting from crime. They must be proud givers, rather than careless takers or ungrateful receivers. Ex-offenders must learn the difference between good and bad company, selecting the former and shunning the latter. Those who have been involved with drugs need to get clean and live a life that means they stay clean. Alcohol consumption needs to be contained to sociable levels. Mental health problems for some have to be replaced by a lasting well-being which is built not just on a lifelong dependency on psychiatric treatment, but also on social capital and a more subjectively as well as objectively satisfying lifestyle.

Above all, the ex-prisoner has to start to see themselves differently. Problems in the past can never be entirely erased, but people can, through new relationships, new interests and the kindness and compassion of others re-define themselves, crucially in their own mind. Instead of thinking of themselves as an ex-con forever, they can define themselves as a partner, a father, a professional and a community member, not to mention a Christian or a Muslim, a needlework artist or a book reader. If the life of the ex-offender expands significantly beyond the experience of crime and punishment, the size and relevance of problems is diminished. Time can sometimes be a great healer, though by no means always or for every painful experience. New emotional and social experiences over time can diminish problems. Unhappy memories can fade without being forgotten rather than becoming ‘hungry ghosts’, always being remembered and never resting quietly in a settled, reconciled view of the past. Lives can become bigger and therefore problems are proportionately smaller.

Given the need for all this – none of which is straightforward or can be achieved alone – unsurprisingly many ex-prisoners find it difficult to find a secure, lasting and loving place in the outside world, reverting instead to old patterns of behaviour and former associates. The consequences are predictable: a return to prison. Recidivism is even less surprising in the light of the upbringing and early years of many prisoners’ lives. For many it’s not a question of recovering a lost former life. They have to build a good life for the first time. They don’t just begin afresh; they start from scratch in an unrecognizable world to create a life never lived before.

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The challenge to the wider society has been wrongly identified. It is not simply how can the general public (who are rarely general and never public) be kept safe? The questions, which cannot be answered within the narrow confines of government, law, courts and prison regimes, are what are the aspects and components of the good life, both morally and emotionally, to which everyone aspires over and above individual differences? What is the bubbling, evanescent mainstream and how can ex-offenders re-join it?
Fear of crime has become as salient a political issue as the nature and extent of crime and whether it is rising or falling. The public in the widest sense now feels itself at risk of crime and out of that social mood has flowed the feeling that it is the public, in particular the victims of crime most directly affected, who must feel at the end of a trial that the outcome demonstrates justice has been done. It is no longer enough for the state as represented by parliament, judges and juries to satisfy themselves that they have done the right thing confident that the public has complete trust in them. Increasingly, justice is not seen to be done unless victims express satisfaction. This requires that they feel they have been listened to and their views about the impact the crime had on them and their families have been taken into account by the sentencing judge. The victim has to come away from the trial feeling that the perpetrator has been made to pay their debt to society as a whole, and perhaps directly to the victim too, either in the form of compensation or in some directly restorative way. Without that, the victim or their lawyer is likely immediately to be seen speaking to TV cameras on the steps of the court.

5. Justice and restoration

They were neither shamed nor edified, although
Something was made manifest – the power
Of power not exercised, of hope inferred.

Seamus Heaney, ‘Weighing In’

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denouncing the legal system and further undermining public confidence.

Public opinion has taken an uninvited seat at the decision-making table, aided and abetted by an expressive culture and media, and cannot be ignored. Politicians have taken this turn of events as evidence that they must assert themselves more forcefully into criminal justice to reassure the public and rebuild their confidence. Inevitably that means a more punitive coercive rhetoric. But loud declarations of hard-line intent are unlikely to do the trick. What is needed is a secure, institutionalised place for an encounter between perpetrator and victim where perspectives can be shared and restitution rather than retribution can be facilitated and mediated, enacting the power of shame to promote remorse and the expression of remorse to promote forgiveness.

The rule of law and criminal justice has created a somewhat contradictory situation. In an effort to codify how society deals with wrongdoing in a dispassionate and balanced way the law has, perhaps inadvertently, placed a barrier between both perpetrator and victim and the criminal act itself. The perpetrator becomes a defendant and then a prisoner, each one another set of steps away from the crime. The act itself is turned into a sentence to be served and completed. Prisoners often say that they are just ‘marking time’ in prison, which does not suggest that they spend their time reflecting on what they have done, filled with remorse and determined to make amends. Shame needs once more to find itself at home in the court rooms and inside prison walls.

**Experiences in courts may alienate perpetrators**

Crime and punishment has been ritualised in courts and prisons. The lynch mob has been held at bay. The wrong done is placed inside a structured process to be dealt with in an orderly and predictable way. This approach to justice is designed and continually adapted to balance competing social interests: society’s wish for justice and punishment; the victim’s wish to see justice done as some kind of retribution; the defendant’s need for a fair trial to avoid arbitrary or wrongful conviction; the public’s need to feel protected and to uphold society’s shared moral values. But the unintended adverse consequence of sanitising and ritualising criminal justice has been to diminish or remove shame and, most importantly, in John Braithwaite’s famous formulation: the re-integrative power of shame.

The criminal justice system, in particular the courts, works like a theatrical drama that unfolds before the offender’s and the victim’s eyes without their control or instrumentality. The problem is that, in a way, the crime is ‘stolen’ from the offender by the lawyers, the court and the whole incomprehensible panoply of criminal justice.
Consider an offender who commits a crime and is caught, most likely a man. He is arrested and told he has the right to remain silent but is advised to check with his lawyer since failure to mention certain things may later count against him. He then consults his lawyer who tells him what to do and advises how he should plead. From then on the case unfolds in front of his eyes and he watches his crime being taken from him, put on stage and played out in impersonal and highly stylised terms by costumed actors in front of an audience. The problem from the perspective of the defendant is that they may understand few of these rules, none of the court room conventions and little of the judicial decision-making process, relying entirely on the explanations of their lawyer, playing little part in the proceedings themselves. Others speak about them, not to them or with them. Their only opportunity to speak is highly circumscribed by the court’s procedures and by permission of lawyers and the judge. The offender has little part.

The original offending act recedes further from view. Having been turned over and dissected in the court, it is once more transmogrified. What was once an action has become a crime and is now a sentence. That sentence is an institutional expression of public condemnation – but it may not feel like that. The sense of being condemned, or shamed as I have described, may have faded and been replaced by the immediate prospect of prison. Everything reinforces passivity and removes agency.

Lawrence Kershen QC, a former part-time recorder, noted in an article in the *Law Society Gazette* that judges handing down sentences think a great deal about whether the defendant has expressed remorse. ‘It was sometimes a theme over lunch in the judges’ dining room. Remorse seemed to have a big effect on the sentence.’ But, he continues, the problem was that ‘those of us who work in criminal courts often see people who are pretty case-hardened, who have little empathy...for those they violate through crime.’

Regulated to a subterranean, ignored place in these legal arrangements is the normal ebb and flow of people’s feelings and behaviour; the offender, his family; the victim, their family; friends, extended family members, neighbours, employers, authority figures in the community – all are dispatched to observe from the sidelines. The true participants who beget and sustain that person’s conscience play no part. The lawyers and the judge play their parts largely oblivious of this family and community cast (who are barely visible shadows, silenced if they become too voluble). Previous relationships and encounters are deliberately set to one side for most of the proceedings. Juries that deliver a verdict do so with the authority of the state and the court and without any
personal authority or loyalty to the defendant. They have to rely entirely on second-hand knowledge, often delivered in a partisan, adversarial and contradictory environment. If there is a conviction and a sentence is handed down, the defendant understands the authority of the state with which this is delivered, but it comes with almost no relational or emotional meaning.

Once the sentence has been passed, the crime is in a sense never ‘given back’ to the offender. If he is imprisoned he passes from the jurisdiction of the court to the prison authorities. Here an equally rigid set of rules apply, different to those in the court, cloaked in a new set of rituals and conventions. All the actors including the newly-categorised prisoner are in costume; a different set of costumes to the court, but similarly designed to visibly demonstrate and impose a hierarchical order. It is as if moving from being a defendant to being a prisoner is like migrating from one country to another. The sentence is the passport and the ticket.

Experiences in courts may undermine vulnerable victims

Howard Zehr, a long-time authoritative advocate of restorative approaches to justice, argues that the needs of victims are for information, validation, vindication, restitution, testimony, safety and support. If they are in court, they have to re-live their own often traumatic experiences being re-told by others in partisan terms. Their honesty and integrity is called into question. They can be subject to hostile questioning by the defence lawyer. Many victims of crime come away from appearing in court regretting they ever embarked on the case. Their sense of trauma has been re-awakened and exacerbated by reminding them and forcing them to re-live the criminal experience.

The most egregious examples are in rape cases. The victim of the rape has first to report the incident to the police. Their investigation can be a trauma if the police officers are not sensitive and sympathetic. But worse waits in the court, where an adversarial process means that the victim, who was almost certainly the only person present apart from the perpetrator when the alleged crime was committed, faces the prospect of having their honesty, memory and character put under scrutiny by the defence. No wonder it seems that many rapes go unreported.

Similarly with domestic violence, the victim has first to overcome the feelings of self-loathing and that they have contributed in some way to their fate, that their behaviour has been provocative. They also have to overcome feelings in themselves of denial about the seriousness of the attack. After the attack is over, many victims are apt to minimise both the severity and
the impact. False optimism also counsels against complaining. The belief is re-asserted that this attack will not recur and be the last one, either because of plausible expressions of remorse and repentance by the perpetrator, or because of denial on the part of the victim, or some combination of the two. Once the victim has been through all those experiences and feelings they have to go to the police or another professional agency which can help them and recount the entire tale again, respond to sceptical questioning and decide with their lawyer how to deal with any legal limitations or ramifications. Many cases never make it to court because the passage of time leads the victim to lose heart about the possibilities of conviction or to doubt whether going through the court process is really going to achieve much from their point of view. Once in court they face all the anxieties and tribulations of the adversarial court proceedings, the prospect of seeing the perpetrator across the court room and hearing the whole episode gone over again and again. No wonder, even some of those who proceed with prosecutions feel numbed, disabled and alienated by the whole business. The crime has been taken from them and then revisited upon them.

Another group of vulnerable victims who too readily receive unsympathetic treatment in court proceedings are people with learning disabilities. Many are isolated and vulnerable despite living independently or semi-independently in the community. Almost all people with learning disabilities experience abuse and harassment, in the street or on public transport or in their own homes. The perpetrators are sometimes young troublemakers, but are also often so-called ‘friends’ of the victim, whom they exploit and intimidate for money or sex, or apparently sometimes just for kicks. Sometimes the culprits are members of their own family who exploit and abuse them while using fear and manipulation to breed dependency. These experiences often go on for years. Far from being secret or hidden the incidents and perpetrators are often known about by the social work and public housing authorities and the police and no effective action is taken.

Describing this abuse and harassment as hate crime is not enormously illuminating, since in fact some is ‘mate crime’ and some may not be crime at all, as consent appears to have been given to behaviour which most people would regard as exploitative. If these cases were to come to court all the difficulties and potentially traumatic experience that I have already described which face victims of rape and domestic violence are also encountered by vulnerable victims with learning disabilities – with another potential complication being their disability.
Extensive research by Professor Ray Bull has pointed to the need to treat victims of crime with learning disabilities differently in the court process, but the good practice he has devised is certainly not followed as a matter of course. And the special measures the court service allows to protect vulnerable victims and witnesses and those at risk of potential reprisals from the perpetrator or their associates are also not routinely used in cases where the victim has a learning disability. Currently, special measures principally impact on the procedural and ritual aspects of court proceedings. Measures include the presence of a screen to shield the witness from the defendant’s view, the use of a pre-recorded interview as evidence, and a live-link for cross examination, testimony given in the absence of public and press and the removal of all wigs and gowns to reduce the sense of intimidation.

All victims and witnesses are in some sense vulnerable, but a world of difference separates someone whose house is burgled and expensive but easily replaceable goods with little sentimental value are stolen, on the one hand, from a person with a learning disability having all their money taken, people coming in and out of their homes uninvited or continuous teasing and tormenting by so-called friends. Fear and anxiety are induced and the loss of self-confidence must be extreme. Since a significant aspect of enabling people with learning disabilities to live independently is empowering them with a sense of independence and agency, experiences of exploitation and cruelty such as these are a profound, dispiriting setback to all that has been achieved in integrating people with learning disabilities into the mainstream of society. So justice in these situations requires not only ensuring that the victim’s voice is heard and their experience appropriately acknowledged through the court hearings, but also that victims and vulnerable witnesses should be protected.

Howard Zehr argues that a justice system that works for victims has the safety of the victim as an immediate priority, promotes recovery and healing, empowers the victim by maximising their input and participation in determining needs and outcomes, and offenders, as far as possible, are involved in the repair of the harm they have caused. The administration of justice should empower them to continue with their lives, rather than leaving them feeling even more frightened, isolated and vulnerable. That is paradoxical and counter-productive; justice denied.

**Justice means restoration**

In committing a crime, offenders have broken the bounds of good conscience and therefore sacrifice their entitlements to respect, affection and protection
5. Justice and restoration

from their family, friends and community. The feeling of shame on the part of the offender is recognition that those needed relationships of trust and support may have been compromised or even sacrificed. Most offenders, even hardened offenders guilty of serious crimes, are still despite it all, eager to retain the attachment and care of others who are their unstated protectors should anything go wrong for them. No one, even the criminal, wants to face the world alone or believes themselves capable of coping with everything that life might throw at them without the support of others. The obligations that others may feel, even for those who have committed a crime, may stem from family ties which always create obligations even for those who do not deserve the benefit. Beyond family, other obligations are created by proximity. The Scottish philosopher David Hume called it ‘propinquity’. It is the need and the ability to see the best in those with whom one has to deal repeatedly by dint of working or living with them. Life is simply too unbearable if we cannot take it as read, at least until it is conclusively disproven, that those nearest, even if not dearest, are well-meaning, deserving of respect and capable of reciprocal obligation.

The feeling of shame also contains the impulse to make things right again; to correct their transgression by doing the right thing and, in particular, doing the right thing by the victim of their crimes, not just to pay a debt to society. If shame and remorse are genuinely felt, there is an impulse to make amends, to atone for the wrong. Shame has a powerful corrective effect. The urge for correction comes from the prospect of the wrong done being revealed to all and sundry, particularly that the wrongdoing will become known to the wrongdoer’s nearest and dearest. That which has been done cannot be hidden means that retribution to compensate for having done it cannot be avoided. Without that both conscience and community are under threat.

Noel ‘Razor’ Smith, a former armed bank robber and now an author, describes the most important thing he learned in therapy at H.M. Prison Grendon, a specialist prison to rehabilitate especially dangerous offenders: ‘Empathy. A lot of armed robbers tell themselves we don’t have victims. I had never really taken other people’s feelings into account. When you think about what your victims must have thought, it is very hard to de-personalise them.’

Empathy for the victim and the wider community is at the heart of shame. Conscience requires shame to re-assert its primary place in taking moral decisions – and that can never be left to official punishments alone. The state stands behind the community, not the other way round. Crimes must be ‘owned’ by the offender and shame gives power and agency to the offender
to prepare them for undertaking the enabling processes of reintegration by themselves. Paths out of criminality are in part dependent on these internal mental and psychological transitions.

**Circle sentencing**

Restorative justice, which is a methodology that builds in the idea of re-integrative shaming, has ancient roots in traditional and first communities. John Braithwaite’s research shows that aboriginal cultures of the Australasian region use restorative justice for conflict resolution. In Canada restorative justice is selectively used within native Canadian communities, where it reduces the risk of recidivism by 80 per cent. ‘Circle sentencing’ has been developed across northern Canadian criminal justice systems since 1991, and has since been used in both Canadian and US community justice systems (having been piloted in Minnesota in 1996).

The practice, which is sometimes referred to as ‘peacemaking circles’, and predominantly used in community management of youth offending, is based on traditional sanctioning practices of aboriginal people of Canada and the USA. The offender applies to participate in the circle process. A series of healing circles are then held before a sentencing circle. The circle comprises offenders, victims, family and friends of both, known members of the community as well as justice and social services personnel. The group discuss the crime together, seeking to understand its cause, impact and ways of preventing its recurrence. They acknowledge and discuss the emotional impact and motivation of the crime.

The group together determine a sentence plan that everyone involved accepts. Crucially, this decision-making process is one in which all parties have an equal stake. The offender must understand their crime, its effects, and the need for reparation. The process aims therefore to maintain a connection between crime and sentence; offender and victim. All this instils an understanding of the emotional impact of the crime in its perpetrator and ensures an understanding of its significance is maintained in the sentence handed down.

After this, the group hold follow-up circles to review the progress of the offender. As well as the offender, family members or other committed people from the community are encouraged to make commitments that may lessen the emotional impact of the crime or to provide support for either victim or offender.
Victim perspectives
Restorative justice is at last gaining traction in criminal justice in the UK.13 The concerns and needs of victims and offenders are placed at the forefront of sentencing, punishment and conflict resolution, rather than the criminal justice decision-making process appearing to privilege the demands of the state and the court in what is discussed and how. Usually the process of restorative justice involves a face-to-face meeting or conference and is a dialogue between victim and offender. A mediator or a facilitator helps to bring out all aspects of what has happened and as many perspectives as possible on those events. The purpose is to hold the offender to account personally, instilling in them a direct recognition of the impact of their behaviour, encouraging them to take responsibility both for their action and its consequences. For the victims, the act of telling their own story and expressing their feelings about what happened is therapeutic in itself, made more powerful and beneficial by the presence and attention of the perpetrator.

The dialogue or conference confronts the situation directly and revisits the emotions attached to the crime, unlike the theatre of the courtroom. Coming to terms with the crime is therapeutic for all parties. By confronting the event, the trauma and stress of dissociation and denial is softened and distanced. Repressed emotions and unrealised anger can be dealt with in a controlled environment. This is important for the victim. In this way, the victim’s desire to exact retribution on the offender is perhaps reduced. The victim has a window on the offender’s situation, context and motivation which may help to explain the crime. It is a carefully mediated process of rationalisation. Victims can in many cases come to some form of understanding of the perpetrator and feel a reassuring distance from the crime.

From the victim’s point of view the restorative encounter is an opportunity to get answers to some of their questions, particularly about why some of these things happened to them, and to overcome some of their own feelings of confusion, denial, blaming themselves and self-loathing. If they can begin to have a more rational and balanced view about their experiences, rather than the shock and confusion they felt when it happened which may have persisted since, they may be able over time to achieve some sense of reconciliation and finality to the anxieties, traumatised responses and recurrent memories of the crime that are suddenly and unannounced aroused, filling the mind and clouding the mood. Their experience of the crime, which may have been terrifying, is now represented by a person, not a monster. That in itself brings the traumatic events more into proportion.
In the restorative encounter discussion often focuses more on the offender’s rehabilitation than reparation to the victim. Perhaps surprisingly that is often what the victim wants to prioritise. ‘In approximately four-fifths of the conferences \( n=346 \) that we observed, offenders’ problems and strategies to prevent reoffending were discussed, whilst discussion of financial reparation to the victim was rare... This was not because victims or their wishes were ignored but rather because victims, in common with other participants, actively wished to focus on addressing the offenders’ problems and so minimizing the chance of reoffending. In pre-conference interviews... 72 per cent of victims said it was very or quite important to them to help the offender’

As well as the offender recognising, taking account of and feeling shame about what they have inflicted on the victim, the victim may also start to see the perpetrator as a rounded human being. They may have done something wrong, perhaps even terrible, but they also have needs and vulnerabilities. Seeing those, and they are often all too visibly evident, will often abate the victim’s desire for vengeance rather than restitution; punishment rather than justice.

Lawrence Kershen QC recalls trying a case when he was a judge of a nasty robbery at knife point of two ladies employed in a travel agent. ‘Yet each of the four defendants had his own appalling personal history. As I heard their mitigation it seemed to me that they were themselves victims and had been in a cycle of punishment/wrongdoing/punishment since their early years. If there was any chance of changing the cycle the offenders definitely needed to understand the consequences of what they had done to the victims. And, maybe I thought, the victims would benefit from hearing the offenders’ background and how they too had been victims.’

Defendants’ perspectives
From the perpetrator’s perspective too, even if there has been a trial, a conviction and a sentence, they may still not really feel that they have understood what has happened to them, why it happened, what it means and, crucially, what they can now do to make amends, prevent it happening again and win back the trust and respect of those nearest and dearest to them. In order to truly and fully introject responsibility for the crime committed, the perpetrator must feel remorse for what they have done, empathy for the impact on the victim and shame in the eyes of the people they trust and rely on. Those people will be the same people who are responsible for instilling conscience in the child and the young adult – family, friends and community
members. Restorative justice methodologies seek to involve as many of the principals in the perpetrator’s lives as can be mustered for the encounter with the victims.

The offender is often accompanied to restorative justice meetings by a member of their family, or another more senior usually older person, sometimes more than one. In fact, it is beneficial to involve as many other people who are positive authoritative influences in the offender’s life as possible. The effect of having others present is manifold. First, the offender’s sense of shame on hearing the victim’s story of what has happened to them and the effect it has had is strengthened and amplified by the presence of others who are also hearing and reacting to the victim’s first-hand account. The presence of these others also enhances the offender’s determination to honour any commitments they make, knowing that others will be there to encourage and ensure they are fulfilled and, conversely, remonstrate with them if not. From the victim’s perspective also, the presence of others increases their confidence that the sentiments expressed by the offender are sincere; their commitments are likely to be complied with and they will incur the shame of others if they do not.

**Restorative outcomes**

Once there is a shared understanding, all aspects of the crime can be discussed with everyone’s agreement to repair the harm done, as far as possible. An apology may be given, in person or in writing. An offer can be made to do something practical by way of restitution. Above all there will be an honest and open exchange. Restitution agreed at a restorative conference is a form of personalised community service where the precise measure and type of work is discussed between victim and offender. The offender directly makes it up to the victim by performing some task useful to them. This direct contact between the offender and the victim after the crime is set in the context of recompense and remorse. Reintegration, conditionally offered by the victim, is coupled to the restorative sentencing.

According to the Smith Institute’s international review of the evidence, restorative justice reduced reoffending (though not in every case), brought more cases to justice and delivered an outcome acceptable to the parties involved than more formal court proceedings; reduced post-traumatic stress symptoms; gave more satisfaction to both victim and perpetrator; reduced desire among victims of crime for violent revenge; reduced the cost of administering justice as well as, most important of all, reduced recidivism in both adult and young offenders.
Studies have shown the potential and promise of restorative justice, both in reducing reoffending by as much as 27 per cent and providing significant mutual benefit for victims and offenders. The government has funded a large-scale seven-year research project led by Professor Joanna Shapland evaluating the benefits of restorative justice. Empirical evidence from that project shows that across a series of restorative justice schemes, those offenders who participated in restorative justice committed statistically significantly fewer offences (in terms of reconvictions) in the subsequent two years than offenders in the control group. The majority of victims expressed a desire to meet offenders in the presence of a trained mediator and 85 per cent of them were ‘satisfied’ after the meeting.

Restorative methods are now more common in the administration of British justice. They have been adopted as part of police cautioning, a much more cost-effective way of dealing with crime than bringing every trivial offence to a full court hearing. In the three months to the end of December 2012, according to data from the Crown Prosecution Service, 1,629 conditional cautions were issued. Of those, 1,322 (more than 80 per cent) had a restorative element. This could include a ‘reparative’ action, making some kind of compensation or a letter of apology. Compliance rates were more than 80 per cent.

So this is a success story for the criminal justice system, a more cost effective, timely and compliant form of justice. As well as police officers, lawyers, including prosecution lawyers, could take on a restorative role in criminal cases. It is already common for civil cases to be resolved through mediation and alternative dispute resolution and many lawyers have trained and qualified in these methods. Prison could be, and sometimes is, an arena for a mediated encounter between victim and perpetrator leading to some form of restitution. Restorative elements can also be included in sentencing.

Restoration is not a soft option. It is constructive punishment. The penal philosopher Antony Duff has argued that the important distinction is between ‘constructive punishment’ and ‘merely punitive punishment’. Constructive punishment can and does involve the intentional infliction of pain, but only insofar as this is an inevitable (and intended) consequence of ‘bringing offenders to face up to the effects and implications of their crimes, to rehabilitate them and to secure...reparation and reconciliation’. In some east Asian cultures, like Japan and South Korea, the first and last expectation of wrongdoers, whether they are corporate bosses whose companies...
have failed, rapists or minor miscreants, is a humble apology. Saying sorry has become fashionable, and not only in restorative justice. It has almost become a global phenomenon. Truth and reconciliation commissions, most famously in South Africa but in many other countries too, have become powerful tools in building social cohesion in fractured societies. Despite being criticised by the vengeance-minded for being less interested in truth than they are in reconciliation, they are nevertheless a powerful, and some say essential aspect of social healing. Even in the UK, politicians apologise for slavery, the Irish famine, Bloody Sunday in Northern Ireland and so on. This is in part evidence of our increasingly expressive culture. Restitution and restoration, if accepted by all involved, opens the door to the most dramatic turnaround of all: the possibility that victims may forgive perpetrators, hopefully resolving outstanding differences and coming to a shared acceptance of what has happened, how everybody felt about it and the part it may play in all parties’ future. Hopefully, the wrong done, whether to individuals or whole societies, can become something that once happened which is a sad but less disturbing memory, the causes and the consequences of which are understood in the same way by all involved.

Aspiring to forgiveness

Though British society may have become a more regretful culture, it has not become more forgiving. The people who receive the apology still rarely respond by expressing forgiveness, instead they re-state their grievances, point to the limits and inadequacies of the apology, but say nevertheless that the apology is welcome and will help them to ‘move on’ and achieve ‘closure’.

Forgiveness is often considered to be the mental or spiritual means of relinquishing resentment, indignation or anger against another person for a perceived offence, as well as ceasing to demand punishment. Forgiveness is obviously not easy. It must be a heartfelt choice because expecting people to forgive can victimise them all over again. Forgiveness is also rarely a one-off, fixed event or a single magnanimous gesture in response to an isolated offence. It is part of a continuum of human encounters in healing broken relationships between individuals and across societies. Acts big or small can be forgiven, committed against an individual, a group, a society or a deity. Some acts for which forgiveness is sought or received are intensely personal rather than criminal, such as adultery or betrayal.

Some have said forgiveness is ‘giving up all hope of a better past’. Forgiveness can liberate a person who has been hurt, releasing them from
the mental and emotional grip of the perpetrator, enabling acceptance of the traumatic event and diminishing the all-consuming hold that the violation may have on the victim’s thoughts and memories. Wishing away bad experiences is impossible and the likelihood of it is not enhanced by constantly and repeatedly turning over the same events and their impact in the mind of the victim.

In this sense forgiveness is also an act of self-healing, rather than an act of kindness towards someone who has hurt you. In some instances, forgiveness may be granted without any expectation of compensation, and without any response from the perpetrator. This is what the French philosopher, Jacques Derrida, called ‘pure forgiveness’. In other circumstances, the offer from a perpetrator of an acknowledgment, an apology or acts of reparation or restitution can be the stimulus for the wronged person to believe they are able to forgive and express that idea directly to the perpetrator. The impact is likely to be powerful.

* * *

That the feelings of victims have become a more central part of the justice process is not an unwelcome feature of our times. The time has now come to embed that view across the practice of justice. A restorative element is needed at every stage: cautioning and diversion, as an alternative to prosecution, as part of a sentence handed down in court and, even after sentencing, as a way of addressing offending behaviour among prisoners for the long term. Restorative justice is a way of continuing or re-asserting the importance of conscience through the administration of justice in ways congruent with the social forces that beget and sustain conscience in all of us. The penalty for every offence, however disposed, should contain a restorative element. The effect on both offenders and victims could be transformative. The gains would also be felt in growing social cohesion and reduction in social tension. And the evidence suggests there would also be a considerable gain in reducing reoffending.
PART TWO:
THE GOOD PRISON

6. Managing the Good Prison

Is not the way of heaven like the stretching of a bow?
The high it presses down
The low it lifts up;
The excessive it takes from,
The deficient it gives to.
It is the way of heaven to take from what has in excess in order to make good what is deficient. The way of man is otherwise.
Lao Tzu, Tao Te Ching

So far I have set out a series of arguments about contemporary attitudes to crime and prisons, in the minds of the public, politicians, the media and, crucially, offenders themselves. I have argued that there are more opportunities to commit crime and more goods to covet. There are also more people around (particularly young men) who do not experience traditional social constraints as strongly as in the past, are less preoccupied with day-to-day material survival and are more likely to commit crime. Those structural changes in society have over time led to a seismic shift in public attitudes. Compassion and
commitment to the rehabilitation of offenders has waned. Concerns about risk, public protection and security in prisons have exponentially expanded.

I have argued that many children’s experiences of parenting and child development have not left them with a secure sense of attachment or resilience. Their exposure to a neglectful, chaotic, inconsistent upbringing has led to their own behaviour being unruly when children, delinquent when adolescent and, in some instances, criminal when adult. In particular, their experiences inside and outside the family have not inculcated in them a strong sense of conscience. I have argued that, in these social conditions, with greater opportunities and likelihood of crime, as well as many young people without the in-built psychological mechanisms of conscience-led self-control, reducing crime and reoffending is a tall order. No wonder that prisons find it difficult.

The negative experiences themselves provide a strong indicator of the corrective approaches. If parenting in early childhood does not inculcate good habits of self-restraint and conscience, then restorative justice seems to have considerable potential to answer some of the legitimate questions about achieving justice for victims. It could make the experience of justice more relevant and meaningful to an offender and therefore create a more lasting impact for an improved future.

Policy on crime and prisons has also produced difficult challenges in prison life, some of which now seem at last to be improving. For too long the UK has locked up too many people on short disruptive sentences when alternatives to custody – community-based sentences – might have been just as effective, if not more so. Too many people have also been held on remand for too long before facing trial in court. The UK has locked up too many children and young persons and people with mental health problems whose behaviour it had been impossible to manage in wider society.

Similarly, the persistent intention of the political authorities to treat drug use (as opposed to dealing) as a criminal rather than a healthcare problem has meant that too many people with serious drug problems end up in jail. Worse still, to feed these habits many prisons have become illicit micro-systems for drug distribution, sometimes drawing in prisoners with no previous history of drug use. Intertwined with drug networks in prisons are wider criminal networks, which operate invisibly within the prison walls and by some form of human osmosis across the prison walls into the outside world.

The good news, however, is that prison populations have started to fall. The use of community sentences is growing and the practice of locking up children and young people mercifully diminished.
There are plenty of good things going on in prisons, but problems remain about having a clear sense of what each prisoner needs and would benefit from, someone inside the prison structure ensuring that they are signed up for the most beneficial programmes and the day-to-day management of the prison making sure that they attend and benefit from the activities. The challenges facing prisons are made harder by the logistical difficulties of managing a prison and its inmates in an environment that values security above all else.

Modern prisons in the UK are much larger and more remote than their Victorian antecedents. They hold more offenders and are built on larger dimensions. This has many benefits. Fit-for-purpose buildings are easier and less costly to manage. The larger population justifies bigger and better facilities for important rehabilitative priorities like education, mental healthcare and drug treatment. A far greater range of programmes and activities can be afforded and organised.

Large prisons have disadvantages, however. They are inevitably in settings (often rather bleak) that are distant from city centres. The prisoner mostly sees none of that, but the visiting families and friends do. The distances can make visiting expensive, difficult and exhausting, particularly for children. Visiting a father in prison is emotionally quite challenging enough without these additional logistical demands. A larger, more spread out campus-style prison also means that prisoners have to be moved greater distances and that can place a strain on staff and inmates. The difficulties of inmate movement (‘free flow’) round the prison may mean that prisoners miss healthcare appointments, programmes to address their offending behaviour or beneficial activities organised by charities or chaplains. The objectives identified in an offender’s sentence plan are harder to achieve.

These problems are in practice management and logistical challenges rather than failures of security or criminal justice or penal policy. Looking at these difficulties from the perspectives of management systems it would be hard to avoid the conclusion that the most valued activity of the prison service is security since all other activities are subordinated to that. But the security priority ought to be combined with the objective of maximising the time prisoners spend undertaking meaningful activities, not just in classes or working as orderlies, but also in their cells and on the wings. The effect would be to give prisoners a sense of purpose and direction at all times, rather than just when it is logistically possible to get them to the activities, with long spells of down time in between. Similarly when prisoners move from one prison to another, the activities they have been undertaking should move with them to
be undertaken in the new prison. In other words, the activities should move with the prisoners, not be anchored to a specific time and place in the prison. That is inevitably restrictive and minimal.

In the following chapters I want to look thematically and in more detail at some of the activities that take place in prison and consider the contribution they might make in the round to the future well-being of prisoners and therefore a reduced risk of reoffending.

**Bentham and the birth of cost-effective security**

Alongside the powerful notion of a penitentiary (a quasi-moral-religious environment in which to do penance) security and surveillance have always been at the heart of the idea of a prison. Between 1786 and 1787 Jeremy Bentham, the philosophical father of Utilitarianism, travelled to Russia to visit his brother Samuel who had dreamt up the idea of a workplace that comprised a circular building at the hub of a larger compound of other attached buildings. His design meant a small number of managers could oversee a large, unskilled workforce. Jeremy Bentham developed and applied this notion to prisons. His ideal was that prisoners could be watched without knowing the warders were watching. With that thought he placed the idea of surveillance at the heart of the prison regime, believing it would make prisons more efficient and cheaper to run.

Bentham thought prisons could then be managed by private businesses under contract. In an early aspiration for ‘payment by results’ the manager (possibly Bentham himself) would receive a cash incentive to improve the mortality rate of prisoners. After many starts and stops, considerable political scepticism and fierce opposition from landowners on whose land the brand new enormous buildings might be built, he bitterly abandoned his plans for the panopticon prison. But the idea of prison as a place of surveillance lived on. The squalid dungeons where prisoners lived chaotically and fractiously with each other and sometimes with their children and families, like Charles Dickens’ Little Dorrit, who lived in Marshalsea debtors’ jail with her father, were replaced over time.

Bentham’s concept of the panopticon prison was never fully realised, but the so-called ‘separate system’ came reasonably close. The idea was that prisoners while under surveillance should also be kept apart from one another. Solitude and silence would break down former criminal identities and break up criminal associations within the prison (only a partial success in contemporary
prisons where gangs, dealing in drugs and mobile phones remain prevalent and a persistent challenge to the authorities.\textsuperscript{5} Even when they emerged from their single cells prisoners were hooded and wearing soft shoes so none of the other prisoners could hear their movements. This notion of solitary, silent confinement derived in part from monastic life. These prisons were to be penitentiaries where the prisoners could do penance for crime they had committed. The regime of silence and solitude even extended to the prison chapel. Lincoln Castle was used as a gaol in the early Victorian period, for example. The chapel, a dominant feature of all Victorian prisons, was arranged so that prisoners could all see the chaplain, but not each other.

H.M. Prison Wandsworth, one of the largest prisons in the UK, was built on the model of the ‘separate system’ and comes reasonably close to the panopticon design. Above the circular entrance hall is a high dome. On the tiled floor directly under the dome is a large star. Standing in the middle of the star the prison officer can see through iron bars down every wing radiating from this circular, central point. Each wing is identically arranged in several floors with landings either side of a central well. Every landing on every wing is visible from the centre.

Twelve thousand prisoners of war were once held in buildings that now incarcerate about 600 prisoners at the remote and windswept H.M. Prison Dartmoor, built on a similar design. Warders on ponies used to patrol the endless harsh surrounding moors looking for escaped prisoners. Some who escaped on to the moor found it so bleak that they returned to the prison of their own volition. A gateway in the dark, high walls takes a new arrival through the main entrance. From a semicircular entrance hall the wings stretch out from this space like tentacles reaching away from another. Here are all of the visible signs of traditional prison design, familiar from many TV documentaries and dramas. The stark white walls are without design or decoration. The bars are also painted white. Small high-up windows or skylights permit light but not prisoners to pass.

Thus was the concept of the modern prison born and once technology was brought into the mix, Bentham’s idea of constant invisible surveillance was more or less realised, though not by means of architectural design. The idea of separating prisoners has remained, though the commitment to silence has gone. On the contrary, a feature of contemporary prison life is loud noise, as voices ricochet across hollow wells between landings (and sometimes from behind closed steel cell doors).
**British prison population**

From 1993 to 2008 the prison population in England and Wales increased at an average of four per cent a year, from 44,246 in 1993 to 83,200 in 2008.\(^6\) This was a sharp increase in growth rate. From 1945 to 1993 the prison population had steadily increased at an average rate of just 2.5 per cent a year. The effect was that the prison population almost doubled over 20 years and stood at 84,453 in October 2013.\(^7\) With parallel rates of increase in Northern Irish and Scottish prisons since 1993, the UK has swiftly fallen well out of step with most other developed countries, with proportionately far larger number of criminals now held in custody.\(^8\) Foreign nationals currently make up 13 per cent of the prisoner population in England and Wales.\(^9\)

With considerable encouragement from politicians and lawmakers, as David Garland’s ‘culture of control’ took hold, the numbers sentenced to immediate custody had progressively risen during these years. This trend is the single most important contributor to the overall increase in the prison population.\(^10\)

Custodial sentences handed down also got longer. The proportion of prisoners serving indeterminate and life sentences also steadily increased from 1993 (when just nine per cent of the prison population were serving these long sentences). By 2012, 19 per cent of the prison population were serving indeterminate or life sentences.\(^11\) More prisoners on licence were recalled having breached their conditions; and in addition, the period for which they returned was also extended. The recall population increased rapidly between 1993 and 2008.\(^12\) The proportion of cases recommended for parole also fell from 49 per cent in 1993 to 36 per cent in 2008, resulting in prisoners serving more of their original sentence, and therefore spending longer in prison.\(^13\)

The cumulative effect of all these changes was more prisoners and more overcrowding. In particular more young people, children even, went to secure institutions. The UK has one of the lowest ages of criminal responsibility anywhere in the developed world: standing since 1963 at just 10 years old.\(^14\) The UK adopted a ‘short sharp shock’ policy, based on a populist view with no empirical foundation whatever: that a short spell in a ‘boot camp’ style prison would shock young offenders out of the trajectory of a life of crime. In fact, disrupting the transition into adulthood with a break in education and maturation was often simply destructive, damaging rather than improving their future prospects.

Although the culture of control is still as pervasive as ever, these depressing trends have finally begun a significant reversal. Changes in the law and sentencing policy brought about by the Criminal Justice and Immigration
Act 2008 slowed the rate at which the prison population was rising. Setting aside an immediate increase caused by the sentencing of participants in the 2011 riots, the growth of the prison population started to fall from this consistently high four per cent a year, down to an average of one per cent a year from 2009 to 2012, while the overall numbers are reducing. By March 2013, the prison population across England and Wales stood at around 84,000, a decrease of four per cent from the same time the previous year. Prison numbers in several categories have started to fall, all of them welcome. Fewer prisoners are remanded in custody, either before or after being convicted. There has been a relatively rapid decline in custodial sentences for 15 to 17 year olds (down by a third between 2012 and 2013) and 18 to 20 year olds (down by 16 per cent between 2012 and 2013).

Indeterminate sentences, ‘imprisonment for public protection’ (IPP), ruled as ‘arbitrary and unlawful’ by the European Court of Human Rights, are being phased out. Prisoners given an IPP (usually for a serious violent or sexual offence) have no automatic right to be released. They must serve a set period in prison, at least 10 years, before they will even be considered for release. Once the full sentence is completed, however, release is not guaranteed. The prisoner will only be considered for release once the Parole Board is satisfied that the risk of harm posed to the public by the offender has reduced to a safe level. As a result prisoners on an IPP can serve many years after the expiry of their original ‘tariff’ sentence. As those already on IPPs are released, the numbers still in prison have started to fall by about two per cent a year. As of March 2013, within the indeterminate sentenced population, 43 per cent were serving an IPP (5,809) while 57 per cent were serving life sentences (7,576). A total of 3,570 (61 per cent) IPP prisoners had passed their tariff expiry date. There were 42 offenders serving a whole life sentence.

Who is in prison?
Overall the picture is that prison numbers are at last falling because of reductions in remand prisoners, young people in prison and people on indeterminate sentences. As a consequence the concentration of serious offenders in prison is growing. The population of prisoners on remand awaiting trial fell by six per cent between March 2012 and March 2013 to 7,395 and the number of prisoners convicted, remanded in custody but not yet sentenced fell by 16 per cent to 3,373. Despite these changes, however, the prison population is still disproportionately young and a majority are still serving relatively short sentences.
Population in custody by type of custody, sentence length and age group. England and Wales, September 2013

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<td>Indeterminate sentences</td>
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<td>318</td>
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<td>Non-criminal prisoners</td>
<td>1,946</td>
<td>1,827</td>
<td>119</td>
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Source: Ministry of Justice Offender Management Statistics. Prison Population Tables, Quarter 2, 2013. Table 1.1a

**The prison estate**
The older prisons are desperately short of space and facilities for education and other activities are at a premium, sometimes cramped and rudimentary. Barber
shops, for example, have to operate out of knocked-through cells. The chapel, which is one of the few large spaces in prisons, is used for many activities, not just religious services, like musical performances or restorative justice meetings.

Over the last few decades many new prisons have been built in the UK. Their conceptual foundations are Benthamite in their utilitarianism: secure surveillance on the one hand and purposeful occupation on the other. They are not, however, built on anything like the panopticon design. Most of the new prisons are large, out of town and a world unto themselves, surrounded by high fences topped with rolls of barbed wire and surrounded by large car parks for the staff that come to work every day from miles around. Both old and new prisons are built in wings and landings with a hollow atrium between them covered with netting and bars to prevent the projection of missiles from top to bottom. In the new prisons the wings are wider and the landing further apart than in the old ones. The cacophony of loud voices as the prisoners are released from their cells is somewhat suppressed in the slightly more spacious prisons. The occasional pool table stands on the landing in the circulation areas where during association, an hour or so out of cells in the evening, the men mill about.

Off these landings are the cells. The doors are now steel, with heavy iron locks and a small slit for the officers to check on the inmates. The cells are just wide enough for a narrow single bed, a small cabinet containing personal possessions and often a small television. There is a small barred window. Many prisons are overcrowded so the men are bunking up two to a cell.

The men are generally back in their cells by 5pm or thereabouts, emerging for association during the evening. ‘Banged up’ by 8pm, the evenings are long. The prisoners watch television or DVDs, some of them over and over again, to the point where they know the scripts practically by heart. Some more censorious visitors comment disapprovingly on the ‘luxury’ of TVs in prisoners’ cells. A long-serving prison officer in a high security prison, with a roly-poly physique, an insouciant demeanour and a humorous twinkle in his eye told me cheerfully that if prisoners didn’t have TVs in their cells ‘they’d be on the roof’. I suspect his observation was meant literally as well as metaphorically. Roof-top protests were once a popular form of prisoner rebellion, not least because the protesting prisoners could catch the eye of the TV cameras, something the authorities are particularly keen to avoid.22

**Going into prison**

Offenders going to prison, especially those sentenced for the first time, report a bewildering range of emotions. They often feel angry about what has happened
to them, particularly if in their view they have been wrongly held responsible for the offence, treated over-harshly or extenuating or mitigating circumstances have not been fully taken into account. Some scarcely understand what has happened to them. They may just feel numb and in denial. The sense of loss of their past freedom is felt acutely and more importantly their autonomous identity has gone. Loved ones and an uncaring officialdom seem to have abandoned them. They feel cut off and isolated. Fear about what might happen to them in prison fills their minds. Depression, despair and hopelessness haunt the thoughts of many, and especially those who are vulnerable, sometimes their thoughts turn suicidal. The future is uncertain. They are unable to see a route through to a better life from where they are now. Starting a prison sentence is like standing at the bottom of a high, sheer cliff. The top is visible but impossible to reach. Their fate is out of their hands and they feel alone in the world, a feeling which may be borne out in fact when they re-enter the outside world at the end of their sentence.

According to Jonathan Aitken (a former Conservative government minister convicted of perjury and perverting the course of justice), 'life changes in minutes. Apart from filling in lots of forms, you’re in a cell for the first time; you’ll be put in handcuffs for the first time, taken out into a van, which prisoners call the “sweat box”. There’s a moment when you’re in the reception cell of the prison, which is known as the “cage”, and prisoners are piling in from the courts all over London and south-east England and I remember, for example, some people going almost berserk inside the cage.'

He goes on, ‘waiting to be assessed is a tough time. Usually you’re just in a cell with someone, you don’t know who they are, what they’ve done, what they might do. You come off the van from the court and are put in the holding cells. You hand over your clothes which are put in a box. Then in my case I was put in an old robe and checked out by a doctor. You are searched wearing no clothes. Then you’re given clothes, a bit of bedding, a plastic cup, plastic knife, fork, spoon, bowl and then you are taken up to the wing and put into a cell.’

Returning offenders, however, know what to expect. They are not surprised but more probably fatalistic. Disturbingly, some appear to relish returning to prison, perhaps because life outside has proved impossible with old temptations and addictions returning to haunt them, sometimes within days or weeks. Or, in some instances, they are so institutionalised and cut off from life outside that they regard prison as a place of familiarity and friendship; not a safe haven but a known quantity. For some determined criminals in organised gangs prison does not hold much fear. They know that despite incarceration
they can still retain a degree of control and influence over what happens to them, around them and even in some cases outside the prison walls.

**Prison routines**

Once inmates are settled in prison, a world of rules and regulations swiftly engulfs them. Long periods are spent in cells with little to do. Meals are mostly served to prisoners behind the doors of their cells at times convenient to the prison authorities; usually rather early compared to mealtimes on the outside. If the cell is shared, the cellmates generally have not chosen one another. With a considerable clatter doors are opened and locked at times the authorities decide. Movement is generally confined to the wings and only at specific times. During the time out of cell and on the wings the prisoners have to get many basic day-to-day tasks completed, like buying toothpaste. Or they may want to book medical or dental appointments, or sign up for a class or an activity. This may also be the prisoner’s only opportunity to make phone calls to family, but there is often a queue for the phone and considerable pressure when you’re on the phone to get off it. Things may be a little calmer during ‘association’ in the evening, when there may be time for a game of pool (few prison wings seem to be complete without a pool table). Movement off and between the wings is only with permission.

On Fridays prisoners go behind the doors early to give the prison officers time for ‘canteen’, the delivery of personal items previously ordered by the prisoner. Most days for a couple of hours in the morning and again in the afternoon, prisoners may be able to go to work or to a training course or class. Or they may want to go to the library, the chapel or the gym (the latter, generally very popular). They will have to be escorted there and back during ‘free flow’, sometimes with officers standing sentinel at each stage on the route. Some kind of trouble, however, a fracas on the wing or some intelligence about the possibility of an upset, can easily lead to these arrangements breaking down and prisoners being unable to achieve even their minimal plans. Any untoward or suspicious event can lead to a lockdown, with prisoners being kept in their cells while the whole prison is searched.

On one of my visits to a prison I was standing around, minding my own business on the wing while prisoners were swarming round in free flow trying to get to the shower or to make a phone call. A young prisoner whom I had never met before came up to me and said: ‘I’m really angry’. ‘Why’s that?’ I asked. ‘I’ve just been to see Citizens’ Advice and she was really rude to me. They’re supposed to help people. That’s an oxymoron, isn’t it?’ As he wandered
off I’m ashamed to say I wondered where he had learned the word oxymoron and concluded it must have been in prison education, though I may be wrong. In any event it accurately described the inadequacies of the service he was receiving.

Beneath the surface all prisons have subaltern codes for the inmates, mostly known to officers, but largely invisible to visitors. The arriving prisoner, according to Donald Clemmer, can undergo a process of ‘prisonization’. They introject shared use of prison slang, adopt specified rules, and accept status hierarchies among prisoners. Above all, they sign up to a sense of solidarity with other prisoners defined largely by hostility to the prison regime and staff. Once this world view has been accepted, the prisoner has gone over to a new identity.

Those most susceptible to this trajectory are those with little connection to the outside world, few visitors and a rapidly retreating sense of themselves as an ordinary citizen. They are alienated and reluctant to participate, much less to reform. Their hallmarks have become rejection of shared moralistic social values and subscription to a deviant way of life. Sykes and Messinger outlined some of the most salient points of this so-called inmate code as it applied to prisoners in the post-war period in the United States: ‘don’t interfere with inmate interests; never rat on a con; don’t be nosy; keep off a man’s back; don’t put a guy on the spot; be loyal to your class; be cool; do your own time; don’t bring heat; don’t exploit inmates; don’t cop out; be tough; be wary, and try to be a man; never talk to a screw; have a connection; be sharp.’

Returning to life in prison, visits usually happen at the weekend, often involving a long and arduous journey for the visitors (including small children) on public transport or in expensive minicabs. Visitor centres, usually outside the prison walls, are institutional places. Tables set close together are fixed to the ground. The prisoners sit on one side, their families on the other. They are close to other visitors and prison officers are keeping a continuous eye. There is neither privacy nor intimacy. A steel barrier under the table is designed to prevent passing of illicit items like drugs or mobile phones secretly under the table. Some centres have a small play area for children, but few have a soft play area for the special emotional and physical intimacy that forms bonds of attachment between boisterous toddlers and their fathers. Prison fathers can hold their smaller babies, but the contact is brief, structured, supervised, contained – and therefore may be frustrating, saddening, depressing and despair-inducing.

Soon after arriving in prison the authorities (the personal officer and the offender manager) will draw up a sentence plan. This is an action plan
for the prisoner, designed to reduce their risk of reoffending by addressing particular needs, types of behaviour and challenges identified in their Offender Assessment System (OASys) assessment – a tool used to gauge each prisoner’s risk of reoffending. Sentence plans are reviewed periodically and are fundamental tools in reclassification of prisoners, setting targets and a baseline level of co-operation and engagement with rehabilitative services.

Sentence plans set out various mandatory activities that the prisoner must undertake while in prison, which typically include education and work training qualifications, health and mental health intervention, substance and alcohol misuse rehabilitation and appropriate Offender Behaviour Programmes (OBPs) provided by the National Offender Management Service for example, Controlling Anger and Learning to Manage It (CALM), or the Healthy Relationships Programme. If the prisoner wishes to be considered for parole or early release on licence, they will be expected to fulfil the requirements of the sentence plan, so there is a strong and clear incentive to do the right thing, even if the prisoner doesn’t really care much either way.

Once the offender has a sentence plan, their lives can become quite busy. Each prison has a published regime. As well as ‘association’ time out of the cell and on the wing, prisoners may get jobs as orderlies working somewhere around the prison, in the kitchens or, most coveted of all, in the gardens, the fresh air being a reminder of freedom. There is a library to visit, a chaplain or other religious official to get to know, religious services to attend, a gym in which to work off surplus energy and ‘relieve stress’, get fit and build a more masculine persona (often involving huge upper arms liberally festooned with tattoos), a programme of educational classes to attend from basic literacy upwards. The larger prisons almost have a full-scale college.

There are often activities designed to calm the mind, like meditation or yoga, or learning the skills of mindfulness or programmes specifically designed to address offending behaviour such as enhanced thinking skills, cognitive behavioural therapy or anger management. For the many prisoners with drugs, alcohol or mental health problems, help is reasonably available in the prison health centre. There are programmes designed to improve motivation and increase aspirations. Training schemes are arranged for employment, learning industrial cleaning, painting and decorating, carpentry, upholstery or hospitality skills as a chef or a waiter. There are workshops where not so long ago mailbags were sown, but nowadays all manner of things are made in prison. In Dartmoor prison there is a workshop making garden ornaments for sale in the prison museum shop, many of them infused with a characteristic prison humour;
a bulldog wearing a union jack waistcoat and a police helmet; a statue of a cliché of a burglar with a mask over his eyes, a leering grin and a swag bag in each hand standing in front of a sign saying ‘neighbourhood watch’; three wise meerkats, one each covering their mouth, ears and eyes, respectively.

Numerous charities are involved in activities in prison, for example teaching sewing or various types of artistic practice, some of it rather obscure, like playing the Gamelan (of which more in chapter 8). Part of the therapeutic value lies in novelty. Creative writing, painting or sculpture classes take place in most prisons. Boredom may be a spur to creativity. There is a long history of prisoners making things out of whatever material they could get their hands on. For example, sculptures made from soap, matchsticks or bones from the kitchen; bracelets made from human or horse hair; the lids of tobacco tins painted as fine miniatures (sometimes artfully designed to conceal small secret compartments for hiding contraband).

There are plenty of good interventions and activities in prison but often only small numbers of prisoners participate. They sometimes represent a tiny proportion of the prison population that could benefit. The result may be that impact on reoffending is minimal, not because of an insufficient variety of activities but because so few prisoners get to participate in the available activities. The difficulties of moving prisoners around mean that individual sessions are often wholly or partly missed or have to be curtailed by prisoners.

**Prison security vs. rehabilitative activity**

Even if a prison has a good range of activities and facilities for prisoners one of the principal difficulties remains moving prisoners around the spread-out buildings to those activities. They may be in another block, far from the wing where the prisoner’s cell is located. Movements outside the wing usually have to be escorted. At the same time as prison officers are deployed to move prisoners around, officers are also needed to continue the supervision of the wings and other buildings. The difficulties are made greater because the window of time for moving prisoners around is short and all the prisoners need to move at the same time.

During ‘free flow’ when prisoners are being moved around, the wings become a hubbub of activity and the risks of some sort of incident rises. If an incident occurs, such as a prisoner not being accounted for, all the prisoners have to be returned to their cells and a list checked off. The prisoner may not have escaped, he may just be talking to another prisoner on a different wing, which he is not permitted to do. Or there may just be a mistake. Similarly
if there is a disturbance or a fight, officers have to isolate the problem and prevent it involving other prisoners, so that can also mean prisoners have to be returned without ado to their cells.

I once struck up a short conversation with a prisoner. He was telling me he had achieved grade six music theory. He had only managed grade four piano because he had small hands, something I had mentally noted when he shook my hand. In the chapel, just as our conversation about music was getting going a prison officer tapped him on the arm and said with a friendly enough smile and a shrug in my direction, ‘gotta go now’. In another prison I visited, ‘free flow’ was delayed because the prison authorities had received intelligence that one of the female officers was going to be ‘potted’ (a bucket of faeces would be upturned on her). This was not the first time such an incident had occurred in that prison. All the prisoners were summarily banged up amid noisy complaints while every cell was searched by officers wearing blue rubber gloves and removing all contraband that came to light in black plastic bags while searching for the pot of faeces. As one officer commented over her shoulder as she rushed past, ‘this is not what I come to work for’. Katy Emck, the director of Fine Cell Work and an aficionado of prison life commented to me, ‘prisoners moving around the prison is like blood flowing through a living organism – and every so often the blood supply is temporarily cut off’.

**Managing ‘free flow’ of prisoners inside the prison**

Outside the prison environment, in factories and workplaces since the 1970s, management thinking has focused on whole systems approaches to problems of organisation and method such as these: ensuring that the worker gets to the work or, very often, the work gets to the worker. Managers have recognised that rigid systems and precise schedules won’t function in inherently unpredictable contexts. Things can go wrong or human errors are not corrected but the system just carries on regardless – until it seizing up altogether. In particular the assembly line in which static workers intervene in passing objects on a conveyer belt has gone heavily out of fashion in the workplace. Instead in modern production facilities people move around within spaces which are controlled and monitored by a small team of staff who check each other’s work and recognise and correct mistakes. A number of management approaches have been developed to deal with the twin problems of efficient distribution of workers to work and correcting mistakes as they arise even before they gum up an inflexible and therefore fragile system.
One of the most effective of these management systems is called Lean Management/Manufacturing. The first stage is to identify the most important goals from everyone’s point of view. In prisons that would be the prisoners’ need to get out of their cells, stave off boredom and depression, get to work, classes or activities in the prison. The motivated prisoners want to have the most beneficial experience of being incarcerated and maximise their chances of getting out of prison as soon as possible, going straight on release, not reoffending and never coming back to prison. In the short term, fulfilling the sentence plan willingly and with commitment will certainly gain the prisoner a more favourable hearing when they apply for parole or they are released on licence. From the officers’ and the authorities’ perspectives prisoners being busy is a way of maintaining order and calm, so they have a considerable incentive to move prisoners efficiently between activities. The public’s priorities are prisons being secure, without riots or escapes, and offenders not committing more offences when released. So there are strong shared interests between the offenders, the prison authorities and the public.

Everyone’s interest points to prisoners participating in as many relevant and beneficial activities as possible with efficient management arrangements of prison staff to facilitate that. The problem of staff distribution can sometimes be the competing legitimate demands of security and rehabilitation. An extreme emphasis on security may mean that many prisoners don’t get to participate in the rehabilitative programmes so activities are under-subscribed and poorly-attended. Resources are wasted and prisoners end up spending long periods of time in dispiriting, unproductive stints locked in their cells. Security may have been assured, but from every other point of view, it’s a no-win situation and no one’s peace of mind will be wholly reassured.

What are the activities, locations and people that generate particular value? How are these activities connected to one another? What are the inter-dependencies? How is their use and benefit maximised? In the context of prisons, this would mean working out the specific dynamics of ‘free flow’; the location of all the activities around the prison ground; the number of prisoners who would benefit from specific activities through an analysis of sentence plans; how long it took to get to the activities; how many officers were needed for escorting duties; how long the activity should go on for to optimise benefits and so on.

In a prison containing many hundreds of prisoners, mapping the need for specific interventions is clearly a complicated task. Establishing the right mix of interventions depends on this analysis. Similarly the volume, frequency,
duration and attendance at particular interventions need careful analysis if supply is to match need. The best people to map all this out thoroughly and precisely are of course the staff themselves, advised by some of the prisoners with known good intentions and trustworthiness. Lived experience will give more insight than theoretical or statistical knowledge.

Once the activities and the need for them has been fully analysed the next stage is to improve the flow of activities with the minimum staff time. In the case of prisons this means getting prisoners around between cells, wings and activities as quickly as possible, eliminating as many delays as possible without risking security. This depends on achieving a flow as swift and tight as possible so unnecessary or pointless stages should be deleted. If a working practice does not contribute to security or rehabilitation it is probably best removed. Pace as well as sequencing is important. Both the prisoners and the officers would need to feel they benefit from increasing and smoothing the flow around the prison, reducing the tensions and feeling a strong sense of shared purpose. The reason for getting a prisoner to a class on time is not just to get him out of his cell and prevent him ‘kicking off’ but also to reduce the risks of reoffending. There needs to be push and pull.

Activities need to draw prisoners’ interest towards them. How do all the prisoners that might be interested in a particular activity get to hear about it? Do the prison officers and offender managers know about all the activities, when they are happening and the type of prisoners who might benefit? People who arrange activities in prisons comment on the difficulties of ensuring that prisoners know about activities as well as when and where they are taking place. Some put leaflets under cell doors. Others put up posters on the wings. Some just hang about on the wings talking to prisoners. None report that they are confident their information is circulating to everyone who needs or wants it. Most rely on word of mouth among prisoners, which is obviously a particularly swift and efficient means of information transmission in overcrowded prisons with a rapid ‘turnover’, but hardly reliable, accurate or bespoke to an individual prisoner’s needs.

In discussing these approaches and ways in which they could improve outcomes for users of services and participants in activities, as well as staff motivation and satisfaction, staff often come up with simple but transformational ideas. There are many ways to increase the number of prisoners participating in a range of rehabilitative activities and the number of activities each prisoner participates in. Rather than moving the prisoners to the activities, the activities could move to the prisoners. In other words, more
activities could happen in cells and on the wing. Indeed interventions could be specifically designed so that they could easily be organised on the wing or in cells.

There are already some examples of this. Toe by Toe (the peer mentoring literacy programme) can be done in cells, on the wings, in dining areas – almost anywhere where the two prisoners get together even for 15 or 20 minutes. Similarly, Fine Cell Work, which teaches prisoners to sew, is teaching them an activity that they can continue in their own time in cells. Most of the volunteers’ instruction is done on the wings. Prison libraries place bookshelves on wings. It is not the same as the library experience, which is peaceful, studious and the reader can choose between books, but it is better than not getting to the library at all because there are no prison officers available for escort or because the prisoner is in solitary confinement. Wings and landings could be rather more stimulating and varied places, reducing boredom and tension and increasing the proportion of their time that prisoners spend gainfully occupied.

* * *

Through these various techniques one can imagine far more relevant activities occurring in prison and far greater numbers of prisoners participating in the activities most beneficial to them. Also, prisoners would be much more positively occupied on the wing and in cells. There would be less disruption on the wing because the prisoners would have a greater sense of purpose and agency, knowing where they were going, what they were going to do, when and why. That greater sense of structure and purpose would be a building block in their rehabilitation in itself. Structure and purpose have all too often been the missing links in prisoners’ lives, as children and young adults. The absence of them has been a significant contributor to getting in trouble in the first place.
7. Family life of prisoners and opportunities for empathy

Love never dies a natural death. It dies because we don’t know how to replenish its sources, it dies of blindness and errors and betrayal. It dies of illnesses and wound, it dies of weariness, of withering, of tarnishing, but never a natural death. Each lover should be brought to trial as the murderer of his own love.

Anaïs Nin, *The Four-Chambered Heart*

In the first part of this book I argued that crime flows from a lack of self-control, insecure attachments in childhood, traumas from which people have not recovered – as well as larger social changes that produce more people without authoritative and customary restraints on criminal behaviour together with more opportunities to, and benefits from, committing crime.

One discernible strand in many of those explanations is a lack of empathy on the part of the offender contributing either to the decision to commit a criminal act or the spontaneous criminal act as it unexpectedly arose. This could be borne of a lack of empathy with the victim, the victim’s family, or the offender’s own community. The lack of empathy may be characteristic of that person, embedded in their temperament in the early years, something that has manifested itself in a specific set of circumstances, or in relation to a specific individual, group of associates or friends. Empathy, of course, is not the same as ‘do unto others as you would be done to’.
Empathy involves doing unto others as they would be done to, regardless of what the doer might want. It requires in the first instance finding out what the other person thinks and feels and then finding it within yourself – sometimes in the face of your own desires and wishes – to help them to get what they want, even at your own expense.

I have stressed the importance of relationships, in particular the significance of family, extended family, neighbours and community in the upbringing of secure children. I have also emphasised the importance of the same groups in the gaining of conscience, whether innate, intuitive or learnt, as well as in enacting re-integrative shame and in the practice of restorative justice.

The criminal action can itself be evidence of a lack of empathy, so it is ironic that punishment by imprisonment is profoundly destructive of intimate and social relationships with partners, children, extended family members, neighbours friends, teachers, supporters, advocates, sponsors, pretty much everyone, (including of course criminal associates, which may be the only beneficial severance). In the absence of proximity and in enforced estrangements, positive relationships of all kinds are bound to wither and deplete, reducing drastically the possibility and capacity for gaining, giving or receiving empathy.

An additional irony arises from the considerable weight of research (discussed below) showing that desisting from crime is much more likely for those ex-offenders in relationships, who are married or have loving partners. For someone in prison, maintaining relationships with nearest and dearest in the outside world are also essential ingredients for feelings of well-being as well as long-term desistance, a closely intertwined double helix. Going into prison even for a short time is self-evidently a massive disruption to relationships and research strongly indicates that minimising that is of enormous benefit on release.

The importance of building and strengthening feelings of empathy; the focus on positive and constructive family relationships even though the offender is incarcerated in prison, and the special quality of engaging with non-stigmatised activities run by volunteers and charitable organisations whom the prisoner does not regularly encounter, whose primary pre-occupations are not security and who seem to come with a non-judgmental or compassionate focus on the prisoner, all come together in a number of inspiring projects I have attended in prisons (many of which are described in this chapter and subsequent ones). Not all are run by charities, though many involve volunteers. But they all strengthen empathy as a way to build lasting and positive bonds and ties between the prisoner and the outside world.
Marriage as a primary factor in not reoffending

The most significant measurable factor that correlates with people desisting from crime is marriage or cohabitation. The impact of steady attachment is estimated to be as large as a 40 per cent reduction in the rate of criminal offending. The structural institution of marriage per se does not increase social control. However, strong attachment to a spouse (or cohabitant) combined with close emotional ties creates a social bond [...] should lead to a reduction in deviant behaviour.

Sceptical analysis of this reduction might suggest that it is merely a selection effect. Offenders who are capable of marrying are themselves the ones who are most likely to desist in any event. This does not however seem to be the whole explanation. The simplest explanation is that marriage is a constraint on an offender’s practical capability to commit crime. Having a spouse, generally speaking, reduces the amount of time spent out late by an offender with bad company and in places of risk, like in the pub or on the street. In pragmatic terms a spouse has the authority to exert direct control over an offender’s behaviour. She expects him to be home and makes him come back from the pub. Marriage in this way has a direct consequence on an offender’s time, freedom and choices.

There are also more subtle effects. Marriage brings about a change in routine that adds a framework of purpose and coherence to an ex-offender’s life. This affects their psychiatric maturity as they feel self-esteem and a sense of purpose, direction and growth in their lives. The routine and purpose provided by marriage has a gradual beneficial effect on the thinking and perception of an offender. The advice of a married partner becomes repetitive and gradually effective by reinforcement as well as attachment and obligation. Routine and predictability is itself therapeutic, particularly when harnessed to a committed purpose. A family can encourage the treatment of addiction and supply constant, dependable informal support. At the same time, the family requires support in return. The inherent interdependency of family life shows an offender that they are valued and important. This mutual attachment diminishes feelings of dependency while still offering strong support. An offender feels, perhaps for the first time in their lives, a sense that someone depends on them. Marriage brings a new set of friends and relations. It is also significantly easier to integrate into the community as a pair. By being married, there is a new combined identity, one that diffuses and detaches past labels. Being described as a ‘husband’ is obviously preferable to ‘recovering drug addict’ or ‘ex-offender’. This identity progression allows for increased
community participation. These social connections create and reinforce conscience. The sense of having formed a lifelong, intimate attachment may be the ‘pin-point of brightness’ to which Marion Milner refers (see chapter 8).

Finally and most significantly, marriage acts as an important mediator of shame. The sense of duty and obligation is only one part of this effect. Offenders judge their actions newly by how they will consequently be judged by their partners, family members and the wider community. This shared understanding of what is acceptable is centrally important to shaming and conscience. Crimes are far more shaming when they shame not just you but your family as well. Strong attachment through marriage and co-habitation is such a significant factor in desistance because of ‘the investment in social bonds grows, the incentive for avoiding crime increases, because more is at stake.’ An interdependent system of obligation and restraint is created. Because offending characteristics are malleable, the variegated effects of partners, relationships and the social status of conformity and acceptability conferred by marriage all contribute to beneficial change. But change is more pronounced in men than women.

An important qualification to this observation is the significant difference in the impact of marriage and cohabitation on male and female reoffending. While for men cohabitation and marriage have been demonstrated to promote desistance from crime, as described above, the opposite is true for women. ‘It is almost invariably the case that men marry “up” and women “down” when it comes to exposure to violence and crime.’ Returning to male long-term partners after release typically has a disruptive influence on an offender’s behaviour, as opposed to the stabilising effect for men returning home to their wives. Female ex-offenders returning to live with a husband or male partner are more likely to relapse into offending and substance misuse than those not returning to a husband or long-term cohabiting partner.

Dealing with barriers to family connection

The relationships between prisoners and their partners may never have been strong. After all many of them are young, had chequered childhoods and encountered few positive examples of satisfying, intimate partnerships while growing up. A huge new barrier is created when they go to prison. Visits and telephone calls can be fraught. Many relationships do not survive imprisonment. But their survival is the best predictor of long-term desistance.

Many prisons have recognised the importance of keeping prisoners in touch with their families. Even without considering the weight of research evidence, one only has to talk to a prisoner to know how powerful and
important these emotions of attachment are and how overwhelming feelings of bereavement are when people are forcibly detached from their families.

One prisoner I spoke to had three children, two girls and a boy. The two girls visited him regularly but the boy, aged 10, was too frightened to come to prison. This man could not even talk about this without choking on his words and breaking down in tears. He was left feeling bereft, torn apart, having not seen his son for almost a year. A teacher in a women's prison told me that some of the inmates will not let their children visit them because it is too upsetting for the children and for them. The encounter can be difficult; parting is heartrending and traumatic.

Many visits are difficult and unsatisfactory, perhaps widening the emotional gap rather than helping to close it. The prisoner is often incarcerated away from home, sometimes moved suddenly to a different prison. All the newly built prisons are in distant locations often poorly served by public transport. As a result of all of these difficulties of access and transport the partner is often at risk of arriving late for the time-restricted visit. The children are fractious and tired and the expectant prisoner feels let down and angry. This can spark a quick and bitter reaction in the partner who is unable to suppress their anger at being abandoned and left to cope alone by the folly of the offender that got them all into this mess. This is not conducive to open, harmonious or meaningful communication. Instead the encounter can be tetchy, shallow and unrevealing. This feeling of unsatisfying distance is exacerbated by the restricted setting, watched by an officer with many other prisoners and their families nearby. Either or both partners may never even in the best of circumstances have been confident or articulate in expressing their feelings. All the difficulties that surround the visit can only make them more taciturn, uncertain and inarticulate – not being able to say what they wanted to say or elicit the response they had hoped for. The prisoner is likely to have little to report by way of news and therefore little to chat about. Although having the visit is almost certainly better than not having it, because the longer the gap between visits the greater the rift, it may be less than satisfactory.

All these difficult dynamics are even worse on the telephone. The prisoner will not have found it easy to get to use the phone on the wing. Prisoners are not out on the landing for long, and many want to use the telephone. Mobile phones are not generally allowed in prison and only prisoners on enhanced wings where they have earned the privilege will have easy access to a phone. Calls are also expensive, considerably more expensive than on the outside. Even if all these practical difficulties can be overcome, the additional familiar
The Good Prison

problem of communicating intimately on the phone without being able to see the other person remains. It is one thing to natter inanely about nothing on a mobile phone while walking down the street; talking intimately in a way that strengthens the bonds and ties of obligation and commitment is quite another. And all of this is added to the considerable barriers that already exist in relationships but grow larger and more insurmountable while the offender is in prison.

To help prisoners deal with some of these emotional tensions, ‘Family Man’ is a course about family relationships run by a small but excellent charity, Safe Ground, which seeks to strengthen prisoners’ ties to their families in part by helping them prepare for and deal with some of these barriers to connection and intimacy brought about by imprisonment. It uses drama and group work to enable participants to find new ways of thinking and behaving while in prison and later, on release. This programme is an intensive seven week course, five days a week, for several hours a day. Family Man involves role play, drawing, discussion and physical activities. Participants are introduced to challenging and sensitive issues using fictional characters in stories and film. The finale is a presentation that allows the students to show off their new knowledge and skills (and the benefits of the course) to a wider audience.

I have attended the ‘graduation’ session of a Family Man course at H.M. Prison Belmarsh, one of the highest security prisons in the country where very serious offenders are locked up. The course is held in a room which used to be a store for cleaning materials. Even in new-ish prisons like Belmarsh space is at a premium. But it was a big enough space and the men put on a performance of a short drama they had workshopped about a family coming to visit a relative in prison. Mimicking driving to the prison, they acted out all the family conflicts, breakdowns in communication, ambivalence towards the imprisoned member of the family. Maintaining the commitment to supporting a relative in prison is not easy. They also performed a short drama of a row between a prisoner and his partner in the visitors’ centre, a frequent occurrence. The drama also illustrated the difficulties of having a meaningful conversation with a family member in a short phone call. Family contact is cherished by prisoners but nevertheless hard to make the most of. The practical aspects of the course that used drama to prepare prisoners for real life situations they encounter (but with which they rarely cope well) impressed me most. In the process of learning how to cope with what are day-to-day situations in prison life, prisoners also acquire qualities of lasting
benefit to themselves and their relationships: self expression, non-conflictual communication and, above all, empathy.

**Difficulties of being a good father while in prison**

As far as relationships between the prisoner and his children are concerned, things can be, if anything, even more fraught than they are with his partner. The father may not have had a good relationship with either the children or their mother on the outside before coming into prison. Or he may have children with different mothers living apart. I met one prisoner aged 26 in prison for two years with three children all with different mothers. He only had contact with the youngest of his children and his most recent girlfriend; even this relationship seemed shaky and tenuous. He was worried that she would simply stop visiting and he would be left to wonder what’s going on, his anxieties greatly exacerbated by a fertile, vivid and self-doubting imagination.

Once the offender goes into prison, things become immeasurably more difficult for both father and children. Contact is infrequent and unsatisfactory in the difficult environment of the visitor centre. All the qualities of parenting discussed earlier (patience, child-centeredness, attachment, security, a sense of adventure through safe exploration) are almost impossible.

Storybook Dads is a charity that started in H.M. Prison Dartmoor partly as a response to these inevitable barriers to intimacy between prisoners and their children. The staff and volunteers record prisoners reading bedtime stories and then give the recordings to their children. Along the way they are teaching prisoners basic literacy and media skills. But by far the most important aspect of this activity is re-tying the emotional broken thread that should connect a child to a father who is in prison. A prisoner who can read the story of ‘The Ugly Duckling’ to their absent, unseen child, complete with a simple personal message of love from father to child – that is intensely moving, guaranteed to soften even the hardest heart.

Storytelling has an especially effective power in these activities. There are enormous psychological benefits to children, particularly from familiarity with fairy tales. In *The Uses of Enchantment*, the psychologist Bruno Bettelheim discusses the emotional and symbolic importance of fairy tales for children, including dark traditional stories such as Grimm’s fairy tales. Bettelheim suggested that traditional fairy tales, with the darkness of abandonment, death, injuries, witches, magic and mystery allowed children to grapple with their fears in remote, symbolic terms. If they could read and interpret these fairy tales
in their own way, he believed, they would get a greater sense of meaning and purpose. Bettelheim thought that by engaging with these stories, evolved over time, so much so that they had become archetypes of the human consciousness, children would go through emotional growth that would better prepare them for their own futures. How much more powerful must these psychological effects of learning to cope with dark fears be if the storyteller is a father absent in prison, which in itself must be a frightening trauma to the child. Here is one prisoner’s account of his encounter with his family and children assisted by Storybook Dads:

‘When I came to prison all contact with my children was cut off. I'd always been very involved in their lives and so I found it really hard. I know it was my own fault and that made it even harder. My ex-partner didn’t think I deserved to have contact with them so I never received a reply to my letters and I wasn’t allowed to speak to them on the phone.

I was really sorry for letting them down and needed them to know I loved them and missed them so I then recorded a CD for them with Storybook Dads. I was nervous because my reading isn’t great, but I managed it. The CD was sent out and I waited and waited but I still didn’t hear anything back. I did another CD and then I did a workshop where I wrote a story, typed it up and illustrated it. That was even harder because of my writing skills and also because I’d never used a computer before. I was really pleased with my book though and proud that I had been able to do it.

I phoned my ex on my daughter’s birthday and I was allowed to speak to her and wish her happy birthday. It was a very special moment. I think I proved to them how much I care and how sorry I was. Things have got better ever since. I am now in regular contact with my children by phone and letter and I recently sent another story DVD to them. I can honestly say that if it wasn’t for Storybook Dads I wouldn’t have had contact with my children while I was in prison. I am so much happier because I am building bridges with them and my ex and I know that when I get out I will be able to have regular contact with them. I have missed part of their growing up and I will never let that happen again.’

The most difficult situation of all is if the child is born when the father is
already in prison. He is absent in these crucial first days and weeks when
the baby takes its place at the centre of the parents’ lives and attentions.
The father is not there to support the new mother through these difficult early
days. The bonds of shared commitments, obligations and endeavours formed
at the beginning of the new life do not have the chance to take hold.

The father may first meet his baby several weeks or months later,
a stranger to the child and possibly an untried novice to the feelings of
fatherhood. Without help that bond may never grow strong. The baby when it
becomes a child may have no father and the father may feel from day-to-day
he has no child, though he will know and never forget all that he has lost.

The ‘Daddy Newborn’ scheme in H.M. Prison Doncaster encourages fathers of
babies less than six months old to bond with their child, teaching them how to
bathe, change, dress and feed the baby. Brenda Fraser, founder of the scheme,
said the room was only used by prisoners as a privilege for good behaviour.
Ms Fraser said she set up the project after seeing families argue during visits:

‘I thought there must be more that you can do. Why should we punish
the partners and children? They’ve been sentenced, they are in
serving the punishment so there must be more to keep them together
and educate them. It was just something I wanted to see.’

The project has a designated area within the visitor centre, offering two
classrooms for older children and a sterile area for parents to bathe and bond
with newborns. The activity is held in a small, cozy room. I have attended a
session of Daddy Newborn, though not participated (not having a newborn
baby of my own). On the floor changing mats and blankets are spread out.
The small babies, a few weeks or months old, lay on their backs with their
hands and feet in the air. The mums, often very young, are more confident.
The dads are uncertain. They nervously hold the babies and try to feed them
with a bottle. The baby swallows too hard. The dad removes the bottle gently
from the baby’s mouth and puts it down to the side. Inadvertently, the couple
adjacent pick up the wrong bottle to feed their child, feeding them with the
bottle that the other baby just drank from. Despite the air of improvisation
from which a great deal of learning derives, the bond between the father and
the new born child is visibly and touchingly formed. One wonders whether they
had a similar bond with their own father. Similarly the bond with the mother
grows, as they look on, moved and affected, knowing not just that the father
The Good Prison has formed a bond with a child, but he has also made a small, tacit commitment to her and to their joint future in the presence of witnesses making similar commitments of their own. One prisoner said:

‘I get to change his nappies, I get to bath him, I get to feed him, I just get to play with him and be a proper dad. Whereas, I’d be in here until he was three-years-old and I’d never have that opportunity and he wouldn’t even know who I was. They give you the opportunity to bond with your kids but even just to make peace with your missus or wife. When I do get out of prison, he’s going to know who is dad is. It’s not going to be a shock to him.’

H.M. Prison Parc’s Family Interventions scheme encompasses the work of a series of impressive projects geared towards maintaining and developing prisoners’ relationships with their families and children during their sentence. The aim is to reduce the risk of reoffending by developing a positive sense of attachment and responsibility with families; to ensure that transition back to domestic life following incarceration is supported and eased; to ensure that prisoners and their families benefit from having a close and active relationship and to reduce the risk of intergenerational offending by ensuring that children of prisoners have supportive family relationships and strong emotional education.

Behind the scheme’s success is its collaborative nature. Parc prison teams up with 30 or so local and national charities to bring in a range of complementary services. Within the prison, too, the Family Intervention Project draws on numerous departments, including rehabilitation services, learning and skills departments, transitional support services and drug strategy. The result is a rounded approach to bringing families into the prison and supporting prisoners returning to their families.

Some of the initiatives within the Parc Supporting Families programme include a 24/7 telephone support line for families and friends to call for staff support; free shuttle bus and assisted travel to make travelling easier to and from the prison (especially with young children); and improved children’s facilities and family-friendly visitor centres designed to make visiting a prisoner less daunting (again, especially for young children). There is also provision for family-centred visits, which include activities for the whole family, such as arts and crafts, table-top games and physical challenges.

Parc prison has introduced a ‘Family Interventions Lounge’, a relaxed
area, free from the bolted down tables and benches of the visiting room, in which prisoners and their families can interact with each other in a warm and comfortable, more domestic setting. Experiences like these relax prisoners and their families and break down the distinction between ‘prisoner’ and ‘father’; their life on the inside and that on the outside, allowing prisoners to connect with their affections and responsibilities outside of the prison walls. The lounge is also often used for first ‘new baby’ visits. Importantly, refreshments at family-centred visits feature a buffet partially paid for by the prisoners, allowing them to provide for their family and to experience the pride and responsibility that accompanies that gesture.

Parc Supporting Families also runs a Family Interventions Unit, the first of its kind for male prisoners. This is a 60-bed living unit with its entire focus on repairing and improving relationships with family, and promoting parental responsibility. The unit is decorated with artwork designed and produced by prisoners, and includes statements of familial responsibility outside every cell door, drawing on the approaches of positive psychology, as well as images depicting cornerstones of healthy child development. The unit is the site of intense, focused interventions with prisoners and their families to develop strong family engagement.

One component of the unit is its ‘Little Big Community Project’, which offers prisoners the chance to make regular donations to local, national and international charities promoting the protection and welfare of children, including Barnados and ActionAid. This broadens the compassionate horizons of prisoners, encouraging a wider sense of social awareness beyond their own families, as well as promoting the ideals of social empathy and responsibility, particularly concerning children. Another valuable if unlikely aspect of the Little Big Community Project is its resident fortnightly debating group. Members independently research topics such as ‘childhood obesity: who’s responsible?’, ‘should prisoners be granted the right to vote?’ and ‘if rehabilitation works are our communities failing?’ Members of the debating group are able to explore questions about their own situation and responsibility, as well as topics pertinent outside the prison gates, to experience the value of restrained and structured debate, and to improve their communication and expression skills.

Perhaps most valuable among many Parc Supporting Families interventions are those that support the development and maintenance of relationships between families. These include a parenting course, ‘Parenting for Dads’, which focuses on skills such as understanding the role of the father and what
effective parenting entails; exploring the ways in which fathers in prison can maintain strong family ties; understanding the influence of parenting on a child’s self-esteem and development, and exploring different ways to deal with challenging behaviour in children. The group is an opportunity to meet other fathers in prison, to talk about different experiences and approaches, and to access advice and information. It represents an opportunity to break the intergenerational cycle of adults with poor parenting experiences themselves becoming poor parents.

The Learning Together Club furthers these ideas by allowing fathers to spend quality time with their children and to have a positive influence in their child’s life. Once a month, children visit the prison without their mothers/carers, bringing work from school with them. Fathers and their children are able to play and closely interact with each other and fathers can be involved in their child’s school work and development. As well as improving communication, enjoyment and learning between fathers and their children, the scheme has an independent positive impact on both father and child; for the former in terms of lifted self-esteem, reduction in isolation and strengthened feelings of responsibility and for the latter in terms of experiencing warm interaction with their otherwise absent fathers and the stability that comes with that.

The Family Man programme, already mentioned, is a seven-week intensive course about family relationships, which uses drama to explore different ways of thinking about family, responsibility, communication and ambition. The culmination of this 150-hour course is a performance to a wider audience (including family). The show demonstrates what prisoners have achieved, as well as their commitment to the ideals of the programme. The programme has been adapted to allow prisoners to involve a ‘family supporter’ – an adult relative or significant other – in the process. Throughout the duration of this intense course, prisoners and their supporters are able to work closely with one another, communicate freely and explore and solidify their relationship. This has the potential to stabilise prisoners’ relationships outside of the prison, to reduce feelings of isolation, and to encourage feelings of responsibility, ambition and companionship.

Fathers Inside has developed out of the strength of both the Family Man and Parenting for Dads programmes. This is an intensive 75-hour parenting course that uses storytelling and drama to emphasise the importance of dads becoming involved in their children’s education. Central to the project is the giving of books from fathers to their children. Fathers are invited to consider whether or not a book would be a good gift for their child and, if so, what sort of
book best suits their child. Family supporters are also included throughout the course, which again culminates in a celebratory presentation in front of families.

Focus on Families is a five-module course aimed at repairing family ties fractured by prisoners’ patterns of offending, and to ensure that when released, prisoners are supported by the families to make and sustain changes to avoid reoffending. The course emphasises the opportunities, facilities and support services available in the local community, and fosters a sense of belonging in offenders and their families.

The Parc Family Interventions scheme has been expanded to include further projects teaching relationship skills, as well as tailored courses in money and living practicalities following release. Moving Parents and Children Together (MPACT) is a project working with prisoners and families who have substance misuse difficulties. It runs 11 group sessions with small numbers of families, emphasising the need to recognise and reduce the harmful impact of addiction on family life.

**Prison community as a source of empathy**

Family relationships and those with the wider community are important not just because of the obligations they bring but also because of the risks of shame. Those wider community relationships also represent a source of help. In prison, the inmates, the staff and the volunteers who visit prison, thrown together by fate, to some extent come to represent a community themselves. One of the most important aspects of community life is the role of charities and voluntary organisations. Their significance stems as much from emotion as from empirical evidence. Beyond family and neighbourhood, charities along with faith groups, are significant sinews that bind strangers together in communities. Without having to know each other people are drawn magnetically to these groups by shared beliefs and values, cultural ties, social commitments, philanthropic instincts or just proximity.

Some charities are explicitly membership organisations bringing people together with shared interests. Others are defined by a self-help ethos. Some have become large professional service providers, though with some important caveats: they do not make a profit for owners or shareholders; they are run by boards of trustees not directors, who are almost always volunteers; they do not pay corporation tax and, most important of all, their work is harnessed to a social rather than a business purpose. Some are philanthropic distributors of funds to others.

All these types of organisation are widely represented in prisons and
their role in prison life is ubiquitous and essential. From charities the prisoner encounters unusual activities and approaches. Most of the people who visit prisons to help with charitable activities are volunteers. In a sense activities run by volunteers are the best of all. Volunteers are people who have chosen to work at a prison and they do so for free. That altruistic commitment has an impact on the prisoners’ reaction to them. They treat these generous people with a special respect, attaching a special value to their time and commitment, different to that of the paid staff who have financial incentives. Many of the volunteers are female, older and from an entirely different social background to the prisoners. These differences are important too. The fact that the volunteer may come from a rather more wealthy background confirms they have even more choices about how to spend their time and who to spend it with. That they have chosen to spend time with inmates in prison in that context is even more remarkable. These generous commitments will have an effect on the prisoners, encouraging them to match their own commitment to the commitment of the volunteers and perhaps bringing the best out of them when a more routinised activity with a paid member of staff would not.

Both prison staff and prisoners know that these people are giving their time, skills and emotions without financial reward. They therefore feel a special kind of respect and gratitude to them. The act of generosity is more than kindness; it is a small statement of faith in that prisoner. They deserve help and they will make good use of it. For a prisoner, often feeling alone and abandoned, the knowledge there are people in the world who are not bound to them by family or professional obligations who have not written them off is almost more powerful than anything else. The volunteer’s presence is a silent statement that the unknown world which the prisoner can no longer see or feel has some faith in them and so they should have faith in themselves. For these reasons: the downplaying of stigma, the presence of benevolent altruism and the special respect and attachment that prisoners feel for (mostly female) volunteers, charities and voluntary groups have a unique and valued place in prison.

In the world outside prison empathy extends to family, friends and community. Built on these social foundations are kindness, compassion, charity and unselfish giving. All of these are infrequent experiences and encounters in prison life – but they are all the wellsprings of building and re-building conscience.

As well as the initial accident of proximity, friendships and reciprocal obligations are formed between prisoners, as well as rivalries, animosities and bad influences. Prisons can be dangerous and depressing places where many prisoners
Family life of prisoners

Contemplate self-harm and suicide. The normal restraints and sources of assistance are often not available. Help is needed and the authorities may be difficult to approach, which is where the Listener scheme comes in. It is an important aspect of prison life. Empathy with other prisoners especially prisoners who are troubled, depressed or suicidal is a vital dimension of making prison life bearable for the more vulnerable prisoners. It is an opportunity for volunteer helpers to strengthen their own sense of empathy while the troubled prisoner who has sought help learns collaterally something about kindness and generosity freely given.

The Listener scheme is a peer support scheme run by The Samaritans across all prisons. Established in H.M. Prison Swansea in 1991, the scheme is part of a concerted effort to reduce the number of suicides in prison. In the late 1980s the number of deaths by suicide across the prison network was becoming a big concern. The government and prison service began to look to the Samaritans to find effective ways of engaging with and protecting vulnerable prisoners. A turning point came in 1991, when a 15-year-old boy on remand at Swansea (having been charged with stealing a handbag) killed himself. He was, at the time, the youngest person to take their life while in custody, and became the stimulus for a pilot Listeners scheme. The project has proven successful. By 1998 there were a hundred Listener schemes across England and Wales. Today nearly every prison in England, Scotland and Wales is a member, with an increasing number in both Northern Ireland and the Republic of Ireland.

Central to the Listener scheme is its reliance on prisoner-to-prisoner listening, empathy and advice. Samaritans volunteers select prisoners that have expressed an interest in becoming involved with the scheme and have been cleared by the prison. These prisoner volunteers then attend intensive training courses, which are modelled on the wider Samaritans training scheme adapted for a prison setting. Once the training is complete, Listeners sign a contract that binds them to the same policies as Samaritans volunteers operating in the wider society and begin to undertake their duty as a confidential prison listener.

Listeners are easily identified: a sign reading ‘A Listener Lives Here’ is placed on their cell door, and Listener t-shirts are worn around the wing. Each prison aims to have one listener for every 50 prisoners and a confidential listening rota is drawn up. Listeners are themselves supported by Samaritans volunteers and are expected to abide by the same codes of practice and integrity as their non-prisoner counterparts.

The strength of the project is that it is peer support. Prisoners approach
one another on an equal footing, often with similar experiences and the ability therefore to connect and empathise with one another and so develop an easier rapport. Prisoners are able to step outside of the usual norms and codes of communicating with one another and speak freely, openly and safe in the knowledge that they will not be judged for what they might say.

For those approaching the listener there is the benefit of Samaritans-standard confidants, able to listen, empathise and guide them through difficult feelings and situations. For the listener, too, the benefits are manifold. Learning to listen properly is not easy, surprisingly uncommon and extremely valuable. Listeners acquire a genuine and deserved sense of achievement, as well as a skill that will benefit them and their loved ones well beyond incarceration. Listening to other people’s profound difficulties without judgment or admonition is a hard exercise in empathy, self-restraint, compassion and communication. These skills are fundamental not just for functioning social behaviour but also are the cornerstones of strong and empathetic relationships with others. Both parties take away the experience of measured and compassionate empathy and an awareness of a new and supportive means of communicating, dealing with problems or powerful emotions, and interacting with other people. In the words of the Listener:

‘When you speak to the chap who informs you that he intends to die that night, you encourage him to think of alternatives. You take him directly to the pain, and not away from it. He needs to realise exactly what is causing his pain. You tell him that it is his life and his decision, but you will be there for him. “If you need me, I am here. So are all the Listeners,” you say. The following morning, you anxiously look toward his cell, and then you see him step out. It is just like a birth! A new life!’

Therapeutic benefits of empathy with animals

As well as empathy with family and community members, I want also to draw attention another largely unremarked form of empathy: the therapeutic benefits of empathy with animals, which remarkably has found a wholesome way into prison life. In most prisons the only animals to be seen are sniffer and guard dogs, neither exactly a prisoner’s best friend. However, attachment to animals can have a profoundly beneficial impact on mental health, well-being and socialisation. Companionship is intuitive and widely shared. Empathy with animals has become a durable feature of the way that mental and physical
disabilities are dealt with in society, both formally and informally. The lost and the lonely do not need a psychiatrist to point out the benefits of the seemingly unconditional love of pets, which pay for their care and maintenance in affection, attachment and loyalty. It is a simple exchange which humans nevertheless often find impossible.

This is not new; our historical companionship with animals and its potential health and well-being benefits is well documented and confidence in its therapeutic value has prevailed since the inception of modern medicine and nursing. Even Florence Nightingale was famed for her fervent belief in the value of animals and pets for alleviating the misery of patients with chronic disease. Companion dogs encourage self-confidence, alleviating anxiety in stressful situations; the simple act of stroking a pet has been seen to reduce blood pressure and alleviate tension. The discovery of a 12,000 year old Natufian tomb containing a woman buried with her arms round a puppy made the headlines not as a historical monument but a familiar symbol of the endurance of man’s companionship with animals.

Sharing time with animals encourages empathy and compassion, improving both confidence and self-restraint. To experience the impact of your action on another and to understand the need to meet another’s needs lays an important foundation for socialisation and empathetic understanding. Taking care of an animal creates a context in which physical closeness and articulation of affection is permissible, allowing people to experience and express positive emotion and affection without embarrassment or restraint. Equally, to have a non-judgmental companion to invest affection and to confide in has untold benefit for people experiencing anxiety or dealing with difficult feelings or situations. Having responsibility for an animal may not only encourage a more functional and responsible approach to your own life but can be a real boost to self-confidence when you see your animal flourish as a result of your influence and investment.

Dogs in particular, having largely abandoned the collaborative aggression of their wolverine forebears in return for a full stomach and a warm hearth, make loyal and compassionate companions, which are valuable to everyone, but even more so for people who feel isolated or alone. Nowadays, dogs can be trained to sniff out and alert their owner to certain medical conditions such as hypoglycaemia. Dogs have become a central tool in the day-to-day management of many mental and physical disabilities. Assistance animals such as these provide all the emotional and social benefits of companionship alongside highly specialised care.

Dogs are also able to carry out an extraordinary range of practical tasks...
including loading and unloading washing machines, help with dressing and undressing, operating pedestrian crossings and personal alarms, alerting caregivers to the needs of non-verbal children, opening doors and picking up keys, wallets and other small items. Some are trained specifically to encourage socialisation in children with autism, and others to interrupt and calm a child’s tantrum. Crucially, a central part of the intensive training process is early socialisation, which requires investment of a considerable amount of time and effort and the development of an emotional bond between trainer and puppy.

In prison, dogs are more often than not an embodiment of control; their role is to sniff out contraband – from drugs to mobile phones – or to enforce order. Dogs in prisons reinforce the distinction between prisoner and prison officer and offer little comfort or companionship. However, since the 1980s numerous US programmes have developed the training of dogs behind prison walls, though it has not become a fixture in UK prisons as yet. These projects unite the extraordinary benefit of highly trained assistance dogs with the compassionate bond that develops between trainer or owner and the animal when young, capitalising on the emotional benefits in empathy and enhanced protective instincts.

Hearing Dogs for Deaf People trains dogs to alert their owners to important household sounds and danger signals such as the alarm clock, doorbell, telephone and smoke alarm - providing independence, confidence and security, as well as valuable companionship. The training of a hearing dog takes around 18 months, consisting of initial puppy socialisation training with volunteers (between eight weeks and 12 to 14 months) before moving onto sound-work training.

At the start of 2011, H.M. Prison Hewell created a partnership with Hearing Dogs for Deaf People. The aim was to facilitate the use of trained prisoners to train puppies to become accomplished Hearing Dogs. This was one of the first such initiatives of in the UK or Europe. The aim was to train 10 prisoners to be dog handlers for a 12-month period. During this time six puppies would be intensively trained by prisoners in preparation for the dogs’ return to the charity’s training school in Buckinghamshire.

The role of a Hearing Dog puppy handler was to ensure that the puppy had a good foundation before it started its formal training to become a Hearing Dog. The prisoners helped create awareness in the puppy of everyday sounds which would eventually give the deaf recipient of the dog an independent lifestyle. The puppy lived with its prisoner handler on a 24-hour basis for up
to 12 months. The prisoners had to have demonstrated that they had the time and commitment and were physically able to provide basic obedience training, introduction to everyday situations and appropriate exercise for a young dog.

The Puppy Dog handlers (prisoners) were responsible for the general care and well-being of the dog including daily health checks; housetraining the puppy, giving them basic obedience training and gradually introducing them to everyday situations, regularly visiting environments out of the prison; attending weekly classes and training sessions with a Hearing Dog trainer; sharing the responsibility with other handlers; receiving regular advice and support from their trainer; providing food and exercise to all the dogs so they adapted to being with different people; providing training for the dogs so they learned to work with and respond to different people; being responsible for keeping check of cleaning items, dog food, dog accessories etc; devising a timetable for cover so dogs were not left unattended at lunch and dinner times; keeping dogs’ paperwork and records up to date; taking the dog on offsite trips so it got used to being with different handlers.

Hearing Dogs need to be exposed to different external environments such as the work place, shopping areas and in public buildings. As part of a puppy’s training they were taken to different environments to get used to a wide range of noises and day-to-day life. The prisoners socialised the puppies in Redditch Town Centre and created and developed their social skills. Feedback from the local community was extremely positive.

The prisoners’ commitment and dedication to the project was outstanding, evident from the puppies’ progress. All the dogs bonded with their handlers and training progressed to an advanced level. Since the partnership developed, three original puppies succeeded in the training programme after eight months. The puppies were returned to the Hearing Dogs for Deaf People charity to complete the final level of training before being placed with a recipient. The project enabled prisoners to cope with the emotions of having to give away what had become a cherished canine companion. Puppy Dog handlers achieved the Kennel Club Foundation Award for puppy handling at Bronze, Silver and Gold Awards. The prisoners undertook the PEARL (Personal Employability, Achievement and Reflection for Learning) programme. They also took part in a British Sign language course. Prisoners, if the new owners agreed, visited the recipient’s home with a charity worker to hand the dog over and to ‘sign’ to the deaf person how the dog had grown up and its life to date.

Widening the ex-offender’s circle of support and accountability
Once a prisoner has been released – particularly if they had committed a serious violent or sexual offence – they may well find themselves isolated and stigmatised. The risks of reoffending are much greater in these circumstances. The idea of circles of support and accountability has been devised to combine the benefits of awareness and responsibility for the crime committed with the knowledge that there are people, most or all of whom would have been previously unknown to the ex-offender, who are willing to look out for that person and their best interests once they are beyond the immediate reach of the criminal justice authorities.

Charlie Taylor was released from a medium security penitentiary in southcentral Ontario, Canada in 1994. Taylor had begun sexually abusing children in his teens and had convictions in respect of over 20 young victims. When he arrived in Hamilton (a medium-sized city 50 km south-west of Toronto) television and radio presented hourly updates on his presence, replete with admonishments from police and other community leaders. Every pupil in the school district was given a photograph of him and a description of the risk he presented. He had no help from the Correctional Services of Canada.

Harry Nigh was the pastor of a small, urban Mennonite congregation in Hamilton. While in prison, Taylor had revealed to a psychologist that he had once belonged to Nigh’s congregation. The psychologist contacted Nigh and asked for his assistance. With trepidation, Nigh agreed to gather several of his congregants and meet Taylor. This support group was named ‘Charlie’s Angels’. With no set protocol or plan, the Angels set about finding suitable housing and social assistance while setting basic guidelines intended to keep Taylor safe and out of the fray. Unfortunately, news of the Mennonites’ acceptance of Taylor spread through the community and picketing and threats of violence were directed at him, Nigh, the Angels, and the church itself. Nigh invited one particularly vocal protester to visit the church and speak to Taylor and his supporters. After a short while, the picketer agreed to give the Angels some latitude. Media attention decreased over the next few months, police ceased 24-hour surveillance, and the community returned to its business. Taylor and his Angels weathered the storm and had beaten the odds that he would reoffend within days of release.

Based on these results, a chaplain in the Toronto area decided to try the same approach with another high-risk release. Wray Budreo’s offending history was as troubling as Taylor’s. After being chased away from one community he
arrived in Toronto on the day of the Santa Claus parade, when the downtown was teeming with families. With the assistance of Detective Wendy Leaver of the sexual assault squad and a local Anglican minister and several parishioners the Reverend Hugh Kirkegaard put together a similar support group for Budreo.

Both Taylor and Budreo were released with risk ratings of 100 per cent chance of sexual reoffending in seven years, a risk that did not materialise because of the good offices of religious and community people.22

From these foundations Circles of Support and Accountability (COSA) has grown. The original pilot project, centred in Toronto, has sponsored more than 100 circles; each comprised of a core member (the ex-offender) and four to six community volunteers. The model has proliferated across Canada and into the UK and US. In the UK, a well-established COSA variant has been jointly managed by the Thames Valley Probation Service and the Religious Society of Friends, the Quakers.23

The example of Circles of Support and Accountability illustrate once again the importance of volunteers and charities, coming together in charity, to strengthen empathy in even the hardest of cases, as well as creating the possibility of greater understanding and tolerance in the wider community.

* * *

In this chapter I have sought to draw the circle of empathetic relationships as wide as possible, not just with victims or within families, but also to the wider community, even those who are strangers. In return for respect and perhaps even a modicum of gratitude from the offender, neighbours and authority figures in the community can draw in the offender and support them in a place of safety for themselves and for all those around them in the ordinary unmediated lives of neighbourhoods and communities.

Programmes to combat offending behaviour undertaken in prisons and organised by probation officers for offenders on licence rightly focus principally on empathy with victims of crime. The strength of the argument I have already made for the wider use of restorative approaches stems from a recognition of the importance of empathy with victims. But a lasting commitment to a non-offending life is built on empathy with many other people besides victims. In chapter 1 I argued that conscience is derived from a filigree of relationships, some tied by a thread, others as close as can be imagined. So the emphasis in this chapter has been on the creation and enhancement of empathy with the widest circle possible, inside and outside the prison, including dogs. Since
The very existence of a charity helping others is itself a statement about the importance of empathy, it should not be surprising that some of the best examples of activities designed to inculcate empathy come from charities.
8. Mindfulness: reflection and collaboration

How have these people been rescued and disappointed? What will happen to them and what’s happening to them now?...They do, of course, each of them, carry within them a jewel of self, not just the wounds and the hopes but an innerness, what Beethoven might have called the soul, that self-ember we carry, the simple fact of aliveness, all snarled with dream and memory.

Michael Cunningham, *By Nightfall*¹

The benefits of encouraging a calm state of mind in prisoners are self-evident for the immediate requirement of managing prison populations in peace and stability as well as for longer-term desistance from crime. From the pressing perspective of managing the prison in an orderly way with a minimum of tension prisoners who are calm, focused and occupied are obviously preferable to those who are bored, resentful, frustrated and likely to cause trouble. Boredom and bitterness also increase the risks of prisoners signing up to alternative hierarchies in the prison. Further resentment and alienation is too readily the result.

With that comes greater risk of the damaging effects of institutionalisation, a phenomenon encountered not just in prisons but also in psychiatric hospitals and other enclosed residential settings. Starting with a feeling of depression the inmate becomes withdrawn, silently resentful, perhaps compliant but indifferent; difficult to motivate; passive or detached; hidebound by routine;
frightened of novelty or variety; unwilling to consider alternative lifestyles or futures, stuck and unable to move either forward or back in their lives.

Many prisoners will not have had childhood and parenting experiences that inculcated in them these qualities of calm, restraint, reflection, thinking twice and the patient ability to defer gratification. The absence of these qualities may well have contributed to delinquent behaviour in childhood or adolescence and proceeded uninterrupted into patterns of adult offending.

The obvious danger to avoid is that habits of mind and action acquired in prison prove counterproductive, self-destructive or completely dysfunctional on the outside. The experience of an entirely new and changed context in prison is an important opportunity, however, without the old habits and temptations to acquire and practice some new ways of thinking and being, which can hopefully then be translated into day-to-day settings on release.

The intuitive sense of how to live can be lost, either early in life, perhaps even in early childhood. Later experiences with relationships may compound those uncertainties. Bad and addictive habits, such as the misuse of drugs or alcohol, may deeply bury those instincts, to the point where they may seem irrecoverable. Associating with and emulating those with similar bad habits only reinforces negative and destructive patterns. The prejudices, labels and stereotypes engendered in others by those bad habits and destructive behaviour complete the effect. The life of an offender resulting in imprisonment and detachment from the world submerges the true self.

What, then, are the methods in which these new ways of reflective thinking and being, so important to a life without crime, are to be acquired and assimilated? Paradoxically, that question is the source of a most unreflective debate and controversy. Some argue for the importance of talking therapies and others for ways of giving people incentives and rewards to change behaviour. Even economists, practitioners of the dismal science, have sought to bring questions of psychology and behaviour into their models of explaining *homo economicus* – for whom it turns out that rationality or utility are not everything. Emotions matter too. Seemingly perverse and irrational behaviour sometimes make complete sense when it is acknowledged that feelings are facts.

Long traditions speak for religion and spirituality as forms of practice and belief that inculcate a reflective frame of mind which draws in the possibility of explaining (or at least accepting) the seemingly implausible, sometimes impossible. Across a broader, less hidebound intellectual space, people know of many traditional ways and techniques of re-awakening a calmer state of mind, should anxiety or impulse threaten to overwhelm. Yoga, playing music, sewing,
painting, the silent solitary pleasure of reading and writing are not just leisure or pleasure. They are all methods not just of thinking, but thinking about thinking and thinking about feeling.

‘A steady and constant will’
Mindfulness in the moment and contemplation of what has gone before can lay the foundations for a renewed and different sense of the self, an essential step in moving away from crime. That new sense of self takes hold when reflections become purposeful, the beginning of what many philosophers have called will.

The greatest thinker and writer on the nature of individuality and identity was John Stuart Mill. He stressed that character required purpose, a ‘steady and constant will’. The absence of that steady and constant will creates a crisis of confidence, chaos and confusion; a susceptibility to unreflecting impulse; actions taken and instantly regretted; susceptibility to undue influence from unbenign others who seem so certain.

The difficulty for many people is the one that the psychoanalyst Marion Milner, describes pointedly in *A Life of One’s Own*, ‘People said “Oh, be yourself at all costs.” But I had found that it was not so easy to know just what one’s self was. It was far easier to want what other people seemed to want and then imagine that the choice was one’s own.’

She also noted particular thought processes that emanate from an unsteady and inconstant will. She calls it the ‘chattering mind’. The mind becomes cluttered and confused to the point where weighing the importance of this thought over that one becomes almost impossible, diminishing and destroying discernment to the point of inertia and inaction. On top of the paralysis which may result from confusion, the impact is eventually to diminish self-worth.

A sense of inadequacy is engendered, perhaps lasting and difficult to shift, as Milner explains: ‘In the first place, this chattering mind was an unreasonable mind; it was liable to cling to its own view of the facts quite regardless of distortions and contradictions. It was also a mean mind, it seemed unable to escape from the narrow circle of its own interests, and it recognised only itself and was always trying to force the rest of the world to do the same. Further, in the face of the facts of my own imperfections it set me all sorts of impossible standards without my knowing it. It wanted me to be the best, cleverest, most beautiful creature, and made me feel that if I was not all of these things then I was the extreme opposite, the dregs of creation and utterly lost.’

Milner is suggesting that purpose and will require clarity of mind and thought. Analysing thoughts and her own behaviour, Marion Milner carefully
and precisely defines and describes the habit of a clear mind essential for purpose and will, which enlivens paralysis, calms confusion and ameliorates self-doubt. She was sure that she could choose to manage herself better, ‘By a simple self-chosen act of keeping my thoughts on one thing instead of dozens I had found a window opening out across a new country of wide horizons and unexplored delights.’

Marion Milner, in her self-analysis, wants to discover if there is a way to keep that ‘new country’, to stay in touch with those better angels of her nature. That wish led her to understand the single, central thing needed to achieve that.

Attention undivided may be the thing to help to reveal or to re-connect with ‘an intuitive sense of how to live’. ‘I had also learnt how to know what I wanted; to know that this is not a matter of momentary decision, but that it needs a rigorous watching and fierce discipline, if the clamouring conflict of likes is to be welded into a single desire … my day-to-day personal “wants” were really the expression of deep underlying needs, though often the distorted expression because of the confusions of blind thinking. I had learnt that if I kept my thoughts still enough and looked beneath them, then I might sometimes know what was the real need … though so remotely that I might easily miss it when over-busy with purposes. Really, then, I had found that there was an intuitive sense of how to live.’

Understanding that ‘intuitive sense of how to live’ brings with it choices and the need for realism. Intuition which is founded on an unreal sense of oneself and, leading on from that, an unrealistic assessment of one’s future, inevitably leads to disappointment and then a dispirited reluctance to try again. So for Marion Milner intuition is not only a matter of knowing what one wants, but more profoundly and significantly, she wants to answer the question, ‘what have I the power to do?’

She found that ‘no one offered me an answer, because they had not even asked the question.’ So she felt that she had to find an answer for herself. The critical distinction is to understand what one can influence and what is not so susceptible.

The context of avoiding reoffending makes these questions all the more important. ‘I had found there were certain things I could do by effort, but others I could not. I could make myself move skilfully, just by saying “I will”. I could, under normal circumstances, force myself to say whatever came into my head, or force myself to say nothing; but I could not by force ensure that
what I said would be interesting. I could, sometimes, force myself by will to hide an emotion; but I could not by will force myself to feel one. I could not by direct effort feel love towards someone, or by direct effort make myself happy. What then was entirely under the control of my will?6

That brings her back to the question of attention and concentration and leads her to a powerful insight highly relevant to the rehabilitation of offenders, who have often lost their capacity to pay close and extended attention to one thing and, on the larger scale, to have a strong and confident ‘intuitive sense of how to live’. Perhaps for some it was lost, as Alice Miller suggests during those early years when their needs and security were placed second or third in the order of priority, below the need to please and satisfy others.

Helping people to acquire or regain the quality Milner describes below would be an asset for virtually everyone, not just vulnerable people or ex-offenders. ‘It seemed to me that the only thing that was even potentially so controlled was my attention...Also it was what I did with my attention, whether I let it wander unobserved or held it still and expectant, whether I spread it in feelers beyond my body or narrowed it to a pin-point of brightness within my brain, it was this which determined what I saw.’7

Joseph Conrad wrote in *Nostromo*, ‘Action is consolatory. It is the enemy of thought and the friend of flattering illusions.’8 A life of action in the absence of contemplation is indeed doomed not to achieve much. It might even further obscure the intuitive life reasonably chosen. Contemplation or reflection, followed by action is not merely consolatory, but productive. The action required and taken is most beneficial if it is worthwhile in itself and productive in its result. Seeing yourself differently is an essential first step in being seen differently by others.

Changing behaviour is clearly important, but a lasting solution, a definitive change depends on a change in your sense of yourself. If you see yourself differently, others might start to see you differently; the positives are reinforced. The vicious circle of negative views of yourself being reinforced by group pressure is turned into a virtuous circle of a new positive identity being recognised and reinforced. That different identity may soon mean that you can make new friends and find new interests. You have then become somebody different and, in important ways, new, in your own eyes and in other people’s. A critical dimension of seeing yourself differently is likely to be the initial connection to the ‘pin-point of brightness’ that close attention can bring into focus.
Religion and spirituality

Boris Groys in *An Introduction to Anti-philosophy*, writes, ‘People today are equipped simultaneously with two basic convictions: that there is no truth, and there is too much truth.’ That is nowhere more so than in prison.

Spiritual belief and religious practice can be an important part of a prisoner’s life and an offender’s rehabilitation. My reasons for thinking this are perhaps not traditional. I am not promoting the moral salience of religion or indeed a belief on my own part in religion as a way of accessing revelatory truth. I want instead to stress some of the other attributes and benefits of spirituality and religious belief and the special place they can play in the life of prisoners who are, after all, living in rather extraordinary circumstances and by strange rules, defined in part by religious antecedents.

Religion has often had a significant place in prison life. In the eighteenth century John Howard, an early prison reformer, noted with satisfaction the presence of chapels and chaplains in most prisons. And religious buildings and chaplains have remained at the heart of prison life ever since. As well as the historical and moralistic connotations of religion one can see why; for prisoners, religious belief and observance could be of increased importance in their lives, whether or not they were previously religious. The benefits may be felt in peace of mind, consolation and comfort for all that has gone wrong. Consolation and comfort are essential poles if regret is not to become despair. Above and beyond all, there is some revealed sense of truth, even though confusion and mystery may remain.

Psychiatrist Claude Robert Cloninger believes that spirituality is a fundamental component of self-transcendence: a character trait associated with greater well-being. Supporting this interpretation is evidence from Spiritually Augmented Cognitive and Behavioural Therapy (SACBT) that suggests evaluating a patient’s belief system and accordingly using meditation, prayer or ritual may increase well-being and prevent relapse into psychiatric disease.

Meditation trains the mind to induce a heightened mode of consciousness, strongly associated with Buddhism, though important in most of the world’s religions. The mind can free itself from the constantly fretting ego (an endless wellspring of doubt and anxiety, often more imagined than real) and concentrate on the present. Meditation, more existential than practical can be an intense struggle. Influenced by Quietism, the great sixteenth century Spanish mystics Teresa of Avila and John of the Cross both cautioned against a simple-minded ‘don’t think anything’ approach to meditation and contemplation.
Prayer, like meditation, creates distance from day-to-day problems, turning to higher and more profound thoughts, and seeking intercession for change. Belief in the afterlife, and specifically the Christian belief in heaven, has consoled millions of bereft people. It has given them the belief that it is only a matter of waiting before being re-united with those they have loved and lost.

Meditation and prayer speak to and for immateriality of existence: that the things of the world are transient and that a spiritual and eternal realm exists as a true reality. Buddhists believe that all life involves suffering, caused by desire and attachment to material things, which can only be overcome by focused effort on cultivating the spirit. Recognition of the temporality of all things must also come as consolation to them, and a validation of their experience.

Faith can also help to alleviate the anguish of loneliness. People with faith often believe they have a relationship with divinity itself where supernatural deities are personified. For example, the Christian God is Our Father. When people have forsaken and withdrawn from the world as prisoners are forced to, they still need relationships and religious figures can provide the objects of affection. As well as father figures, many religions have feminine figures that represent maternal tenderness. They are the givers of unconditional love who nurtured us all and who perhaps we still need from time to time. The figure of Mary in Catholicism is an example, as is Guan Yin, the Bodhisattva of compassion, revered by Buddhists as the Goddess of Mercy.

Religion also gives people ethical guidance, rules on how to live, how to see themselves and how to behave towards others and the wider world. Sharing this code of conduct with others makes the sense of community, belonging and identity stronger. The Judeo-Christian Ten Commandments, the Five Pillars of Islam, Buddhism’s Four Noble Truths and the Eightfold Path, all break down profound and complex insights into memorable and meaningful messages.

System one and system two thinking
Religion may help to explain the inexplicable. Individual psychology and personal behaviour traits also play their part. These may have their roots in personal beliefs or convictions, but also in habits and behaviour common to almost everyone. Crimes are clearly committed for instant gratification with scant regard for the long-term risks either to the victim or the perpetrator. Similarly, offenders who revert to a life of crime after conviction and punishment are to some extent manifesting loss aversion.

Their present life of criminal associates and offending, despite its risks, seems somehow preferable to a life away from crime. The benefits may be
much greater in the longer term, but considerable effort would be involved in achieving these benefits, involve many disappointments on the way, not be guaranteed to succeed and, crucially, would involve sacrificing some present pleasures and advantages.

Many types of criminal behaviour are stereotyped as being fast and spontaneous, a knee-jerk reaction done without thought, culminating in an unconsidered, unintended and subsequently regretted consequence. Perpetrators of crime are often assumed to be more impulsive than other people. Impulsiveness is then seen as a typical trait of the criminal personality.

Daniel Kahneman shows in Prospect Theory that everyone primarily relies on so-called System One thinking, on fast and intuitive thinking, which does not always get things correct. Wrongdoers like everybody else are well aware prison is an unwanted consequence, an unpleasant prospect and almost certainly going to be a miserable experience, but this does not feature in normal thought: ‘the emotional tail wags the rational dog’.12 This is not by any means confined to fools or impulsive perpetrators of crime.

Kahneman won the 2002 Nobel Prize in Economic Sciences for research establishing Prospect Theory.13 He demonstrated that humans do not behave purely rationally even if they intend to. This assertion is a challenge to economists with their emphasis on incentives and utility being the main motivators of behaviour. From the point of view of a classical economist crime represents the extreme and perverse triumph of irrationality.

Kahneman seeks to elucidate ways in which humans systematically behave outside of what is normally rational or even in their best long-term interest. He metaphorically divides thought processes into two different systems.14 The first is System One, which represents automatic or effortless thought. The other is System Two, the type of thinking that requires mental strain and enacts a physiological response in the body. ‘System One does X’ is code for ‘X occurs automatically’; ‘System Two is mobilized to do Y’ translates to ‘arousal increases, pupils dilate, attention is focused and activity Y is consciously performed’. Problems such as multiplying 24 x 17, because they are not susceptible to instinct or habit, are instantly rejected by System One and processed instead by System Two.

As people live their ordinary day-to-day lives, System One is rarely faced with a problem so seemingly complicated that it cannot provide a ready answer, even though – and here’s the important point – the problems presented would often benefit from the application of the greater deliberative effort of System Two, precisely because the application of reflection and
rationality would provide a better answer than instinct or habit. System One also finds quick responses by simply imitating others, without reflection or decision. In particular, children are likely simply to copy those most frequently around them and with whom they communicate most often. Imitation in these circumstances is not a conscious decision; not based on any evaluation of functionality or benefits. It is simply a quick, convenient response to an immediate problem that can be enacted without reflection, much effort or further ado. Called intuition or gut instinct, it is often simply imitation.15

One striking and unlikely example of imitative behaviour becoming ‘group think’ was turned into a memorable work of art by the artist Yoko Ono. One of her seminal conceptual works is ‘Cut Piece’.16 She was filmed kneeling on the stage of a crowded Yamaichi Concert Hall in Kyoto and Carnegie Hall in New York. A large tailor’s scissors was available for any member of the audience to come on stage and cut off a piece of fabric from her clothing. Initially shocked and reluctant, the audience nevertheless quickly got into its stride and each person who came up on stage performed the task with increasing assurance and rapidity, one after another. Eventually, one member of the audience handed the scissors back to Yoko Ono with a gesture suggesting that the artist cut off a piece of the audience member’s clothing, thus closing the circle of imitation to include the artist who had initiated it.

Returning to System One and System Two thinking, System One bypasses System Two type thought by relying on heuristics.17 This means not conducting an exhaustive mental search for evidence to support a decision taken, relying for clues instead on related though not identical experiences; rules of thumb; educated guesses; widely accepted beliefs; other people’s example; conventional wisdom; simplified mental maps. Rejecting the unknown or the overly complicated, even if it could be comprehended with effort and may produce a better decision with a beneficial consequence, is a form of heuristics. Instead of the more reflective approach, System One thinking will, when presented with a problem, simplify and change the problems by answering a slightly different problem and applying that answer regardless. System One thinking is also oblivious to its mistakes, screening out significant and relevant experiences just because they don’t fit an easier to understand pattern already established in the mind.18

Conscious effort, training or recognition of warning signs is needed to reliably force System Two to take control and stop to reflect before acting, though some may be more temperamentally prone to System Two thinking rather than System One and vice versa.
Kahneman examines the methodology of System One through a series of psychological experiments designed to reveal inconsistencies, discrepancies, biases and errors in supposed human rationality. Humans are caught out by the nature of their own thinking, making decisions that are not necessarily logical and rashly intuitive. Many criminal acts may be an example of System One thinking. The deed is done in rapid response to a situation. The response is typical for that person but may not be intentional or pre-meditated. Insufficient or no account is taken of danger to the person doing it or to others. Similarly, deferred consequences (even those that are probable or even inevitable) are simply ignored. Reflection after the event may spark regret and recognition of the foolhardy nature of the action, but forethought was absent and regret is too late. Remorse comes even later.

Kahneman’s Prospect Theory draws attention to two other important irrational aspects of human behaviour relevant to crime and criminality: instant gratification and loss aversion. In his famous cookie [biscuit] test he records the reactions of children, who are presented with a single cookie but told if they wait, delaying gratification for 15 minutes, they will receive a second cookie. Many children find it very difficult or even impossible to wait, sometimes visibly squirming in an agony of temptation and indecision. Many succumb. Those children who wait for the second cookie to arrive before eating the first one, according to Kahneman, go on to greater academic and career success; an irritating but plausible prediction.

Adults are not so different to children. If something is available now adults as well as children are apt to take it, even if they are well aware of the benefits of waiting, they may think like the old proverb, a bird in the hand is almost certainly worth more than two in the bush. A related concept is that of loss aversion. People will hold onto what they have got even if it is much less than they might get. Future benefits are heavily discounted whereas the significance of present benefits is inflated. Taking what is on the table now, rather than waiting for greater benefits later, seems irrational but probably isn’t. The fear that patience may lead to loss is the irrational thinking.

Instead of seeing reliance on impulse as an abnormally advanced or persistent case of System One that is nevertheless inevitable, impulsive behaviour could be considered as a failure of System Two thinking. Intuition and impulse are the drivers until System Two kicks in and encourages reflection, consideration of options and makes considered decisions.

Seen in this way the problem is that System Two does not always kick in when required to prevent foolhardy wrongdoing and its adverse consequences.
System Two’s potential to fail arises from four suggested pitfalls: laziness, inherent lack of capability, distraction, and tiredness or altered state. People are more or less susceptible to impulse because of some failure associated with their System Two thinking, which is momentary, ephemeral, circumstantial or temperamental.

One of many examples Kahneman gives is highly pertinent to criminal justice. Studies of judges reviewing cases for parole in Israel found 65 per cent of requests were granted immediately after the judges had eaten, but the approval rate for parole applications decreased steadily to almost zero at the end of a session just before they next ate and therefore were most hungry and tired. Disturbingly, even people in authority are just as susceptible and unaware of times where System Two type thought lapses due in this case to something as simple as blood glucose levels.22

The two types of thought are strongly related and interact regularly. System One can be programmed by System Two to mobilise attention when a pattern is detected. System One might recognise a surprise but this recognition is reset so that if it happened twice, this seems less surprising: ‘this is the place where cars catch fire’.21 Similarly System Two thought processes can rein in impulsive behaviour. Careful training will ensure thought processes normally associated with System Two can be incorporated into System One thinking. Chess grandmasters are especially good at this. Chess is also a popular pastime among prisoners, no doubt with therapeutic benefits as well as being a pastime that can consume long periods of time, never in short supply in prison. Similarly awareness of warning signs can make it easier to learn to engage System Two thought more often. Anger management programmes are an example of this. The facilitators seek to inculcate and embed the principle that anger is a process that rises in stages and which can be interrupted and reversed rather than a random unforeseen event.

Punishment and systems-thinking
Pointing to the spontaneity and irrationality of the decision to commit a crime also draws attention to limitations of the deterrent effect of punishment. The released ex-offender may be genuinely and entirely committed to not offending again, saving himself and his victims from the depredations of crime and so avoid the further ignominy and bad experience of another spell in prison. However, another crime is committed in a rush of irrationality or for instant emotional or material gratification. The deterrent reminder of the previous prison experience may have entirely faded from the mind of the
offender, at least for long enough to commit another crime. When an offender says something like, ‘I don’t know why I did it. I just lost it.’ Or, ‘I know it was stupid but I just didn’t think about it at the time,’ it is often true.

Deterrence is a complicated and capricious element of criminological thinking. There is no relation between severity of punishment and deterrent effect for many crimes. Serious crimes, violence, theft as part of a longer profile of criminal behaviour, drug or alcohol-related crimes produce no correlation with deterrent sentencing. So the substantive benefits of reducing reoffending may not flow from simply lengthening sentences and imposing ever harsher penalties. When backed into a scenario when serious loss becomes likely, such as the likelihood of a long or even an indefinite sentence, humans tend to discount the risk of extreme loss and focus instead on short-term gain. Severity of sentence is only one aspect of deterrence and an even smaller part of long-term desistance from crime.

Instead, efforts to develop the skills and activation triggers of System Two thinking intervening preventatively before System One has done its worst and led the offender to commit another crime are more likely to produce a lasting change of behaviour for the better. Finding ways to encourage offenders (particularly those most given to spontaneous, irresponsible, self-destructive behaviour - as distinct from calculating deliberation) to acquire the qualities associated with System Two thinking has many obvious attractions. These qualities would include calmness, recognising patterns of previously encountered reactions in themselves, reflecting on and discussing past choices, cultivating scepticism about ‘gut instincts’, considering alternatives at all or more carefully, thinking about potential consequences as a matter of course, considering real evidence if it is available, making deliberate choices, discussing both past and future decisions with trusted people whose opinions are valued, prioritising advice from trusted sources over your own ‘instincts’.

Public impressions about crime are also biased. When thinking about and discussing crime most people are not applying strict and systematic logic, struggling to ensure every aspect of their beliefs are entirely accurate and congruent with a comprehensive analysis of the evidence. People rely instead on what they think they know, often selecting the facts that confirm their beliefs and ignoring contradictions. They also seem to value ‘instant gratification’ of a sort in wishing for longer custodial sentences. These have the perceived benefits of immediate public protection regardless of the future risks of an increased chance of recidivism by an offender who has had their normal life disrupted and is possibly embittered and trained in new ways of
committing crime while in prison, perhaps less susceptible to detection. Only on considered reflection, of the sort prompted by a facilitator in a focus group, do people develop more rational views about crime and sentencing.

It is not simply by chance that people’s ‘unwillingness to deduce the particular from the general [is] matched only by their willingness to infer the general from the particular’. An endless stream of news stories about crime and criminals, however unusual or unrepresentative, creates an ‘availability cascade’. The complex truth is drowned out by the frequent repetition of a simple error. In the generality, the public may very well be in favour of harsher sentences for some offences. However when asked what should happen to a specific individual in a particular context with a unique story, they tend to be far more understanding and compassionate.

Kahneman’s work offers some reassurance: these negative opinions are only the result of automatic cognitive bias. They are quite superficial and can be overcome by engaging System Two (and not negative patterns doomed to be repeated forever, like Sisyphus’s stone rolling back down the hill). System One seeks coherence and consistency between thought, experience and information selecting from each, ignoring evidence to the contrary. People are impressed by statistics but do not learn from them. The lack of conclusion may be entirely consistent in its own terms – but wrong. System Two can distinguish and pursue a more logical and reasoned conclusion.

The good news is that the same tactics can be applied in the opposite direction. Rationality and reason can harness and restrain instinct and emotion, but it takes effort, practice and determination. And, like speaking Mandarin, it takes a long time to learn if not learned when young. If, when young, System One thinking went unchallenged by adults regardless of consequences or was only challenged sporadically and inconsistently, by adolescence and adulthood it has become habitual, though not irreversible for most people. No wonder then so many programmes for offenders seek to address what might be thought of as System One thinking and behaviour.

**Cognitive behavioural therapy**

Cognitive behavioural therapy (CBT) has been found to be effective with juvenile and adult offenders; substance abusing and violent offenders; prisoners and people on probation and parole. It is effective in various criminal justice settings, both in institutions and in the community, and addresses a host of problems associated with criminal behaviour. For instance, in most CBT programmes, offenders improve their social skills, means-ends problem solving,
critical reasoning, moral reasoning, cognitive style, self-control, impulse management and self-efficacy.

The activities an offender is encouraged to undertake as part of their sentence plan are by definition designed to address specific aspects of offending behaviour. The officially organised programmes therefore tend to be described as solutions to some of these well-defined problems, for example enhanced thinking skills or cognitive behavioural therapy.

In recent years a growing number of accredited programmes based on the principles of CBT have been introduced in prisons. These have a bewildering range of names and acronyms. They are designed to achieve a range of objectives: reducing aggression or combating alcohol-related violence, for example. Some are more focused on motivation generally; some on young offenders. Some are full-time therapeutic interventions lasting many weeks, designed to address very high risk offending. The availability of accredited, evidence-based programmes linked to sentence plans and designed to address specific aspects of offending behaviour is one of the most welcome developments in British prisons. This development along with the relative reduction in prison numbers and the considerable reduction in the number of children and young people in prison are all grounds for optimism.

Cognitive behavioural therapy focuses on patterns of thinking and beliefs, attitudes and values that underlie thinking and is one of the few approaches to psychotherapy which has been broadly validated with research.27 It is reliably effective with a wide variety of personal problems and behaviour, including many important to criminal justice, such as substance abuse and anti-social behaviour, aggressive, delinquent and criminal behaviour.

Beliefs, attitudes and values affect the way people think and how they view problems. These beliefs can distort the way a person views reality, interacts with other people and experiences everyday life. Cognitive behavioural therapy can help restructure distorted thinking and perception, which in turn changes a person’s behaviour for the better.

Characteristics of distorted thinking may include: immature or developmentally arrested thoughts; poor problem solving and decision making; an inability to consider the effects of one’s behaviour; an egocentric viewpoint with a negative view or lack of trust in other people; a hampered ability to reason and accept blame for wrongdoing; a mistaken belief of entitlement (including an inability to delay gratification); confusing wants and needs; ignoring the rights of other people; a tendency to act on impulse (including a lack of self-control and empathy); an inability to manage feelings of anger;
the use of force and violence as a means to achieve goals. All these are characteristic of crime and offending behaviour.

Cognitive behavioural therapy first concentrates on developing skills to recognise distorted or unrealistic thinking when it happens, and then to change that thinking or belief to mollify or eliminate problematic behaviour. The therapy assumes most people can become conscious of their own thoughts and behaviour and then make positive changes to them. A person’s thoughts are often the result of experience; and behaviour is often influenced and prompted by these thoughts. In addition, thoughts may sometimes become distorted and fail to reflect reality accurately.

CBT focuses on the present rather than the past, unlike other schools of psychotherapy and psychoanalysis. People taking part in CBT learn specific skills to solve problems they confront all the time as well as skills to achieve legitimate goals and objectives. The programmes, often in small groups, include lessons and exercises involving role play, modelling or demonstrations. Individual counselling sessions are also often part of a programme of cognitive behavioural therapy. Clients are given homework and conduct experiments on their own thoughts and behaviour between sessions. The more treatment provided or the more sessions participants attend over time, the greater the impact on and decrease in recidivism.

Unlike other traditional and popular therapies, CBT has been the subject of more than 400 clinical trials involving a broad range of conditions and types of people. A meta-analysis by Mark Lipsey of Vanderbilt University of 548 studies from 1958 to 2002 assessed intervention policies, practices and programmes with young offenders. When he combined and compared the effects of these interventions he found that those based on punishment and deterrence appeared to increase criminal recidivism. On the other hand, therapeutic approaches based on counselling, skill-building and multiple services had the greatest impact in reducing further criminal behaviour. Lipsey also examined the effectiveness of various therapeutic interventions. In particular, he compared different counselling and skill-building approaches. He found that cognitive behavioural skill-building approaches were more effective in reducing further criminal behaviour than any other intervention.

In a different research review, Nana Landenberger and Mark Lipsey showed that programmes based on CBT are effective with juvenile and adult criminal offenders in various criminal justice settings, including prison, residential, community probation and parole. The researchers found that CBT significantly reduced recidivism even among high-risk offenders. Landenberger
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and Lipsey found that even high-risk behaviour did not reduce the therapy’s effectiveness. For example, some of the greatest effects were among more serious offenders. CBT’s more enabling, self-help approach is more effective in overcoming scepticism and resistance, increasing the participation of the hardest to reach and therefore the benefits of participation. CBT is more effective in reducing further criminal behaviour when clients simultaneously receive other support, such as supervision, employment, education and training, and other mental health counselling.

Enhanced thinking skills

One example of a cognitive behavioural therapy programme is enhanced thinking skills (ETS). ETS is a programme that addresses thinking and behaviour associated with offending with the objective of reducing general reconviction rates. It is targeted at medium-high and high-risk male and female offenders who need to develop greater cognitive skills. The programme consists of 20 two-hour interactive sessions, delivered three to five times per week for four to six weeks, with two facilitators and no more than ten participants.

Ministry of Justice research examined the impact of enhanced thinking skills accredited offending behaviour programmes on the one-year reconviction outcomes of 257 prison-based participants between 2006 and 2008. The results of this evaluation show that ETS was successful in significantly reducing both the reconviction rate and frequency of general reoffending of participants. The proportion of ETS participants that were reconvicted within one year (27.2 per cent) was six per cent lower than the comparison group (33.5 per cent). ETS participants were convicted of 60 fewer recordable offences within one year per 100 released prisoners than comparators (60.7 versus 120.8 offences), a statistically significant reduction.

A secondary finding of the research was a low adherence to the suitability targeting criteria among those prisoners that actually received the programme over the period 2006 to 2008, though caveats apply. Investigation revealed that only 58 per cent of ETS participants were suitable for ETS (i.e., met both need and risk requirements simultaneously). This suggests that the programme was not always administered to the most suitable group of prisoners, which may have limited its effectiveness. The reconviction rate and frequency of reoffending was lower for participants meeting the suitability criteria than those not meeting them. The one year reconviction rate for strictly suitable treated offenders (17.2 per cent) was lower than that for not strictly suitable ones (32.9 per cent). Similarly, the frequency of reoffending of strictly suitable
offenders (39.8 subsequent offences) was also lower than that of the not strictly suitable offenders (72.6 subsequent offences). Ensuring that the right people attend the right programmes is clearly a pre-requisite for success and is also influenced by the problems of prisoners’ movement around the prison, discussed in chapter 6.

**Reflection without stigma: activities organised by charities**

As well as those designated, usually accredited and evaluated programmes, prisons also need the possibility of activities not specifically designed to respond to an identified problem or type of offender.

Once a programme is associated with and labelled as a response to a particular type of offending behaviour, the activity inevitably carries a stigma. Some activities are beneficial for everybody and should be valued for pleasure as well as therapeutic or other benefits. These activities do not carry stigma. In addition, many of these activities are not run by the prison authorities. They are organised by charities. That is part of their special quality. The definition of the programme does not contain a problem at its core, a lack of capability, a deficiency to be addressed. Instead charities emphasise the things that everybody does, not just the things that prisoners uniquely and because of their special deficiencies need to do.

In 1986 Ann Wetherall, the Prison Phoenix Trust’s founder, was working on a research project at the Religious Experience Research Centre investigating spiritual experiences arising from imprisonment. Her role involved writing to prisoners. She felt there was a spiritual hunger among prisoners that was not being met. If prisoners were introduced to disciplines like meditation and yoga, and supported in their efforts, they might feel differently about themselves. The first regular prison yoga classes were established in 1989. The Trust now supports over 150 weekly classes in approximately 90 secure establishments.

Oxford University conducted quantitative research on the benefits of yoga and meditation for prisoners in 2012. The findings imply strongly that yoga classes are well suited to help prison managers improve staff and inmate relationships as well as diminish violence. The classes help inmates to reduce aggression and drug use and develop self-discipline, a stronger will, better mental health, improved self-confidence and a greater sense of responsibility. Some prisons have classes for staff too, no doubt with beneficial consequences for everyone in the prison.
Another implausible activity that takes place in many prisons is learning to play the Gamelan (Indonesian bronze percussion) and joining a Gamelan orchestra. These programmes are run by a small charity called Good Vibrations set up by Cathy Eastburn, an inspirational founder, whose gentle manner belies a considerable well of originality and tenacity. Given the social background of most prisoners and general unfamiliarity with Indonesian music, the Gamelan must be a new experience for most participants anywhere, but particularly in prisons. Like so many excellent charities, Good Vibrations has taken the personal passion of the organisers and staff and forged it into a powerful therapeutic intervention, partly no doubt because their own enthusiasm is infectious and partly because each of the activities, like yoga or playing the Gamelan, has a special and new quality which widens a newcomer’s experience, sense of possibility and world view and, in that expanding, there is a contraction of all their other problems.

If life gets bigger, problems may not be solved or go away, but they become proportionately smaller. This is a very important rehabilitative principle which applies not just to prisoners, but also to homeless people, or children leaving care. The common fallacy is that someone with big problems, like drug addiction or alcoholism, cannot get on with the rest of their life until they have entirely wiped out those problems. The opposite is true. It is in part their ability not just to get on with the rest of their life, but particularly to expand their emotional, aesthetic horizons and range of experiences that enhances their sense of pride in themselves and that is an essential energy force for overcoming intractable problems. As one prisoner said about Gamelan music: ‘It’s not the sort of music I would ever think of listening to. When I get out of here, I will Google it and listen to it. And maybe join in, in the future.’

Good Vibrations helps prisoners and ex-offenders, as well as patients in secure hospitals through participating in intensive Gamelan courses. Since 2003, Good Vibrations has worked with thousands of prisoners in 33 different secure institutions. Gamelan is effective in part because participants need no previous musical experience or to be able to read music. It’s easy to learn the basics. Also, it’s a communal activity. There is no overall conductor or leader and everyone’s contribution is equally important. Each player has to listen to everyone else to fit their own part in. The benefits are therefore in part those of shared, sociable, co-operative activity as reflected in these comments:

‘I’m usually a solitary person. And in here it’s usually dog eat dog. With this, there’s been lads off different wings, we’ve been mixing. That doesn’t usually happen in here.’
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‘I’ve got a bond with people that I don’t normally talk to. On the wing we just walk past people every single day. But now I’ve got into conversations about Gamelan. “What are you doing in the chapel every day?” and I’ve been telling people. And some are interested, and some aren’t. But it’s got me talking to people I’ve never talked to before.’

A Good Vibrations course is typically a week-long residency for a group of between 15 and 20 participants. Most will not have done anything musical before. At the end of the week the group puts on an informal performance. Each performance is recorded and a CD produced, a copy of which is given to everyone who has taken part.

I attended a play through at the end of a week’s workshops at H.M. Prison Dartmoor one cold Friday morning in February. The performance, like the workshops, was held in the chapel. Like all Victorian prisons, the chapel is a large, spacious presence in the middle of the prison buildings; slightly chilly, but bright with even grey winter light still illuminating the modern stained glass windows. On the walls were the stations of the cross and on the window sills some neglected but resilient spider plants.

About a dozen men took part. Mostly they were not so young and many were serving long sentences; a couple of them had disabilities - one walking with crutches, needing assistance to sit down and stand up and one using a wheelchair. They had all put on a Javanese batik shirt over the top of their prison outfits. This seemed to me an important symbol of transformation. For the duration of the workshop, they were not so much prisoners as members of a Gamelan orchestra, with the batik shirt as a badge of that membership. Each piece in the workshop, including some improvisations they had put together themselves, was introduced by one member of the group. Even though I know nothing about Gamelan music, I could see that the secret of harmony and avoiding dissonance relied on listening to each other while playing.

In discussion afterwards the players confirmed that, when they started the workshops at the beginning of the week, the noise they made was unappealing to the ear. Slowly, they had built up a sense of listening, following and harmonising with each other. The rhythmic, bell-like sounds did undoubtedly create the air of serenity and calm so infrequently achieved in prison life. The men talked about the benefits to them. They mentioned the sense of achievement, benefits to their self-esteem, how they felt less stressed when they returned to the cell. But, above all, they returned time and again to the
benefits of listening and working together. These are two qualities not readily
associated with prison life, but essential qualities for life on the outside, in
particular in the modern workplace.

The only regrettable thing was that so few prisoners participated and
that the workshops happen so rarely. In H.M. Prison Dartmoor, the one-
week workshops had happened twice in a year. In most of the prisons Good
Vibrations works where the programme usually takes place once a year. This is
the problem already noted: lots of good things are going on in prisons, but not
enough prisoners get to attend them and they don’t take place often enough.
Nevertheless, considering that this activity was largely organised by one person,
Cathy Eastburn, and an inspiring band of part-time facilitators and funded
from charitable sources, this is a remarkable achievement.

Playing the Gamelan in prison points out another important aspect
of preparation for rehabilitation: the importance of metaphor. Despite
their many benefits perhaps the limitations of programmes like cognitive
behavioural therapy and enhanced thinking skills are their titles. These are
evidently stigmatising since they point to deficits in the participants that
the programmes seek to rectify. They immediately point to a past failure to
use cognitive processes to control behaviour or the inability to think clearly.
A Gamelan workshop contains no stigma, no label, just the suggestion of
creativity, originality, even a touch of exoticism – and that is in very short
supply among the routines and mundanities of prison life. The positioning of
the Gamelan workshop also focuses on capabilities, rather than deficiencies.
It is a good thing being added rather than a bad thing being removed.

So, in these kinds of activities run by charities – slightly left-field, non-
stigmatised, not focused on shortcomings – are some of the more creative
possibilities of change.

One of the biggest challenges of prison life is engaging that minority of
prisoners who are so angry, so bitter or so disturbed that their alienation from
the regime and sometimes from the other prisoners is seemingly absolute.
These more left-field activities have a better chance of achieving that, with
their capacity to intrigue and surprise, than the prospect of doing uncongenial
work with people whom the prisoner does not like in the prison laundry. In the
Gamelan workshops the prisoners are slightly distanced from the realities and
constraints of prison life.

‘I’ve felt happier on the wing, relaxed. I’ve been playing the tunes in
my head. I’ve felt like I’m not in jail, I’m just getting on with my day.’
‘Something better than the day to day. Something more meaningful than the day to day.’

‘I’ve learnt a lot about myself. Dancing! I lack confidence, dancing put a different part of me into reality.’

Good Vibrations’ particular expertise is working with more difficult and hard-to-engage people other interventions and projects fail to reach, for example self-harmers; the extremely low-skilled, vulnerable prisoners, non-English speakers, ‘failed learners’, ‘persistent basic’ (i.e. persistent trouble-makers who never progress to any enhanced privileges or wings); people with serious mental health problems and severe personality disorders; people coming off drugs. As one inmate reflected:

‘It’s an addition to my meds [methadone]. No, it’s better than that. I float back onto the wing – it feels like I’ve been meditating. After the sessions I feel calm and chilled on the wing.’

As with other initiatives, a key benefit is the involvement of staff (who may also become apathetic and disaffected) and prison management must also seek to motivate and stretch them, not just the prisoners.

**Reading for reflection**

Another silent, reflective activity that many people find brings the pleasures of calm and distraction is of course reading. Prisons have libraries but, for all the reasons already mentioned, it is not always possible for prisoners to get to those as often as some would like. There is also an added pleasure in owning a book; a sense that an object of pleasure to keep and treasure can be returned to or shared with someone else. It is a private, relaxing pleasure as well as a communal pleasure to be shared with others.

In 2011 the publishing industry decided to give away a million free books to promote the love of reading. Bringing World Book Night into prisons I am proud to say was achieved by Lemos&Crane. The organisers contacted Lemos&Crane and asked us if we had a way of distributing free books in prison. We agreed readily, seeing immediately how distributing free books to prisoners could be a small but significant improvement in prisoners’ quality of life. They could choose a book from the list to keep or share with another prisoner or a family member on a visit.

We have distributed the books *pro bono* for three years up to 2013 and the appreciation of prisoners and prison staff has been enormous. During
World Book Night 2012 we distributed over 37,000 free books to prisoners. The benefits were manifold: the most obvious and practical is the opportunity to practice literacy skills. As one librarian told us:

‘One comment from a prisoner left me feeling very glad that we had taken part. He came to see me and he has just completed the Toe by Toe scheme (which is a “learn to read” scheme). He said he had taken one of the books to see whether he could read it on his own. He said he was racing through it and was feeling great that he could read a book on his own and enjoy it.’

According to the librarians being given a book on World Book Night was a completely new experience for some prisoners: ‘For some it is the first book they have ever owned.’

Gifts are rare things in prison so being given a book to keep had a special quality. The inmates were able to help themselves to copies in the library. Many struggled to believe that it was theirs and they could keep it! Some were genuinely moved. This was a sensitive, compassionate observation from a prison librarian.

‘There are not many surprises for prisoners and certainly not much is given to them for nothing. I think overwhelmingly the prisoners could not believe that the book was theirs to keep.’

Another librarian reported these touching comments about free books from prisoners:

‘It’s free? What you mean I can keep it?’
‘For me... oh thanks, nobody’s ever given me a book before!’
‘I don’t have to return it... I can take it with me when I go?’
‘Any more of those free books Miss? I really enjoyed that one.’

The books, because they were their own, could also become tokens of friendship. One librarian noted:

‘That’s great, oh that’s really made my day Miss (turning to his friend) can he have one too?’
‘Can I take one for my friend who reads loads?’
Even foreign prisoners got into the spirit of World Book Night:

‘One gentleman saw Paulo Coelho’s *The Alchemist* and announced that this was the only book he had ever read from beginning to end. He was so happy to now own a copy of a book, in a language he had only recently started to learn.’

The free books were also a way of motivating and engaging the staff:

‘The staff were not using the library before. I kept a copy of each title for our library and gave the rest away! I put a display in the library inviting people to try a free book, keep it and pass it on. The response was much better than I anticipated. The lads were really excited and took a book each, many trying to take one of every title! The staff went crazy and the books were gone within a week.’

Staff co-operation is essential for getting prisoners to the library:

‘The attitude of staff towards the library has quite an impact on the help and encouragement they give to prisoners to get involved with the library and education. Those staff who took books engaged with us about their reading and also borrowed other items.’

The books brought staff and prisoners closer together:

‘One prisoner told me he is finding *Room* by Emma Donoghue very compelling. I felt the same way about the book and it was lovely to share that with him.’

As well as strengthening ties with family and friends:

‘It also got the lads talking about what they liked and how their nan or mum would like this book. We gave a lot of books away via the visitors lodge. This is where relatives and friends wait until they come into the prison to make visits... they will have ended up in the homes of a lot people who wouldn’t usually read.’
A gift from your boyfriend in prison must be a rare thing indeed, since most of the time the visitors, families and girlfriends will be doing the giving. So rare a thing is a gift from a prisoner that officialdom must play a part:

‘One of the prisoners asked if he could pick one up for his girlfriend and the governor gave permission for the exchange to take place in visits following certain security restrictions.’

One of the most depressing aspects of prison life is the segregation wing, where inmates have no contact with other prisoners. Nowhere would the benefits of access to a good book to read be felt more acutely than on these wings:

‘I gave one set of 25 books to ... an area of our prison where men are segregated for any number of reasons for varying lengths of time. They live in a very restricted regime and we have a collection of reading material on a trolley for them.’

In this simple idea of giving books away for free and to keep are many of the essential ingredients of rehabilitation: calm reflection; the power of imagination to transport the reader to new possibilities for themselves as they read about the transformations wrought in the character’s life by the story; the sharing of pleasures and insights with others; strengthening the ties of family and friendship; and a civilised, trusting encounter with authority.

The theme I am building on is going beyond designated programmes to promote new mindsets and changes in future. I have also reviewed activities that may have some of the same benefits, in this case mindfulness, without having either professional labels or delivery. Indeed I have argued the benefits may be enhanced by the absence of these labels and structured methodologies.

By describing the example of Hay in the Parc I want to develop the argument further. It brings in a new dimension: the power of the imagination when applied in a concentrated frame of mind may create a therapeutic distance in which a space is created for a more active kind of contemplation, not just focussing on the thoughts and feelings of the moment, but widening the lens to reflect on the events of the past, thinking again about what they did and how they now feel about it; possibly some dawning realisations about changes for the future.
Phil Forder (who has been a dynamic and inspirational arts interventions manager at H.M. Prison Parc), says in a typically matter of fact way that he had harboured an ambition to establish a literary event in a prison for a while, as if that is a common or garden thing to do, just as easy as establishing a literary festival in a nice hotel in a polite, serene market town.

‘I thought the Hay [literary] festival was wonderful. It had grown over the years from a small local event to a global one, and I wanted to say to them: “Look, you’ve gone around the world, but if you look around the corner here’s a whole community willing to participate.”’

The community round the corner, metaphorically, was H.M. Prison Parc near Bridgend in south Wales, a huge and growing prison. Phil was surprised how quickly the idea took off: ‘I emailed the Hay festival organiser, and a half-an-hour later I got an email back that said: “Let’s make it work.” I couldn’t believe it.’

In the months that followed, Forder with the backing of the prison governor, set about designing a programme and recruiting writers who could take part in the new festival, which he named Hay in the Parc.

I attended a session of Hay in the Parc. It was held in the prison library, which because H.M. Prison Parc has so many inmates, is bigger than most and is run by the local authority. Getting the men to the event involved all the usual difficulties of prison life. Phil had to make leaflets and put them under cell doors. Prisoners had to nominate themselves. Permission had to be given. Officers to escort them had to be found. This is the day-to-day stuff of organising interventions in prison.

The session was with the actor Keith Allen (father of the pop star Lily Allen and renowned for his hard man roles in violent films like Shallow Grave and Train Spotting) reading a radio play with another actor. The play was written by a Welsh playwright (who now lived in Notting Hill) about stealing a Henry Moore sculpture from a park, but was in fact a kind of re-write of Samuel Beckett’s Waiting for Godot involving the two characters in much open-ended, existential conversation on a park bench. It also contained numerous literary jokes and double entendres, which might not have been to Beckett’s taste.

The men arrived from the wings, quickly settled down and the play reading began. The men listened in intense silence to the whole thing, which went on for nearly an hour, either staring at the actors or the ground. A conventional audience might have become a little restless, but not the
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prisoners. After the reading, the men asked the writer some polite questions, showing that they had indeed been listening. In his answers the playwright stressed he was Welsh, although he didn’t live in Wales anymore. He went on to paint a picture of London literary life, mostly consisting of sitting round wasting time chatting in pubs – which, of course, is rarely how writers live; otherwise they’d never write anything. His description did not seem to interest them much. On the other hand, asking Keith Allen about *Shallow Grave* and *Train Spotting* was a subject of considerable fascination. Both films deal with violent criminal sub-cultures in an unvarnished, but in some senses glamorous way. The prisoners clearly knew the films backwards, all the characters, lines, clothes and so on. Keith Allen talked in an interested and amusing way about all that. But he was also at pains to tell the prisoners that he had himself done a spell inside as a young man, in a borstal. Compared to that, according to Allen, H.M. Prison Parc was a ‘piece of piss’. I’m not sure how he could have known that from the inside of the library which, unsurprisingly, looks like any other library. Mercifully, there is little visually special about prison libraries, easily misleading itinerant actors.

Both writer and actor sought to impress the prisoners. The writer with his Bohemian artistic life and the actor with his hard-man credentials. This feature of prison life goes too little remarked: the behaviour of people who visit or work in prisons changes. Some people behave differently, responding to a generally ill-formed picture in their head of the stereotypical prisoner: violent, aggressive, alienated, an outsider and so on. Some visitors feel a need to live up to that stereotype. In reality prisoners are not so easily typecast.

Everyone would benefit if visitors were more themselves; their quieter, more uncertain selves, and less concerned with over-identifying with the prisoners’ supposed bravado, which is itself a shallow grave. Are these acting-up visitors seeking to conceal their true anxieties about visiting a prison or are these shows of supposedly unphased *sang froid* a misplaced attempt to display empathy, one wonders. The distance between the actor as a person and in his parts would be the most intriguing and aspirational for prisoners. The possibility might then present itself to see their current imprisoned situation as a part they need not play forever.

Phil Forder noted, ‘I was amazed by how many were already writing and who wanted to carry on writing. A lot were writing poetry and books. That is some evidence of the wish, perhaps the need, to create alternative scenarios, new identities and different journeys in their mind as ways to reflect both on the past and on the future. The special benefits of creative writing are the
necessity to create a reflective space. As I have already noted, creative writing is not done while chatting to people in the pub.

* * *

Perhaps it’s true to say we would all do better to calm down, be more reflective, think twice, and practice self-restraint. It would also be true to say that most people have techniques, either personal or widely shared. Anxiety is atavistic even for the sanest person and so calm and reflection always come at a premium price. As well as enhancing personal well-being, for offenders and ex-offenders the pursuit of calm has much wider social salience. Harnessed to a collaborative empathy, calm and thinking twice are powerful self-imposed restraints when the urge to offend, the rush of impulse, should rear up and threaten to silence and engulf the better angels of an offender’s nature.

I am not, to be clear, making special claims for yoga, playing the gamelan, solitary reading or creative writing as the only available paths to enlightenment. One can imagine any number of others: such as walking; gardening; cooking; sewing; embroidery. All have the same qualities of rhythmic activities obliging a degree of concentration, which displace anxiety or confusion with a calmer sense of focus, an easy pace and the opportunity between for contemplation alongside action; not action towards an aim; action for itself and thinking for itself.

When I was a teenager I used to spend my summers on a farm on the border of Essex and Suffolk. Early starts for milking cows; long days of hay baling; late afternoons and evenings bringing everything into the barns. In memory it was an endless summer, but in truth it was a continuous anxious rush to beat the ever-incipient rainy weather. Hearty meals; long days and a satisfying sense of physical exhaustion in my recall created mental spaces for reflection, busy-ness preventing idle chatter and time-wasting, during which I formed some of my firmest adult convictions.

Others are far more physically daring. Rock climbers and mountaineers report uncontained exhilaration bringing them to an almost spiritual moment: “There are routes the boldness and logic of which are overwhelming. The purely vertical is, of course, the ideal. If one could ascend, or nearly, the path that a pebble takes falling from the top and climb scarcely deviating to right or left, impossible as it may seem, one would leave behind something inextirpable, a line that led past a mere summit. The name of that line is direct.”

8. Mindfulness: reflection and collaboration
9. Creativity and artistic activity

The real function of art is to express feeling and transmit understanding...
We come to the work of art charged with emotional complexes; we find in the genuine
work of art not an excitement of these emotions, but peace, repose, equanimity...
It is true that the work of art arouses in us certain physical reactions: we are
conscious of rhythm, harmony, unity and these physical properties work upon our
nerves. But they do not agitate them so much as soothe them... it is an emotion
totally different in kind from the emotion experienced and expressed by the artist
in the act of creating the work of art. It is better described as a state of wonder
or admiration, or more coldly but more exactly as a state of recognition.

Herbert Read, The Meaning of Art

In the previous chapter the emphasis was on helping offenders to improve
their modes of thinking, by being calm, more existential reflections about
meaning and paying closer attention to their own thoughts and feelings.
This is beneficial in itself, inculcating self-restraint and System Two thinking.
Mindfulness also improves the individual’s capacity to listen and connect
with others. These qualities of a calm reflection and a strong open connection
to others are essential ingredients of a life without crime and punishment.
The likelihood of spontaneous, foolish, destructive action is reduced and
conscience is more likely to exert a restraining hold if the individual feels
the weight of obligation and potential shame that would flow from an act of
wrongdoing. For an offender mindfulness provides the skills and possibility of thinking before acting; thinking twice or thrice. Connecting to others positively elicits new ways of making relationships so different to the many destructive relationships that many offenders have had in the past – both within their own family and social circles and among criminal associates. All combine together to reduce the risk of reoffending.

In this chapter I describe how contemplation reveals meaning and turns to insight; insight may become action; action may become creativity and creativity may become expression. That is the magic of making. The object made is like a mirror held to the maker. The making and the object makes meaning. The whole process is a metaphor lived out in real time of the offender’s journey away from offending. The therapeutic benefits of this are well-documented and must therefore make their contribution to rehabilitation and reducing reoffending. Additional benefits derive from collaborative creativity. Performance gives expression to the frisson of reality. The creative artefact is not merely made. For the duration of the performance it is lived.

Just as I have argued that restoration is the best form of punishment and in the end the only meaningful form of justice, it is for these symbolic, practical and therapeutic reasons that I believe no rehabilitation programme, no journey away from offending, is likely to be fulfillingly encountered and satisfactorily completed without acquiring the methods and skills of what I might call ‘create-ability’, not for results but for effects.

**Revealing meaning in art**

Art objects in themselves and the representation of objects in art can be imbued with a special power by an artist. This is Claude Levi-Strauss discovering his reaction to Picasso’s paintings: ‘Even prosaic objects – bottles, glasses and pipes – were somehow edgy and full of suspense, immersed in the still, apprehensive atmosphere that precedes accidents, riots and disasters.’

In his own mind Levi-Strauss had gone from seeing even banal objects to a more threatening social reality – and the agent of that journey is art. This way of understanding objects in art as something else, something more than they seem and investing them with powerful resonances creates the possibility of a revealed meaning in art looked at and contemplated which may even seem magical. Since some things will always remain inexplicable and incomprehensible, the idea of magic remains and finds one of its homes in art as well as in religion. The belief that everything can be explained is itself a kind of magical delusion.
Beyond the contemplation and appreciation of art made by others, even the masters, is patient, planned construction of objects or things guided if possible by inspiration’s hand. Focused concentration on artistic striving, because it requires meditative patience and searching reflection, brings with it a calmer and perhaps more spiritual state of mind along with a more challenging sense of personal inquiry. That calmer mind after a period of uncertainty, confusion and even dismay, may also bring forth a greater coherence or unity of thought.

The world can never fall into rational analysis but we can through reflection and creativity press the details of our thoughts into some less chaotic or arbitrary shape, which brings an undoubted uplift of mood and spirit. As the great twentieth century British abstract sculptor, Barbara Hepworth, noted: ‘Working realistically replenishes one’s love for life, humanity and the earth. Working abstractly seems to release one’s personality and sharpen the perceptions, so that in the observation of life it is the wholeness or inner intention which moves one so profoundly; the components fall into place, the detail is significant of unity.’

Benefits of making things
Making things is therapeutic in itself. The benefits come from the intrinsic value of the task, its collaborative aspects and the status and reward derived from it. The object created and the maker’s relation to it creates multiple opportunities for reflection and inquiry, creating a channel to a more profound insight for the offenders into their own motives and instincts, the behaviour these instincts initiate, their relationship to the world and, all taken together, that sense of meaning and positive purpose, which can seem so elusive.

Arthur Koestler, whose experiences as a political prisoner gave him exceptional insight into the relationship between imprisonment and creativity, observes in *The Ghost in the Machine*: ‘There is no sharp dividing line between self-repair and self-realisation. All creative activity is a kind of do-it-yourself therapy, an attempt to come to terms with traumatising challenges.’

Art involves making things and part of the benefit is gained by the maker in the making itself. Of course the benefits of making things are not only derived and enjoyed by artists. Bricklayers, cooks, gardeners, knitters and stitchers among many others also know the pleasures and satisfactions of making things. Nor are any of these activities (not traditionally artistic), without commitment to and achievement of aesthetic appeal and use value.

Here is possibly England’s greatest gardener on the significance of
the activity of gardening (rather than the glory of the garden once made). Note the association of creativity and spirituality. No wonder that jobs in horticulture are the most popular among prisoners, not only because they involve working outside, escaping the noise and incipient chaos of the overcrowded, claustrophobic wing. Gertrude Jekyll believes that working in the garden widens mental and spiritual horizons too: ‘A garden is a grand teacher. It teaches patience and careful watchfulness; it teaches industry and thrift; above all, it teaches entire trust. “Paul planteth and Apollo watereth, but God giveth the increase”. The good gardener knows with absolute certainty that if he does his part, if he gives the labour, the love and every aid that his knowledge of his craft, experience of the conditions of his place, and exercise of his personal wit can work together to suggest, that so surely as he does this diligently and faithfully, so surely will God give the increase.’

Gardening and the many other activities of ordinary people, often done in private for solitary pleasure or only for discussion with the like-minded few, are all acts of creativity. They are all crafts which involve creating something specific, even unique. This uniqueness is an expression not only about the object created, but symbolic of the individuality of the person who made it. In particular, neither the object nor the person is susceptible to mechanical reproduction. As Richard Sennett notes: ‘Against the rigorous perfection of the machine, the craftsman became an emblem of human individuality, this emblem composed concretely by the positive value placed on variations, flaws and irregularities in handwork’.

The individual expression in what is done and what is made is the magic of making and it is accessible to almost everyone. Richard Sennett again: ‘The innate abilities on which craftsmanship is based are not exceptional; they are shared in common by the large majority of human beings and in roughly equal measure. Three basic abilities are the foundation of craftsmanship. These are the ability to localise, to question and to open up. The first involves making a matter concrete, the second reflecting on its qualities, the third expanding its sense...To deploy these capabilities the brain needs to process in parallel visual, aural, tactile and language-symbol information.’

The connecting of thought and action is one way that problems are identified and then solved. This requires skill and that skill is derived from doing it. The skills are to specify, localise, contain. The second stage in making things is reflecting, understanding, evaluating options and making choices, which contain harmony and the possibility of communication. Skill is gained from knowledge, insight, practice and confidence.
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Achieving excellence requires an overwhelming commitment to practice, as Sennett explains:

‘Every good craftsman conducts a dialogue between concrete practices and thinking; this dialogue evolves into sustaining habits, and these habits establish a rhythm between problem solving and problem finding. The relation between hand and head appears in domains seemingly as different as bricklaying, cooking, designing a playground, or playing the cello – but all these practices can misfire or fail to ripen. There is nothing inevitable about becoming skilled, just as there is nothing mindlessly mechanical about technique itself.’

So practice needs to be a habit; repetitive action becomes a rhythm, as well as adding to the rhythm of the day; the rhythm of someone’s life. It is a counterweight to chaos, boredom, idleness, isolation, frustration and lack of purpose so characteristic of the lives of many prisoners – but by no means confined to them alone.

Importance of the object created

Turning the thought into an idea and then turning the idea into an object, as well as being creative is profoundly therapeutic. The act of realisation is a satisfaction in itself. More significantly, once the object is made, a distance is created between the person who made it and the thing made.

That space between person and thing doesn’t break the emotional and psychic connections, but does create an enormously valuable space for reflection and deeper consideration. Does the thing I have made reflect my intentions? Were my intentions clear enough to begin with? Had I really decided what I wanted to achieve? Did I have the practical or technical skills to fulfil my aspirations? Do I need to learn some new skills? Am I satisfied? Am I disappointed? Should I have done better? Could I have done better? What will I do next? These questions are evidently existential, extending beyond the single creative achievement to the contemplation of the future and the meaning of life itself. This is one reason why artists, though often deeply troubled by these questions, nevertheless often seem to get more out of life, especially more extreme forms of joy and sorrow, than others.

All artists, though they may be reluctant to admit it, are troubled by whether their work will have any value after their death. However much one’s work is fated and celebrated, history shows that art given great contemporary recognition often turns out to have little lasting value and, worse still, art which does have true lasting value is all too easily unrecognised and readily forgotten. The poetry of John Keats, now one of the most revered English poets, attained little or no recognition until long after the end of his short life.
In order to overcome this anxiety about only making transient and disposable inconsequential objects Herbert Read argued that art, with its religious origins in Western culture, must inevitably speak to some notion of contemporary community, a shared sense of values.

Without that, Read believed, supposed art will in fact turn out to be narcissistic ephemera. ‘Can the artist, on the basis of his own sensibility, and without the aid of mass emotional and traditional ideals – can such an artist “good, great and joyous, beautiful and free” create works of art which will hold their own with the greatest creations of religious art… The answer to the question whether great art can exist independently of religion will therefore depend on our scale of values. The court of judgment is sooner or later the community. It would seem, therefore, that the artist, to achieve greatness, must in some way appeal to a community-feeling. Hitherto the highest form of community feeling has been religious; it is for those who deny the necessary connection between religion and art to discover some equivalent form of community feeling which will, in the long run, ensure an historic continuity for the art that is not religious.’ 10

**Community feelings of art**

Artistic practice can be a solitary, expressive activity, bringing together personal insight and reflection, objective qualities like shapes or geometry, or more subjective tastes like colour or texture. But there is a special pleasure and satisfaction in collective artistic activity which speaks to Herbert Read’s ‘community feeling’.

The book club for example, is the opportunity to supplement the individual, private pleasures of reading with the possibilities of discussion and other perspectives and interpretations of the author’s intentions or achievements. The choir requires harmony as well as melody; individual as well as collective effort. There is the added appeal of being with people with shared interests, perspectives and empathy; a new possibility of friendship. Joining a choir adds the benefit of performing and the recognition that comes from it to the joy of singing. Above all there is the sense of shared creation which making music together brings, what Claude Levi-Strauss called the ‘feeling of simultaneity’; the sum greater than the parts.11

**Arts as therapy**

These ideas of making and art having therapeutic benefit have a long history. From a longstanding tradition in China, Japan and east Asia creative and art therapy began to infiltrate western practice, particularly in mental
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health, in the early twentieth century. Once psychotherapy began to be taken seriously creative collaboration with artists became more common in pursuing therapeutic goals from the 1940s onwards. That developed into professional, evidence-based approaches to arts therapies. Since the 1960s artistic practice has gone beyond therapeutic boundaries into the wider realm of ‘community arts’ in schools, hospitals, prisons and supported housing and social housing estates.

The exploration is about looking at motives, consequences, impact on self and others and, if accepted, the need to find ways of not repeating the same behaviour again. The idea is that re-visiting the scene of the crime mentally and emotionally, reflecting on what has happened and talking to sympathetic, non-judgmental professionals will produce insight into both the pebble that diverted the stream in the wrong direction and, furthermore, the way in which the stream can now be diverted to its truer, better, more socially acceptable course. This view is particularly applied in relation to offenders, where the intention is to avoid repeating patterns of offending. Better understanding of those events and patterns will help in their future avoidance, to the benefit of the offender themselves not to mention the significant benefits to the rest of society.

Several schools of thought surrounding arts therapy exist, each with different psychological and philosophical underpinnings. Some adopt a Freudian view of arts therapy, suggesting that artistic expression, much like a dream, forms a portal into the unconscious. Others are grounded in Jungian theory and suggest that creative arts interact with our underlying archetypes – innate psychological tendencies, which are at the heart of the human condition and consciousness and so shape subsequent behaviour. Winnicott’s notion of art as a transitional object also forms part of the psychoanalytical basis of arts therapy. In this conception a piece of art becomes an object allowing the transition from concrete to abstract representations of the external world.

From all theoretical perspectives the emphasis is on the creative act both as a form of self-expression and the making of an object which has psychological as well as aesthetic significance once made. Self-expression is particularly salient for people who for one reason or another face impairments in vocalising their thoughts and feelings, often the case with offenders.

Dance movement therapy is particularly useful for participants who find verbal expression difficult or otherwise daunting because it involves using body movements and improvised dance to enact one’s thoughts and feelings. In addition to psychological benefits, such as improved perceptions of one’s
own body, dance movement therapy also aims to engender physical outcomes such as improved co-ordination. In this vein, it is also used with people with neurological impairments.\textsuperscript{15}

Art therapy – whether painting, drawing or other visual media – seeks to achieve healing within the context of the relationship between the client, the therapist and the artwork. The first stage is \textit{identification}: the unconscious process of being absorbed with creating a piece of art while the therapist observes as a witness. Once the work starts to emerge, the person that made it becomes a conscious spectator of their artwork. Art therapists call this process \textit{familiarisation}. Those making the art can then begin to develop and vocalise attitudes to their artwork with input from the therapist. This is described as \textit{acknowledgment}. With the benefit of these conversations and interactions the creator can begin to see their work from a different perspective. To see the significance of something you have created, without having known all its meanings when you made it is a powerfully dissociative experience. You step back as a small shaft of light is cast on your own action and the experience from which it was drawn. This process is called \textit{assimilation}. At some point the person who made the artwork is content with \textit{disposal}: the work of art can make its own way in the world to be exhibited, sold, or left with the therapist, given away or forgotten. It has done its work. The insight is gained; the person moves on. The benefit is not just in the act, but in the reflection on the act and the object.\textsuperscript{16}

Music therapy endeavours to use systematic musical experiences to help participants develop relationships and address issues difficult to describe or discuss in words alone.\textsuperscript{17} Music therapy comes in different approaches and styles. The \textit{active} approach entails the production of music such as free improvisation or recitals. Conversely, \textit{passive} or \textit{receptive} music therapy involves listening to music, such as that from a recording or played by the therapist. Most music therapy adopts a combination of both approaches.\textsuperscript{18} The space that is created in music therapy is in the gap between the music and the listener – and the extent to which the listener’s reactions are conditioned by the music or instead created by something within themselves. The encounter between the two sparks insight into both.

Something similar happens with drama therapy. The acting of a persona at a distance to yourself creates something to look at and think about, which is connected to but not the same as something to be understood in yourself. Drama therapy has its provenance in ‘remedial drama’ activities that emerged in the 1940s and 1950s. Drama therapy can serve as a ‘container’ for the
disordered and chaotic thoughts of participants. Connected to this is the use of another psychological mechanism employed by drama therapy, that of aesthetic distancing. This alludes to the relative ease of expressing sensitive or embarrassing thoughts and desires (for example, fantasies of harming someone) in the safety of the pretend world. Simple sessions may use a creative-expressive mode. The emphasis is on improvisation and free creativity without interpretation of subsequent performance. More complex therapy involves analysis of the person’s own characteristics and how these may be portrayed in drama. Popular myths and tales from the folklore of world cultures are also utilised to mirror the lives of participants, helping maintain feelings of normality.

**Creative arts in prisons**

Though not always fully or explicitly constructed or theorised as therapeutic, facilitated artistic activities happen in almost all prisons, either in education, run by a charity or pursued by the prisoner on their own account, often in solitude in their cell. W.H. Auden thought that the hero of modern poetry is: ‘the man or woman in any walk of life who... manages to acquire and preserve a face of his own... to have a face one must not only enjoy and suffer but also desire to preserve the memory of even the most humiliating and unpleasant experiences of the past.’

Phil Forder at H.M. Prison Parc has devised a programme that more than 250 prisoners have undertaken which seeks explicitly to link artistic activity to personal goals, thereby building their motivation. This is particularly important for those who are detached and disengaged, bitter, angry, recalcitrant or depressed. The Art of Living course is a six-session programme that has been developed to motivate prisoners to get involved in self-development. The programme draws on storytelling, painting, drawing, social inclusion and trust games as well as discussion to bring about an understanding of one’s individuality as well as our common heritage. The intention is that through improved self-awareness, prisoners become more motivated to engage with other interventions and activities in the prison that enhance their likelihood of remaining free from further offending and living fulfilling lives.

Unlike conventional motivational programmes, Art of Living uses art in its broadest sense to explain psychological concepts and encourage the men to express themselves. This visual approach makes the programme more accessible to those with limited basic skills or who are highly resistant to
‘traditional interventions’ and who could consequently ‘fall through the net’.
A willingness to engage in full participation for the six sessions is essential.

Art can summon up powerful emotional reactions. One aspect of that,
according to Picasso, is ‘controlling terrors and desires’, to which everyone
is susceptible and with which everyone needs help. ‘[Painting] could have a
“magical” role of capturing and controlling terrors and desires, pinning them
down with colour and form. “The day I understood that” Picasso said later,
“I had found my path.”’

The old governor’s residence just outside the gates of H.M. Prison Wormwood
Scrubs in west London now houses the offices of the Koestler Trust. The house
has lots of small rooms. The building and its furniture is rather run down.
Nothing like an art gallery, it is nevertheless full of art, a veritable Aladdin’s
cave. I visited in the lead-up to their big annual exhibition at the Southbank
Centre, where they would display the winners of their awards and many other
works by prisoners. In the office all these works are stacked up on shelves,
against walls, on landings. Each work is carefully labelled, the paintings, the
sculptures, the carvings, the pots. Much is for sale and the prisoners receive
some of the proceeds.

The symbols, resonances and insights of prison life are profound in the
art works all around. There are many chess boards, chess being a pastime that
fills many long hours behind the doors. There are many sculptures made from
soap, one of the few materials available inside the prison cell. Several complex,
ornate works are made from paper involving forms of origami. The staff
report that most of these others paint made by prisoners from China and east
Asia. Many other paint portraits of Lewis Hamilton or Bob Marley, heroes to
society’s underdogs. There is one precise, naive large painting of the deck of
the Titanic. Brightly coloured, the composition is symmetrical, geometrical,
controlled. It was done by a long-term prisoner whose highly accomplished
work is always about the Titanic. He submits work for the show every year.
His paintings are not for sale.

Another patient of a secure hospital submitted a paper sculpture of an
entire orchestra for entry into the Koestler exhibition. All the players were
made from sheet music of Beethoven’s Ninth Symphony. This was on display
at the exhibition at the Southbank Centre and the curators thought it so good
they bought it for their own collection. But trouble was ahead. Somehow the
media discovered the identity of the artist; he was someone who had received a
life sentence for two brutal rapes and murders in 1988. The Southbank Centre
opted to remove the exhibited work following an inflammatory newspaper article headlined: ‘Work of art or monstrous cynicism? Convicted paedophile creates extraordinary paper sculpture in bid to win freedom’.24

I have a beautifully embroidered bag made by a prisoner, which I bought at a Koestler art sale. It is embroidered with Chinese characters as well as quotes from the poetry of W.B. Yeats and T.S. Eliot. What a remarkable combination of interests and what a skilled achievement to put them together! I can only imagine the satisfaction that the prisoner got from the idea and its execution. One strongly senses that an artist making something as original and beautiful as this would certainly have a renewed and stronger sense of themselves. For the time it took to make the bag the prisoner would have been a poetry lover, a calligrapher and an embroiderer. No longer and no more just an offender.

Koestler’s approach has all the obvious benefits I have already outlined. Making the art is contemplative, self-expressive and, if they are made in a class or a workshop, can also be collaborative. A skill is acquired and an object is created and it is in the relationship to the artwork that some of the therapeutic value resides. The work of art, once made, speaks both for and about the artist. They can reflect not just on what they wanted to say and how effectively they said it, but also on what the object, when looked at, seems to say about them, about their state of mind, or their concerns. It may even be a window on their unconscious. In Freudian terms, the work of art may say something about their ego and super ego, as well as their id. The prisoner-artist may see something in the work that suggests something about themselves, which they had never contemplated before.

The other significant distinguishing feature of Koestler is the giving of awards together with an opportunity to exhibit the work. The awards represent recognition for achievement and success, something all too rare in prison life. The exhibition means that the work created by the prisoner has travelled through the prison gates and out into the world. Somewhere in an art gallery an invisible prisoner’s metaphorical voice can be heard and acknowledged. The inmate themselves may still be in prison for many years or perhaps in a secure hospital for the rest of their lives, but that voice has been heard in the world, perhaps even listened to. A small, frail bridge of creation and expression joins the prisoner to the outside world, and also the other way around. No wonder almost all prisons participate in the Koestler schemes and prisoners are delighted when their work is exhibited even though they can’t see it and thrilled to win an award.
Fine Cell Work teaches prisoners to sew, the simple but brilliant idea of their founder Lady Ann Tree. Lifelong needlewomen take their sewing bags into prison, find a quiet corner, sit down and teach prisoners to sew the most beautiful cushions. Witnessing the scene is like contemplating Vermeer’s Lace Maker or reading a Jane Austen novel. The effect must be calming. Here is a connection between two people whom one could never imagine connecting with each other in any other way. That is something special, bringing the benefits of tranquillity, concentration, contemplation and purpose. One might almost think of it as something akin to a prayer or meditation.

Fine Cell Work stitchers progress from sewing standard training patches and then kits of increasing complexity (including stitched ‘jail bird’ tote bags, lavender pillows and cushions) all of which the charity then sells, providing a small wage to the stitcher. As they improve, individuals, groups, or whole workshops take on external commissions. Some are able to complete these in their cells in their own time, while others require collaborative effort or machinery and are therefore limited to workshop hours.

The volunteers seem to hold a special place in the prison and among the prison staff. They move with remarkable ease around the wing, cheerfully referring to themselves as ‘the sewing ladies’ to prisoners asking who they are and catching up with familiar faces as they pass. They have, over the years, become adept at responding to the limitations and inconveniences of working in prisons, jokingly recalling occasions they’ve had to pull chairs to the ends of corridors or corners of shared rooms or visit individuals in their cells to deliver materials and run classes.

The relationship shared between the volunteers and their stitchers is almost maternal, or grand-maternal. The women clearly invest a good deal of emotional interest in the welfare and work of their charges, while keeping to the boundaries and structure of the work and training. Work – from test pieces to large commission projects – is carefully scrutinised and enthusiastically praised and rewarded, while progression through kits is carefully managed to suit the experience and skill of each stitcher.

This emotional investment on both sides can, however, throw the realities of prison life into stark relief. One stitcher at H.M. Prison Wandsworth in south-west London, who had been successfully progressing through the Fine Cell Work classes, sorrowfully handed back his uncompleted piece having learnt that he was to leave in a few days to complete his sentence back in his native Poland. One of the volunteers touchingly commented on this principal difficulty about working with an itinerant prisoner population, remarking that,
‘they move and hope we’ll move with them, which is always rather sad, because we just can’t.’

Prisoners take their sewing projects back to their cells and use the time to reflect as their chosen design incrementally forms with each stitch. The result is a profound sense of ownership over both the objects they are creating and the skills they have learnt. The objects take on significance as something owned by the stitcher as well as being an embodiment of their reflective skilled work. One of the younger stitchers at the first stage of his training had carefully sewn a Nike ‘swoosh’ across the top of the square, before moving on to complete the standardised heart pattern. He was proud to see his gesture of individuality recognised.

As well as the sewing classes with small groups of prisoners on the wing, Fine Cell Work also runs workshops in prisons. These workshops are collaborative and comradely, with pieces of stitching passing from station to station for each addition, and stitchers teaching each other what they’ve learned. This social and stimulating environment can be all too rare in prison work. A member of the prison staff remarked:

‘[In other workshops] often the work is quite repetitive and solitary, and the workshop has a target to earn a certain amount of money. That means the men involved often feel they are working on their own and competing with each other. [Fine Cell Work] is a lot more collaborative, creative and project based... Before this, I was running a workshop that was putting toys into plastic eggs for use in those grabber machines at amusement arcades. It was much less interesting work.’

Another Wandsworth prison stitcher working in the Fine Cell Work workshop (his jacket bearing the high visibility shoulders that tell of an increased risk of escape) took pleasure in explaining the intricacies of the machinery he was using and detailing the painstaking creative work of completing his large and complex piece. Alongside the commissioned piece he was also utilising the machine to produce a series of sweatshirts, each emblazoned with his name.

One stitcher, ‘Clive’, who worked with Fine Cell Work while in closed prisons, was transferred to serve the rest of his sentence in an open prison. He has set up a tailoring shop in the new prison:
‘When I first started, I could not sew a button onto my shirt – I always had to ask my girlfriend to do it for me! – I had never even used a sewing machine, embroidery machine and I’d certainly not done any hand stitching. Now, five years on, I have these new skills and I will take this knowledge into a brave new world and eventually into my own business venture. Fine Cell Work has made me realise I have so much more to give and it has given me self-confidence and a new bounty of ideas. I am sure if it wasn’t for Fine Cell Work I probably could not have handled the day-to-day running of prison life. I was able to channel and challenge my emotions and feelings into designs and projects.’

‘Martin’ had never done sewing before he joined the team in a Fine Cell Work workshop. He did so well that he was made head of the workshop by the prison staff, co-ordinating and organising work being done by others. Martin has since been released from prison:

‘It helped me to feel relaxed while I was inside, because you can get on with things to do. It keeps your mind off other things, because once you get back in that cell, and that door bangs shut, that’s it. You’ve only got the TV or your own thoughts to cope with. If I didn’t have the Fine Cell Work I would have probably gone into a depressive state. I don’t know what I would have done, actually. I applied for work in the [prison] gardens, and they said there’s a big waiting list for the gardens because everyone wants to be outside, you know, it’s that little bit of extra freedom. So I said, “Well, what else have you got?” and they said “We’ve got Fine Cell Work” and I said, “Well, I do want a change of career, so put me down.”

With the gardens, you apply because you want a bit of freedom from that cell. But it turns out you’ve also got your freedom in the workshop, because you’ve got the freedom of creativity. You know, you can make stuff. Nobody’s there to say, “Oh, you can’t do this, you can’t do that.”

Inside I usually just kept myself to myself. But when it came to that workshop, you’d come in and [be part of the team]... When the instructor broke a leg, we all chipped in and got a card, and we all wrote on the card and had a laugh with the card, you know, it was just
that camaraderie between us, that you can go up to the instructor and have a laugh with them. You couldn’t always do with that with the other prison staff. When the volunteers came in, it was a real chance to show off – we’d say “this is what we’ve done, this is where we do this, this guy can do that, and that guy can do this.”

Fine Cell Work passes all the tests I have been developing for activities that can make a real rehabilitative difference to prisoners, which may help them when they get out. Sewing is a contemplative and therefore therapeutic activity. Something beautiful is being made. There is a strong sense of purpose including a small financial incentive. Well-meaning, beneficent, cheerful volunteers are involved. The classes take place on the wing and the sewing can be continued in the cell.

We visited a women’s prison, H.M. Prison Send in Surrey, where Synergy Theatre Project was working. The project was built around a play called Random by Debbie Tucker Green about the reactions of family members to a stabbing and killing. It is an emotionally powerful and poetic one-woman play that was performed in the prison. After seeing the performance the women prisoners discussed the play, as well as participating in drama workshops about how they might go about putting on a play like this themselves. As far as the women in prison were concerned, some of whom had lived through similar experiences to those depicted in the play, the emotional effect was powerful and cathartic. In the discussion there was considerable disclosure of personal experiences and emotions, all skilfully and empathetically handled by the facilitators.

Empathy was the main theme of the debate. For the women who had committed serious violent crimes, understanding and empathising with the experience of the victim and their family is a critical dimension in coming to terms with the crime committed, moving on from it and not reoffending in a similar way. Someone who simply cannot see the world through the eyes of the people on whom their behaviour impacts is ill-equipped to manage their own behaviour and relationships in the future in a way that reduces the likelihood of them doing something similar again. There was a specific emphasis on reflecting on personal experience and drawing lessons from the artistic encounter, which might help in understanding and making sense of those personal experiences with a view to future emotional benefit.
Another impressive use of live theatre in prisons is Pimlico Opera. Pimlico are a professional opera company who each year stage a well-known piece of musical theatre inside a prison with a cast almost entirely of prisoners. Launched in 1991 with the performance of *Sweeney Todd* starring prisoners serving life sentences at H.M. Prison Wormwood Scrubs, Pimlico Opera has worked in a dozen or so prisons around the UK, and staged 20 different musicals.

The prisoners participate in a full-time intensive training and rehearsal period which lasts from five to eight weeks (as long as rehearsal periods for a West End show). During this time the routine of prison life recedes and prisoners are able to work with otherwise forbidden items including tools, ladders, costumes and props. Performers learn to sing, dance and act as well as to count time, stage-fight, scene-shift and any other skill the production demands. Productions chosen by Pimlico to perform are typically those which, although seemingly detached from the immediate life of the prisoners, nevertheless feature resonant themes and ideas with which the performers can identify. *West Side Story, Guys and Dolls* and *Les Misérables* are, for example, popular choices. Pimlico offers prisoners the opportunity to step outside of their normal routine and commit themselves to something often completely unknown within an intense collaborative environment. They produce a full-scale musical production and they gain insight into their own ability and another way of living as well as the emotional underpinnings of the stories they tell.

We went to H.M. Prison Erlestoke in Wiltshire to watch with the staff and prisoners’ friends the preview of *West Side Story*, performed as a precursor to its week-long run. Walking through the prison and entering the gym in which the performance took place, the visitor is transported to a professional but intimate theatrical space, complete with tiered seating, blacked-out walls, light rigging, a full and movable set and an offstage mini-orchestra linked to performers through shaded monitors. As with all of Pimlico’s productions, the cast included a few professional members of the company, a full-time theatrical director and supported by a core team of the company’s back-stage crew. Everything else was down to the twenty prisoner actors. Performing alongside professionals as part of a single company raises participants’ expectations for their standard of performing and motivates a sense of collaboration with each working to match each others’ performance.

The cornerstone of the Pimlico project is the production of a piece of theatre that matches the standards of any professional company. The staging is complex and the performance highly choreographed, fast-moving with
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plenty of intricate set changes, intense fight scenes and complex multi-layered harmonies. Few allowances are made for newcomers' lack of experience, other than focused training. The performers must rise to meet the challenge of a musically and physically demanding piece of work.

At Erlestoke, one of the prison staff facilitators spoke of the impact that participation has on the men, observing that newfound hope was the most profound change she has seen. The uplifting sense of achievement following such an intense and disciplined rehearsal period is to experience a suggestion of a different way of living; a new insight into your own capability. The triumphant curtain call to a standing ovation was an extraordinary mutual celebration of the performers' achievement.

Perhaps the most striking moment of our experience at Erlestoke prison was the last few minutes of the play, in which the gang members gather to watch a distraught Maria mourn over the body of her lover. As Maria faces each in turn, confronting them with the emotional impact of their action, the prison context in which the play is being performed is suddenly brought for the first time to the fore. To successfully act and perform the piece, these complex and emotionally charged ideas must be explored and an imaginative leap must be made to empathise with the characters and their situations. The actors’ depth of feeling and understanding was clear from their performance.

As an Erlestoke staff member observed, ‘people come to watch the prisoners perform, and they think “he looks like my dad, my brother, my friend”; they see them in a new way, and they think, “someone who can learn to do that can’t be all bad, can they?” They see something redeemable.’

As well as the benefits to the individual prisoner, something else important has taken place. The act of making is, as I have said, an act of communication. The outside world knows something more about the lives and times of prisoners. If citizens knew nothing about prisoners and prisons and didn’t care to know anything about the outside and the people out there (heaven knows, they know little enough) we can be sure that all manner of depredations, indignities and hostilities would be perpetuated both on prisoners and prison officers. A closed world is a dangerous world.

As it is, the person who buys a Fine Cell Work cushion knows it was made in a prison; knows who made it and can write to them to make contact and thank them if they wished. The member of the public who attends a Koestler exhibition looks through a window on the prisoners’ world. The audience member in West Side Story picks up strong emotional resonances from
the prisoner. The prisoner has spoken and the world has listened – and learnt. A small weight is added to the balance in favour of tolerance and compassion and against ignorance and hostility.

* * *

I will end this chapter with a quote from an ex-drug smuggler about the power of art in desisting from crime. While in prison, he had taken up painting. This is from the Liverpool Desistance Study and quoted by Shadd Maruna in his wonderful book *Making Good*: ‘The only thing that is going to improve a geezer is changing your currency of life, from pounds to something slightly more heady: yoga or art or music or whatever. The people I know from nick that took up art, they get an equivalent buzz. When I finish a painting I get the same buzz as I got when I landed 80 kilos on a beach in Spain.’

This seems an implausible claim, but the important point is the phenomenological one: if he believes it, it becomes true – and has the power of perceived truth to influence his behaviour. He continues, ‘So, I don’t make much money, I’m quite poor, but I altered the currency. Life’s currencies can be, you know, less hard cash, basically less physical. What do you spend your money on? Having a nice time. For what? So you can enjoy life. But if I can enjoy life by painting pictures, talking to impoverished artists and getting arse-holed every now and again, going to exhibitions, it suits me fine.’

Giving up offending may mean not just changing behaviour and new relationships. It may mean, in your own eyes at least, becoming someone else; rehabilitation indeed.
10. Work, autonomy and well-being in prison and afterwards

*It occurred to him that what had appeared utterly impossible before — that he had not lived his life as he should have done — might after all be true. It struck him that these scarcely detected inclinations of his to fight against what the most highly placed people regarded as good, these scarcely noticeable impulses which he had immediately suppressed, might have been the real thing and all the rest false. And his professional duties, and his ordering of his life, and his family, and all his social and official interests might all have been false. He tried to defend it all to himself. And suddenly he realised the weakness of what he was defending. There was nothing to defend.*

*Tolstoy, *The Death of Ivan Ilyich* ¹

It is easy to conclude, with some justification from the research,² that the route away from offending relies on the love of a good woman, a decent job, a boss to be respected and good companions. All of that would certainly help but first the need to work holistically on the inner aspects of a person as well as the circumstances of their life remains. That is inherently more difficult in the kind of places and communities where crime thrives: places where conventional social ambitions are hard to achieve and transgression abounds. This is the heart of the problem of rehabilitation and desistance from crime. It’s not just what an offender did or did not do while in prison that will affect their future prospects of avoiding reoffending. It is also the world they are
released into, which can support all the aspects of well-being or can at every
turn undermine them.

According to the psychological literature well-being depends on a complex
interweaving of objective and subjective life satisfaction, bonding and bridging
social capital, autonomy, environmental mastery, personal growth and purpose
in life. These, of course, are also the true protectors against future reoffending.
For some prisoners, their early life will have been so emotionally attenuated
that they have to acquire these qualities for the first time in adulthood and
in the generally unsympathetic environment of a prison. They must achieve
emotional maturity long after physical maturity and by an obscure and difficult
route. Even for those prisoners not so let down by their past, the experience of
prison disrupts these very attributes of well-being. An effective prison regime
will encourage remorse and seek restitution, but will also preserve healthy
aspects of well-being, combat unhealthy ones and strengthen and renew
the insufficient.

This is an inherently complicated process and not susceptible to
sloganeering about the need to be tougher on crime or to simplistic and
outdated notions of rehabilitation or the benefits of work. In this chapter
I am going to focus on some preoccupying aspects of prison regimes: work,
education, mental health and freedom from drugs. These are clearly important
in themselves, but their true, profound importance lies in the difference they
can make to wider aspects of well-being.

Life satisfaction and well-being
As part of his seminal ‘satisfaction model,’ Lehman posited that overall quality
of life was the product of interplay between one’s personal characteristics
(such as one’s personality type) and, more significantly, objective and subjective
indicators in various life domains including: work, finances, housing, mental
and physical health, safety, leisure, family contact and other social contact.3
Objective indicators are easily measurable and form an individual’s or group’s
objective quality of life.

Regression analysis of Lehman’s model revealed that overall quality of
life or global well-being, however, was predominantly influenced by subjective
quality of life.4 Objective quality of life and personal characteristics played
very little part in determining global well-being (accounting for seven to 16
per cent and four to seven per cent of variance respectively). Confirming
the importance of subjective assessments of life satisfaction, in an article
entitled ‘The Pursuit of Happiness,’ Myers and Diener concluded that sex,
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age, ethnicity, socio-economic status and educational level had little impact on happiness, though marriage was a notable exception.5

In a meta-analysis of quality of life research, Vatne and Bjorkly thought that, of the various life domains, leisure, family and social contact were the strongest independent predictors of global well-being.6 Satisfaction in these life domains is intimately entwined with the economic notion of 'social capital'. Social capital alludes to both the quantity and quality of social interactions, as well as abstract constructs, such as trust in others. This, along with objective and subjective satisfaction, is at the heart of long-term well-being.

Robert Putnam, who popularised the notion of social capital in his influential work *Bowling Alone*7 established five components of social capital. First, there are a person’s community, voluntary, state, and personal networks. The density of those networks is also important. Second, there is civic engagement, participation, and use of civic networks. Third is local civic identity – sense of belonging, solidarity, and equality with other members. Reciprocity and norms of co-operation, a sense of obligation to help others, and confidence in return for assistance, is also essential as is a wider sense of trust in the community.8

Participation in a sports club, for instance, is an example of structural social capital; describing activity or behavioural interactions. More conceptual or subjective social interactions, such as trust in a community or sharing values, are categorised under cognitive social capital.9

Ecological and individual social capital may arise between people with marked commonalities, such as those suffering from the same disease or communities of ex-offenders or ex-homeless people. This is known as bonding social capital, whereas interactions and relationships between ‘different’ groups or individuals, such as those of different socio-economic status, is termed bridging social capital. Linking social capital describes interactions that occur through formal institutions, such as a government body. Bonding, bridging and linking social capital are all important determinants of subjective quality of life and global well-being.

Global well-being is not purely a weighted summary of objective and subjective quality of life. Studies in the field of positive psychology – a field that focuses on the determinants of happiness, well-being and good mental health – have demonstrated the contribution of specific, psychologically-grounded life dimensions to well-being. These self-related constructs are largely independent of personality or personal characteristics, but reflect the manner in which life is lived and attitudes towards life.10
Ryff argues that there are six main self-related constructs or, as she refers to them, life dimensions, these being: self acceptance, positive relations with other people, autonomy, environmental mastery, personal growth and purpose in life.\textsuperscript{11}

Perhaps the most influential self-related construct is that of \textit{autonomy}, which refers to the qualities of self-determination and being independent. The term is not restricted to behaviour or action, such as cooking for oneself, but also encompasses cognitive independence. Exhibiting ‘resistance to enculturation’ and thinking for oneself are gauges of high levels of autonomy too.\textsuperscript{12} Similarly, judging one’s behaviour from an internal locus – evaluating against personal standards instead of looking to others for approval – is a prominent component of autonomy. Higher levels of autonomy have been consistently linked to higher overall quality of life.\textsuperscript{13}

\textit{Environmental mastery} relates to an individual’s ability to choose and create environments suitable to their personal needs and values. Without that, people will typically encounter difficulty managing everyday affairs; feel unable to change or improve the surrounding context; be unaware of surrounding opportunities; and lack a sense of control over the external world.\textsuperscript{14} Highlighting this relationship are the results from studies of residents in nursing homes. Residents given a pot plant to care for – thus promoting environmental mastery – reported higher global well-being than those owning a pot plant that is looked after by nursing home staff.\textsuperscript{15}

\textit{Self-acceptance} or \textit{self-esteem} comprises having a positive view towards oneself, acknowledging the multiple facets of self, including good and bad qualities and having constructive views of past life.\textsuperscript{16} The significance of self-esteem in relation to well-being varies greatly with culture. Self-esteem is considered to be less important in collectivistic nations, where personal attributes are less valued.\textsuperscript{17}

\textit{Purpose in life or coherence} is a measure of possessing goals in life, having a sense of direction in life, attributing meaning to present and past life and harbouring beliefs that give life meaning.\textsuperscript{18} Purpose in life may be material, experiential or spiritual and, with regards to the latter, Ferris has reported a strong link between holding various religious beliefs and global well-being.\textsuperscript{19}

Tied in with this notion of purpose in life is the actual execution of these aims in life and development towards or fulfilment of goals. This is the essence of personal growth. It entails perceiving oneself as growing and realising one’s potential, as well as experiencing an improvement in self and behaviour over time.\textsuperscript{20} Referring to a similar concept – \textit{perceived change} – Zissi \textit{et al} reported
an association between sensed improvement in life and global well-being.\textsuperscript{21} Attainment of goals is most influential on well-being when these goals and one’s inherent psychological values are well matched.\textsuperscript{22} So it is likely that purpose in life is the more powerful of self-related constructs.

Obviously not all these attributes can be delivered by a prison regime, even over a long time. But it is important for activities in prison to reflect this wider backdrop and place the work they do in this context.

**Work in prison**
The research evidence shows the benefit of meaningful, convivial work as a powerful force in desisting from crime, but for the prisoner there are several prior stages.\textsuperscript{23} The prime motivation for working when in prison is to overcome solitude, boredom and depression, not as a preparation for lifelong desistance.

Work is a habit that is inculcated by the stronger instincts for making things and making things together, which I believe are universally felt. Work does not have intrinsic value. Instead the value of work is instrumental. Work is by definition a means to an end, not an end in itself. It is a way of achieving something else. To that extent most work for pay always involves more striving than satisfaction. One achievement always leads to the need to seek another. Being dissatisfied, a little disappointed, is almost a requirement to encourage a greater sense of striving.

If the act of work offers no satisfaction at all and the thing that is created as a result is similarly without value, then work becomes wholly alienating, regardless of pay and security. If alienating work is combined with poor pay and insecurity, it evidently has few attractions; just a meaningless technique for avoiding destitution. If the poorly paid, insecure, alienating tasks are performed in isolation without collaborating with others, it lacks even the benefits of comradeship and solidarity, which were such a strong compensating feature of older forms of physical, industrial work.

Prisoners and ex-offenders have always been expected to work while inside, not especially as a way of enhancing their self-esteem, but as a means of paying their dues to society and paying their way in prison. All prisons have places where prisoners can work. Some are associated with the efficient and cost-effective running of the prison like working in the kitchen, grounds or laundry. Others however are so-called social enterprises, making products for sale. Many prisons have carpentry and joinery workshops for example where furniture is made for sale. Other prisoners provide services for commercial customers. H.M. Prison Channing Wood in Devon for example operated a commercial laundry service for businesses in the area.
In recent times, work has been placed at the centre of prison life. It has been widely suggested and accepted that prisoners should work full time, as far as possible. The contemporary motivation and justification is the perceived rehabilitative benefits of having a job. These beneficial effects are said to stem in part from having skills relevant to contemporary labour markets. In addition ‘work-ready’ attitudes or employability are also seen as important. On examination these qualities turn out to be reliability (both in turning up and doing the job); motivation (as in a willingness to turn up and organise yourself without too many instructions, persuasion or cajoling); and compliance (in other words, doing as you’re told).

The evidence that ex-offenders in work are less likely to reoffend is strong, though a closer examination is needed to discern the true benefits of work. It is not just that any job will do, nor that earning money gives you more independence and makes you less reliant on others or on the state. Greater independence does also bring greater self-esteem. Jobs can also be worth doing for their own sake if the activity is by itself satisfying. But the true rehabilitative benefit of work lies in the relationships and sense of belonging at work. In particular, the benefits derive from the benign presence of an authority figure that helps to provide restraint and encourages self-restraint as well as modelling behaviour worth emulating. In this way it is similar to the instrumental benefits of marriage. The best scenario is if someone at work encourages good behaviour: creating places to go and things to do away from criminal activity and associations, helping to move the offender step by step and day by day away from the life of crime.

Job stability also relates to moving on from crime. It is not just the money, but also the occupation, the time and energy consumed and, crucially, relationships with colleagues, the authoritative influence exerted by a decent boss, who is ideally demanding but fair. Social capital is generated through the interweaving of new relationships with peers and superiors, which reinforce positive behaviour, while sidelining and excluding both negative human influences and negative behaviour.

Even more than marriage, regular work changes day-to-day routine profoundly. Not only does work take a great deal of time, it adds structure to the way that time is used, which reduces both incentives and opportunities for offending. ‘The simple fact is that people who work are kept busy and are less likely to get into trouble.’ Employers, like wives, can provide direct social control. One former delinquent said his employer was ‘like a strict father. He went after me a few times. He also took me under his wing. We would have
a few drinks together.

Work also creates identity, status and meaning. Having a stable job, which does not have to be high status in itself, provides a sense of a place in the ordinary world, rather than as an outsider or in a sub-cultural world. The worker is seen as a competent contributor (not a skiver or a sponger), and someone who has some pride in himself, what he does and those with whom he does it. Once more, the possibility of a selection effect must be considered: are those who would choose work also those who would choose to give up crime? The evidence suggests otherwise. As with marriage, works itself produces ‘emergent’ benefits. At work, and as a result of work, people change their behaviour and the way they see themselves.

**Training prisoners for work outside**

There are a myriad of training-for-employment schemes that take place in prison. I want to focus on just two of the more original. One is the training of chefs and waiters in The Clink restaurant and the other is training in making spectacles. I have chosen to shine a light on these two activities because they seem to me to be creative as well as offering prospects for employment, which have both inherent and instrumental value.

The Clink is an implausible venture. The experience of contemporary fine dining behind a prison’s walls is a big surprise. In many ways eating at The Clink restaurant in H.M. Prison High Down in Surrey is like any high quality restaurant; that’s the remarkable thing (though without, of course, the alcohol). The greater pleasure of the experience comes from the fact that cooks and waiters are all prisoners. One admires their determination to succeed and to change their lives through the acquisition of skills and the dignity of labour.

But I also enjoy the special qualities of dissociative irony that is always to be encountered in prison humour. One prisoner working at The Clink restaurant as a waiter, when I shook his hand and said I was pleased to meet him, told me he was pleased to meet me too. His pleasure, however, was tinged with regret. Working that day in The Clink had meant that he had foregone the prospect of a new mattress which, he had heard on the grapevine, were to be distributed that day. As things currently stood, the new mattress was his highest priority. With a small gesture of separating two horizontal fingers he demonstrated how thin and uncomfortable his current mattress had become. With a shrug, he set off for the kitchen. The pathos of the moment made as much of an impression on me as the humour and theatrical timing with which the anecdote was delivered. Such are the smaller but significant aspects of
prison life. Another prisoner told me that it wasn’t like being in prison at all. One of my visits to The Clink was shortly before Christmas. On the tables were Christmas crackers. I pulled mine with a prisoner and a key ring fell out; an ironic prize for a prisoner. I said I would keep it because he wouldn’t be needing it, with which he agreed with a laugh.

The aim of The Clink charity is to reduce reoffending rates of ex-offenders by training and placing graduates after their release into the hospitality industry. Once released, prisoners are placed with the ex-offender career mentoring scheme supported and run with the help of hospitality education charity Springboard. As part of the programme graduates receive dedicated support from their mentor to seek full-time employment in the hospitality sector as well as help to secure accommodation, obtain financial help, open a bank account and anything else to ease their reintegration back into society.

As well as some 50 prisoners training in the restaurant, 12 prisoners are also training in the Bromley Gardens at H.M. Prison High Down (provided by the Bromley Trust, hence their name) where they are taking their horticulture NVQ exams and planting, growing and harvesting produce to be used in The Clink restaurant.28

In California the prison service began training offenders in spectacle making in 1989 and many ex-offenders of that programme are now qualified opticians or own their own optical business. MediCAL, the state health insurance company, orders over 300,000 spectacles from the prison optical labs and this saves the taxpayer hundreds of thousands of dollars every year.

Tanjit Dosanjh is an optometrist by profession. He has been training prisoners at H.M. Prison Standford Hill (part of the Sheppey prisons cluster) in making prescription glasses. During 2012 one trainee prisoner has been released and he is working full time in one of his local opticians. The remaining four trainees were determined that when they left prison they were only going to work as opticians. As Tanjit explained:

‘My interest in prisoner rehabilitation stems from my father’s imprisonment in 2003. I began studying optometry in 2004 and throughout my time at university I would visit him regularly. It is through these visits I learnt of the lack of decent vocational training available to offenders. After qualifying as an optometrist in 2008 I learnt about the prison optical programme in California and this made me determined to set something up in the UK. I have funded the
optical lab equipment myself and have not received any funding for delivering this training programme to date. 29

The training programme offers high-skill paid work opportunities to prisoners and greater cost efficiency to the NHS. The skilled prisoners could make up spectacles for the NHS, which pays for the spectacles of all prisoners across the country. This would both save the NHS money and enhance the experiential learning process of the prisoners taking part in this training.

We visited Liberty Needs Glasses at H.M. Prison Standford Hill (an open category D prison) and met two of Tanjit’s trainees. Tanjit has taken a small ex-computer block on the edges of the surprisingly leafy and rabbit-friendly Standford Hill campus and reworked it into a modest but fully functional optical lab and training room, complete with sample spectacles and all the necessary equipment for performing eye tests, cutting and testing lenses and assembling glasses. As well as learning how to construct glasses, trainees learn the theory behind their work. The walls of the two-room lab are decorated with hand-drawn posters detailing the concepts of myopia (short sightedness), hyperopia (long sightedness), stigmatisms and the structure and function of the eye. Referring back to these guides, one of the Liberty Needs Glasses trainees deftly demonstrated the process of making a new pair of spectacles, explaining alongside Tanjit the theory behind each stage.

Later, one of us (a life-long glasses wearer) had an eye test while the group transformed their teaching room into an optician’s shop display. Having received the trainees’ help with the sensitive task of choosing new frames, she left the prison sporting a new pair of made-to-order prescription glasses. We had observed their production from eye test to lens polishing. Prisoners themselves are entitled to standard issue spectacle frames, but can choose to pay for an alternative if they wish. During our visit a handful of prisoners filtered through the lab, scrutinising their reflection in various potential frames before deciding on their chosen look.

The name Liberty Needs Glasses is taken from Tupac Shakur’s poem *Lady Liberty Needs Glasses*, which takes a wry look at an unseeing society in which justice and liberty are misdirected and misaligned. In some ways, the name is a good match for Tanjit’s own experience. An optometrist by trade, and convinced of the potential of prisoners and prisons for productive and engaging work, Tanjit has been obliged to become a skilled and resourceful businessman. Much of his time is spent pitching new ways to persuade local health commissioners to allow his project to gain access to and responsibility
for local prison optometry services and finding new means of trying to convince official channels of its viability and value. He intends to set up a shop in south London, with trainees as ambassadors, salesmen and spectacle technicians to garner public support for the endeavour.

Tanjit is convinced of the potential for prisons to provide meaningful, engaging and stimulating work and, more so, that prisoners have the potential to match it. The trainees we spoke to had undergone a host of training and educational programmes during their incarceration, from telecommunications to forklift driving, but it was Liberty Needs Glasses that really captured their interest, intellect and ambition. They spoke with cautious but determined optimism of their hopes for the future – to become spectacle technicians.

Tanjit is a warm and skilled teacher, instilling confidence as well as understanding, and ensuring a comradely and communal atmosphere pervades the lab. His trainees were clearly developing and strengthening in areas far beyond optometry and arming themselves for starting anew on release. Tanjit’s influence had evidently had a hugely positive impact on the trainees’ aspirations and beliefs about their own potential. One remarked: ‘I was never going to get to be a doctor, so this is the next best thing’.

**Why work really matters**

I have already had much to say about the re-integrative power of shame. Work too has an important place in combating shame, making work not just practically beneficial but also symbolically salient; an affirmation of a positive social identity; a route to social freedom.

The relationships between work, pride and freedom have been authoritatively theorised. Adam Smith had a straightforward formulation for the point at which poverty ceased to be bearable. Not to do with straightforward notions of utility or purchasing power, it was more about psychology and society, ‘the ability to appear in public without shame’. Over and above escaping public shame, John Rawls set out the classic analysis of those universal things that a just society should provide for everyone, what he called ‘primary goods’. Primary goods are the means, in general terms, which help someone not just to meet their essential needs for nutrition and shelter but also to promote their own ends and include, as Rawls puts it, ‘rights, liberties and opportunities, income and wealth and other social bases of self-respect’. Self-respect, to take the last of Rawls’ primary goods, is by definition subjective and perhaps evanescent, but Richard Sennett in his book on respect in modern times, pins the concept to the page. He sets out the three modern codes of respect as,
Those are precisely the three capabilities offenders are often thought to lack. Rawls saw these primary goods, including self-respect, giving people the possibility of pursuing their own objectives, their own ‘conceptions of the good’. To that analysis of primary goods the economist Amartya Sen has added an understanding of the heterogeneity of what those conceptions of the good might be. He cites the following as the key personal variations that might lead one person to form one conception and another person to form a different one: ‘personal heterogeneities, environmental diversities, variations in social climate, differences in relational perspectives and distribution within the family’.33

Sen brings this embellishment into his classic formulation of capability as, ‘substantive freedoms – the capabilities to choose a life one has reason to value’.34 The emphasis on freedom is important because it is instrumental not just existential. Freedom is a way of doing as well as a way of thinking. To put it another way, what you can do is not just about what you can earn from doing it, but what the income derived can purchase and, more importantly, the freedom the person gains thereby. In Isaiah Berlin’s famous formulation, it is not just freedom from offending and crime and thereby gaining self-respect that is being sought. It is also freedom for a good and virtuous life.35 And (to state the obvious) the definition of freedom has a very special significance to those denied their liberty in prison.

Work is central to self-respect. Aristotle made the fundamental and enduring distinction between different types of work. He distinguished praxis from poiesis.36 In this context praxis is activity which is virtuous in and of itself, as well as perhaps secondarily being congenial, remunerative and of wider value. Other kinds of work may be wholly instruments towards other ends (poiesis), mostly financial in the contemporary context. In this latter type of work the act itself has little inherent value to the person doing it. The value is in what it produces for them; what is derived from it. The aim and the gain of this second kind of work is product not action. The best endowed in any society – musicians, artists, entrepreneurs, sports stars – will make a good living and much more, maybe even enjoying the lavish lifestyles of celebrities, from doing the thing that they are exceptionally good at, generally a long way above and beyond the abilities of most people.

Since that is too high a bar for the great majority of us, the most generally beneficial kind of work for the less uniquely gifted is varied, interesting and satisfying of itself. Meeting interesting people, some of whom might become friends, or even perhaps meeting someone with whom to form a long-term
relationship, will hopefully be a part of it. As well as these intrinsic advantages, this kind of work is usually well remunerated, often including long, paid holidays and financial provision for old age. Status among peers and others is also likely to be greatly enhanced by this kind of work. Accessing this kind of work requires skills, qualifications and what has come to be called ‘employability’: a willing attitude, courtesy, punctuality and general adaptability to the wishes of your employer and colleagues. This is the most appealing kind of work for the vast majority of people, even if it requires a certain type of compliance.

The central position of work and occupation within a person’s identity is wittily encapsulated in D.H Lawrence’s prose poem ‘What is he?’

What is he?
– A man, of course.
Yes, but what does he do?
– He lives and is a man.
Oh quite. But he must work. He must have a job of some sort.
– Why?
Because he’s obviously not one of the leisured classes.
– I don’t know. He has lots of leisure. And he makes quite beautiful chairs.
There you are then! He’s a cabinet maker.
– No! No!
Anyhow, a carpenter or a joiner.
– Not at all.
But you said so.
– What did I say?
That he made chairs and was a joiner and a carpenter.
– I said he made chairs, but I did not say he was a carpenter.
All right then, he’s just an amateur.
– Perhaps! Would you say a thrush was a professional flautist or just an amateur?
I’d say it was just a bird.
– And I say he is just a man.37

Education matters
As with work training, there are educational opportunities for prisoners. In the larger, newer prisons with thousands of prisoners, educational facilities almost amount to a full-scale college. Again I will only focus on two activities that have caught my eye. Toe by Toe, a peer learning literacy scheme, is special because
it is now widespread across prisons, an unusual achievement for a charity, and because it is an educational activity that can take place between prisoners on the wings. I have earlier stressed the importance of beneficial and therapeutic activity on the wing, not least because it is easy for prisoners to participate.

The other programme I want to highlight is at H.M. Prison Erlestoke in Wiltshire and is a successful effort to reach the most disengaged prisoners, a notoriously difficult group to get involved in education or training.

The Shannon Trust provides copies of Toe by Toe, a day-by-day book of lessons which someone with reading difficulties can use to acquire literacy skills with the help of a volunteer with better reading skills. No formal teaching is required. The distinctive red books in which Toe by Toe is printed are delivered to prisons free of charge and, once the scheme is up and running, the administration is all done by the prisoners themselves. Prison staff, often the librarian, only need to monitor the process, encouraging participation both by those with reading difficulties, who may be reluctant to disclose their difficulties after a lifetime of concealment (sometimes into their sixties and seventies), as well as encouraging prisoners with better reading skills to help as mentors. Some prisons offer small incentives, like an increased number of visits, for prisoners who volunteer as mentors.

Toe by Toe has long been used in schools to help with acquiring literacy skills, and was introduced to prisons by the Shannon Trust, founded in 1997 by Christopher Morgan after a long, heartfelt correspondence with Tom Shannon, a prisoner serving a life sentence. Morgan felt Toe by Toe could be used with prisoners who have plenty of time on their hands, both for learning and for helping others to learn. Sixty-seven per cent of prisoners do not have the reading and writing skills necessary to do 80 per cent of the jobs in the labour market. The first programme was established in H.M. Prison Wandsworth after much patient, determined pestering from Morgan. Since then, more than 200 prisoners have graduated from the programme at Wandsworth and only five have dropped out. These are men who had been covering up the fact they could not read all their lives.

One mentor in Wandsworth wrote in the prison newsletter: ‘… when the chance appeared, I jumped. To be able to put something to use, something usually taken for granted, is my chance to use the time, so often wasted, spent in prison. And an opportunity for me to feel good about myself too.’

There are problems of course. Overcrowding means a quiet space conducive to concentration and learning is sometimes hard to find, even for
short sessions. Prison officers are sometimes busy or preoccupied, or there has been a disturbance, meaning that prisoners cannot be escorted around the prison. Prisoners are suddenly and without notice moved from one prison to another, severing the relationship between the mentor and the learner. Basic achievements in literacy may be enormously valuable to the individual, but those achievements cannot always be quantified and validated in exam results and tangible benefits in employability. Many prisoners began with too much of a literacy deficit for them to be able to make the grade quickly. Some prisoners fear that displays of weakness or frailty, such as admitting they can't read or write, might lead to intimidation or bullying. Others have their bravado to maintain, their wish (borne of insecurity) to convey to the other inmates that they don't have any problems and woe betide anyone who says they do.

Prison officers and librarians managing Toel by Toel told me that the greatest incentive to reluctant or fearful offenders is the participation of more confident ‘ringleaders’ and the encouragement of prison officers. Intimidation or ridicule from other prisoners, particularly the confident and bold, and recalcitrance and apathy on the part of the officers will obviously have the opposite effect.

Of the population of nearly 500 prisoners in H.M. Prison Erlestoke, nearly 95 per cent are working in the prison, follow the regime and use their time productively to support resettlement, but a small percentage of the most challenging men are reluctant to engage. With an impressive resolution, the education staff at the prison decided to target the most difficult serial non-engagers in the most compassionate, sympathetic way they could. At first, the reaction of this angry and bitter group of men with a profound and intractable grievance against the world generally and prison in particular was volatile and vociferous. Expecting that, the staff had already decided that their response would be the opposite: the prisoners’ anger and resentment was met with calm, dignified and positive responses with an emphasis on mutual respect. This would have been essential in conveying to the prisoners the possibility of an alternative response. A predictable reaction from the prisoners was met by an unpredicted reaction from the staff. The first voice had been raised in support of civilised, humane communication. Of course, bitterness and scepticism does not simply die at one surprisingly well-intentioned encounter. Constant reassurance was needed. The prisoners needed to have it continuously reinforced in their mind that the initial reaching out would be sustained; that the staff would continue to encourage and support them. They needed to be
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convinced that the initial openness was not a one-off ruse to lure them into doing something they had already made clear they did not want to do.

Peer mentors were an important addition to the mix since much learning occurs from imitating others that people think are like themselves. The mentors were encouraged to be empathetic, non-threatening and non-judgmental or in the current jargon of prison management, ‘pro-social’. Rational dialogue with staff was encouraged regardless of the difficult or negative nature of the conversation. Negotiation was a watchword; negotiating what prisoners wanted to do and how they wanted to do it.

During the programme individuals were able to identify their needs and career aspirations and were supported in a smooth transition into other education or work. Peer mentors accompanied them to new activities ensuring continuation of support for the individual and course tutor or work supervisor. All these intensive efforts have paid off. Participants are now engaged in a range of activities, including industrial cleaning, catering, independent living skills, construction and production workshops. For some, despite a considerable amount of time in custody, this is their first period of positive engagement. Participants have realised the amount of time and effort that staff and mentors have dedicated to support them.

Getting off drugs
One of the most entrenched barriers to objective life satisfaction is an uncontrolled, personally dominating drug habit destructive of physical and mental health. The availability of hard drugs is a persistent problem in the prison estate. The drugs get into the prisons by any one of several means. Some of the more outlandish I heard about were associates of prisoners trying to throw packet of drugs over the fence into the exercise yards by using one of those toys that dog owners use to throw tennis balls a great distance in the park for their dogs to retrieve. Some newly admitted prisoners bring in drugs concealed in various secret (they hope) parts of their anatomy. When a prisoner is prescribed methadone the officer that administers the drug must check that the prisoner has in fact swallowed the methadone and not just kept it in their mouth for recycling and sale later. I even heard in one prison that there was a trade in prisoner’s vomit, as a way of passing drugs around. Human ingenuity, borne of desperation, does not respect the boundaries or conventional standards of human dignity.

I visited the wing in H.M. Prison Parc where methadone users are incarcerated. The drugs are prescribed as an alternative to heroin addiction or a drastic and probably unsustainable cold turkey. The intention is that over time the amounts
prescribed can be reduced, eventually to nil. As that process unfolds, the methadone user seeks to contain both the habit and the behaviour it causes. Although the wing looked like any other prison wing, one had the feeling in conversation with the officers of a more therapeutic atmosphere. The drug problem was the principle, sometimes the exclusive, focus and there are professionally managed milestones and progressions which are monitored. Those clear, explicit structures are also part of the way of coming to terms with drugs usage. Setting goals and meeting them with the help of supportive professionals is a therapeutic activity in itself.

Some of the people in prison are very disturbed and have many problems, which are often connected to each other. Drug use, as well as having devastating consequences, can have complicated causes. H.M. Prison Parc (in addition to a wide range of substance misuse interventions and strategies) is working with New Pathways, an organisation based in Wales that visits the prison on a weekly basis. New Pathways provides counselling services, help and advice to those who have suffered trauma, rape or sexual abuse. Many victims of sexual abuse, rape and subsequent trauma often find themselves misusing substances as a result of previous abuse. New Pathways works closely with the drugs strategy manager and the drugs and alcohol unit in the prison. The service is confidential and provides ongoing support for those who engage with it. This is a difficult area for many users or ex-users to confront and the initially slow uptake increased as the service became more embedded into the fabric of the prison’s life.

At H.M. Prison Pentonville in north London they have the first drugs-free wing where prisoners who are clean and want to stay clean can ask to go. When I visited, the atmosphere on the drug-free wing was palpably more relaxed than on the other wings, where perhaps one in ten prisoners are using drugs. I visited during association and the prisoners were out on the wing, playing pool, making phone calls, chatting to one another.

The prison officers told me that they themselves felt enthusiastic about working on this innovative wing, because it made a break from the everyday escorting and security duties and it was pleasing for them to see the improvements in the prisoners’ lifestyles and behaviour. If it was motivating for the staff, how much more motivating must it have been for the prisoner living on that wing? From the time the wing had opened it had a waiting list and it still does, so prisoners themselves want to change their lives.
Mental health

Mental ill health among the prisoner population is an enduring and prevalent concern. Poor mental health is a significant risk factor for committing a crime in the first place. For others, an underlying mental health problem may have contributed to their criminal activity indirectly, encouraging a pattern of poor self-esteem, negative relationships, worklessness or isolation. The true extent to which mental health difficulties affect prisoners is hard to gauge. Estimates suggest that around 72 per cent of male and 70 per cent of female prisoners have at least one diagnosable mental illness or disorder and between 12 to 15 per cent have four concurrent mental disorders.43 The most common are depression and neuroses (including anxiety and obsessive compulsive disorder), anti-social personality disorders and psychosis. The implications of poor prisoner mental health are severe; the suicide rate for men in prison is roughly five times that for men in the community.44

In recent years the focus has been on treating offenders with mental health problems in psychiatric facilities rather than leaving them in prison. Despite this, many offenders with pre-existing mental health needs are being sent into custodial settings. In cases in which mental ill health contributed to a relatively minor crime, being sent to prison as opposed to addressing the underlying health issue can be particularly damaging. The inquiry into the death in H.M. Prison Wandsworth of James Best (remanded in connection with theft of a gingerbread man from a looted bakery during the 2011 London riots) unearthed a worrying trend of sentencing procedures that did not take into account history of mental illness, and instances of poor screening and prison-to-prison communication. Unmet mental health needs result in poorly managed disordered behaviour as well as a bewildered and isolated proportion of the prisoner population, unlikely to respond to prison-based rehabilitative intervention before their primary mental health needs are addressed. Difficult behaviour indicative of mental distress is also often treated as a control and punishment concern and not a medical one, which adds to increasing frustration and intensity of emotion in vulnerable prisoners.45

Once in custody, despite the presence of mental health outreach services and schemes such as The Samaritans’ Listeners, prisoners with poor mental health are extremely vulnerable. Far away from family and friends, isolated for the vast majority of the day and in a noisy, potentially hostile and bewildering environment prisoners with complex needs are unable to receive the support they need.
As one distraught prisoner wrote before his death: ‘You must understand that one of my beliefs, at a deep level, is that the world is a dangerous and malevolent place. This is common with my illness. As a result, I do assume that everyone is out to get me... You can see that I am in a terrible situation, segregated, hated by the entire jail it seems and not knowing what will happen next. Someone could come to my door at any time and tell me I am off to some alien jail, unwanted by this establishment, only to find myself clawing out some kind of existence amongst a new set of threatening criminals. I hate this kind of life and I have considered actual suicide. I am by myself and the cell is cold. 46

The negative effect of custody on mental health is troubling, and for those with pre-existing vulnerabilities, the custodial environment can significantly exacerbate mental ill health. For those without pre-existing mental illness, however, an experience in prison can be equally traumatic and indeed contribute to the development of psychological disorder. An H.M. Prison Inspectorate report found that of older prisoners with a mental health problem, 78 per cent were experiencing depression or reactive depression as a result of long-term imprisonment.47 Deteriorating mental health is not confined to the effects of long-term imprisonment and elderly inmates, however.

Prisoners sentenced for any amount of time are vulnerable to deteriorating mental health following incarceration. The need to adapt quickly to a bewildering set of official and social rules and regulations, to cope with a lack of autonomy, privacy and companionship, as well as distance from friends and family puts a huge strain on an individual’s sense of control, comfort and autonomy – all fundamental to psychological well-being. Adapting to isolation for many is particularly hard, and difficulty with sleeping is common in a large, unfamiliar and noisy building, sharing a confined space with a stranger. Lack of meaningful activity can also be damaging to mental health and self-esteem. Integrating with the wider prisoner population can be daunting and another source of great anxiety, and the fear (or experience) of bullying or intimidation is for many another constant source of fear and disturbance. Frustration or anger at incarceration and feelings of guilt, anxiety or anger at leaving those you love, particularly when left to fester in an isolated environment may become overwhelming. For some, reflecting on the path that brought them to prison can be a traumatic experience, often carried out in solitude. Similarly, insecurity or lack of confidence in future prospects can be demoralising and distressing.

These experiences can all contribute to the development of mental health concerns that may not only prevent rehabilitation but also leave prisoners destructive, apathetic or depressed; no longer able to cope with their situation,
and unlikely to rebuild positive lives for themselves after release. As my friend the philosopher John Gray wrote to me after we discussed the rehabilitation of prisoners: ‘Prisoners are being forced to confront aspects of themselves and others that monks, who enter their institutions willingly, often find impossible to endure.’

Experiences such as those described above are often particularly troubling for prisoners with learning disabilities or difficulties (estimated to be between 20 and 30 per cent of the overall prison population). These prisoners often find it harder to understand the rules and regulations and to communicate their difficulties, have problems with accessing services and support and may miss opportunities for relief, such as visits, through being unable to navigate the system and fill in the necessary forms. Some also have limited understanding of why they are in prison, what has happened through the court procedure, what will happen next, and what is expected of them.

* * *

Research carried out by Haran Sivapalan, a young doctor who worked for a while with us at Lemos&Crane, articulated the central role of social capital in improving the quality of life of people with enduring mental ill health living in the community. He found that positive social relationships - encompassing trust in others, community networks, civic participation, a sense of belonging, solidarity and equality, reciprocity, co-operation and obligation – are fundamental in improving quality of life and improving mental health and well-being. Fulfilment in these areas positively informs the ways in which we engage with our surroundings and our attitudes towards ourselves and our lives.

A parallel correlation is true among prisoners. Providing interventions and projects that encourage the foundation of trusting relationships, empathy, belonging and group identity can be hugely influential in eroding the negative influence of incarceration on mental health. Often prisoners are isolated and emotionally guarded, which contributes to feelings of desperation and loneliness. In order to protect prisoner mental health as best as possible – and to construct an emotional base on which rehabilitation stands a chance – prisons must provide, alongside comprehensive mental health services, the opportunity to form positive and trusting relationships with one another, develop better self-image and feel part of a reciprocal and supportive community. Schemes such as the Samaritans’ Listeners begin to do just this, empathetically supporting individuals through crises but more generally providing an atmosphere of horizontal support, compassion and reciprocity.
II. Beyond prison: conscience and cash

We cannot know his legendary head
with eyes like ripening fruit. And yet his torso
is still suffused with brilliance from inside,
like a lamp, in which his gaze, now turned to low,
gleams in all its power. Otherwise
the curved breast could not dazzle you so, nor could
a smile run through the placid hips and thighs
to that dark centre where procreation flared.
Otherwise this stone would seem defaced
beneath the translucent cascade of the shoulders
and would not glisten like a wild beast’s fur:
would not, from all the borders of itself,
burst like a star: for here there is no place
that does not see you. You must change your life.
Rainer Maria Rilke ‘Archaic Torso of Apollo’ ¹

In the preceding chapters of this book I have made the case for the central significance of conscience in community life and social relations. Those who lack conscience for a variety of reasons to do with nurture as well as nature are at the greatest risk of offending and imprisonment. Once in prison a great deal can be done to instil and re-institl conscience and its restraining
influence. I have placed particular emphasis on the need to instrumentalise and institutionalise the philosophy and practice of restoration as punishment. I have also pointed to the evident significance of sustaining the family life of prisoners as a motivator of well-being, rehabilitation and long-term desistance from crime. A calm and reflective frame of mind and the techniques required to maintain and retain it are essential pre-requisites for the re-building of self and identity, essential to making a permanent change in lifestyle away from crime, but only the beginning. Beyond reflection is the metaphorical and literal acts of creativity and artistic practice that go both to the creation of truth-bearing objects and beyond to a revised and new sense of self and identity. With all that in place, the practical benefits of work, mental health and the avoidance of drug abuse can become part of a wider set of positive social interactions and civic engagements in which lie well-being. And well-being, even if contingent and sometimes fragile as it is for everyone, is rehabilitation. Much can be done in all these regards during a prison sentence. To achieve that requires managing a prison and the lives of prisoners in it in ways to ensure that prisoners participate in officially mandated as well as voluntary and charitable activities, which consistently and continuously reinforce these patterns of thought and behaviour.

But then the prison sentence is over. The prisoner is re-admitted to the confusions and fragmentation of a post-modern society to sink or swim – or to offend again and return to prison. How then can the good things that may be achieved during a sentence be carried forward beyond the prison walls? What are the conduits that can project and transmit a continuing sense of rehabilitation? To begin to imagine that, one must start with the departure from prison as it is perceived by the departing prisoner.

In theory leaving prisons is a re-admission to freedom, individuality and community: a better life. For some, that will be the case. They can return to the family, their partner and their children. Finding work is more often than not done through family and friends, rather than through government agencies or professional help. So a return to the family means an improved chance of work. Family life also means a more diverse set of friends, not just a return to old drinking or criminal companions. Partners also exert a restraining influence, sometimes a physical restraint. More time spent at home means less time for drinking and other temptations. The obligations of family life and fatherhood mean that time and money are absorbed in the needs of the family and less time or money is available for misadventure.

Those who face life outside prison alone face a bleaker future. Their first
challenge is finding somewhere to live and getting an income, either through benefits or getting work. Without contacts getting work is harder, temptations are more frequent and loneliness is a constant companion.

The options are not just either family life or a life of loneliness and isolation, however. The wider problem that affects almost everyone leaving a structured life in a hierarchical environment, not just prisons, but people leaving institutions, children leaving care and indeed the military, is that life in ordinary communities has become so unstructured – in every domain. There are few opportunities for meeting or getting to know your neighbours. The old familiarities have gone. People come and go. Neighbourhoods are either deserted most of the time or crammed with strangers eating and drinking too much. Familiar faces are absent. Risk seems everywhere prevalent. Loneliness and listlessness stalk. Alienation and anomie await. The good life is going on somewhere else for other people, who may not in fact be as lucky or happy as they look. Thoreau noted while keeping away from everyone else on Walden Pond, 'the mass of men lead lives of quiet desperation.'

Life at work has also become less structured. There are few jobs for life and more and more work is temporary, short term or part-time. More and more people have to take more than one job to make ends meet. Jobs don’t have straightforward promotion prospects as they once did. Employment contracts can be terminated at short notice, sometimes instantaneously. The old expectations on employers, the so-called psychological contract, which extended beyond just financial remuneration to staff welfare in return for a good day’s work has gone. As have all the structures and institutions that used to surround work – the working men’s club, the friendly societies, the trade unions, which once created alternative structures for the determined with leadership potential, who for one reason or another did not relish the prospect of preferment in the formal hierarchy. All this is long gone, so much so that people under 40 have virtually no recall of these structures.

Nevertheless leaving prison has enormous significance. The debt is paid, regret and remorse have hopefully been deeply felt and expressed with conviction, amends made, new skills acquired, bad behaviour contained, bad habits abandoned, good behaviour and habits acquired, perhaps almost a whole new character taken on. Above all, if prison has done its job, the prisoner has acquired or regained a sense of conscience. All of this should be a matter of celebration, not just for the prisoner, but for their friends and family, who will be responsible for nurturing and sustaining that sense of conscience to a far greater extent than the probation officer whose commitment is professional
rather than emotional, only during working hours and spread over a large caseload – none of these constraints apply to the family and friends, who must fulfill their obligations everywhere, all the time and time without end.

**Rituals of departure**

Many aspects of the criminal justice system – particularly the court system and indeed life in prison – are so imbued with tradition and (sometimes ill-understood) symbols that they are rightly described as ritualised. With that in mind, and against the backdrop of all manner of social rituals which survive by tradition or are re-invented for the contemporary times, it is highly ironic that the release from prison is not attended by a positive ritual. If a ritual has grown up at all, it is mean-spirited and depressing. The huge prison doors slam shut behind the ex-offender, carrying personal possessions in a black bin bag in a humiliating reminder that family photos, treasured souvenirs and small things made while in prison are like rubbish.

Amanda Knox is the American woman who was convicted of murdering Meredith Kercher in Perugia in Italy in 2009. She served four years of a 26-year sentence before the conviction was overturned in 2011. In her four years in prison she had observed and learned the rituals that the inmates of her Italian prison practiced on their release.

Her lawyer, Theodore Simon, told ‘Good Morning America’: ‘There are particular rituals that happen when a person knows they are leaving for good. You take your toothbrush, you break it in half, carry it out, and once you actually are beyond the walls of the prison, you throw your old toothbrush away... Just as you leave the prison, with your right foot you slide it forward in a kind of a sliding motion which is a symbolic gesture that indicates or is hopeful that the next deserving person that should be rightfully released will be released soon... When you are going to court where there’s an expectation that there will be a final decision, you must not make your bed. You must leave it unmade. And of course that’s what she did.’

These rituals are shared and tested over time, believed to ward off misfortune. Easily dismissed as meaningless superstition by those who believe themselves rational, they are in fact profound psychological mechanisms for preparing for and adjusting to massive life changes. We are telling ourselves and others that we have changed and, by observing a shared ritual we are signifying the nature of that change: I have changed in a particular way, in a way that you recognise because the ritual I perform is so familiar to you and everyone else that its meaning is readily accessible, so you know I have changed. As far as a
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prisoner is concerned, the ritual wants to say, ‘I have changed from being bad to being good.’ Rilke’s ancient torso of Apollo is invested with the power magically to speak because it is ancient, symbolic and universally recognised.

Yellow ribbons

The Yellow Ribbon Project is the capstone of the Singaporean model of ex-offender rehabilitation. Launched in 2004 by the former President of the Republic of Singapore, the Yellow Ribbon Project promotes the acceptance of ex-offenders back into the community and the ‘unlocking of the second prison’ of distrust and discrimination into which ex-offenders find themselves released. The project recognises the importance of community for establishing stability, and so aims to raise awareness and understanding of the challenges facing ex-offenders, generate community acceptance and support for and promote community-based practical action, for example in employment and training schemes and rehabilitative aftercare programmes. The project is spearheaded by the Community Action for the Rehabilitation of Ex-Offenders (CARE) network, a group of major community and government organisations responsible for the rehabilitation of ex-offenders.

The Yellow Ribbon Project was inspired by the popular song ‘Tie a Yellow Ribbon Round the Ole Oak Tree’, which is based on an American folk legend of an ex-offender’s journey to forgiveness. The song tells the story of an ex-offender who, on leaving prison, writes a message to his wife asking her to show that she has forgiven him by tying a yellow ribbon around the only oak tree in their city square. If when he passes he sees a ribbon, he will return to his wife. If not, he will continue through, ‘stay on the bus, forget about us, put the blame on me’. Too afraid to look for himself, the ex-offender asks the bus driver to look for him. With the whole bus cheering, he finds that more than a hundred yellow ribbons greet him. In Singapore, the yellow ribbon as a symbol of forgiveness has become a simple but effective visual indicator of families, employers and communities welcoming ex-offenders back into the community. The act of wearing a yellow ribbon badge as a show of acceptance and an offer of forgiveness and a second chance to ex-offenders is one of the signature activities of the Yellow Ribbon Project. Members of the community wear or tie yellow ribbons as a symbol of their forgiveness, acceptance and collective commitment to the rehabilitation of ex-offenders. Something similar in the UK would be welcome.

The power of ritual is not superstitious but symbolic. That these practices are shared and imitated, passed on and repeated is in part where their power
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derives from. If so many people have behaved in this way, why would anyone take the seeming risk of behaving differently and ignoring these powerful precedents? This is not the triumph of ignorance, blind faith or unthinking herd instinct as some modern materialists might argue, but a sensible stacking of the odds in your own favour by recognising and learning from the experience of others. We no longer believe, as first communities in British Columbia did, that twins have special powers to bring forth the rain, but we do know that humankind affects the weather; we have not surrendered that belief and we would be unwise to do so. If something is impossible to understand and difficult to generalise about (like the psychological and emotional processes by which an individual goes from being bad to being good) then it makes obvious sense to follow precedent in the absence of conclusive, empirical evidence, which in matters of human behaviour are almost never entirely conclusive and certainly never universal. Individuality always has its place. To ignore the beliefs and practices of others in the absence of any better insights of your own is not an act of empiricism but an act of arrogance, even foolhardiness. At the point where practices seem universal and unending, even in a small group, the symbolism of these practices – and the shared understanding of them – have become rituals.

Coming of age in ritual and reality

Rituals are at the heart of all cultures, often having set down deep roots in religious practice. They are not primitive, but existential. As Sartre noted, we are ‘condemned to be free’ and rituals help us to make sense of that otherwise potentially meaningless freedom.7 Virtually every mainstream religion has a coming of age ritual for example: confirmation for Christians; bar mitzvah for Jews and so on. Underpinning these rituals is the belief that something fundamental changes as children move into adulthood. These changes go beyond physical transformations and emotional development into questions of social identity. Adults see themselves differently and are seen differently from children. Different and higher expectations are placed on them and those are, in the main, responsibilities they accept.

There is not a single moment of transition to adulthood in particular in our atomised, individualised society. Puberty is the first important transition, but hardly represents adulthood. In the UK the age of criminal responsibility is ten years old, which also can hardly be considered adult. Young people can get married at 16, vote at 18 and, if they are in the care of the state, remain the state’s responsibility until the age of 21. Offenders remain in young offenders’
institution until the age of 21. Where most young people were once only in full-time education until the age of 14, most now remain in some form of education until the age of 18, a substantial proportion until 21 and a growing minority even beyond that.

In a fragmented post-modern society with so many social trajectories and choices, which has rejected entirely the idea of inevitable destinies personally or socially, no wonder that entry into adulthood has become a moveable feast. Notwithstanding any of that or the supposedly secular nature of contemporary developed societies entry into adulthood is still a matter for ritual. In the civic space, adulthood is now associated with citizenship, for which the education system is expected to prepare young people. They are taking on the rights and responsibilities of autonomous adulthood (inevitably rather less autonomous than imagined) and that now requires education.

In their seminal work the Gluecks illuminated the importance of the idea of maturing from crime. Eighty-five per cent of offenders do seem by all reasonable accounts to have left crime behind by the time they reach the age of 28. The Gluecks saw maturation as a sophisticated process that, ‘embraces the development of a stage of physical, intellectual and affective capacity and stability and a sufficient degree of integration of... temperament, personality and intelligence to be adequate to the demands and restrictions of life in organised society’. Desistance from committing crime, ‘cannot be attributed to external environmental transformations’. The Gluecks wanted to ‘dissect maturation into its components’; offenders must undergo a transition to maturity in order to desist, often for the first time and regardless of their biological age.

Other kinds of contemporary civic rituals have also been institutionalised. In the UK immigrants who want to ‘naturalise’ their permanent place of stay, their home, in the UK must now undertake a citizenship test and participate in a ceremony. When these citizenship ceremonies were introduced many liberals felt that they were intrusive and offensive. Why should someone be expected to prove their loyalty to a state and its supposed culture in an age of diversity, multiculturalism and globalisation? In fact, as far as the new citizens were concerned, the citizenship ceremonies were most welcome. They were an opportunity to celebrate a major life transition; a long-desired and now irreversible change for the better; a permanent escape from places, people and experiences that may have been constraining, disturbing or even traumatic. The ceremony and its symbols, certificates and flags signify a welcome, an acceptance. Who would not want that?
Atonement rituals
All societies have rituals of atonement and redemption, of making good damage done and of being returned to a state of social acceptance. In the Catholic Church confession and absolution are at the heart of the faith, an absolution given in the name of God in return for the performance of penance, these days less demanding than it once was. Rituals of redemption have also often involved self-abasement and sacrifice, symbolic expressions of regret not just to fellow citizens but also to the divinities.

The important thing about rituals is not just the intellectual, conscious or cognitive processes but the symbols and the memorable moments which they create. So I could imagine a departure ritual from prison which might look like this: the prisoner would wear their own clothes. The governor or another senior official of the prison would meet the prisoner just before they get to the prison door. They would be a given a certificate for completing their sentence successfully, which would also emphasise any achievements they have acquired in prison, such as educational or other qualifications. And they would be greeted by their family and friends. This is a moment of pride at the end of a long road of shame.

I have stressed the importance of the sometimes too casually treated sentence plan. I believe that this document should be carried through the gate, but in a revised and forward-looking form. As well as being a record of compliance with the requirements of the authorities, a piece of paper produced as evidence of a reformed character ready for release at a sceptical parole hearing, it should be an object of pride. The sentence completed, the record kept, the ex-offender should be congratulated by the prison authorities on the completion of the sentence plan.

The Conscience Compact
Before being released the prisoner would also have prepared a statement about his plans on release. Let’s call it a ‘Conscience Compact’. This wouldn’t just deal with the official requirements to comply with the terms of the licence and address offending behaviour. It would also cover plans for making amends for the wrong that has been done, plans for the family, seeking and keeping work, maintaining a good state of mind, self-development, contributing to the community, getting a fulfilling job, abandoning bad habits and bad company and living a life of good conscience. The governor and the prisoner would sign the Conscience Compact and each would keep a copy. The point about the Conscience Compact is that it is future focussed, expressing as aspirations
positive changes sought. The trouble with licence conditions is they express the intention of leaving behind negative behaviour, rather than embracing the positive. A release ritual is distinct from a resettlement plan because it focuses on aspirations, rather than needs. It is about hopes not just adequately ameliorating fears, either the ex-offender’s own fears or the fears of the world about them.

The more people who know about an ex-offender’s Conscience Compact the better. As with restorative justice conferences, if those near and dear to the ex-offender know about the commitments they have made in the Conscience Compact, they too feel some weight of obligation to ensure that the objectives set are met. They may even be willing to counter-sign the Compact, not as witnesses but as supporters creating a shared commitment. If the ex-offenders know other people are also committed to their goals, they know also that failure to achieve them would be letting other people down as well as failing themselves, so they would be confronting shame as well as disappointment. The incentive to succeed is considerably magnified and the prospect of failing more effectively defined.

There are analogues from other worlds for a document such as this. In schools, parents are asked to enter a home-school contract with the school in which the parents are obliged to state their commitment to making their contribution to the child’s education and the school also explicitly confirms its own contribution. In the world of supported housing it has become common to use an ‘outcomes star’. This is a simple measure of a range of areas of a person’s life such as mental health, addictions, self-esteem, finding work, social networks. On each spike of the star is one of these topics and the person marks off where they were and how much progress they feel they have made. The points are then joined up forming a star. The key features of these methodologies are individual and shared commitments, defined aims, measuring progress. Something similar needs to be replicated for offenders, starting with the sentence and carrying on through prison, parole, probation and release on licence.

**Cash incentives for not reoffending**

After release, prisoners should continue on a structured path of rehabilitation as set out in the Conscience Compact and this should be incentivised with payments for good choices and good experiences. Currently if an ex-offender moves back into the family home, they receive fewer benefits than if they have their own flat. If an ex-offender gets a job, benefits are cut, thereby taxing the
behaviour that is most beneficial to ex-offenders. By incentivising returning to the family home with payments and introducing increases in minimum wages based on the length of service, or even offering a payment for joining a club, beneficial behaviours could be encouraged.

‘Payment by results’ should also go to those who have the most at stake in the results, which are the ex-offenders themselves not only to those who provide them with services. The model for such an approach would be the many examples of Conditional Cash Transfers (CCTs) that have been implemented to good effect in many countries around the world. The emphasis in these approaches to welfare benefits is that good behaviour is encouraged and incentivised rather than bad behaviour being penalised and punished by the withdrawal of cash benefits.

CCTs are most commonly used across Latin America, and their impact has since led to similar schemes elsewhere, including Turkey, Indonesia, Bangladesh, Malawi, Morocco and recently a US pilot scheme in New York. Conditional Cash Transfer programmes as they have generally been implemented are intended to contribute to a long-term reduction in poverty or improvement in an identified area of social need by making benefits and welfare programmes conditional on the recipient modifying their behaviour. For instance, benefits might be provided on condition of the recipient ensuring that their child attends school, or receives required vaccinations.

One of the first and the best-known examples of a CCT social policy programme is Mexico’s Oportunidades (‘Opportunities’). A cornerstone of Mexican social policy, the model has since gone on to inform schemes elsewhere in Latin America and further afield. Oportunidades and its earlier precedent – Progresa – has been in practice since 1997 and has been widely heralded as a success; playing a central part in an overall reduction of poverty levels in Mexico since its development. Approximately 6.5 million Mexican families are currently enrolled in Oportunidades.10

Recipients of Oportunidades are selected for inclusion based on their demographic and socio-economic position, the intention being to support the most vulnerable. Continued inclusion in the scheme is conditional on recipients fulfilling their ‘co-responsibilities’: regular attendance at school and medical appointments. So long as participants meet these obligations, Oportunidades sees regular payments directly into their bank accounts. Payments are provided to the female head of the household, on the basis of evidence suggesting that women make better use of financial resources, and to better ensure its use in improving health and nutrition.
In addition to these incentives, Oportunidades provides educational grants to girls, boys and teens from third grade to the end of high school. These grants increase with each level of education, and are consistently slightly higher for girls than boys (as girls have a slightly higher dropout rate). The educational component also includes financial incentives for young people to finish their high school training before the age of 22, and cash transfers to purchase school supplies for elementary, middle and high school students.

The health and nutrition components include the provision of basic health care and health education workshops for people over 15. Nutritional supplements are provided for all infants between six and 23 months old, undernourished children between the ages of two and five, and for pregnant or breastfeeding women. There are also cash transfers for elderly members of families enrolled in Oportunidades; additional ‘Food Aid for Better Living’ transfers (since 2008) to cushion families from rise in food costs in recent years and (since 2010), additional ‘Child Benefit for Better Living’ cash transfers for children up to nine-years old, to support nutrition and development. Benefits are promptly withheld from families who fail to attend healthcare checkups and health educational workshops, or whose children are removed from or fail to attend school.

Another well-known example of a CCT is Brazil’s Bolsa Família (‘Family Allowance’), part of the ‘Brazil Without Misery’ plan. Bolsa Família provides cash transfers on the condition that entire recipient families commit to three principal conditions: keeping children aged six to 15 enrolled in full-time education and attending regularly, regular health check-ups and attendance at pre-natal clinics and up-to-date vaccinations for all children under six-years old. Bolsa Família affects 11 million families across Brazil, and has contributed to a significant and steady reduction in the country’s extreme income inequality and food insecurity.

What unites these and similar projects is an attempt to utilise the welfare system to also incentivise a lasting change in behaviour and social attitudes, encouraging the poorest in society to change their relationship with health and education services and to play a part in ensuring that their children have better opportunities to contribute to society as they get older. As opposed to receiving assistance within the status quo, these are strong motivational incentives to change your situation; failure to fulfil your end of the bargain results in failure to receive financial aid. In the case of Oportunidades in particular, this is a hard incentive – the lack of an intermediary level between state and personal bank account makes clear the relationship between behaviour and financial assistance.
A similar model of incentivising structured social advance could well be used to support ex-offenders following their release from prison. At present prisoners receive a small grant of £46 on release; a rather minimal and tokenistic contribution to the costs of their resettlement. After that they must make their way as best they can in the labyrinth that all benefits claimants face, getting help where they can from whom they can. Probation staff will help but all the practical obstacles have to be overcome, like finding somewhere to live and a job. That is even before addressing the emotional and psychological factors which might bring about a lasting change leading to a permanent desistance from crime.

How much better might it be if these emotional and psychological objectives could be set out and planned in a Conscience Compact and then worked towards in a structured and incentivised way? As each objective was achieved a small amount of cash could be released. The receiver would then not just enjoy the emotional satisfactions of moving in the direction of a better life, they would also receive a small but meaningful reward, representing the recognition of others and the world and so solidifying the achievement. The additional benefit would mean that breaching or recidivising in some way would be more than a personal failure; it would also be something of a public betrayal, a failure in the eyes of others as well as in the ex-offender’s estimation of themselves. Another reason not to backslide; another motivation to keep moving forwards towards a lasting change that may almost imperceptibly and unnoticed become an irreversible transformation to a sustainable new way of living; a new sense of themselves and a lasting commitment to belonging in the midst of society.

**Emergent identities of ex-prisoners**

Much of the important and growing literature on desistance – from Shadd Maruna, Stephen Farrall, Fergus McNeill and others – talks about ‘knifing off’ from the criminal life. In this they follow Braithwaite and Laub and Sampson. Desistance is defined as ‘not committing’ crime. Defining and measuring something’s absence is more difficult than establishing its presence. However long the period of abstinence from offending, it cannot conclusively be regarded as desistance until the person is dead! On the other hand, a person’s latest criminal act, while seeming to be further evidence of their persistent transgression and a predictor of likely criminal behaviour in the future, may also possibly and hopefully be a momentary lapse or their last act of crime. It may be the beginning of their desistance. True desistance from crime for an
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For research, this poses a significant obstacle as recording, quantifying and evaluating inactivity is by definition more difficult than the study of specific or recurring convictions; theoretically impossible in fact. How long is long enough when it comes to giving up crime? One year of zero convictions may be inconsequential in a lifetime of reoffending. There may be many more crimes to come. More generally, what appears to be desistance over one timeframe might seem to be a short lull when viewed with more hindsight.

People inevitably look for the experiencing of a turning point, a revelatory moment, a transforming thought, an instant revelation, sudden, absolute and reversing a previous belief or into a new and now irreversible paradigm. This single peremptory event vitiates future criminality. The criminal career and mentality is at an end in one fell swoop. It is not only experts who look for drastic turning points brought on by single interventions and startling insights. Ex-offenders attempting recovery themselves also seek to define these turning points. Knowing which pebble diverted the stream creates a locus of perceived control; though perhaps a fictitious one. Turning points have an important symbolic function in recovery narratives, in reconstructing a retrospective authority that initiated and consequently dictated recovery. They have little place, however, in understanding how offenders really achieve desistance.

Desistance does not happen once. Nor does it occur suddenly at a well-defined tipping point after a measurable accumulation of causes. Instead desistance describes a stable state of individual well-being that precludes criminality. Mark Twain’s observation, ‘Quitting smoking is easy. I’ve done it a thousand times’, reflects the fate of so many supposed turning points, cast aside as failed good intentions. Reducing desistance into an event removes its value and turns it into a repeat occurrence. A single choice not to commit crime is simply that and should not be elevated to desistance. Desistance must be achieved through a transition and process of re-integration into society. It is a lasting change achieved over time akin to recovery from bereavement. The moment when one begins to feel better, returning to one’s better self, is imperceptible at the time and may prove impervious to analysis thereafter.

The question is how the criminal justice system can use its institutional tools and powers to enhance the likelihood of desistance. This, I am arguing, requires more than a decent job and hopefully a family life, though they would certainly help. In addition a deeper psychological transformation, borne of a determined and successful commitment to change is needed, not just at the

individual is permanent and complete abrogation of criminal activity for the rest of their life.
moment of release but for many months and years afterwards; perhaps even for the rest of the ex-offender’s life. As in the Mark Twain comment, analogy can be drawn, without being too facile, with giving up smoking, alcohol, or drugs. As everyone who has ever tried abandoning these habits and addictions knows, a short, determined, controlled period of desistance is not nearly enough. Slips are common, disappointment inevitable and an endlessly renewed commitment essential.

The problem with actively practising desistance from crime is that it is assisted by instrumental and tangential means such as work and family life, but current approaches do not bring in enough of what is known from other spheres about long-term change, namely the need for a plan; a focus on changing attitudes as well as behaviour; the visible and explicitly stated support of peers and a sense of recognition, ritual, ceremony and milestones of progress; focussing on achievements not just failures. These are the requirements of a pro-active promotion of desistance in policy and practice and currently they are all too absent. The wide adoption and usage of the Conscience Compact would go some way to addressing that.

Prisoners need a new sense of themselves, a new story to tell themselves about themselves and to tell others too. They must acknowledge what they have done to re-narrate it, but they must also narrate what they have become. Who am I now? Now that I am an ex-offender what do I want to say now about myself to the world? It is not enough just to say I did something wrong and I have made amends. I must show a commitment to having learnt a lesson, learning which has inculcated a resilient commitment not to do the same or similar again. And even beyond that, if I no longer intend to live my life like that, how do I now intend to live my life and how do I communicate to you and everyone else what those intentions are – in a way that is credible, that will draw you into helping and supporting me, thus increasing the likelihood that my intentions are made real? That is the drama of the ex-offender; the script they must write; the play they must act out so often and so repeatedly that the drama becomes the fact just as the child becomes the adult.

There are it seems three emergent identities that commonly grow in ex-offenders who are seeking to desist from crime. I will call them the ‘better angels’, the ‘generated persona’, and the ‘real me’. The ‘better angel’ is the emergent identity of the ex-offender who sees a path to desistance by drawing out aspects of their persona and lifestyle previously eclipsed by their offending behaviour. They draw attention to their ability to be a good father; the life and soul of the party; the quietly considerate friend. They show the better
of their nature, in other words allowing their offending past to fade into the background, along with the smaller venalities of which everyone is capable – and capable of hiding and even forgetting: the promise betrayed; the unkind and unnecessary indiscretion; the cheap shot at the expense of someone weaker. These things are not crimes but if crime can take its place over time alongside the half-hidden and the half-forgotten, several large steps towards desistance have been taken. In the foreground are the better angels.

The second kind of persona that seems to be common among ex-offenders is the ‘generated persona’, as I am calling it. By this I mean the person who is so profoundly affected by the experience of being an offender and spending time in prison that it becomes part of their identity. Rather than continuing to offend, associate with offenders, and see and identify themselves as offenders, they acknowledge almost continually their former offending in order to show the extent of their reformation, repeating and reinforcing how much they have changed. Their narrative of offending is to see it as a formative experience. They now seek to dishonour the offending while validating the benefits they have derived from it. From this perspective, in recognising the wrongness they have done, the sin has become a blessing, creating the opportunity of learning from regret and earning forgiveness. They cannot become good – and be seen as good – without remembering and re-iterating that they were once bad.

This kind of person cannot and does not want to give up their offending identity. It is not only part of who they are, but also part of who they intend to become. A striking feature of these ‘bad boys’ turned good is that they seek to pursue a career in helping people like their former selves. Part of their new script is, ‘I have changed and you can too’. A history of offending has become a professional gift and a badge of moral virtue. One sees a similar wish among recovered drug users, people who have been homeless, and ex-gang members who have embraced their problem, or the fact that they have recovered from it, to make of it a virtuous identity. They seek employment as ‘peer mentors’, perhaps starting as volunteers. They go on to gain a professional qualification and make a helping career, but they do not become like any other professional social worker or probation officer. They always wear a badge of authenticity – a symbol of their experience. One aspect of the badge of authenticity is that they often retain some of the visual identifiers of their offending past like tattoos, or a style of dressing. Their appearance sets them apart from the ‘normal’ i.e. inauthentic or ‘middle class’ professionals. The badge of authenticity marks out a suggestion of superiority borne from recovery.
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The third type of persona among ex-offenders I want to highlight are the people I am going to call the ‘real me’. Unlike the ‘generated persona’ they don’t seek repeatedly or constantly to refer back to their criminal past, but they do see it as a turning point; an epiphany. Once they have abandoned offending they also don’t return to their former identity before offending. Instead, they take a third path, possible choosing to highlight a new skill or pastime, but not just a hobby, an activity which comes with a new identity inscribed on it, such as a writer or a painter. Or some become proactive religious devotees with a mission. But the true inalienable mission is the mission to themselves.

One should not be critical of any of these choices, because they may not seem like choices at all. They may feel inevitable; the only option; the raft that takes that individual uncertainly towards the middle of society’s stream, where it seems everybody else ducks and weaves seeking to conceal their confusion. In the mainstream the returned offender hopes that they will sustain the habits of acceptability and receive acceptance in return.

The habit of conscience

If conscience is to become a habit it will be a compromise between, as Samuel Beckett described all habits, ‘the individual and his environment or between the individual and his own organic eccentricities, the guarantee of a dull inviolability, the lightning conductor of his existence’. The decision not to offend or reoffend is not taken once and for all. It is a succession of resolutions that seem to harden into habits. The habit in truth never takes on the hardness of crystal, however. It is contingent: a series of treaties from which stability is optimistically inferred. Life does not have phases, though it may seem so. Nor is it beyond control, though again it may seem so. The force of habit in conscience as in everything is to strengthen control and limit chaos and that is always precarious and often painful; usually mysterious and sometimes meaningful. For no one more than the resolute ex-offender must the ‘boredom of living’ be replaced by the ‘suffering of being’. Therein lies the possibility, not the prospect, of joy.
Acknowledgements

My enormous thanks to Stewart Grimshaw and the trustees of The Monument Trust. Their support for my work on prisons has been a boon, while their other work in prisons has been an inspiration. Mark Woodruff has been a constant supporter, wise adviser and firm friend since commissioning PrisonerActionNet. My thanks to him.

Thanks to Sarah Frankenburg and Thomas Cummings. As well as much thorough and punctilious research and drafting, they contributed their own insights and reflections. What is written on the page includes that as well as my own views and ideas. Thanks also, as always, to my partner Paul Crane for his boundless personal support, not to mention diligent editing.

I owe intellectual debts to Bernard Williams, Michael Young, John Braithwaite, John Laub and Robert Sampson, as well as David Garland, Shadd Maruna and Stephen Farrall.

The Monument Trust
The late Simon Sainsbury established The Monument Trust in 1965. Simon was a man of vision, discernment and wit, all of which he applied to philanthropy with great delight and sustained attention. Since his death in 2006, the trustees have sought to ensure that the example he set in generosity, modesty and wisdom continues to guide the Trust. Criminal justice has been an abiding concern, primarily to keep young people on the path away from offending and prison, and to motivate those in prison to achieve resettlement in a better way of life, with positive relationships and a real livelihood, that ensures they do not go back. In 2007 the Trust commissioned Lemos&Crane to set up the PrisonerActionNet, which brings together the most effective and innovative practitioners working with prisoners and ex-offenders.
Notes

1. Conscience, family and community

1. Hemingway, E. 2004 (original publication 1927) *Fiesta: The Sun Also Rises* Published in the UK as *Fiesta* and in the US as *The Sun Also Rises* London, UK. Arrow Books/Random House p. 3
5. Ibid p. 55, 68
6. Ibid p. 61-66
7. Ibid
8. Ibid

2. Failure of conscience in childhood and early family experiences of offenders

3. Ibid
6. Ibid. p.40
11. Ibid. p. 123-125
12. Ibid
14. Ibid. p. 14
15. Ibid. p. 153
17. Herman, J, M.D. 1997 (Original publication 1992) *Trauma and Recovery: The Aftermath of Violence – from Domestic Abuse to Political Terror* Basic Books, USA
18. Ibid. p. 53
19. Ibid. p. 98
20. Ibid. p. 55
21. Ibid. p. 51
22. Ibid. p. 53
23. Ibid. p. 96
27. Ibid. p. 115–120
29. Braithwaite, J. 2006: 55,68
30. See Braithwaite, J. 2006: 34–38
33. Sampson, R.J. and Laub, J.H 1995: 20
37. Moffitt, TE 1993: 679
42. Ibid. p. 11
43. Ibid. p.16
46. Hopkins, K. 2012: 10
47. Berman, G. 2012: 16
48. Ibid.
49. Hopkins, K. 2012: ii
50. Ibid.

Notes
3. The search for punishment

4. The practice continued to be used sporadically until even later. Reference can be found in the press, for example, of its use in HM Prison Wandsworth in 1954. [‘Only the ‘CAT’ holds back the brutes’ Empire News, Manchester, 11 July 1954]
5. Foucault, M. 1991:11
7. Cole’s novel Broken, which details a paedophilia ring, was reportedly banned from one prison library as it was feared its presentation of child abuse would be distressing for victims, and stimulating to perpetrators.
12. Ibid. p.84
13. Ibid. p.85
14. Ibid. p.74
16. À Bout de Souffle (UK: Breathless) 1960 Film. Jean-Luc Godard France Les Films Impéria

4. A transformed social consensus on crime and punishment since the 1970s

1. W. B. Yeats ‘Spilt Milk’ Collected Poems 1933 Macmillan p. 271
2. Research has consistently shown that people tend to overestimate their risk of becoming victims of crime. The 2010 British Crime Survey, for example found that 15 per cent of respondents felt themselves to be ‘very likely’ or ‘fairly likely’ to be victims of violent crime, when their actual risk was three per cent. Women, people from black and minority ethnic communities and those living in areas classed as multicultural typically over-estimated their risk of victimisation more than the general population (Scribbins, M., Flatley, J. (eds) 2010 Public Perceptions of Policing, Engagement with the Police and Victimisation: Findings from the 2009/2010 British Crime Survey. Home Office Statistical Bulletin. Home Office, London.
6. Divorce rates peaked for the first time in the 1950s, with around 60,000 divorces in 1947 – often attributed to women’s increased involvement in the labour market granting increased financial independence. Rates continued to climb and peaked once more in the early 1970s, at 119,000 divorces in 1972. This is most likely due to the Divorce Reform Act of 1969, which made divorce much easier to attain. Since then rates have gradually declined and stabilised. The number of divorces a year is now roughly 118,000 – close to the 1970s figure. Couples are also marrying later. [Office For National Statistics 2012, Divorces in England and Wales – 2011, ONS Statistical Bulletin]

208
5. Justice and restoration

3. Ibid.
6. Under the Youth Justice and Criminal Evidence Act, 1999, Witnesses under 18-years old are automatically eligible for Special Measures. They may also be granted for witnesses whose evidence is affected by mental illness, learning disability or difficulty or physical disability. Intimidated Witnesses are treated under separate legislation. See Crown Prosecution Service, Special Measures Legal Guidance. Available here: www.cps.gov.uk/legal/s_to_u/special_measures/ (accessed 4 December 2013)
7. Zehr, H. Quoted in Kershen, L. 2012
11. Ibid.
12. Ibid.
15. Kershen, L. 2012
6. Managing the good prison

5. See Burt J.T 1852 Results of the System of Separate Confinement: As Administered at the Pentonville Prison London. Longman, Brown, Green, and Longmans, especially p. 256: ‘[The Separate System] is designed to act upon the prisoner in three ways; namely, to inflict a severe punishment, to exclude as far as possible evil influences, and to bring to bear upon him under these conditions all available influences for good.’
14. The age of criminal responsibility in England and Wales was raised from eight to ten in a 1963 amendment to the Children and Young Persons Act (c.12 (Regnal. 23 and 24 Geo 5)) of 1933. The age of criminal responsibility in Scotland was raised from eight to twelve in 2010. The majority of European countries set their age of criminal responsibility at between 14 and 16 years. Columbia and Luxembourg have the highest age of criminal responsibility, at 18. The lowest – 7 – is found in some US states, and Mexico. Four countries, including Saudi Arabia and Brunei, do not have a set age of criminal responsibility. (Neal, H. 2008 *Cross-national Comparison of Youth Justice*. Youth Justice Board, University of Sheffield, UK)
15. The riots had an immediate impact of around 900 prisoners, and, as of September 2012 1,405 people had been sentenced to immediate custody as a result of the disorder. (Ministry of Justice *Statistical Bulletin on the Public Disorder of 6-9 August 2011*, September 2012 Update. Ministry of Justice).
22. Perhaps the most notable recent example was the riot and rooftop protest at H.M. Prison Manchester (then Strangeways) in 1990, which killed two men, injured 194 more and resulted in a public enquiry which produced numerous reforms to prison conditions. [The Guardian 2010 ‘The Strangeways Prison Riot 20 years on’ 31 March 2010 Accessible here: http://www.theguardian.com/society/2010/mar/31/strangeways-riot-20-years-on (accessed 4 December 2013)]
Notes


30. Lean Management, sometimes known simply as ‘Lean’ is employed in numerous settings from manufacturing to business. The term was most famously coined and formalised by James P. Womack in his 1990 book *The Machine that Changed the World: The Story of Lean Production*, (Roos, D; Womack, J; Jones, D, 1990. *The Machine That Changed the World: The Story of Lean Production*, Harper Perennial). Central to the model is the proper understanding of the practical context in which a task is to be carried out, the interests of those involved, and the elimination of waste.


32. Author’s own experience.

7. Family life of prisoners and opportunities for empathy

1. Nin, A. 1959 *The Four-Chambered Heart* Ohio, Swallow Press p. 102


4. Laub, J.H and Sampson, R.J 2006: 44


6. Field, J (Milner, M) 2000: 20

7. Sampson R.J. and Laub, J.H 2006: 41


11. All the following accounts of HM Prison/YOI Parc’s Family Interventions projects are taken from HM Prison/ YOI Parc’s Family Interventions February 2012 Update.


13. Ibid.

14. Ibid.

15. Listener from HM Prison/YOI Feltham quoted in The Samaritans 2012 *A Listener Lives Here: The Development of Samaritans’ Prison Listener Scheme*

16. See Nightingale F. 1969 (original publication 1860) *Notes on Nursing*, New York, NY: Dover Publications p. 103 in which she comments for example that “a small pet is often an excellent companion for the sick, for long chronic cases especially [...]If he can feed and clean the animal himself, he ought always to be encouraged to do so.”


18. The site, Ain Mallaha in northern Israel is one of the earliest examples of man’s connection with animals. (Porter, R. (ed) 1996 *The Cambridge Illustrated History of Medicine* Cambridge University Press, Cambridge p. 19)
19. H.M. Prison Polmont – a large YOI in Scotland - has run a similar scheme since August 2011, with charity Paws for Progress.


21. Ibid.

22. Ibid.


8. Mindfulness: reflection and collaboration


2. Field, J (Milner, M) 2000 (original publication 1934) A Life of One’s Own London Virago Press p. 95

3. Ibid. p. 130

4. Ibid. p. 94

5. Ibid. p. 206

6. Ibid. p. 204

7. Ibid. p. 20


18. Ibid p. 98-101

19. Kahneman cites Walter Mischel’s original experiment, in which children were offered cookies. The experiment is more commonly known as ‘the marshmallow experiment’ as it was subsequently replicated at Stanford, with the children offered marshmallows. It has been replicated with various treats numerous times

20. Though a recent re-run of the experiment suggests that children are more likely to wait if they trust the person asking them to be patient than if it is an untrustworthy stranger


23. Kahneman, D. 2012: 72
24. For example, a recent study into the effect of varying length sentences on likelihood of recidivism (defined as proven reoffending, within one year of release) among 15–17 year olds found that the only statistically significant correlation was that those given community sentences were less likely to reoffend than those given custodial sentences of six months or less. There was no significant correlation between length of custodial sentence and reoffending in any year of the study (2009–2012). (Ministry of Justice 2012 ‘Compendium of Reoffending Statistics and Analysis, Paper 1: Impact of Sentences on Proven Reoffending Rates for Young People’. Ministry of Justice Statistical Bulletin, July 2012. London, Ministry of Justice)


32. Ibid. p i

33. Ibid.p.iv


36. Inmate at Swinfen Hall YOI, quoted in Henley, J. 2012 Good Vibrations: Music and Social Education for Young Offenders. Institute of Education, University of London

37. Salter, J. 1998 (original publication 1979) Solo Faces New York, North Point Press, a division of Farrar, Straus and Giroux p. 64

9. Creativity and artistic activity


2. See for example Loza Ardila, C. 2006 ‘Psychoanalysis, Art and Interpretation’, Annuary of Clinical and Health Psychology Vol 2 57-64


8. Ibid. p. 277
The Good Prison

9. Ibid. p. 9


11. Wilcken, P. 2010: 270


18. Ibid.


22. Auden, WH. 2012 (original publication 1963) The Dyer’s Hand and Other Essays London, Faber and Faber

23. Wilcken, P. 2010: 16


27. Ibid.

10. Work, autonomy and well-being in prison and afterwards


2. See for example Sampson, R.J. and Laub, J.H. 2006


10. Sivapalan,H. 2010


15. Ibid.


See also Farrall, S and Calverley, A. 2006 Understanding Desistance from Crime: Theoretical Direction in Resettlement and Rehabilitation New York USA and Berkshire UK, Open University Press. For a list of research on the link between work and desistance, p. 74-75 and on loss of employment, p. 87-93


25. Ibid. p. 47

26. Ibid.

27. Ibid. p. 48


29. Tanjit Dosanjh in correspondence with Lemos&Crane. Reproduced with kind permission


34. Ibid. p. 74


36. Aristotle Nicomachean Ethics VI.1146b 6–7 ‘while in the case of poiesis the end is different (from the act which is the poiesis), in the case of praxis it is not; for the very ‘acting well’ (eupraxia) that it itself is, is the end” Quoted in Engberg-Pedersen, T. 2002 (original publication 1983) Aristotle’s Theory of Moral Insight Oxford, Oxford University Press p. 27


40. Ibid.

41. Ibid.

42. The 2011-2012 annual report of H.M. Inspectorate of Prisons found that 24 per cent of prisoners said it was easy or very easy to access drugs in their prison, and 6 per cent said they had developed a drug problem during their time in prison (29 per cent said they had a pre-existing drug problem on arrival at prisons). (HM Chief Inspector of Prisons for England and Wales, 2012 *Annual Report 2011–2012* Ordered by the House of Commons to be printed October 2012. London: The Stationery Office. p. 36
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44. Ibid.


46. Norfolk WI member’s son, in a letter received by his mother after his death. His death stimulated the Care not Custody campaign. National Federation of Women’s Institutes (NFWI) 2010 Care not Custody Action Pack London NFWI


49. Ibid. p. 67

50. Sivapalan, H. 2010

11. Beyond prison: conscience and cash


2. Thoreau, H.D. 1897 (Original publication 1854) Walden, or Life in the Woods New York Houghten, Mifflin and Company p. 15


6. Levine, L. and Brown, R. ‘Tie A Yellow Ribbon Round The Ole Oak Tree’ performed by Dawn featuring Tony Orlando, Tuneweaving Bell Records, 1973

7. Sartre, J. Existentialism and Humanism and Being and Nothingness. See Existentialism and Humanism 2007 (original publication 1946) trans. Maieret, P London UK, Methuen p.38


11. Ibid.


14. Ibid.
Bibliography


Aristotle Nichomachean Ethics

Auden, W.H. 2012 (original publication 1963) The Dyer’s Hand and other essays London, Faber and Faber


Beckett, S. 1931 Proust New York, New Direction


The Good Prison

Burt, J.T. 1852 Results of the System of Separate Confinement: As Administered at the Pentonville Prison London. Longman, Brown, Green, and Longmans


Clark, P. 2010 ‘Preventing future crime with Cognitive Behavioural Therapy’ National Institute of Justice (NIJ) Journal 265 National Institute of Justice, USA

The Clink Cymru Charity ‘Graduate Update’ available here: www.theclinkrestaurant.com/2013/01/graduate-update-3/ (accessed 4 December 2013)


Conrad, J. Cosmopolis, 1897 later published in Tales of Unrest 1898 London. Doubleday


Cooper, Y. Hansard Housing House of Commons Debate 05 May 2004 Vol 420 cc. 1344 – 406


Dickens, C. 1839 The Life and Adventures of Nicholas Nickleby London. Chapman and Hall


The Elementary Education Act; 1870 (33 & 34., Vic., C. 75)


Field, J (Milner, M) 2000 (original publication 1934) A Life of One’s Own London Virago Press

Field, J. (Marion, M.) 1988 (original publication 1937) An Experiment in Leisure Chatto & Windus London, Virago Press Limited


Garland, D. 2001 The Culture of Control: Crime and Social Order in Contemporary Society Oxford University Press


Glueck, S. And Glueck, E 1950 Unravelling Juvenile Delinquency. New York: Commonwealth Fund


Gold, C. et al. 2005 ‘Music therapy for Schizophrenia or Schizophrenia-like Illnesses’ Cochrane Database of Systematic Reviews 2005 (2)


Groys, B. 1994 Einführung in die Anti-Philosophie. Translated by Fernbach, D. and Carlson,
The Good Prison

M. 2012 as An Introduction to Anti-Philosophy. London, Verso
Hardy, T. 2000 (original publication 1895) Jude the Obscure. Herts, Wordsworth Editions
Harrod, T. 2012 The Last Sane Man: Michael Cardew: Modern Pots, Colonialism, and the Counterculture New Haven, Yale University Press
Heaney, S. 1996 The Spirit Level London, Faber and Faber
Hemingway, E. 2004 (original publication 1927) Fiesta: The Sun Also Rises Published in the UK as Fiesta and in the US as The Sun Also Rises London, UK. Arrow Books/Rand House
Henley, J. 2012 Good Vibrations: Music and Social Education for Young Offenders. Institute of Education, University of London
Himelstein, S. 2010 ‘Meditation Research: The State of the Art in Correctional Settings’. International Journal of Offender Therapy and Comparative Criminology XX (X) 1–16
HMP/YOI Parc’s Family Interventions February 2012 Update
Home Office Statistical Bulletin Supplementary Volume 1 to Crime in England and Wales 2010/11 November 2011 18/11
Bibliography


Jones, P. 1996 *Drama as Therapy: Theatre as Living* London and New York, Routledge


Lao Tzu *Tao Te Ching* [77] Translated by D.C. Lau 1963 London, Penguin


Loza Ardila, C. 2006 ‘Psychoanalysis, Art and Interpretation’, Annual of Clinical and Health Psychology Vol 2 p. 57-64


Matza, D. 1964 Delinquency and Drift, New York, Wiley


Miller, A. 1987 The Drama of Being a Child UK Virago Press


Ministry of Justice Prison Service Order PSO 2205 Offender Assessment and Sentence Management – OASys. Ministry of Justice


Ministry of Justice 2012 Restorative justice action plan for the criminal justice system November 2012 London, Ministry of Justice


Moon, D (Ed.), Flatley, J (Ed.) et al 2011 Perceptions of crime, engagement with the police, authorities dealing with antisocial behaviour and Community Payback: Findings from the 2010/11 British Crime


National Federation of Women’s Institutes (NFWI) 2010 Care not Custody Action Pack London NFWI

Neal, H. 2008 Cross-national Comparison of Youth Justice. Youth Justice Board, University of Sheffield, UK

NICE Clinical Guidelines 2013. CG90 Depression in adults: The treatment and management of depression in adults (Update)


Nin, A. 1959 The Four-Chambered Heart Ohio, Swallow Press


The Offender Health Research Network 2010 The pathway of prisoners with mental health problems through prison health services and the effect of the prison environment on the mental health of prisoners: A report to the National Institute of Health Research. OHRN, University of Manchester. Published online April 2010
The Good Prison

Office of the Deputy Prime Minister 2004 *The Social Exclusion Unit (SEU)* Crown
nationalarchives.gov.uk and www.cabinetoffice.gov.uk/media/cabinetoffice/social_
exclusion_task_force/assets/publications_1997_to_2006/seu_leaflet.pdf


Orme-Johnson, D. W. 2010 ‘The Use of Meditation in Corrections’ International Journal of Offender Therapy and Comparative Criminology XX (X) 1-3 Sage Publications


Paterson, C. 2011 *Parenting Matters: Early Years and Social Mobility Centre*Forum


Podmore, J. 2012 *Out of Sight, Out of Mind: Why Britain’s Prisons are Failing*. London UK. Biteback


Jones and Bertless


( Accessed 10 May 2013)


Read, H. *The Meaning of Art* 1956 (original publication 1931) Middlesex, UK.
Pelican Books. Penguin Books in association with Faber and Faber

Restorative Justice Council ‘Restorative Justice Works’ available here:


Salter, J. Solo Faces 1998 (original publication 1979) New York, North Point Press, a division of Farrar, Straus and Giroux
The Samaritans. 2012 A Listener Lives Here: The Development of Samaritans’ Prison Listener Scheme
Sampson, R.J., Laub, J.H and Wimer, C. 2006 ‘Does marriage reduce crime? A counterfactual approach to within-individual causal effects’ Criminology Vol. 44 (3)
Sage Publications
Sartre, J. Existentialism and Humanism 2007 (original print publication 1946) trans. Mairet, P. London UK, Methuen
The Good Prison


The Shannon Trust, ‘Toe by Toe Prison project’ available here: www.toe-by-toe.co.uk/prison_project.html (accessed 4 December 2013)


Sivapalan,H. 2010 The Bell Jar Rises: Social Determinants of Well-Being in Mental Health Service Users Receiving Care in the Community. Lemos&Crane


Department of Justice of Canada

Sutherland and Cressy 1978 *Criminology* (10th edn) New York, Lippincott


Thoreau, H.D. 1897 (Original publication 1854) *Walden, or Life in the Woods* New York Houghten, Mifflin and Company


Twan Eng, T 2012 *The Garden of Evening Mists* Edinburgh and London UK Canongate


Wilcken, P. 2010 *Claude Levi-Strauss: The Poet in the Laboratory*. London Bloomsbury


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