

Penal Servitude: Convicts and Long-Term Imprisonment, 1853-1948.

By Helen Johnston, Barry Godfrey and David J Cox.

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Firstly, I must declare an interest in this publication as I was contacted to see if I could provide images from our vast photographic archive which I was more than happy to do. I was even more pleased to see that a number of images I submitted were included in the finished article.

Whilst there have been several texts which draw upon the experiences of individuals subjected to Penal Servitude, for example Victorian Convicts: 100 Criminal Lives by the same authors, little has been written to explain how Penal Servitude was conceived and how it was expected to work in practice. In the valediction carried on the back cover, Professor Neil Davie states:

'there is no other comprehensive study of the convict prison system in England and Wales during this period.'

In this summing up he is quite correct and the text covers what passed for the Criminal Justice system for over 100 years. The book is well set out firstly giving context to the origins of the Penal Servitude Act of 1853, and the chapter structure describes the logistics of implementing Penal Servitude on all aspects of prison life, for example how the regime ran, how education and labour worked, convict's diet and health and how convicts progressed through the class

system. It provides easy reading and takes the reader through in a logical chronological sequence, providing appropriate case studies that give historical context to the subject(s) being addressed.

For those readers new to the subject, the book starts by providing context, outlining the system from 1779 to 1853. This draws upon the rationale behind the changes required as the use of Transportation declined and highlights the fact that the thinking behind what was known as a national penitentiary system was in actual fact not a replacement for but predated transportation. The 1779 Penitentiary Act stated that *'well regulated labour and religious instruction might be the means, under providence, not only of deferring others from the commissions of crimes but also of reforming the individuals and inuring them to the habits of industry'* (p. 12). Funds could not be obtained from the Treasury to enact the measures contained in this Act and the decision was made to use New South Wales as the site for a Penal Colony.

The implementation of the Penal Servitude Act could not happen overnight, and the second chapter looks at the building of the convict prison estate which had hitherto not existed, with the exception of Pentonville and Millbank which were transitional prisons prior to convicts being transported. With new legislation in 1853 and 1857 replacing transportation as a sentencing option, an urgency arose for an increased building programme. There is a consistency throughout each chapter which seeks to address how these changes affected female prisoners, particularly drawing out the differences in treatment. This chapter describes how the female convict estate developed. It also deals with problems with so-called repeat offenders and those released

on licence, proposals for greater supervision or early release of offenders restricted to those who could demonstrate their rehabilitation were proposed at this time. There were also issues with striking a balance between being seen to be tough on crime whilst having to fund an increasing prison population. Issues highlighted as causing a quandary 150 years ago still seem to be causing a quandary today.

The experiences of 650 convicts provide case studies to support the narrative. The chapter that addresses Regime, Labour and Education uses the case of a convict named Goodwin (p. 59) who complained that he had not received full marks for his work. His request was denied by the Governor stating that he would have been given full marks if he had worked hard. The marks system was a system of reward for good conduct and a good report for labour, allowing the convict extra privileges and remission. There is a case study of Edith Jennings (p. 69) who was convicted of arson and sentenced to five years penal servitude in 1885. This serves to demonstrate how the 'star class' operated, which was designed to keep first offenders separate from repeat offenders in the hope they would be easier to rehabilitate. In Edith's case several letters were received as to her previous industrious character, and she was released after serving just 17 months.

The use of prison labour was key to the operation of the penal servitude system, and it is interesting to read how the perception of how this would be used and reality altered over the years. From the very start the principle that convicts should be trained for subsequent gainful employment was a key driving force. Whilst this sentiment could be applied whilst a convict was imprisoned, it became much harder

to implement upon release. Joshua Jebb had a vision that labour would secure post release employment, going so far as to advocate no man should be released until employment was secured. The public were not so quick to accede to these demands and the work rate of convicts was also brought into question. Commenting on convicts quarrying stone at Portland it was judged that 'we get 40% work from a convict that we would get from a free man'. This chapter highlights the difficulties establishment found in keeping convicts engaged in meaningful labour and how they would be secured work upon release. Another issue that faces the Prison Service of today.

Later chapters deal with health, diet, resistance to the regime, gender, sexuality, and class. A case study of Ann Kelly (p. 122) highlights how prisoners were treated who were pregnant upon their conviction. It is not only the experiences of female convicts that is addressed. The fight by women to be recognised as employees is discussed and reveals that it was not until 1916 that a woman attained Governor grade when Dr Selina Fox was appointed Deputy Governor and then Governor of Aylesbury Prison (p. 125).

The book highlights the lack of joined up thinking in the management of offenders in terms of both their time spent in prison and how they were managed afterwards. It came as a surprise that local and convict prisons only came under one umbrella in 1945 following the passing of the Criminal Justice Act. It is also surprising that there was not initially a national body whose responsibility it was to manage offenders upon release, this burden falling to variously named Aid Societies.

I drew heavily upon this text when asked to address a conference highlighting how regimes of the past operated. I remarked that the ideas contained in the various Penal Servitude acts, focusing as they did on measures to rehabilitate offenders, reduce the prison population and control offenders by offering incentive schemes were not too far removed from how the Prison Service operates today. This view has recently been reinforced by an article I read in PSJ 260, 'The Truth About Prisons and Probation' by Roy King and Lucy Willmott which serves to illustrate that the penal justice system has not really moved on since 1853.

As if in response to this observation, in concluding the authors make the argument that the more we know about the historical development of the carceral system, the better armed we are to fight to improve the ways we deal with the problems of the prison system today.

Male, Failed and Jailed: The Revolving Door of Imprisonment in the UK.

By David Maguire

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It has long been recognised that prisons are sites where the performance of masculinity is brought into sharp relief. Whilst the gendered performance of men within prison has received far

greater attention in the last 30 years, this burgeoning body of research tends to focus on the structure, plurality, and function of masculinities *within* prison. Maguire's monograph *Male, Failed and Jailed* is a refreshing break from this tradition. Not only is it elegantly written and meticulously researched, but it offers a compelling account of the ways in which expressions of prison masculinities are forged within the local social and economic spaces of deprived neighbourhoods, schools, alternative educational settings, local authority care, youth custody, and post-industrial employment (or lack thereof). It is within these sites, and later in their non-working lives, that working class young men develop 'masculine trajectories' and strategies that ease their transitions into penal spaces. The inspired title *Male, Failed and Jailed* succinctly captures the central thesis of the book, namely that working-class men begin their journeys into prison many years earlier in impoverished neighbourhoods and institutional settings where they develop 'hard' masculinities that not only prepare them for imprisonment but continue to 'trap' them 'in the revolving door of imprisonment.'¹

Traced throughout this book is the concept of 'protest masculinity,' a term originally coined by Connell² to describe the ways in which marginalised men resist their subordinate status. This 'protest masculinity', it is argued, allows men in positions of relative powerlessness and economic precarity to find alternative strategies for performing masculinity. Maguire revitalises the concept to explain the symbiosis and continuities between street and prison-based masculinities, but also how these strategies reinforce men's exclusion from education,

1 Maguire, D. (2020) *Male, Failed and Jailed: The Revolving Door of Imprisonment in the UK*. Palgrave Macmillan. p.191

2 Connell, R. (1995) *Masculinities*. Polity Press.

employment and later, the community.

Maguire's monograph makes a significant theoretical and empirical contribution. First, it offers a more nuanced analysis of the genesis of prison masculinities. Whilst Maguire challenges the view that prison-based masculinities are primarily structured by the depriving nature of the prison, he also illustrates how street-based masculinities are not just imported into prison but are also adapted within it. Consequently, he not only offers a fresh perspective on the (somewhat stale) importation-deprivation debate but also provides a persuasive account as to how (and why) some men adapt easily to imprisonment notwithstanding its punishing effects.

Second, and rather uniquely, Maguire's treatment of prison masculinities considers the intersection between class, age, transitions, and locality. Central to the monograph is the rich descriptive detail of Hull as a city and HMP Hull as an institution, as well as an analysis of the life-history accounts of 30 adult prisoners aged 18-45 years old. This combination very effectively contextualises the continuities between the cultural milieus and spaces that these working class, local lads share and experience prior to their imprisonment in a local prison. Maguire carefully reflects on his own position in relation to this research, considering both the advantages but also the challenges of negotiating access and establishing rapport as a 'partial insider'.

The empirical accounts vividly extend the monograph's theoretical arguments. For example, in Chapters 2 and 3, Maguire argues that de-industrialisation stimulated a decline in traditional, 'masculine' manual labour in favour of

'feminised' service work. Later, in Chapter 6, he demonstrates how disrupted school-work transitions and the growing precarity of employment opportunities not only has a role in explaining why men find alternative ways of performing masculinity but also how 'in the context of deprived neighbourhoods, 'doing crime' was in many cases, a more emotionally exhilarating route to a locally valorised version of performing masculinity than the employment opportunities open to many of them.'³

Third, and in contrast to the 'hard' masculinities described throughout the book, Maguire also turns his attention to the 'vulnerable masculinities' of prisoners on a vulnerable prisoner's unit (VPU). In so doing, he describes three principal adaptations of these seemingly low status prisoners: 1) 'protest,' where prisoners assert their criminal credentials and their lack of choice in the move to the VPU 2; 'acceptance'; and, 3) 'pragmatic' adaptation. Moreover, Maguire also illustrates how male prisoners navigate and mitigate their absences and 'failures' as men. In so doing, further illustrates how the adoption of prison masculinities serves these men poorly on release. Rather, imprisonment had 'intensified' masculine traits and strategies that would contribute to their continued marginalisation.

Although this monograph might at first appear to be – as Maguire describes – a 'bleak study', Maguire dispels any sense that the pathways into prison are fixed or permanently cyclical. In this way, he avoids being either unduly deterministic or pessimistic. He not only emphasises that he is describing some working-class young men (not all), but also that there can be 'critical moments' in an individual's life that disrupt this

trajectory. It is Maggie to whom Maguire ascribes credit for encouraging his own biographical shift. Encouraged to pursue prison education and finding in Maggie someone who believed that he was not only 'teachable' but had 'something of value to say', Maguire finds for himself an alternative way of 'doing masculinity'. It is in the final pages of the monograph that we encounter Maggie, but her introduction serves as a powerful example of how any one individual can inspire, support, and encourage another.

This outstanding monograph will of interest to students, academics, and practitioners in a variety of settings and fields.

Dementia in Prison: An ethical framework to support research, practice and prisoners

Edited by Joanne Brooke

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The number of older prisoners in the UK has grown significantly over the last two decades. In 2009 the ratio of older individuals in the total prison population was 1:11. In 2021, this ratio is now 1:6.¹ As the total prison population is projected to rise by a quarter over the next 5 years, it is likely that our older prisoner population will also rise in line with this prediction. The rise in the number of older prisoners can be largely attributed to convictions for 'historical' sexual offences, resulting in lengthy custodial sentences. Older prisoners are also more likely to have significant health and social care needs, which

3. *Ibid*, p.122.

1. HMPPS. (2020). *Offender Equalities Annual Report 2019-2020*. MOJ.

can be very challenging to manage effectively within the secure environment.

This book explores the challenges associated with dementia, which an increasing number of older prisoners are now experiencing. Aimed primarily at healthcare professionals and prison staff it argues that better detection and support are needed to improve outcomes for this vulnerable population (p.127). The book is well researched and provides a contemporary review of the issues across three key areas: namely how healthcare services in prison are provided and impact on an older population; human rights and ethical considerations of prisoners with dementia; recommendations for practice, as well as the need for further research in this area.

Using international comparisons, it aims to provide the reader with a better understanding of dementia, as well as outlining different approaches to providing care and support citing examples from the USA, Australia, Norway, France, some of which could be adapted for use in the UK. One such initiative outlined is from the USA, where modifications to the physical environment were introduced, supported by individualised care interventions. Staff were provided with training in recognising the signs of dementia, how to communicate effectively with individuals, as well

managing challenging behaviour.² UK initiatives are also described, such as the Buddy Support Worker programme designed by the charity RECOOP.³ Indeed, the book has a strong focus on person-centred approaches to care, outlining that good dementia care is founded on five key aspects, namely: comfort, attachment, inclusion, occupation and identity.⁴

One of the key challenges in planning service provision is knowing how many adults in the prison system are currently experiencing early onset or full dementia. There are cognitive screening tools available, but their application in prisons is largely untested and the evidence base is too insufficient to recommend a particular tool as suitable. One of the ethical dilemmas explored is the conflict between providing custody and care, where it is argued that the need to maintain security can adversely impact on the quality of care.^{5 6} Another dilemma concerns mental capacity and whether healthcare staff are able to seek informed consent for interventions, as well as the capacity of the individual with dementia to be involved in decisions about their care. The Nuffield Council on Bioethics⁷ ethical framework is presented and there is good discussion on how this could be applied within the prison setting (Chapters 4, 6 & 9). A later chapter (Chapter 8) also reflects this discussion in terms of

applying the framework in conducting research within a prison, which also provides guidance on how to write an ethical protocol and how to undertake research within a secure environment.

The concluding chapter of this book calls for the development of a national strategy for older prisoners that acknowledges their unique and complex health and social care needs. It is recommended that the strategy outlines the treatment and services needed to support an individual with cognitive impairment, including appropriate palliative and end-of-life care (p. 180). It is recommended that the Newcastle Clinical Model⁸ be adopted for use within prisons. It is proposed that this model provides an assessment and intervention approach that is person-centred and suitable for implementation within the prison environment. Lastly the authors stress the need for further research in this important area, to establish the scale of the problem, as well as enable decisions on care to be made on robust evidence, rather than anecdotal support for initiatives.

In the main, this book is most likely to appeal to academics planning research within the secure environment and health care professionals. However, it does also provide valuable information and application for prison staff who work with older prisoners.

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