

Prison – more than detention?

John M. Moore sets detention in a historical context and questions its 'reformative' goals.

In the 1920s, Alexander Paterson, the Prison Commissioner declared that people 'come to prison as punishment not *for* punishment' (Ruck, 1951:23). However, prisoners' autobiographical accounts have repeatedly reminded us that prison is often experienced as painful, humiliating, and negative. This leads us to surmise that perhaps Paterson was merely articulating an aspiration and that in fact the prison in reality is always more than just a restriction of liberty. Nils Christie (1978:183) defined the modern prison as:

A physical structure creating high internal visibility with possibilities for some absolute restrictions in movements where the stay is decided by other persons independent of the wishes of those staying there because those staying there are to blame with the purpose of creating pain.

It is Christie's last two characteristics of *blame* and *pain* which historically distinguish the prison from other forms of detention.

We have locked people up from the beginning of time. Genesis reports Joseph being thrown into a pit by his brothers before selling him into slavery, and he is later placed in jail by his master. Historically secure custody has played a role, initially for the accused before trial and later for debtors. While there is evidence from Tudor times of the use of imprisonment as a specific punishment, the terms were generally short. The primary punishment for felons was death, and by the early nineteenth century over 220 offences carried this punishment. Transportation established itself as the 'secondary'

punishment, initially for the pardoned capitally convicted and later as a sentence in its own right. It was only in the middle of the nineteenth century as destinations for transportation closed and hanging was restricted to some (but not all) murderers that imprisonment emerged as the normal punishment for serious law breaking.

Lord George Gordon, a contemporary of eighteenth century penal reformer John Howard, was sentenced to imprisonment for libelling Marie Antoinette. In Newgate prison, Lord Gordon was able to acquire a good set of rooms serviced by two maids and entertain his friends (including the Prince of Wales) on a daily basis, providing them with good food and wine. The experience of poor prisoners was, however, very different. Without money to ameliorate the pains of confinement, many undoubtedly suffered a miserable existence. The experience of those sentenced to detention as punishment was fundamentally the same as that experienced by debtors and remand prisoners. The quality of their life was determined largely by their station and wealth. It was not a good time to be poor either inside or outside prison.

The work of John Howard is normally represented as a humanitarian exercise. While it is important to recognise the dire conditions in which some poor prisoners lived, Howard's mission had a bigger agenda. He wanted to bring order to prisons, call time on the prison bar, segregate men from women, standardise regimes, and make prisons institutions of moral reformation.

Throughout the nineteenth and

twentieth centuries, this agenda has been implemented as imprisonment has moved to centre stage. The reformatory ideology advocated in different guises by John Howard, Jeremy Bentham, William Brebner, Elizabeth Fry, Alexander Maconochie, and Joshua Jebb in the nineteenth century and by Alexander Paterson, the Home Office elite, and prison reform charities in the twentieth century has aspired to transform the 'bad' prisoner (convicted or not) into a 'good' citizen. Running alongside this reformatory agenda, punitive and deterrent objectives are also present. This tradition which had dominated the eighteenth century with its belief in the requirement for the criminal law to terrorise remained a constant presence throughout the development of the prison and indeed epitomised Edmund Du Cane's leadership of the newly nationalised English prisons in the last quarter of the nineteenth century.

As Fenner Brockway (1928:122) observed, the modern prison system was developed through the combined efforts of 'penal reformers' working in partnership with 'penal inflictors'. The consequence of this joint endeavour has been the creation of an institution which delivers a very different experience and performs a very different role from the gaols visited in the eighteenth century by John Howard. The gaol still permitted its prisoners to enjoy significant elements of normal life, and while it contained them it did not seek to punish or reform them. Reformatory and punitive agendas were, however, to shape the emergence of a very different penal institution in the nineteenth century. This new regime has been ably described by two prisoners at Dartmoor:

Cruelty and good intentions often go hand in hand. So it is perhaps not very surprising that many of the least tolerable aspects of life in Dartmoor and other English prisons are the result of the godly and humanitarian zeal of past reformers. (Dendrickson and Thomas, 1954:11)

Rather than eradicate or reduce the pain of confinement, the reformed prison merely replaced the *pains of neglect* with the *pains of intention* (Ignatieff, 1978) and introduced blame as a central component of the experience of imprisonment.

The modern prison regime starts for all prisoners, male or female; child or adult; convicted or unconvicted;

with *ritual shaming* though a strip search. The Howard League's recent Carlile Report (2006) has given us a rare opportunity to view this from a child's perspective. Here, we learn about a girl having her soiled sanitary pad inspected in front of her before being returned for her reuse and a boy being forced to part his buttocks and peel back his foreskin for the guards' inspection. Any prisoner refusing to cooperate is liable to be forcibly stripped. This humiliating experience sets the tone for what will follow. Prison life is characterised by vulnerability, powerlessness, routine humiliations, and the constant reminder that, as a prisoner, irrespective of whether you have been convicted or not, you have forfeited your rights. But for so many prisoners, particularly the vulnerable and first-time prisoners, the central characteristics are *fear* and *pain*. The 1950s are often portrayed as the highpoint of penal

reform, but for prisoner Joan Henry (1954:121), her imprisonment, like so many both before and after her, was dominated by fear:

All the time at Holloway I had been frightened. Afraid of the key turning in the lock of my cell door, afraid of the grim faces of my gaolers. Even in the hospital I had

felt that trembling nervousness that recoiled from the screams in the night, and the naked misery in the eyes of many of my companions . . . fear of madness and melancholia, and of the terrible dreams which are part of the long night; fear of the gradual deterioration of the decent human instincts that separate

human beings from the animal world; and a haunting fear of the future, in a life that saps initiative and encourages lethargy.

While official discourse seeks to portray prisons as orderly and constructive institutions, and official enquiries seek to explain away the most obvious failures, prisoners' autobiographical accounts, routine inspection reports, and reconviction statistics tell a very different story. Ultimately, prisons creators' dreams of reformation and deterrence are miserable failures. But prison has found other functions. For politicians

and the media, it has become an effective tool for satisfying the appetites of penal populism and establishing a distinct population who can be distanced and *blamed*. Longer sentences, stricter parole, new laws, and reduced tolerance deliver votes and sales while offering false reassurance to a community whose jobs, pension, and economic futures are increasingly insecure.

By recognising that prison is not just a loss of liberty but punitive confinement, a place of blame and pain for the prisoner and their family, an institution that damages all associated with it, including those who work in it, we can move on from the failed reformatory project and begin the process of designing more effective, human, and relevant solutions. But please let us not take the pain and blame into the community. ■

John M. Moore edits the website No More Prison, and teaches criminology at UWE Bristol.

References

- Brockway, A. F. (1928), *A New Way with Crime*, London: Williams & Norgate.
- Carlile, A. (2006), *Report of an Independent Inquiry into the Use of Physical Restraint, Solitary Confinement and Forcible Strip Searching of Children in Prisons, Secure Training Centres and Local Authority Secure Children's Homes*, London: Howard League for Penal Reform.
- Christie, N. (1978), 'Prisons in society, or society as a prison – A conceptual analysis', in: J. Freeman, (ed.), *Prisons Past and Future*, London: Heinemann.
- Dendrickson, G. and Thomas, F. (1954), *The Truth About Dartmoor*, London: Victor Gollancz.
- Henry, J. (1954), *Who Lies in Gaol*, London: Victor Gollancz.
- Ignatieff, M. (1978), *A Just Measure of Pain*, Harmondsworth, UK: Penguin.
- Ruck, S. K. (ed.) (1951), *Paterson on Prisons*, London: Frederick Muller.