Resistance as reform: direct action through prisoner movements, legal activism and the radical penal lobby

David Scott describes how prisoners are not only the subjects of reform but are active participants in the process.

It is sometimes maintained that critics of the prison should automatically reject all possible avenues of reform. Penal reform, it is claimed, will merely perpetuate current injustices by dissipating protest and providing greater legitimacy to the immoral practices of penal authorities. Despite good grounds for scepticism, 'impossiblism' has never been a strong feature of grass roots resistance from prisoner movements, legal rights activists or radical penal campaigners in the United Kingdom. Over the last 40 years prisoner resistance through direct action has largely aimed to promote humanitarian reforms intended to alleviate the brutal daily realities of prison life.

Resistance is a refusal to give in to or comply with a given state of affairs and can be conceived at either an individual or collective level. Though often perceived as irrational and condemned as childish or irresponsible behaviour, resistance, in one form or another, is widely acknowledged as necessary for prisoners' psychological survival. In their groundbreaking study at HMP Durham, Stan Cohen and Laurie Taylor (1981) identified five different of types of prisoner resistance: self protecting, escaping, striking, confronting and campaigning. 'Self protecting' is an individualised form of resistance that operates through mind building, body building and learning how to spend time rather than simply pass or waste time in prison. 'Escaping', as it is intended in the physical sense, means breaking out of prison, motivated by the clear goal of leaving rather than changing the existing regime. 'Striking', which involves going on hunger strike, can reflect either an individualised agenda that aims to change a specific person's circumstances, or a collective enterprise aiming for wider penal or political transformation. One of the most well-known collective prisoner hunger strikes took place in the early 1980s at the infamous H-block at Long Kesh near Belfast in Northern Ireland. Denied political status, Republican political prisoners undertook dirty protests and hunger strikes to bring about changes in recognition and conditions. Though their resistance was ultimately successful, it came at a very high price, with ten prisoners losing their lives whilst on hunger strike in 1981, including Bobby Sands who was elected as an MP during these protests.

'Confronting' entails collective and organised prisoner rebellion specifically directed at changing prison regimes either through violent or non-violent protest, and there are strong connections between this type of prisoner resistance and efforts to bring about progressive reform. For example, from January to May 1972 there were estimated to be over 50 peaceful, collective prisoners' demonstrations and these protests were consolidated by the creation of a 'Prisoners' Union', the 'Preservation of The Rights of Prisoners' (PROP) on 11 May 1972 (Fitzgerald, 1977). Its strategy was based on achieving change through peaceful demonstrations and strikes and was first and foremost an organisation of prisoners and ex-prisoners. Its call for a national jail strike on 4 August 1972 was responded to by an enormous number of prisoners, with as many as 10,000 prisoners in 33 different prisons heading the call. This apparently triumphant moment though was to signal a dramatic decline in fortunes for the movement. The growing anger felt by prison officers to prisoner direct action led to reprisals and a strict interpretation of the prison regulations, whilst PROP proved to be much less organised or popular than its media portrayal (Fitzgerald, 1977). By the end of 1972 the movement was deeply divided and had lost much of its support from prisoners. Under Ted Ward the Hull branch of PROP worked tirelessly to restore the unions reputation, somewhat enhanced by The National Prisoners Movement independent four-day inquiry into the prison officer reprisals to the Hull disturbances in September 1976. It also received further support for its Charter of Demands in 1979, which were signed by some 10,000 prisoners in 35 different institutions.

Perhaps the most successful example of 'confronting' came as a result of the disturbances at HMP Manchester from 1-25 April 1990. The resulting Woolf Report, published on the 25 February 1991, investigated the riots at 'Strangeways' and five further institutions (Glen Parva, Dartmoor, Cardiff, Bristol and Pucklechurch) and acknowledged that the riots had been motivated by a sense of injustice. Although the reforms proposed by Woolf (1991) were relatively modest and soon abandoned, there was official recognition of the need for a radical overhaul of prisoner conditions and a balancing of 'justice' with the other prison service priorities of security and control. In the last eighteen

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years prisoner rebellions have continued to occur relatively frequently, although the extent and nature of such direct action are rarely fully reported in the national media and would appear to have had little impact on recent penal reforms.

'Campaigning' involves prisoner direct action through lobbying state bodies such as Parliament, the Prison Ombudsman and the Law Courts in an attempt to overturn a given sentence or to improve procedural protections or living conditions. Prisoners campaigning for improved legal safeguards, such as those petitioning the European Court of Human Rights (ECtHR), proved largely unsuccessful until the 1970s, but since then there has been a gradual shift towards the recognition that prisoners do retain certain legal rights. Some former prisoners, such as John Hirst and Mark Leech, were highly successful campaigners whilst in prison, winning a number of cases in both the domestic and European courts. Recent successful legal campaigns by prisoners or their families have led to reforms on mandatory sentences, inquiries into deaths in custody, governor adjudications and the right to vote. Prisoner struggles for legal rights have also been supported by ex-prisoners working in organisations such as the Prisoners' Advice Service (PAS). PAS are an independent charity providing free legal advice and support to all adult prisoners in England and Wales. PAS also runs the Prisoners' Legal Rights group, a forum for knowledge transfer, whose membership includes, among others, prisoners and ex-prisoners.

A number of radical penal pressure groups have originated through the initiatives of prisoners or ex-prisoners. One such organisation is Women in Prison (WIP), which was formed by ex-prisoner Chris Tchaikovsky in October 1983 (Women in Prison, 1983). WIP comprises of mainly women prisoners and ex-prisoners and has looked to use the contradictory nature of the law to defend the rights of women in prison. Its campaign manifesto calls for both the specific reforms of women's prisons and prisons generally. WIP has campaigned against the unmediated power of the state in prison and demanded penal accountability, the acknowledgement and protection of human rights and ultimately the abolition of women's prisons. In a concerted effort to put women onto the penal agenda, WIP has both drawn attention to the plight of women and worked towards concrete improvements in their everyday circumstances.

Another radical pressure group, whose membership includes, among others, prisoners, ex-prisoners and prisoner families is No More Prison (NMP). NMP was founded in January 2006, following a successful penal abolition conference, and is the direct descendent of Radical Alternatives to Prison (RAP). From 1970-1987 RAP aimed to challenge the capitalist state's exclusive role in defining penal truth as well as demonstrate that, whilst there was 'no blanket alternative to prison', there existed many creative solutions to social problems that could be adopted that do not destroy a person's sense of self or innate dignity (Radical Alternatives to Prison, 1971). Locating the prison within wider political and socio-economic contexts, RAP's basic assumptions went much further than penal reform, for their agenda implied a 'fundamental critique of the existing economic and political order and the manner in which we chose to define and correct deviant behaviour' (Ryan, 1978). NMP follows a similar radical political agenda and has looked to expose how imprisonment is 'brutal, abusive and damaging' and how the penal law is focused primarily on lower class offenders (No More Prison, 2006). NMP provides an internet forum disseminating and transferring knowledge as well as acting as a platform for the views of serving prisoners. Activism, currently led by ex-prisoner John McFeeley, has largely come through supporting existing campaigns rather than initiating new ones. Consequently, NMP has made strong alliances with groups protesting against building Titan prisons and deaths in custody.

Uniting the various strands of prisoner direct action discussed in this article is a general commitment to exposing the brutalities of prison life and the promotion of penal reforms aiming to make a difference to the lived realities of those confined. Whilst penal reform can never be enough, it remains crucial that prisoners, anti-prison activists and prisoner families continue to work both with and against the capitalist state, exploiting contradictions, providing practical interventions and calling for immediate, humanitarian reforms alongside maintaining a commitment to the long term abolition of the penal apparatus. ■

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