

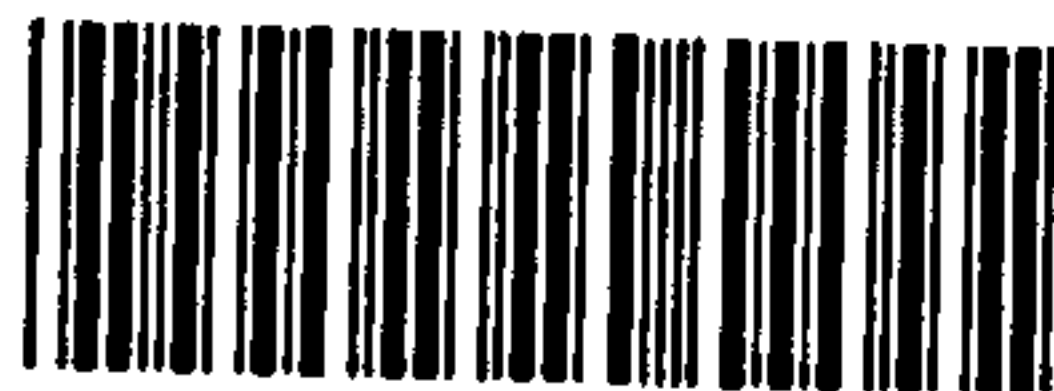
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Comment

I have written in recent editions of the alarm caused by a rise in the prison population to over 46,000 but at the time of writing it has now risen to 48,000. In the 12 months since July 1984 when the new minimum qualifying period for parole took effect and the population dropped to 42,000, there has therefore been an increase of some 6,000. I would not attempt to hazard a guess at what the population will be when this piece is published, such are the vagaries of all the factors involved that it could have gone up or down, although most people are predicting it will continue to rise. What is more important, however, is what lies behind these statistics; the appalling conditions that will pertain in most of our local prisons. Many prisoners in the local prisons will spend the next months with little time out of a grossly overcrowded cell. Another facet of the increasing population is that an ever-increasing proportion of people in the local prisons are on remand and therefore unconvicted, some will be innocent and some more will, in the event, not receive custodial sentences. Audrey Peckham has recently written in the *New Statesman* about her experiences of remand in custody and whilst many staff will recognise the problem, there must be a way in which we can respond more helpfully to people on remand.

Since the numbers are outside our direct control, it cannot be long before consideration is given to spreading the overcrowding to the training prisons as the majority of these have no overcrowding. Such a move needs to be viewed with grave concern since it would ultimately mean the reduction of all regimes to the level of the local prison. In which context of course the recent announcement about a review of prison industries which will lead to the closure of workshops on a large scale through the local prisons is a clear warning. There is a cycle of activity

that leads to this; overcrowding soon places a stress on staff resources — this in turn means a curtailment of anything other than absolutely essential activities, hence a reduction in the regime by closing workshops most days — ultimately this means a review of the industrial provision which shows that it is not economically viable to keep the workshops and provide permanent staff for them. Such is the danger to regimes in training prisons if overcrowding is allowed to spread.

We return in this issue to the debate about management of difficult long-term prisoners with a piece about the Special Unit in Barlinnie. This comes at a time when there is pressure to move forward on the recommendations of the Control Review Committee, which may include decisions about building the 'new generation' type prisons from the USA. Sylvia Pascoe picks up the effect of MQP as seen from the perspective of an Assistant Governor and addresses herself also to the overcrowding problem as does our anonymous cynic who is looking too for some more rational approach to the work of the Service. The same issue threads through David Cornwell's piece on the Rehabilitative Ethic.

The Editorial Board have considered recently the question of reprinting some articles from earlier editions; this is in part because we are often short of good material for publication but also because we have found some past articles to have considerable relevance and value for contemporary issues. We publish one such reprint in this edition — 'A most peculiar absence of monsters' by the late Andrew Fyffe. It had considerable impact at the time of first publication and now again highlights the need for standards of morality and care that must take precedence over organisational demands.

A MOST PECULIAR ABSENCE OF MONSTERS

Andrew A. Fyffe

This piece is reprinted from the July edition of the Journal of 1977. Sadly the author, Andrew Fyffe, died earlier this year after retiring as Governor of Hollesley Bay. We plan to reprint some other articles that like this, are timeless in their content and relevance. *Editor.*

Indecent Exposure

I did some reading recently about the penal system of Adolf Hitler's Reich. This was, of course, the penal system which became the vehicle for the Final Solution of the Jewish problem. I was appalled by what I read. Appalled, however, not by the general descriptions of the humiliation, degradation, suffering, and death of millions of people, nor by the more particular descriptions of lampshades made of human skin, beatings, torture, mauling by dogs, medical and surgical experiments, the use of human beings for target practice, and the whole cult of cruelty. I was appalled by all that many years ago, as I was appalled by the bombing of Dresden and Hiroshima and have since been appalled by more recent horrors

like the genocide in Vietnam and in Uganda. Because of increased exposure to knowledge about man's inhumanity to man, we have become rather cool or cold towards his increasingly desperate preoccupation with the humiliation, degradation, torture, and killing of his own kind. Man as predator we have come to accept, and the gas chambers of Hitler's Reich are but a long-time-ago symbol of a continuing commitment.

A Shortage of Soft Soap

On this occasion, however, as I was reminded of the facts, my cool was disturbed by another kind of horror which I had previously experienced but had not perceived as urgently as now. I became aware again, in a new

historical contest, that the people who took part in the setting up and administering of Hitler's penal system, from the First to the Final Solution, seemed to be the "ordinary decent people" we all believe ourselves to be in comparison with others like criminals, Jews, Arabs, Christians, communists, gypsies, blacks, whites, capitalists, Catholics, Protestants and so on. In the dark story of the Final Solution one finds few monsters—Irma Grese might be a candidate—and, apparently, only one saint, Sgt. Anton Schmid, who helped Jews to escape and got shot for his pains. Even the men at the top in Hitler's Reich and in his penal system rationalised the evil of their actions into apparent good, as though they, too, wanted to appear

like "ordinary decent people". The approach to the gas-chambers at Auschwitz-Birkenau was made beautiful with trees, and lawns and shrubs and flowers, and music could indeed be heard, such as the Viennese waltzes loved by Hitler, as people approached the abomination at the end of that lovely road. It was very nicely and sensitively done, up to a point, and the ante-chamber to death was camouflaged as shower-baths, though the bars of soap were stones. Indeed, there was a shortage of soap throughout Germany, and this and other shortages were not irrelevant to the Final Solution. The Final Solution was the inevitable result of trying to achieve a mammoth objective with ever-diminishing resources. In short, cut-backs in public spending.

The Banality of Evil

It was the absence of charismatic monsters in the whole terrible story which now appalled me. It was what Hanna Arendt called "the banality of evil" that became obvious. Good, decent, ordinary, people are not suddenly, or even consciously, corrupted in this kind of situation. They are corrupted slowly, imperceptibly, over a period of time, to a point where they can manage, and operate, the technology of extermination and genocide without recognising the evil of their actions. Indeed, so subtle is the process, that they come to see their evil actions as being good. They make here, over a period of time, a series of minor moral accommodations, and there, a series of intellectual compromises, and elsewhere "practical" adjustments to what is presented to them by their masters as "reality" or "common-sense". In the end, they do not realise that their behaviour has become monstrous. Their perception of themselves is certainly not that they have become monsters. The Nuremberg trials are a case in point. Even Streicher seemed a nonentity.

Good Annual Report

I cannot find, for example, that Adolf Eichman—the "resettlement Expert"—was a monster, unless evil is born of virtues like intelligence, obedience, commitment, loyalty to established authority, diligence and hard work. Eichman was a good S.S. officer. He was a reliable and resourceful civil servant. He never questioned the "rightness" of the will of his political, military, or bureaucratic superiors. He did not question their objectives. He did not overtly doubt their intelligence. He had all the virtues

loved in subordinates by those who exercise authority and power. His sins were of the flesh, and venial. It was his virtues which were malign. He did what he was told, unquestioningly and efficiently. He got on with the job he was given of "resettling" millions of Jews and other enemies of the State. By unquestioning loyalty and commitment, and a dependent desire to be thought well of by his superiors, he was driven by his pragmatism to most monstrous behaviour. He had a remarkable ability to think his way through to what "worked" and then got things done. What more can be required of an organisation man than this?

Work is Good for You

The First Solution was that all Jews should be deported or repatriated. (This concept has a familiar contemporary ring.) This, however, proved impracticable. There was no Jewish state, and no nation was prepared to receive, suddenly, that number of surplus Jews. Some Jews, who were able to, voluntarily deported themselves before the Second Solution was applied to the great advantage of their adopted countries. This was the "apartheid" solution. "Hitler has given the Jews a city." A propaganda film with this title was made, showing happy Jews living and working together in a community, like a "New Town", segregated from the "ordinary decent" Germans, working and producing to maintain themselves and to contribute to the economy of the Fatherland. This, too, proved impracticable, given the enormous number of Jews and, anyway, it was far too expensive. Available resources were diminishing. It was a kind of glorified unisex open prison concept, really. The Leyhill solution. It was followed by the Coldingly industrial prison concept, the Third Solution. Factories and work-camps were set up. Flich factories, after Friedreich Flich. Perimeter fences and cages were erected to contain the "workers". If only the Jews and other internal enemies of the Reich could be put to work under strict control and supervision, this would pay for the cost of their segregation and serve the industrial productivity of the Reich. The "work-detail to Paradise" it was called. The work-ethic was enthroned as the New Solution and, bizarrely, on the gate of Auschwitz in large letters in wrought-iron, was the declaration *WORK LIBERATES (ARBEIT MACHT FREI)*. It did not, however. While more and more potential workers

were flooded into the system, fewer and fewer resources were available for keeping them in health or, indeed, in life, far from liberating them through work. Sick, dispirited and starving people do not achieve high productivity. The sick rate became embarrassing. Numbers in the system grew and grew. Resources were ever further reduced—food, medical attention, heating, clothing—and what remained of them were increasingly diverted, sometimes legally and, more often, illegally, to the needs of staff. Production fell off. Liberation became slavery. Inmates starved and died of hunger or disease in ever-greater numbers, helped by medical officers. Officials and guards, in order to survive without too much pain or sensitivity to human suffering, ceased to recognise anything human in these skeleton-thin, broken, shuffling creatures who dropped dead at their feet and had to be disposed of. The Final Solution was now but one logical step away. Why wait until they die? Why not speed up the inevitable process? Why not use them for research, and then get rid of them? Reality had to be faced. ("Facing up to reality" has as contemporary and as sinister a ring as "repatriation".) The logic was simple, if diabolical.

Surplus of Scapegoats

The Nazi penal system had to cope with two major problems. The first was that a nation of "good, decent people" in fear because of a sick political economy, had been encouraged by its masters to identify internal enemies who were to blame for all their troubles. So the Jews in particular were scapegoated. The Jewish problem became a penal problem. The second was that the penal problem grew in magnitude of numbers as resources for achievement of the "resettlement" Solution diminished.

The gruesome logic necessary for matching a mammoth penal task to inadequate and diminishing resources led inevitably to the Final Solution. This solution—genocide and extermination—was not the deliberate Hell's child of evil men. It was a simple matter of applying a certain kind of political, economic, and organisational logic. It was a straightforward exercise in the art of the possible. Given certain objectives, a certain input, and certain resources, then a certain process and output is inevitable. In the whole thing there was a most peculiar absence of monsters. There was, however, a massive presence of "ordinary, decent

continued on page 8

THE REHABILITATIVE ETHIC:

Categorical Imperative or Achilles' Heel within Custodial Punishment?

David J. Cornwell

Introduction

This is the second in a series of papers concerned with an analysis of the lack of congruence between current penal practice and the traditionally developed and accepted concepts of punishment. In an earlier paper¹, an attempt was made to provide a working synopsis of the principal theoretical constructs which have to be considered in relation to what has come during recent years to be known as the 'punishment debate'. I further tried to indicate why reduction of the argument into a 'Justice versus Treatment' altercation obscures more issues than it clarifies. The focus of concern here is the fact that such issues deeply affect the day to day operation of a modern prison service, and that insufficient attention is paid to them in the formulation of contemporary penal policies.

Due largely to pressures to reduce expenditure in the public sector in Britain at the present time, there arises all too easily a sort of professional carelessness in relation to moral, ethical, and social imperatives which demand positive discrimination at the politico-economic margin. To a considerable extent this is due to the presence of doctrinaire concepts within the dominant ideology in relation to the social structure in general, and towards the sociopathic nature of crime and criminality in particular. It is also attributable in marked degree to feelings of powerlessness and frustration among practitioners within the caring professions in relation to an increasingly centralised and impersonal administrative organisational framework. In the face of both these phenomena, there develops a lessening thoughtfulness about the

real issues of social responsibility because such are intrinsically both cost- and person-intensive. They are also, therefore, politically unattractive to any administration principally motivated by a desire to reduce welfare costs.

Coupled with the problems outlined above, and of even greater concern to those working within the penal system, there exists what can only be described as a significant measure of ideological obduracy within the approach of the present government towards crime and its legal punishment. The result has been evident in a return to penal policies increasingly based upon retributivism and the supposed effects of deterrence, yet insensitive to the real motivations of that element of our society which is most at risk in relation to the dysfunctional aspects

Educated at Christ's Hospital School and the Royal Military Academy Sandhurst. Remained in the Army 1956-1979, serving in Germany, Singapore, Borneo, Malaysia, and the Middle East, retiring as Chief Personnel & Logistics Officer of the United Nations Force in Cyprus in 1979. A graduate of the Army Command & Staff College in 1970-1971, he held a number of Staff appointments in the Ministry of Defence (Army) and other Headquarters establishments, predominantly concerned with logistic operational support planning and manpower utilisation. On leaving the Army, read for an



MA in Social Administration (Criminology and Social Psychology) at the University of York in 1979-1980, followed by a research fellowship in 1980-1981 prior to joining the Prison Service in the same year. Following an initial appointment at HMP (now HMYCC) Northallerton in 1981-1983, transferred to HMP Wakefield where he is currently serving. Member of the British Institute of Management and of the Institute of Administrative Management. Currently researching for a higher degree in Criminology/Penology with specific interest in the concept of punishment by imprisonment.

of moral and material deprivation. It remains, however, indisputably the case that the predominant number of prisoners within our gaols come from, and return to, this disadvantaged sector of British society. The fact is also that such is no mere social accident which may be resolved by increasing applications of punitive medications: there are deep-seated reasons for the development of the situation, and these require careful analysis and appropriate responses within penal policy.

There is also no doubt whatsoever that mass unemployment and the concomitant aspects of enforced idleness, low morale, and negotiable morality which derive from it, serves to exacerbate an already difficult situation. Fundamental differences between right and wrong actions, legitimacy and criminal activity, need and acquisitive desire, and the like, quickly become obscured or even inverted in such circumstances. At such times, and in such situations, there arises the need for positive intervention and remedial outcomes. Within the penal system in particular, custodial sanctions will be utterly ineffective and counter-productive unless they are directed towards educative and constructive purposes. Mechanistic incarceration merely reinforces viciousness and social isolation, alienating the individual from both reality and the need for change. It sustains only a bureaucratic notion of effectiveness, and a time-serving unprofessionalism. People become numbers, numbers become statistics, and statistics become the ultimately de-personalised basis for the reinforcement of folk-wisdoms and supposition.

The Concept of Rehabilitation: Some Facts and Fantasies

Few would seriously contend that under the existing circumstances of its operation the Prison Service is not, like many other centralised institutional structures, wasteful of both manpower and capital resources. There are many areas in which major improvements could and must be made in order to make basic functional systems more efficient and responsive. More effective use of the manpower resource and of attendance systems is long overdue, though the current initiative for change in these areas is designed to reduce costs rather than to eradicate the fundamental weaknesses of the present system. As things stand, there will be

no basic change in the approach of uniformed staff towards the need for constructive sentence management until a realistic minimum salary level is implemented and the current dependence upon overtime working is abolished. Once this is achieved, the Prison Service will appeal to, and attract, men and women highly motivated towards the devotion of time and personal skills in dealing with prisoners by example, assistance, and encouragement. Such people will not be content merely to 'launder' prisoners for the required period in a politically unexceptionable manner, but will demand as a matter of their professionalism that the outcome of the inmate's custodial experience be at least potentially facilitative of change. Under present conditions within many prisons, all the negative aspects of custody are actively reinforced by the nature of working practices, effectively ensuring that imprisonment becomes a process underscored solely by motivations which implement overtones of retribution and deterrence.

Many of those who are the most critical of the present custodial penal system allude to the apparently increasing volume and intensity of violent and other crime as recorded in criminal statistics as a justification for the belief that rehabilitation within penology is both extravagant and ineffective. This idea, when allied to often unperceptive reading of statistics relating to high rates of recidivism, leads to reinforcement of the belief that prisons are incapable of being instrumental in changing attitudes towards crime and criminality on either a voluntary or an involuntary basis. Even a short pause for thought must indicate that such arguments are entirely illogical, and represent no more than a condemnation of the current methods which are under-pinned by retribution and deterrence. They say absolutely nothing about methods which have never been resourced or practically attempted, based upon a realistic rehabilitative ethic.

Again, there have, in the past, been widely expressed doubts as to the ethical propriety of so-called 'treatment' techniques. Such criticisms are almost always based upon the implicit and perjorative assumption that all such programmes are involuntary, and that they are implemented on the basis of some quasi-medical model of intervention.

The proponents of such ideas signal fail to realise that the major proportion of offenders would actually prefer to pursue an adequately rewarding and legitimate life-style, but are effectively prevented from moving towards changed attitudes and habits because of their debilitated cognitive processes and lack of social and life skills. Thus those who decry the motivations of the professionals who could impart such skills in so doing drastically curtail their potential effectiveness and actively impose a double penalty upon those whom they purport to protect. As a result they reinforce the prejudices of those who are obdurate towards the criminal.

Many of the most vociferous critics of current custodial penal practice cite what has come to be described in the literature as 'prisonization' as a potent influence for increasing, by enforced association, the criminal propensities of the younger and less sophisticated offender through the process of custody. Yet some degree of such a process is inevitable where large numbers of prisoners are held within conditions of squalid sanitation, impoverished regimes, and lack of purposeful employment. To change matters requires that considerable resources be injected into the penal system, and such is precisely what these critics seek to avoid doing. The result is that prison sentences become acted out in dreary, unimaginative, and unconstructive regimes, within which the real potential initiative for change is wielded not by custodial staffs, but by those centrally employed civil servants who control the allocation of resources.

Finally, the argument is frequently advanced that in an era of straitened national economic resources there arises a considerably reduced fiscal attractiveness in embracing 'lost causes' such as the penal system within those areas of national and social activity which governments deem to be vote-acquisitive. By way of justification for this stance, many of its supporters argue that to discriminate in any positive form in apparent favour of criminals is both immoral and also politically suicidal. Such is the case, its proponents argue, because resources are finite in extent, and to allocate them in pursuit of penal reform could only be done at the expense of improving the quality of life, employment prospects, etc., of non-offenders. This form of argument completely fails to take into account

the fact that the majority of prisoners are doubly penalised by its effect. Insofar as they (when not in custody) and their dependents represent a sizeable element of that socio-economic group most in need of intervention, they are effectively placed the most remote from encouragement and assistance. Indeed, some would argue that prisoners and their families incur a trebled penalty as a result of the custodial sanction, because the stigmatic effect of imprisonment ensures that they also become the least employable within society. This also, in part, contributes towards the cyclic tendency of the offender to re-offend upon release. A penal system which by its own stated aims seeks to enhance rather than ameliorate such deprivation is itself open to serious criticism. Policies based almost entirely upon retribution and deterrence represent an affront in this regard within a civilised modern society, and have no basis either in morality or in logic.

Some or all of the frequently advanced arguments summarised above have led to serious doubt emerging as to the appropriateness of the present Prison Rule 1⁴ which states categorically that 'the purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life'. There is, both within and outside the Prison Service in the mid-1980s, a growing body of support for the abandonment of these principles and their replacement by penal aims which would place greater emphasis upon the ideas of secure custody and containment. The reality of the present situation within the Prison Service is that in acceding to such revised aims it stands in great danger of surrendering to bureaucratic pragmatism, and will actively contribute to its own demise as a caring profession and as a socially responsible organisation. To make matters even worse, there is an apparent lack of concern about this developing situation within which political aims are being used to subvert and supplant issues of moral, ethical, and social principle. The deletion of every trace of a rehabilitative ethic within the formally advanced aims of punishment in modern Britain is conducive to, rather than repulsive of, just the sort of situation described above. If the Service will not state and insist upon maintaining its own ethos, then it may be sure that there are

many who are all too willing to step in and impose aims which it may, on more mature reflection, find repugnant and unsupportable.

The Issues at Stake

As has been noted, expenditure upon the penal system is politically contentious, has low national priority, and attracts few votes. Those who most loudly applaud the dominant ideology are also those least at risk from its potentially and actually disadvantageous effects. The appropriate political choices are abundantly clear: either less and better prison places are maintained and more selective use is made of the custodial sanction, or, if the current prison population in numerical terms is to be maintained, then a vast injection of capital into the penal system is not merely desirable but absolutely essential. The present situation is uncivilised, degrading, and utterly unacceptable in the long term. Cosmetic tinkering will not suffice to remedy the situation, neither will arguments based upon paucity of available resources at the national level.

In terms of the moral and ethical imperatives involved in imprisonment, it has to be said that within a responsible and concerned society the maximum penalty permitted by law must be used with great selectivity and restraint. It should be used when absolutely no other sanction will suffice if prisons are not to develop into the dumping-grounds for those people who are in one or another way merely socially inadequate or who offend as a matter of amorality to redress their own perceptions of material deprivation. It goes almost without saying that in no case should the mentally ill (either treatable or untreatable) be subjected to imprisonment as a matter both of their own fundamental human rights and of those others who are legitimately held in custody. There are entirely satisfactory methods by which offenders of the categories mentioned above can be dealt with justly and in a humane manner without resort to the use of prison places. Most of these methods, once established, are also far less expensive than the current costs of imprisonment, and are also more appropriate.

For those designated by stringently applied criteria as socially, morally, and criminally dangerous at large, the penal system has a specific and custodially educative function

which requires far-reaching professionalism. Such also implies that the Prison Service and its task is conducted with a clarity of strategic purpose which is socially rather than merely bureaucratically responsible, and is clearly ethically accountable. For far too long the negative aspects of the custodial penal process have dominated both tactical management and the analysis of strategic objectives. Recent adoption within the custodial penal vocabulary of terms such as 'humane containment'⁵ and 'positive custody'⁶ bear eloquent witness as to reduction of commitment towards attitudinal and socio-situational change within the aims of sentence management.

Humanity requires that the custodial penal process be both corrective and restorative. At present it is apparently seen as neither by the community as a whole or by prisoners in particular. Regimes should enable the offender to gain an awareness of the circumstantial as well as the anti-social nature of his or her offence(s), and promote the acquisition of an enhanced level of immunity against future similar (and other) offending. These requirements imply the devotion of time, commitment by staff to individual counselling and sentence management, and provision of the necessary resources to promote the development of life and social skills. Prisoners do not respond to, and are not changed by, tendentious statements of political intent in relation to the existing social order, largely because they do not see themselves as the beneficiaries either of its advantages or its social obligations. With the notable exception of the minority of mentally disturbed and obdurately criminal persons, the balance of the prison population are practically, educationally, motivationally, or emotionally ill-equipped to compete legitimately with the pressures and constraints of a competitive society. Above all, most of them do not wish to remain at the bottom of the pile, and will strive not to do so by legitimate or illegal means upon release. It behoves the Prison Service to encourage and assist the former rather than the latter mode of social survival.

Some Reflections on the Concept of Rehabilitation

One thing that can be stated with certainty is that the cluster of ideas involved within the concept of penal

rehabilitation is a potent source of confusion within custodial punishment systems worldwide. There is also little doubt that those who oppose some or all its constituent elements (for whatever reasons) have exploited this uncertainty in an ethically and operationally destructive manner. Much of the resultant damage derives from politically motivated agendas compiled from dubiously valid empirical bases, and shored up by conventional folk-wisdoms and a considerable element of supposition.

In just the same way as empirical measurement of the efficacy of deterrence within penal practice is difficult, fraught with operational problems, and therefore largely speculative, the concept of rehabilitation is a somewhat crude amalgam of ethical perceptions and perspectives equally entitled to consideration and evaluation within the overall idea of punishment. Unfortunately, it suffers from a number of potentially perjorative and exploitable imprecisions which render it vulnerable to attack on a piece-meal basis. The idea is, however, not just something 'decent' which constructively 'nice-minded' people should aspire to achieve, but represents a categorical imperative within the totality of the positive punishment process. Though certain aspects of the terms 'treatment' and 'coercion' are both ethically and morally objectionable, these in themselves do not negate the principle or notion of a restorative rather than a curative mode of correction.

These aspects notwithstanding, the practice of punishment must of necessity be seen to serve some socially useful purpose beyond that merely of isolating the criminally obnoxious element of the population. There has to be an acceptable and explicit ethos within the custodial sanction beyond the external facility which it affords to society and to which it gives operational effect. It is insufficient for this internal motivation to remain implicit within the range of assumptions relevant to imprisonment because if it is so left, the implementation of the most severe socio-legal penalty becomes an interpretative matter exacerbated by the concomitant dysfunctions of arbitrariness and inequity.

It would therefore seem reasonable to advance the deductive assertion that if the practice of imprisonment has to have a socially useful purpose beyond that of incapacitation, then the benefits to be derived from the

process should at least accrue in part to those punished as well as to the social order temporarily relieved of the offender's depredations. Such must be the case since mere incarceration, while possibly acceptable as a social mechanism, would become an inevitably negative and expensively counter-productive enterprise devoid of other than purely protective advantage. In terms of cost-effectiveness, to return the same damaged or defective commodity to the shelf would be to invite its subsequent rejection and loss of reputation.

If the foregoing assertion is valid, one is inevitably led to questions concerning the nature and extent of the presumed benefits that may derive from the practice of punishment by imprisonment. Retribution provides none other than masochistic benefits for the offender, and, in isolation, has been shown to be an unworthy aim of punishment. Deterrence in its individual (or specific) form provides benefits only in its post-sentence effects if for no other reason that opportunities for most forms of external social and legal offending are denied during the custodial process. Thus of the generally accepted purposes of legal punishment only the concepts of reform and rehabilitation remain to provide any sense of penal purpose other than the purely mechanistic satisfactions commensurate with bureaucratically efficient custodial practice.

To complicate matters still further, there is a tenuous conceptual linkage between the idea of individual deterrence and what is often referred to as 'reform' which, in my view, receives all too little attention within the literature on punishment. This centres upon the motivational aspects of abstention. None but the individual can indicate with any certainty why he or she abstains (post-sentence) from similar or other offending, or, in the event, what proportion of that abstaining conduct is motivated by internalised fear of revisited penal consequences. Equally, it is as difficult to assess what other proportion of abstention is generated by the effect of moral or attitudinal change. Precisely because either or both forms of abstention-motivation can only be tested evidentially in the post-sentence era, neither provides the necessary in-sentence rationale for constructive use of the custodial sanction although either or both may serve to reinforce other strategies.

From what has been outlined

thus far it will be clear that only a rehabilitative ethic remains as a sustaining motivation for custodial penal practice which is grounded in both social and moral responsibility. In some senses this is unfortunate because operationally it is manpower and resource intensive. Also, to say the least, the results are unpredictable, and therefore the concept of rehabilitation has very little political appeal where cost considerations prevail. Such is the case however valid the moral and ethical considerations may appear to be, and by inversion of the argument it is frequently stated by those seeking overall cost reduction in penal expenditure that to indulge in such practical uncertainties as a form of strategic organisational motivation is both irresponsible and immoral. The so-called 'justice model' of punishment is underpinned by this form of theoretical illogicality, and its arguments falter because they fail to provide any form of positive custodial ethos. In fact the model is entirely negatively reinforced due to its reliance upon retribution and deterrence as the dominant principles of punishment.

A socially responsible approach to penal policy formulation absolutely demands that the potentially positive outcomes of the custodial process should be maximised. This means that efforts should primarily be devoted towards encouragement of habitual and attitudinal change with, if possible, some measure of moral reinforcement. The achievement of such aims implies a facilitative and educative motivation deriving from advice, assistance, and example. It also requires the devotion of appropriate remedial resources in range and depth sufficient to the task, and, therefore, cost-intensive as opposed to cost-reductive policies. If the socio-moral imperative is as undeniable as I have attempted in this paper to demonstrate that it is, then the modern Prison Service has some onerous and important responsibilities to face up to in the task that it performs on behalf of the nation. If it fails to accept the challenge to do so, it will effectively surrender its professional integrity by conniving at the substitution of political expedient for both practical and moral imperative.

Many have indicated their willingness to re-write Prison Rule 1. Others appear indifferent as to whether it remains in its present form or provides the Service and the nation with some indication that the rehabilitative ethic

is a matter of fundamental social and moral importance. A few see it as it was intended to be: as much a statement of honest intent as of visionary purpose. In the context of a modern and progressive penal system the present Rule 1 is an Achilles' heel because it provides us with a daily reminder of our deficiencies and our collective shortcomings. Fortunately, however, for as long as it is retained it will provide an equally frequent reminder of the imperative nature of the need for a rehabilitative or restorative ideal within the practice of custodial punishment. Without such an ethic there abides the danger that the process becomes vengeful, arbitrary, dehumanising, mechanistic, and unworthy of a civilised nation.

Notes and References

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A MOST PECULIAR ABSENCE OF MONSTERS

continued from page 3

people" simply doing what they were told, step after logical step becoming corrupted, until their behaviour became monstrous, though they themselves were not monsters. That apparently most of them who survived, including Adolf Eichman, returned after the war to live again like ordinary, decent people, being good neighbours and kind to women and children, says much for the resilience of the human spirit but little for its moral and intellectual integrity.

More Realism, Please, We're Objective

Corruption can steal upon us like a thief in the night, taking away from us, imperceptibility, our sensitivity, our compassion, our integrity. We, too, live in a frightened society, politically and economically upset, which is identifying internal enemies and seeking scapegoats. We live in a society in which expanding tasks are being given ever fewer resources. Our penal system begins to be under severe stress. We "regret" the overcrowding and the erosion of the rehabilitative processes to which we were once committed. We talk about being "more realistic". We did not make any noticeable noise about the introduction of imprisonment without trial in Ulster. We did not protest, from within the system, about Special Control Units. Both of these have been done away with, but not because those of us who work within the penal system felt that we would be corrupted by operating these measures. We just accepted them as we now prepare to accept more overcrowding and further withdrawal of resources, etc.

No Conscience, Please, We're British

If the Patersons, the Vidlers, the Bradleys, the Fairns and the Almeric Rich's of our recent Prison Service past were often enough sentimentalists with little of the organisational and political nous which satisfies modern mandarin, at least they cared, in their patrician way, about the dignity of people and very impressive was that caring. They pushed out the boundaries creatively. They set and maintained standards of behaviour in human relationships. What have we done with the heritage they left us? Who now, within our increasingly depersonalised system really cares or, caring, is allowed to find practical expression for it? Numbers, statistics, returns, systems, computerisation, manpower control, operations, tactics, control rooms, dogs, overcrowding drafts, O. & M., and mechanistic modular management reviews which do not begin to recognise the human dimension of organisation not only *reflect* the desensitisation of the process, but also *creates* it by conditioning us to an arid mathematical logic, an unreal reality, and an impersonal perception of our task.

It is not a matter of conscience. To read about the Nazi penal system does not give one any confidence that conscience in any active sense is any part of the equipment of "ordinary, decent people". If there is a most peculiar absence of monsters, there is also a frightening absence of saints. It is a matter of developing *some* awareness of how easily we can become corrupted by making too many moral compromises,

too many intellectual adjustments, too many practical accommodations with the new "reality" before it is too late.

It Couldn't Happen Here

It could not happen here? Possibly not! Yet it has begun to happen, perhaps. Leyhill and Birkenau are at different extremes of the same penal continuum, with other prisons at many points between them. With change in political and economic environment, they can move fairly fast along that continuum, as we have had opportunity to observe in the last decade. "Open" prisons increasingly become irrelevant. The real action is in the "Dispersals".

We cannot begin soon enough to ensure that the kind of thing that happened to S.S. Lt.-Col. Kurt Hoess does not happen to us. Hoess commanded the extermination camp at Birkenau. The Birkenau chambers were designed to exterminate 10,000 people a day, depending on the weather.

"Hoess was good to his troops. They worked hard when a large train-load came to Birkenau, and were rewarded with extra rations and schnapps. His system worked with great efficiency...He did not even get upset when Col. Eichman unloaded a quarter of a million Hungarian Jews upon him, almost without warning".* The Final Solution was working well. The professionals had overcome the dangers of emotional involvement. Reality was served, and authority was satisfied. Logic was vindicated.

*Leon Uris—EXODUS.

THE LANGUAGE OF PRISON

Peter M. Quinn

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From time to time, justices of the peace enter prison. This may be as part of their training, as visitors to prisoners or, on occasion, they may be invited to join the board of visitors. Boards of visitors are appointed by the Home Secretary and, very broadly, have two functions. First, they have a pastoral role in safeguarding the rights and privileges of those in custody. Secondly, they act as adjudicators upon prisoners charged with serious infractions of prison discipline. As if maintaining a balance between these two responsibilities were not enough, the board member must master the vagaries and convolutions of an institutional language which, despite prisons, more open public relations policy of recent years, has remained a private world wherein only the cogniscenti can communicate with ease. The prison seems both to breed jargon whilst, at the same time, it acts as a repository for outdated language. Possibly the latter is because many of the residents arrived before the language became outdated. But, whatever the reason, initial immersion is likely to be a perplexing experience for the newcomer.

The first thing the new member will learn is that, although he is on the board of visitors, he is not a prison visitor. Prison visitors serve a different purpose. Rather he is "the VC". He may not have been a military man, let alone a gallant one, and may thus be puzzled at the gratuitous accolade. However, many years ago, the Visiting Committee of local magistrates performed functions similar to

those of the present boards. Hence "BOV" equals "VC". And so it begins. When the prisoner calls the prison officer "boss", the novice may be surprised to find that the officer is not, after all, the governor in disguise. He will discover that so many people are called "boss" that it may be difficult to discern who is in charge at all. Sometimes he will be "boss" himself. The governor will be "the old man" even if he is not old — and, like policemen, they get younger. He may also be "the number one". I like to think that this is because he is seen as being at the top of the hierarchy and not because of any other connotations that particular piece of slang may have. Television series will have familiarized the newcomer with the meaning of "porridge", "bird" and "stir". But, whereas such drama will suggest to him that "peter" means "a safe", it may not be immediately clear why a prisoner shares his "peter" with two others (or is "threed up" — it means the same). In prison "peter" is a word for "cell", along with "flowery" (flowery dell) and "pad". "Pad" should not be confused with "pads" which is the name for padded

"pads" which is the name for a padded flowery.

When the new board member attends the first "clinic" (fear not; unlike prisoners he will not be checked for evidence of a social disease — all will become clear...) he will receive "apps" from "cons". The abbreviation for "applications from convicted prisoners" makes sense. But when the applicant asks the VC to check what the SO said about his PED, the new member starts to perceive a quagmire. The "SO" is the senior officer, one below the "PO" or principal officer in rank. "PED" is the parole eligibility date of the prisoner. The applicant may ask to move from his cell on the "twos" to one on the "threes". He is asking to move from one landing on the wing to a higher one. This will be a simple matter unless the prisoner is "on the book" or an "E man" (classified as Category "A", i.e., a security risk, or is seen as likely to try to escape). Other complications might be if the prisoner is a "nonce" who has been "fortythreed" (a sexual offender, segregated under Prison Rule 43 for his own protection).



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PAROLE - 'MQP' - ONE YEAR ON

A sign of things to come?

S. D. Pascoe

The 1st July 1984 saw the introduction of a new Minimum Qualifying Period for parole. Prior to this date prisoners were required to serve 12 months or one-third of their sentence (whichever was the longer) before becoming eligible for parole consideration. What this meant in real terms was that only people serving sentences of about 19½ months and over (after the application of remission) were considered for early release on parole. The MQP is now six months or one-third and this means that men doing about ten and a half months or over are now eligible for parole consideration. The average number of inmates considered for parole per year prior to MQP was 10,000 with about half that number actually being released on licence. It is expected that 20,000 men will now be considered for parole annually and about 13,000 will be paroled. In addition another effect of the CJA 1982 was to bring in fixed sentences for Young Prisoners who are now entitled for parole review for the first time.

Section 33 of the Criminal Justice Act 1982 heralded the setting up of a two-tier system of parole consideration. There are now two different procedures for consideration known for convenience as Section 33 and Section 60 (after the relevant sections of the CJA '82).

Section 33 reviews apply to men serving over 10½ months but less than two years. Men serving two years and over continue to be re-

viewed under the 'old' Section 60. Section 33 review procedure is a much abbreviated form of Section 60 and there is one fundamental difference in philosophy; in Section 33 parole there is a presumption *in favour of parole* and the reporting and selection procedures are directed towards identifying those inmates who might prove to be poor parole risks. The theory behind this approach is that men who qualify for Section 33 review are serving shorter sentences, which should indicate their crimes are not so serious as men serving two years and over, with a consequent smaller risk to the public from their release.

The Probation and After Care Service and many pressure groups have, on the whole, seen this extension of parole as a sensible and commendable initiative. It should have the effect of permanently reducing the prison population (although our present record population 46½ thousand simply begs the question what kind of a state would we be in without MQP?) and, at the same

time it will mean a large number of inmates will now be released to some form of statutory supervision. If we believe the research that men released on parole tend to have much bigger gaps between offending than those released 'cold' then this *should* mean that actual levels of crime will drop somewhat. It is far too early to judge yet but it will be interesting to see if MQP increases the gaps between offences or accelerates the pattern.

In terms of rehabilitation of the offender, parole offers support and supervision to men with severe personal problems, such as alcoholism, gambling and (increasingly) drug dependency, which are the direct cause of their criminality. A presumption in favour of parole may put pressure on local authorities to find hostel accommodation for men who have no fixed addresses. It may also be hoped that an offender who previously had not been eligible for parole or declined review on the grounds that he was unlikely to get it because of his circumstances, will now seek the



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supervision he has spurned previously because it is linked to the 'dangling carrot of earlier release'.

MQP has now been with us for a year and although this is a relatively short period those of us who work in prisons have had a chance to watch what has happened. The following are a few personal observations.

Since the introduction of Section 33, I have had a rather uncomfortable, uneasy feeling about the premise on which the abbreviated procedure is based. It is not necessarily true — although it can be argued that it *ought* to be true — that the crimes committed by men who subsequently receive sentences of under two years, are substantially 'less serious' than those committed by men who receive longer sentences. There has been recent controversy about the disparity between the tariffs of sentencing courts (particularly magistrates' courts) around the country. The Saturday night reveller in Glasgow or Liverpool where the after-hours pub brawl is almost "de rigueur" is apparently likely to receive a much lighter sentence from his local bench than if he committed the same offence on holiday in Esher or Littlehampton.

Obviously sentencing is entirely a matter for courts but anyone who has any experience of courts whatsoever will know that sentencing is a complex, multi-factorial procedure which takes into account the record and background of the offender, his psychological and psychiatric state, his age, his family situation, local feeling about the offence, even his or her sex, (it is still not easy for a woman, especially if she has young children, to get into prison), as well as the seriousness of the offence. We are now specifically instructed *not* to send for a police report on the circumstances of the crime (Form B) although we are allowed to include Form B in the dossier if it is submitted unasked. This means that usually we have no account of the facts of the offence other than the inmate's version which is rarely objective! I have heard it said that to recommend against parole on the grounds of the seriousness of the offence is to resentence and should be resisted as sentencing is the prerogative of the courts. Whatever truth there is in this, we seldom hear the same 'resentencing' argument applied when we recommend parole and decree that the period spent in prison shall be *shorter* than the court directed.

There is a problem with that group of inmates serving under 10½ months who are not eligible for parole consideration. This can lead to some curious anomalies. Take the example of two brothers accused of theft. The elder one may receive a 12 month sentence, the younger nine months because he was led astray by the elder. The elder is eligible for parole and likely to be released six months from the date of sentence. The younger one is ineligible and will have to serve two-thirds (i.e., six months) of his sentence thereby finding himself released the same day as his brother. Of course the elder man is subject to supervision and liable to be recalled if he misbehaves but if the recall rate remains fairly low (9.5% in 1983 — it will be interesting to compare post MQP figures) there is a good chance he will not return to prison. The court's intent that the elder man should serve longer has been nullified. Similarly, the man who receives a 15 month sentence for possessing heroin with intent to supply stands a good chance, under the provisions of Section 33, of being released from prison only two months later than a man given a six month sentence for possessing cannabis for his own use.

All this smacks of resentencing and we should not be surprised if the courts react by effectively increasing sentence lengths to ensure only Section 60 reviews. We have seen before how well-intentioned ideas have backfired; e.g., partly suspended sentences were introduced as an alternative to straight custody, thus theoretically shortening prison terms and reducing the population. It now seems apparent that some courts are giving partly suspended sentences when previously they would have suspended the whole sentence.

Another important aspect is the reaction of prisoners to the new parole procedures and the problem of false expectations. The new parole measures received wide publicity and the general public is probably well aware that more people are now eligible for parole and that, in very broad terms, more people will be paroled. The serious newspapers, professional publications, NACRO, briefing notes etc., did explain the two-tier system and the new, more relaxed criteria for Section 33 in some detail.

There are a number of inmates in the system who do not read the Guardian and are not inclined (or indeed able) to spend £4.65 on the

Report of the Parole Board. Their perception may be that of the general public i.e., parole is easier to get now. Of course we can say that there are plenty of people available in prisons and in the Probation Service who are willing and able to give inmates information about parole. My experience with Section 60's has been that very few of them fully understand the parole procedure (for example the difference between the Parole Board and the Local Review Committee) even though they will know that having an address and a job to go to, and behaving well in prison and being prepared to work with a Probation Officer, all make for a favourable parole answer.

I am doubtful that the majority of our shorter term inmates (i.e., below four years) are aware of the two-tier system which now operates. Inmates see more people going out on parole and this must (falsely in the cases of many Section 60 inmates and a small number of Section 33's), raise expectations. These expectations may manifest themselves in several ways. I have noticed a trend in the last few months for inmates to quote both their EDR and PED when asked to give their release dates and — significantly — this applies both to Section 33 and a growing number of Section 60 inmates indicating that the latter are developing the same expectations of parole as the shorter sentence men.

If the ratio of men released on Section 60 remains unchanged at one in every two then this seems grossly unfair to inmates. I would hazard a guess that the Parole Unit is now receiving far more petitions than in the past from unsuccessful Section 60 parole applicants precisely because expectations have been raised. This could lead to problems for prison staff in that men who are not likely to be paroled and who would have taken a refusal as par for the course under the old system are now watching more and more of their fellow inmates discharged on parole. It has long been recognised that the prospect of possible parole is an important controlling mechanism on inmate behaviour. If Section 33 parole consideration becomes a formality then the controlling aspect may be lost and this could affect Section 60's as well. It is to be hoped that LRC's will continue to bear in mind the possible effect on the morale of prisoners and prison staff when assessing the parole suitability

of poorly behaved inmates and prison staff need to be encouraged to use the admittedly small box on the LB2 (b) which asks if there are any features in the inmate's custodial behaviour which militate against parole. It would be highly undesirable if prison staff received the message that Section 33 consideration is just a formality and therefore their comments were not seen as being important. In my own experience LRC's do take very seriously the views of the staff on the sharp end.

Turning away from inmates and towards the prison staff and Probation Officers who prepare reports for LRC's: by definition Section 60 and Section 33 inmates are different groups of people. The reporters and the LRC's who consider the cases however, are not. I believe Section 33 could have the very healthy effect of shaking up and questioning the present approach to Section 60 cases. Traditionally with the 'old-style' Section 60 paroles there was a temptation (this reporter at least is prepared to admit it!) to begin from the standpoint of 'Why should this man be given parole — what good will it do?' In other words there was a feeling that a case for parole had to be proved and if there seemed no good reason to grant parole then there was a temptation to opt for the 'safe', if not imaginative, conclusion not to recommend early release. Section 33 has turned this argument on its head and asked us to begin from the standpoint of 'why shouldn't this man be paroled; what harm will it do?' The effect of this could be to stir reporters into being as specific and clear-sighted in giving reasons against parole as in the past they were about recommending it.

I am not suggesting for one moment that we will see a sudden increase in the numbers of men selected for release under Section 60. I do not believe that LRC's, who have always been seen to be extremely conscientious and responsible groups of people, will suddenly begin recommending the early release of dangerous prisoners, merely because early release appears to be the fashionable trend, and in any event the Parole Board 'safety net' should ensure against any such temptation. It will be interesting however to see if there is any proportionate rise in the number of Section 60 releases now that Section 33 has been with us for a year

The new parole system has its critics. Some see it as an expensive and complicated way of reducing the

prison population. The new MQP has been described as the prison-service 'super-diet'; unable to maintain healthy eating patterns and therefore obliged to 'vomit more often' (Cynics corner, P.S.J. No. 56).

It has been suggested that if the main intention of the present administration was to permanently reduce the prison population (a wholly commendable notion) then the simplest and operationally most straightforward solution would have been to increase remission from one third to one half (the present practice in Northern Ireland).

Other members of the Prison Service, believe that parole can be very important in the control of crime in society, especially if the supervision is strict and resources are made available to support the Probation Service. It presently costs anything between £120 and £430 per week to keep a man in prison and we have to be prepared to invest some of that money in providing hostels, addiction treatment centres and training schemes for parolees otherwise the extension of parole does run the risk of becoming a cynical, financially and socially expensive farce.

Parole does offer some chance of helping a prisoner change his life-style and thereby, hopefully, becoming a more acceptable member of society. There is little evidence that longer prison sentences and parole denials motivate men to want to change. Of course longer sentences do keep people out of circulation for a while but in all but the small number of life sentence cases the decision is never *whether* to release but *when* — a fact which seems to be often ignored by the critics of parole — and there are no direct controlling sanctions on the man who is released without parole.

More inmates than ever before are now being released into the community under statutory supervision. Section 33 is here to stay with all its faults, but perhaps this is an ideal time to go just one step further by introducing a system whereby *all* inmates are released under licence. We already have a similar system for Young Prisoners under the age of 22, who are released on a licence which remains in force for 12 months (if serving 18 months or more) or until latest date of release, or 22nd birthday (whichever is the later). If the youngster re-offends during this period, does not keep in touch with his supervising officer, or generally fails to co-operate with

the Probation Service, he can be recalled.

There is no obvious reason why this system could not be applied to all inmates on a statutory basis, and could lead to the scrapping of present parole consideration schemes for all but those offenders serving very long or life sentences. The immediate effect of such a scheme would be to remove what is perceived by prisoners as the 'lottery' aspect of parole.

A radical way of implementing this scheme might be to introduce half remission with release on licence until the LDR. This would mean for example that a 12 month man would serve six months of his sentence and then be released to serve the next six months in the community under a probation officer who would have the authority to terminate active supervision prematurely if he felt it appropriate. Under such a scheme it would be essential to streamline the present recall arrangements and generally strengthen the powers and status of probation officers. Parole should not be seen as a soft option and the privilege of continued liberty whilst on parole should be *earned* by continued good behaviour and co-operation with the Probation Service. The notion of serving the sentence in the community should become a definite reality and inmates would not be allowed to think that their sentence ends when they leave the prison gates.

The first few days after release may be crucial in determining how quickly an ex-inmate re-offends. There may be problems of accommodation; signing-on; re-adjusting to a normal family life and the natural temptation to over-indulge in alcohol — all these factors may go to create a situation where the man may find himself back in custody very rapidly. Compulsory parole would not solve all these problems but it would provide a framework and central reference point for all discharged prisoners and perhaps help men avoid the most common pitfalls and if necessary have waved, (*and used* where appropriate) the stick of recall to prison.

In 1983, 543 inmates out of a total of 10,077 eligible for parole consideration declined to be considered for parole. Some will have done so because they felt, for various reasons, they would be unlikely to be successful and did not want to go through what they may have felt was a pointless exercise. For some other inmates prison may have been seen as the

easier option especially if they had no intention of abiding by the conditions of a licence or were institutionalised. Compulsory parole would remove this extremely expensive and wasteful option and would be useful perhaps as a lever on local and central government to do something about the chronic no-hopers, the drunks and the destitutes, whom we are presently apparently quite content to lock up, release, forget-about and lock-up again.

At present the Probation Service are obliged to offer 12 months after-care to any ex-inmate who asks for it, but it seems that very few ex-inmates take advantage of this and, when they do, it is often on an ad-hoc basis, at times of crisis rather than as an on-going after-care programme. At present moreover the Service does not have the resources to provide thorough-

going after-care for all those who are entitled to ask for it.

There will be those who will see compulsory parole as a paternalistic measure, an unwarranted intrusion into the private lives of individuals. However, we seem quite happy to interfere in terms of using society's severest sanction of imprisonment, against over 46½ thousand of people, including nine and a half thousand who have not been convicted of a crime in the court. It may be argued that it is unwise to insist that a man who 'doesn't want to know' be forced to abide by a parole licence. This is not an ideal arrangement but surely Society is entitled, if not obliged, to protect itself as far as possible against those who have identified themselves as dangers to it.

Parole is not a panacea and

prison staff need not fear redundancy just yet. People ultimately decide their own lifestyles. However, statutory parole could offer help to those who are not best equipped to help themselves and it might offer Society a chance of dealing with the social problem of crime *in society* where it occurs.

It is too early to judge the 'success' or otherwise of MQP. I would say that it can only be assessed as having 'failed' if a substantial number of offences are committed by parolees during their licence period and which, presumably, would not have been committed if parole had not been available. If MQP passes this test (and it will not be easy to evaluate) then parole for all, of the type I have described above, can surely not be far away.

THE LANGUAGE OF PRISON *continued from page 9*

Local geography may play its part too, since in one prison of my acquaintance, the "twos" are known as the "threes" and the "threes" as the "fours".

When the prisoner "canteens" he buys goods from a small internal shop run by the "screws" (staff) from his earnings at "labour" (work). He may buy "snout" (tobacco) but never "hooch" (alcohol) which is forbidden. Here the language comes close to that which the board member knows. But when the prisoner asks him "What's the SP on the YP that's been nudded off?" he may go searching for a dictionary of prison terminology that does not exist. (What is the starting price (information) about the young prisoner who has been "sectioned" under the Mental Health Act?). If the board member is able to grant the applicant's request the prisoner will, no doubt, feel he is receiving good service. But if the application is refused, the board member may be told that it is just another "KB". More genteel prisoners will explain that "KB" means "knock back". Those not wishing to spare the sensibilities of the board member will tell him that it means he has been kicked in a certain place.

When the board member adjudicates, he starts to feel more comfortable. The adjudication room is, after all, rather like a little court. That is, until the accused arrives. The accused may stand throughout the proceedings, or sit, or in some prisons behave like a yo-yo, standing and sitting alternately, depending upon whether or

not he is speaking at the time. Then the jargon takes over again. The board chairman will ask about the "eleven twentyseven" and the "eleven fortyfive" and make sure that the "two one three" is available. All of these are the numbers, and thus it would seem the names, of forms. He will ascertain that the prisoner has been "fitted" — as distinct from "fitted up" which carries a different meaning entirely. And so on and so on. At the end of the process it will come as a surprise to find that the prisoner is neither sentenced nor punished if he is found guilty. Instead he will be "given an award". The prisoner is unlikely to shake the chairman by the hand and leave the room with pride since the "award" will *feel* like a punishment to him. He may have forfeited remission, lost "all privs" (it speaks for itself), or may have been "CC-ed". The last of these means "confined to cell" and will involve "NAL" (non-associated labour). "C.C." may be in "chokey", "seg", "the block" or "the puns" according to which institution is holding the prisoner. The upshot of it is that "C.C., NAL, loss all privs" indicates solitary confinement to the prisoner and the absence of the parting handshake can be seen in its context.

More generally, as the board member goes about the prison, he may encounter a dog handler. This is an officer in command of a German Shepherd who has little interest in other sorts of dog, be they "watchdogs" (the name for the board member doing the pastoral bit) or "duty dogs". The "duty dog" is the

itinerant governor grade who is on call after the governor's normal hours of duty. Another itinerant is "the hiker" — a member of staff with a roaming brief and who seems to be everywhere at once. The hiker may take the board member to the "noddly shop". This will not be a shrine to the memory of Enid Blyton; little in prison language is so simple that it can be expected to carry its logical meaning. The "noddly shop" is where repetitive, undemanding work is carried out by the "noddies" or "the divs".

As he leaves the prison after his first, bewildering, visit the newcomer may note that the end of a peaceful day is heralded by the ceremony of "banging up": the locking of cells. In those prisons affected by the arrival of technology, the cry from staff will be "are the CACS (rhymes with "quacks") on"? "CACS" is the Centralised Automatic Control System and is computer-speak for "banging up". The board member reaches the prison gate, sparing a sympathetic but tentative word for the prison officer who has tackled him about his "extended main" (one form of a rostered duty). The gate swings closed behind him. He walks to his car reflecting that the familiarity of the bench, with its helpful clerk, may have something to recommend it over the rigours of his foray into a foreign territory. "Think positively", he tells himself. "Next week the AG has promised to tell me all about EDRs, ASLs and ETLs and the MO about the 'locate flats'. It must all help to keep GOAD".

The Special Unit - Barlinnie Prison

Roy Light

All prison systems share the problem of how to construct a suitable regime for prisoners serving long or indeterminate sentences. Further, there is a minority within the long-term prison population which is prepared to use violence and to rebel against the hopelessness of their situation. In this country, the last 15 years have borne witness to this; in so far as all of the major 'disturbances' in the system have been not in the grossly overcrowded locals, but in the dispersals.

The rhetoric of rehabilitation and reform having long been abandoned, the emphasis is now firmly and openly on security and control. 'Humane containment' is no longer a pessimist's insult to the system, but a goal to be strived for.

The debate over dispersal or concentration has been repeating itself from the very beginnings of the prison system; our present arrangements for managing the long-term population being the heir of Mountbatten's 'Vectis' and Radzinowicz's dispersals, with the recent Report of the Control Review Committee, carrying out a reassessment and presenting proposals for the future.

Beyond the management of the long-term population generally, there is the question of how best to deal with the so-called 'hard core'. Segregation units, 'ghosting' and the notorious 'control units' have all been utilised in an attempt to keep control of the uncontrollable. This traditional response of compounding the nature of the inmate's incarceration — the 'chinese box' method, as Stan Cohen

has termed it — rather than seeking to identify and attempt to resolve issues, is concerned only with bare and immediate control. And although, of course, the nature of the regime, staff and inmate attitudes and the instant situation may make such a response inevitable, it seems to serve to increase frustration, hostility and aggression on the part of both inmates and staff, storing-up problems for the future.

Today we stand on the threshold of a building and refurbishment programme, unprecedented this century, which will provide the core of our prison system until well into the next. Decisions taken now will not be easily overturned and any mistakes will have to be lived with for a very long time. Of particular concern is the strategy which will be adopted for the long-term recalcitrant inmate, ready to use violence.

The 'Control Review Committee', as part of its brief, considered — "... the problem posed by men who persistently behave in a way that is hostile to long-term prison life and who present a continuing

threat to the stability of the prison." (para. 49). The Committee proposed a number of "long-term prisoner units", and went on to describe how they would envisage these units and to distinguish them in the strongest of terms from the control unit regimes; it also considered others, such as "own protection units", and paid attention to the regimes at Grendon Underwood and the now defunct C wing at Parkhurst (paras. 51—79).

The purpose of this paper is not to debate the merits of these proposals, but to observe that no where in the Report is any mention made of the unit at Barlinnie Prison. And although it is hailed by many, both in and out of the service, as an outstanding success, it seems to be in danger of being left as a 'one-off experiment'. It may of course be that something along the lines of the Barlinnie Special Unit is behind the proposals for "long-term offender units", but in any case, it seems a propitious time to say something of the background to the setting-up of the special unit, and its subsequent history.



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Genesis of the Unit

The problem of constructing a suitable regime for a small and very violent section of the long-term population had become particularly acute in Scotland, where a group of prisoners and a group of prison officers it was reported, were at war with each other (in the ten years 1961 — 1971, some 40 prison officers were assaulted by inmates using a weapon or sharp instrument). Violence on both sides, was being met with violence and it was considered only a matter of time before someone was killed. Consequently, the Director of the Scottish Prison Service set up a Departmental Working Party of the Scottish Home and Health Department to:

"... consider what arrangements should be made for the treatment of certain inmates likely to be detained in custody for very long periods or with propensities to violence towards staff; and to review the function of the segregation unit at Inverness." (para. 1 of the Report)

The Report, published in 1971, entitled — 'Treatment of Certain Long Term Prisoners and Potentially Violent Prisoners', concluded that a small number of prisoners were at the heart of the trouble. Whilst recognising that the very nature of incarceration could lead to outbreaks of violence, it noted that a small number of inmates were prone to engage in such conduct in a repeated and sustained manner. With these men, it was suggested, there was something more than their immediate circumstances which triggered off violence — "... there may be deep-lying causes for acts of violence. . ." (para. 9). But the Report resisted the easy option of simply labelling these inmates 'aggressive psychopaths', and also was realistic enough to admit that "... we do not pretend that we know what these causes are, nor do we imply that they are susceptible to treatment. . ." (ibid.).

The men in question were serving very long or life sentences and some had attracted additional terms for offences committed in gaol. Control and management was impossible by traditional stick and carrot towards release methods; those with remission having lost all or most of it, and there being little chance of parole or release on licence. They had nothing more to lose.

The punitive policy of separation and isolation in the infamous segregation unit (the so-called 'cages') at Inverness had failed to contain the violence, and "Experience proved that the unit made some prisoners more violent". (para. 19) The imposition of additional sentences was ineffective as release dates were, in any event, so far away.

The Working Party studied the (then) new special unit set up within Parkhurst Prison (C Wing), the psychiatric prison at Grendon Underwood, and the Special Hospitals at Broadmoor and Carstairs; as well as drawing on experience of Danish methods of treating long-term prisoners. Its Report stressed the belief that it is misleading to talk of 'punishment' and 'treatment' as two separate and ideologically opposed concepts, and that "... we should not be seeking to replace one by the other. Rather we should be seeking to use both rationally and logically." (para. 43).

Nevertheless, it was recognised that, even if such a model could be constructed, there would remain a small group of prisoners, for whom punishment would only serve to exacerbate their indiscipline, and lead to attacks on staff. The dilemma was said to be, that these men were not disturbed in such a way as to bring them within the provisions of the Mental Health Act, and so could be said to be fully responsible for their actions: so that not to punish them would appear to be gross leniency and indeed even surrender. But because of the nature of the long-term incarceration and the everyday proximity of the staff with these men, then in the interests of staff safety, if nothing else, the cycle of punishment and violence had to be broken.

The Report concerned itself with the need for adequate staff training, for better communication within the institution and suggested an experiment, "... which will lead, we hope, to a readier identification of potentially violent inmates and to the building-up of a method of treatment the aim of which will be to contain and perhaps eventually eliminate the violence and protect the staff." (para. 54). Although it went on to admit that there existed no truly effective method for identifying 'potentially violent inmates'; and that it was therefore necessary to rely mainly on the opinions of staff as an initial indicator.

The Report recommended a special unit should be purpose built within Perth Prison. The unit was to be completely separate from the prison and to have its own specially trained staff (who should be volunteers), and governor. It would have accommodation for a maximum of 20 inmates with some accommodation for assessment (4 places suggested) and isolation and observation (5 places suggested). It was recommended that it should have recreation and work space, and both indoor and outdoor facilities.

The unit was to be set up well in advance of its first inmates to allow its personnel to be properly trained — as a unit. The importance attached to the continuity of the staff establishment and the change necessary from traditional staff attitudes were stressed.

Birth of the Unit

In the event a unit with ten places was established, in what used to be the womens' wing, at Barlinnie Prison, near Glasgow. Five long-term prisoners started the experiment in February 1973 (the unit has never been full — at present (1985) there are seven inmates, six 'lifers' and one determinate).

Special units, although not novel, had previously generally been based on solitary confinement, security and control. This unit was to be different. Rather than the inmate merely being seen as the passive object of whatever the system decided to do with him, here the inmate was to take an active role in the running of the place and in his own, and his fellow inmates, rehabilitation. The proposal that a group of the most violent inmates in the Scottish prison system should be housed together, in a small but secure unit, with a say in the running of the place, sounded like a recipe for disaster. But it was not. And the Unit has proved to be more of a success than anyone could ever have hoped.

Segregated from the main part of the prison, it was designed to allow a relaxed and flexible regime to operate within a secure perimeter. It consisted of ten cells, one being a punishment cell, and was staffed by 12 officers (the staff strength is at present (1985) a governor (Grade III) and 18 officers).

The inmates were at first very distrustful of the Unit, seeing it as probably no more than a staging-post on the route to a maximum security mental hospital; a view which gained further credence from the fact

that the prison officers wore white coats rather than traditional prison officers' uniform. It was soon christened the 'nutcracker suite'.

The original plan was to introduce a regime based on a psychiatric treatment model (thus the white coats and the fact that half of the staff were nursing rather than discipline officers); but this was never fully implemented, and soon faded into the background.

The Regime

The model which emerged, was that of a self-help therapeutic community; based on free expression, community and cooperative responsibility, self-awareness, trust and humanity. It was necessary for both inmates and the staff to abandon the stereotypical labels that they had for both themselves and each other. The inmates had to lose their view of the officer as a cruel and pitiless captor, with the prisoner as victim, whilst the officer had to cease to see the inmate as dangerous and devious, and had to modify his authoritarian role.

Whereas in the traditional system, the prisoner had been denied many positive things, such as a sense of social identification and individual growth and development, the Unit sought to return to the inmates some of the responsibility for ordering and running their lives, and to allow them to regain a feeling of worth and self-respect. To this end they were encouraged to decorate their own cells; to have a say in the organisation of the 'common parts' of the Unit; and to take up hobbies which would stimulate creativity.

The fostering of creative talents has produced some remarkable results; the sculpting and writing of Jimmy Boyle and the poetry of Larry Winters in particular; and more recently, the work of Hugh Collins, whose two ton sculpture of Jesus has, of late, been at the centre of a wrangle concerning its ownership: a fine example for the inmates of the realities of outside life! But whilst such individual effort is to be praised, it is important to remember, that the excellence of, and critical acclaim received by, some of the work; together with the attention attaching to some of the inmates, although laudable, is secondary to its therapeutic value and to the interests of all the inmates, both individually and collectively.

The keystone of the Unit is the 'community meeting'. Here all of its members meet to discuss and to vote on unit issues. These meetings are recognised as having made a

major contribution to the Unit's success; and have been instrumental in braking down barriers, not only between staff and inmates, but also between inmates and their inhibitions.

Such democratic procedures were met with confusion and scepticism by prisoners, with long and bitter experience of regimented high security prison regimes. But an important breakthrough came with the removal of the door from the punishment cell as a result of a vote at a 'community meeting'. This served two important purposes: it demonstrated that the decisions of the meetings would be effective; and it removed one of the most poignant reminders of the old style gaol regimes: the punishment cell. It also meant that trust and understanding became paramount to the smooth running of the unit. And as the staff had given up their coercive sanction, placing their trust in the inmates, then this had to be reciprocated. The cell was converted into a weights training room.

Growth of the Unit

The tensions, suspicion and confusion present, at this early stage, made it inevitable that a crisis would occur. But when it came, the crisis was dealt with in such a way as to have a positive rather than a negative effect. An inmate attacked a prison officer with a pair of scissors, but another inmate (Boyle) intervened and stopped the attack. For Scotland's most 'dangerous prisoner', with an appalling record of attacks on staff, to have acted this way, in such a situation, was indeed remarkable. From then on it was no longer a battle between them and us, the screws and the cons. Attitudes were changing.

Along with the breakdown of stereotypes and prejudice, the change in attitudes and the growth of trust, came further privileges for the inmates: and end to censoring of mail; the getting of food from the main prison to cook themselves; the use of proper cutlery; the wearing of civilian clothes; the making of telephone calls and extensive unsupervised visits. It may seem strange to regard something as mundane as the use of cutlery as a significant privilege, but in the artificial and paranoid world of the maximum security prison, where every thing is feared as a weapon, it represents a step back towards social reality and responsibility.

But for some inmates, with long experience of traditional regimes, these changes were less than easy to deal with; particularly the new visiting

arrangements. Some prisoners were extremely wary about the open and even friendly staff/inmate relationship; it was also emotionally very demanding compared to the predictable regimentation, and highly structured regime and hierarchy of the traditional prison.

In no way should the Special Unit be seen an 'easy option', with both staff and inmates finding it difficult to adjust. Indeed, some inmates unable to cope with the Unit, have requested to be transferred back to the traditional system.

The atmosphere in the Unit aims to be relaxed, with a spirit of friendly co-existence between inmates and staff. Violence and aggression are no longer needed as everyone is encouraged to air their views verbally, with no fear of any repercussions. To men, unused to articulating their concerns, this is most demanding. The incident with the scissors led to the introduction of what became known as the 'hot seat', where anyone in the Unit who stepped out of line would be made to sit and answer to the others. Problems and conflicts are to be dealt with by talking, rather than fighting, them out.

Contact with the outside world is also encouraged and fostered. Aside from personal visits, other visitors are encouraged to come to the unit, to be shown round, and 'entertained' by the inmates, as their 'guests'. Letters went uncensored and contact with family and friends was encouraged by longer and more flexible than normal visiting arrangements. There is also the opportunity for inmates to spend short periods of time outside of the unit.

There have been many pressures on the Unit, both internal and external. In 1974 the press were invited in, and the stories which emerged were of the 'holiday camp' variety. Use was even made of the old estate agents' trick, of resorting to a wide-angle lens, to make the interior of the Unit appear more spacious. A particularly sad and difficult time for the Unit was to follow, with the death of Larry Winters from a drugs overdose; and this was followed by allegations in certain sections of the media of drugs, drink and illicit sex parties. But in spite (or even perhaps because) of these pressures, the Unit became just that — a unit. The staff and inmates working together to deal with inmates problems and fears, particularly those of new arrivals.

An Assessment

The unit has experienced successes and

failures. Its aims are to promote social growth in the personality of the inmate, to instil respect for persons, and to provide a non-violent paradigm to be used as a response to pressures. In the unit prisoners and staff have to work together to make it a success and this should prove invaluable training for the return to the outside world. Inmates respond not only for their own sakes, in terms of privileges and so on, but also because they feel a sense of responsibility towards the other inmates and indeed towards the Unit itself. The Unit intends not to dwell on the past, but to look and aim towards the future; and to show the inmates that there is something worthwhile to aim for.

There has been no formal publication on the Unit since 1977, although the Scottish Information Office issued a statement in 1981, which gave some, now out of date, statistical information. Latest figures show (Scottish Home and Health Department 1985) that of the 23 prisoners who have been admitted to the Unit, seven are still there, six have returned to the ordinary system, nine have been released either on license or at the end of sentence (2 have been recalled), and one has died in the Unit.

Considering the reputations of those selected for the Unit, this is an excellent record, and just as importantly, since the establishment of the Unit, violence and attacks on staff in the traditional prisons, have greatly decreased. And as the Scottish Home and Health Department (1985) has put it: "... since the Unit was opened there has been less serious violence and some reduction of tension elsewhere in the system. This is difficult to quantify, but it is true that since the Unit opened there have been very few serious assaults on staff elsewhere, involving the use of a weapon, though in fact the number of technical and minor assaults has remained about the same.

Despite its size, because it is unique, and although it is still technically an experiment, the Unit is of tremendous significance. It has demonstrated empirically that there is an alternative to the way in which we have traditionally dealt with the 'hard core' of the prison population: And furthermore, that it can be a constructive and positive alternative. The unit intends not only to provide humane containment for these men, by facilitating control and management, it also intends to offer to the inmate the opportunity to change if he is motivated to do so.

The Future

The Unit itself seems to be pretty well secure, but there appears to be no plans to replicate or expand it in Scotland: "It is accepted that the Unit is an integral part of the Scottish Prison Service. There are no plans to change or expand it. It is felt to be dealing adequately with the work it was set up to do." (Scottish Home and Health Department 1985).

In February 1980, a Commons discussion was initiated by Mr. Russell Kerr MP, who asked how much longer the Barlinnie "success story" could still be considered an experiment. But although Leon Brittan, then Minister of State at the Home Office, described the extension of the Unit to England and Wales as an "important and constructive subject which ought to be considered", it does not seem to have been taken any further.

Meanwhile, the Control Review Committee, has been impressed by the American 'New Generation Jails', and the jail which the Committee visited (Oak Park Heights) does seem to have passed the tests of humane containment: security and control. But other 'high tech' jails (particularly Mecklenburg) have come in for harsh criticism, as unmanageable and repressive regimes (see the Listener 18th April 1985) said to combine all of the negative features of long term incarceration, with none of the positive. The essential difference between Oak Park Heights and Mecklenburg is generally accepted to be the quality

and attitudes of the staff. As has been demonstrated in the Special Unit, people are more important than buildings.

The government has recently announced its intention to build four 'New Generation Jails'. These are intended to facilitate control, and to aim towards humane containment, although the American Civil Liberties Union has warned that we should not be dazzled by the new technology into building what could be the most repressive and damaging institutions of the century. But in any event, what of the May Report's 'positive custody'? It is a concept not easily pinned down, but could the Special Unit have already provided us with a distillation of the essence of the concept?

If so, it is of immense penological significance, not just for the so-called 'hard core', but for the whole of our prison system. The words of the original Working Party Report of 1971 thus remain especially significant today:

"What we recommend can, at this stage, be regarded as solely experimental. We can give no guarantees of success but what we have seen in other types of institutions and what we have heard in evidence suggests to us that this method of dealing with the difficult prisoner should be tried. If it is successful, it may indicate the way in which the penal system should develop in the future."

continued on inside back cover

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Letter

Prison Reform Trust

Dear Sir,

The Prison Reform Trust is in the initial stages of a three-month project detailing the differences between the Prison Rules and the European Standard Minimum Rules for the Treatment of Prisoners.

The document will have two principal objectives: to make proposals for changes in the Prison Rules to bring them into line with the European Standards, and to make proposals for changes in the European Standards themselves, with a view in particular to making them more specific. Work on the revision of the European Standard Minimum Rules is presently in progress in the Council of Europe, under the auspices of the Committee on Co-operation in Penal

Affairs, and it is hoped to contribute to this effort. The project would also complement the efforts of British prison governors, JUSTICE, and NACRO, among others, for the introduction of a verifiable code of minimum standards in this country.

This research is funded by the European Human Rights Foundation. We are inviting comments from any interested individuals or groups. Please call 01—586 4978 or write to Joyce Plotnikoff at the Prison Reform Trust, Nuffield Lodge, Regent's Park, London NW1 4RS.

Yours faithfully,
JOYCE PLOTNIKOFF
Research Officer

Omission

We printed an article in Issue No. 57 by Martin Wright entitled 'Mediation in Prisons'. Unfortunately constraints of space meant that the references with this article had to be omitted. They are reprinted below:

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I apologise for any inconvenience caused by the omission. *Editor*.

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cynics' corner

Once upon a time there was a company which was in the business of receiving gudjets. They received them from suppliers who had the right to send them as many as they wished; the company could not refuse to accept them. The company held on to the gudjets, kept them comfortable and in good order and then redistributed them into an unsuspecting society. Some of the said gudjets had improved during storage, some had deteriorated and some were unaltered by the experience. Those which had deteriorated or were unchanged tended to be sent back by the suppliers for further storage.

The company had once had a philosophy which was that it was possible to improve gudjets during storage and an aim which was to provide conditions which encouraged that improvement. Some self-designated experts on gudjets had, however, persistently pointed out that the quality of gudjets was so difficult to assess and systems of measurement so crude that both the philosophy and aim were unrealistic. Some members of the company, who believed in the philosophy, suggested that the solution was to improve the systems of measurement, to invest in better methods of evaluation and to use the information obtained to adjust and enhance the treatment of the gudjets during storage. The Board of Directors,

however, were under pressure from the shareholders and became concerned about the cost of these proposals. They were also suffering a loss of faith in the feasibility of producing effective methods of improving storage conditions. Under pressure to reduce the cost of storage they called in financial consultants and eventually decided to reduce expenditure by cutting overtime which inevitably produced a consequent deterioration in the quality of conditions of storage. It did not seem to matter that this would probably produce a greater number of deteriorated gudjets because funds had been made available for the construction of more storage areas.

The staff of the company were unhappy, partly because their earnings had been reduced but also because many of them believed in the old philosophy and were sad to see it rejected. Morale in the company became poor. More deteriorated gudjets were produced and more storage areas built; no-one appeared to care. The financial consultants, however, were happy because the unit cost of storing each gudjet had been reduced.

One day a Knight appeared on a white charger and rode into the Board Room during a meeting. He drew his sword and forced the Directors to listen to him. He explained that they had been under the influence of

the Wicked Witch and that his mission was to break her spell. He elected himself Chairman and detailed the changes which were to be made: those who had retained their faith in the old philosophy would be asked to devise methods of storage which they believed would create a greater proportion of improved gudjets; resources would be made available to establish and run these methods in different storage areas; systems of monitoring and evaluation would be devised and implemented which would provide reliable feedback on the success or otherwise of the various storage methods; and eventually the proportion of improved gudjets would be such as to allow planned new storage areas to be cancelled thereby producing a compensating reduction in real costs.

The above is, of course, a fairy tale and one which Hans Christian Anderson, had he been employed by the Prison Service, would have written so much better. With due respects to him, however, how I wish that White Knight would appear to turn our ugly duckling into the swan it is capable of becoming. To paraphrase another famous man: if faith can move mountains surely common sense can eventually move the penal thinkers.

BOOK REVIEWS

Books for review to be sent to:

THE REVIEWS EDITOR, Prison Service Journal
Prison Service College, Love Lane
Wakefield, West Yorkshire WF2 9AQ

The Role of the Judge in Contemporary Society

United Nations Social Defence Institute
In Co-operation with the International
Association of Judges

Publication No 24 November 1984.

This monograph sets itself in the context of profound change in European societies, in structures, in rule networks, moral attitudes, economic post-industrial transformations and the general demand of citizens for greater participation and personal freedoms and rights. The role of the judge in this context is therefore also developing dramatically.

Chapter I deals with the objective, impartial, independent and constitutional position of the judge in the complex context of Europe, within the frame of developing rule systems, questioned equivalence of legal norms, and the growing international interdependence of judicial decision making. And all this when a sharp focus is being given to individual rights and freedoms

Chapter II explores the extent, source and international co-ordination of these rights and freedoms in the context of the European Convention on Human Rights. This includes the right of the media to "freely and truthfully report news" (:). The rhetorical emphasis on vital individual freedoms is clear and unequivocal.

Chapter III investigates judges' methodology and powers. There is a review of issues of procedure. Have all the new ideas, I wonder, filtered down to the ordinary judges? Can speedier, slicker procedures, emphasising the rights and freedoms of the individuals, a strengthening of the presumption of innocence, et al, give a fairer trial to a dog with a bad name? Will it give more competence to the rule users (judges) in the performance of their contemporary role?

The appendices of the book give the reader a potted history of the UNSDRI and the IAJ and a clue about the courses of much of the (review) material in the monograph.

The shiny ball of formalised rhetoric surrounding judicial roles discussed here, seems to deny the realities of covert, informal and negotiated judicial practices.

W J BARRELL

Deputy Education Officer
HMP Durham

Minimum Standards for Prison Establishments (NACRO Report)

SYLVIA CASALE, Published by NACRO 1984

If one examines the Gladstone Report of 1897 and the work of the Commissioners between the War years it is very clear that they were concerned with Standards; Standards of accommodation, Standards of behaviour of staff; Standards of hygiene and Standards of behaviour of prisoners. These were not necessarily made explicit but were reflected in the policies concerned with the recruitment of all members of the prison service. Staff were recruited quite explicitly for their personal qualities, were expected to maintain high standards of personal behaviour, create high standards in their establishments and provide a model for prisoners in their care. These standards were carefully monitored by regular (and not always welcome) visits by Commissioners. The standards were imposed primarily for the benefit of prisoners and the system created initially by Sir Edmund DuCane quite explicitly was one meant to protect prisoners from themselves, protect prisoners from other prisoners, protect prisoners from staff and to protect staff from prisoners. Since the Second World War the standards imposed have been greatly eroded. The "anti-hero" views post-Second World War did not sit happily together with the "gold-dust" theory and the quite explicit non-judgemental approach of Social Workers and Social Science techniques which invaded the Service in the 60's, together with the enormous increase in the prison population, has brought about a serious deterioration in standards of accommodation and service available to our prisoners.

It is indeed an indictment of the Service that a document concerned with Standards has been written by an external organisation. Our forefathers would have been rightly affronted by such a situation. However, it is to NACRO's credit that they have attempted to articulate clearly some basic standards for prisons and prison regimes which can provide some basis for monitoring. The booklet consists of a number of separate parts, for instance, lighting, ventilation, clothing, hygiene, safety, etc; articulates a number of standards under each heading and then provides a commentary comparing these standards with standards pertaining in the U.S.A. and Europe and, where appropriate, with standards laid down for Public Health, factories, offices, etc., in this country.

The standards they suggest are of course ideals and, given the antiquated nature of some of our prisons and their overcrowding factor, will take a long time to implement. However, without ideals such as these, it will not be easy to make progress, and NACRO are to be congratulated on this piece of work.

I would recommend the booklet as something all people concerned with Management of Prisons should keep in their top left hand drawer for easy reference. Very many personal frustrations that give rise to indiscipline of one sort or another can at root be traced back to inadequate standards of service, so for purely pragmatic reasons as well as very human ones, we should be in the business of constantly raising standards in our prisons. We now have, with this document, some useful signposts.

J UZZELL

H.M.P. Bedford

This Place

ANDREA FREUD LOEWENSTEIN

So close can one get to the humanity, fantasy and wild normality of life within the women's prison of Andrea Freud Loewenstein's "THIS PLACE", that one can find even one's dream life seized and penetrated.

It is not only the story of the inmates, their sexuality, their criminality, or the impingement of their polymorphous frailties on their teachers, therapists and families, but of the inroads of the community outside to their restrictions, their ice cold heats of personality, and their violences.

Observation, passion, the explosions of frustrations, both in the closed scenarios of prison life, and within the taut wells of "normal human behaviour" in the homes of those who try to bring sanity, warmth and love to the captive.....

I found this a deeply sensitive "read" whether taken as a novel, or semi documentary, and thoroughly recommend it.

PRISCILLA COMMONS
Probation Department
HM Prison Bedford

continued from page 17

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