Reviews

Book Review

The Prisoner Society: Power, Adaptation and Social Life in an English Prison

By Ben Crewe

Publisher: Clarendon Press (2009)
ISBN: 978-0-19-957796-5 (hardback)
Price: £60.00 (hardback)

In 2002, French sociologist Loic Wacquant lamented the 'curious eclipse of prison ethnography'[1]. In the past, he argued, there had been landmark studies[2] that involved researchers spending long periods of time in prisons and in intimate contact with prisoners developing a close understanding of their lives. These studies deepened and expanded our knowledge of prison, prisoners, prison staff and the wider social forces that shaped them. However, Wacquant lamented the decline and virtual extinction of this form of research. In *The Prisoner Society*, Ben Crewe from the Institute of Criminology at Cambridge University has produced an impressive book that revives and revisits the grand tradition of ethnographic prison research and is worthy of a place in that illustrious pantheon of works.

Crewe's research was conducted over a year at HMP Wellingborough, a category C prison. It was selected partly because category C prisons form the larger part of the prison estate in England and Wales; and partly because these prisons can be seen to typify the experience of imprisonment. The research involved prolonged periods of participant observation, interaction and interviews with prisoners. In a fascinating annex to the book, Crewe explores the research process in detail, not only elaborating the technicalities, but more importantly providing a sense of the emotional texture of this type of prison research.

The research is located within the contemporary penal context, or what Crewe describes as the 'late modern' period. The first three chapters describe the main features of this period, noting in particular that the use of prison has been expanding, that prisoners are largely drawn from socially excluded groups, and that prison management has come to be increasingly based on economic and business techniques. Crewe explores this as a global phenomenon, and how this has been realised locally in the UK and in Wellingborough in particular. The subsequent chapters take these macro-level social changes and describe how they have affected and changed the social life of the prison.

Chapter 4 looks at the issue of power. Crewe argues that there has been a move away from the use of pure authority and overtly oppressive forms of control including the overuse of force and impoverished regimes. Instead, this has been replaced by 'soft' power, for example the use of discretionary decisions such as incentives and earned privileges and decisions about release. He also argues that power has been dispersed and become more intangible, particularly through the way that it has been passed to professionals such as psychologists and bureaucratic processes. One of the purposes of this 'soft' power is to enlist prisoners in regulating and policing their own behaviour as their access to desirable goods and potential release are dependent upon compliance. Although this has the appearance of being less oppressive, Crewe is able to illustrate how this is experienced by prisoners as being more pervasive and intense as they feel that more is expected of them and more is at stake.

Of course, not all prisoners are identical and in chapter 5, there is an exploration of how different prisoners adapt to prison, and how they comply with and resist the use of power. Crewe describes four different groups of prisoners. The first he calls 'Enthusiasts' and are those prisoners who embrace a process of personal change, engage positively with the opportunities available and actively comply with the prison. The second group are 'Pragmatists', who comply for a range of instrumental or fatalistic reasons, including those who are disengaged and unmotivated by what is on offer and those who lack the power or inclination to do anything else. The third group are 'Stoics' who were generally longer-term prisoners who were conscious of the dynamics of prison life but accepted the ebb and flow of institutional life in order to secure their eventual release and avoid the negative consequences of non-compliance.

1. Wacquant, L. (2002) *The curious eclipse of prison ethnography in the age of mass incarceration* in *Ethnography* Vol.3 No.4 p.371-98.
2. For example Sykes, G. (1958) *The society of captives: A study of a maximum-security prison* Princeton: Princeton University Press, Cohen, S. and Taylor, L. (1972) *Psychological survival: The experience of long-term imprisonment* Harmondsworth: Penguin and King, R. and Elliott, K. (1977) *Albany: Birth of a prison, end of an era* London: Routledge and Kegan Paul.

A fourth group, 'Retreatists' were described as having minimal interaction with the prison, negligible contact with people outside of the prison and leading isolated lives inside. These are often people who have substance misuse problems. The final group are described as 'Players' and are those who are involved in criminality inside and outside and are financially motivated. These people often try to 'play the system' by feigning compliance whilst subversively resisting the exercise of authority. Although there are of course limitations to the value of typologies, Crewe has provided analytical descriptions that will feel familiar to those working in prisons. These descriptions also provide a lens through which variances in the conduct and experience of prisoners can be more sharply observed.

The interaction between prisoners is the focus of chapters six and seven. In these, Crewe describes how the popular image of a highly organised and unified prisoner hierarchy led by a 'top dog' is not seen in reality. Instead, the prisoners' social world is more fragmented with the small 'clique' being the basic unit. Friendship and social relations are described as being limited and tenuous, with an air of artificiality in prisons, only melting into something more substantial in a limited range of circumstances. Crewe is describing here a social world that is dissolving, becoming more fragmented, atomised and ephemeral.

In the final empirical chapter, Crewe examines specific elements of the everyday social life and culture in prisons, including the drug trade, debt, relationships with staff, views on 'grassing', the informal rules about fighting and the use of violence, attitudes towards women, and the management and presentation of emotions. This chapter goes beyond common assumptions and draws out the complexities, inconsistencies and contradictions that exist in prisons as much as any other social space.

This book is an impressive achievement. To say that it is old school sociology is intended to be a complement. It has the feeling of an instant classic. It is particularly effective in showing how the changes in the role and operation of prisons have had an impact on prisoners individually and collectively. The deliberate focus on prisoners and the wide use of their own words in lengthy quotations not only provides a liveliness and accessibility, it also empowers by foregrounding their experiences, giving them relevance and prominence. This book is highly recommended and deserves to be read widely by prison professionals and will also undoubtedly be a source of reference for academics for years to come.

***Jamie Bennett** is Governor of HMP Morton Hall.*

Book Review

Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders

By Vanessa Barker

Publisher: Oxford University Press (2009)
ISBN: 0195370023
Price: £22.50 (hardback)

While it is well known that the United States has the highest incarceration rate in the world — one in every 100 adults in the US is currently imprisoned — less well rehearsed is the fact that there are huge differences in incarceration rates across the nation. Some states imprison 700 or more inmates per 100,000 population (with Louisiana heading the table at over 800) while others — Maine and Minnesota — have the lowest rates at 159 and 181 respectively. And, as is now well established, imprisonment rates and severity of punishment move independently from crime rates and trends. Tennessee, for example, ranks second in violent crime rates but twenty-second in imprisonment rates.

The reasons for these disparities are the starting point for Vanessa Barker's book, *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*, which seeks to add a more nuanced understanding to the existing literature which, on the whole, generalises patterns and trends of imprisonment in the US. But as the subtitle suggests, this volume is about much more than attempting to explain variances in criminal justice policy across the States. Barker focuses on three case studies — Washington, New York and California — in order to explain how American citizens are mobilized to engage in the democratic process and, in turn, how the democratic process shapes the criminal justice system and the punishment of offenders. All three states have maintained relatively high crime rates but each has pursued different penal strategies, especially since the late 1960s and early 1970s; a critical period in the history of crime control policy as the shock of high crime provoked unsettling social change. In California, an emotive, passionate and punitive approach to crime control has dominated since the late 1960s when Governor Ronald Reagan introduced a more victim-oriented approach, emphasizing the pain and suffering experienced by victims of crime, while at the same time characterizing the permissive society of the 1960s as a threat to democratic order. Of the three states, California adopted the

most punitive crime policies and punishment had a distinctly resentful edge as officials sought to create a society in which 'winner-takes-all' and losers (i.e. offenders) must be punished for their moral failures. All notions of rehabilitation were abandoned as retribution became the main goal of punishment. The legislation introduced since that time gives a flavour of the expressive nature of punishment in the state, for example; Death Penalty Proposition (1972), Murder Penalty Proposition (1977), Crime Victim Justice Reform Act (1989) and 'Three Strikes and You're Out' (1993). Barker tells us that imprisonment has become a harsh and inevitable reality for thousands of Californians, particularly African Americans and Latinos, who make up 66 per cent of the state's prison population.

By contrast, Washington State began to face up to immense problems within its penal system in the 1960s and 1970s. Prisons had become too expensive and too ineffective; mere warehouses holding an undifferentiated mass of inmates. In response, state officials adopted the principle of 'parsimony', employing the least restrictive punitive sanction possible to maintain public safety. Where California used imprisonment extravagantly and with the aim of invoking pain on the offender to restore equilibrium, Washington diverted offenders away from prison via a strategy of decriminalization of some offences and minimum use of custody where viable alternatives exist. Not only did the prison population drop substantially but the new philosophy in criminal justice in Washington challenged the idea that victims must be avenged and punishment should inflict pain.

In New York, analogies were made between crime and disease and policy makers favoured solutions based on quarantining perceived risks, as if managing a public health campaign. Committed to eradicating the 'dreaded cancer' of crime, resources were directed at the offences believed to be most threatening to social order and public security (notably unprovoked assaults by violent strangers). At the same time, the perceived root cause of much crime was tackled via a series of far-reaching and draconian drug laws. The aim was not to 'cure' offenders, however, but rather to 'manage' them. This pragmatic mode of governance is not immune to punitive pressures but, on the whole, the state's policy of incarcerating violent and drug offenders and diverting others has remained intact and today 83 per cent of New York's prison population is made up of violent and drug offenders, while non-violent, non-drug offenders enjoy high rates of early release or avoid prison altogether.

These brief summaries do not do justice to the book's immensely detailed socio-historical analyses of how and why such divergent penal policies were arrived at, or how ordinary people made sense of, and responded to, crime and punishment in localized contexts. In highlighting variation rather than uniformity in the way that governance is practised, Barker not only demonstrates that the disparities between states' handling of penal sanctions are not simply related to crime rates, but also counters the idea that democratic participation necessarily has severe penal consequences. *The Politics of Imprisonment* offers evidence that increased democratization can support less, not more, coercive penal regimes and counters the orthodoxy that mass imprisonment is an inevitable feature of punishment in the United States.

***Yvonne Jewkes** is Professor of Criminology at the University of Leicester.*

Book Review

The Rule of Law

by Tom Bingham
Publisher: Allen Lane (2010)
ISBN: 978-1-846-14090-7 (hardback)
Price: £20.00 (hardback)

Lord Bingham of Cornhill was the first person to hold the offices of Master of the Rolls, Lord Chief Justice and Senior Law Lord (and was the first to be *appointed* to the latter office, from which he retired in 2008). That the book's author is referred to simply as 'Tom Bingham' says much about the unstuffy way in which he seeks to describe the concept of the rule of law. The term was coined in 1885 but what is meant by it remains (or did remain until this outstanding book) ill defined.

Those who are not lawyers should not be put off reading it:

> *This book, although written by a former judge, is not addressed to lawyers. It does not purport to be a legal textbook. It is addressed to those who have heard references to the rule of law, who are inclined to think that it sounds like a good thing rather than a bad thing, who wonder if it may not be rather important, but who are not quite sure what it is all about and would like to make up their minds.*

Anyone who works in prisons who is not interested in making up their mind has no business working in prisons: this book truly should be required reading for everyone who works in the National Offender Management Service and the Ministry of Justice.

Bingham begins by offering a general definition of the rule of law. Acknowledging that this is not comprehensive, he goes on to

explain how 12 'historical milestones' have contributed to its development. He then sets out the eight constituent parts of his definition. By listing the milestones curiosity may prompt those unable instantly to recognise each to research them — or better still to read this book.

1. Magna Carta.
2. Habeas Corpus.
3. Abolition of Torture.
4. Petition of Right 1628.
5. Sir Matthew Hall's resolutions.
6. Habeas Corpus Amendment Act 1679.
7. Bill of Rights 1689 and Act of Settlement 1701.
8. The Constitution of the USA.
9. French Declaration of the Rights of Man and Citizen 1789.
10. The US Bill of Rights 1791.
11. The law of war.
12. The Universal Declaration of Human Rights 1948.

One of the most important aspects of the rule of law is regulating how and when fundamental rights are infringed. This is why imprisonment — and other exercises of the state's coercive powers, by the police and immigration authorities for example — were the subject of cases taken to the European Court of Human Rights before the Human Rights Act incorporated the European Convention of Human Rights (ECHR) into domestic law. Bingham is perhaps the ECHR's most distinguished defender — if you seek a rebuttal of the argument that it needs to be amended to include 'responsibilities' as well as rights, do read Bingham's 2009 lecture delivered in June 2009 to mark the 75th anniversary of the founding of *Liberty*. The eight components of the rule of law Bingham describes are:

1. Law must be accessible, intelligible, clear and predictable.
2. Questions of right and liability should he determined by applying the law not by exercising discretion.
3. The laws of the land should apply equally to all.
4. Ministers and officials must exercise powers in good faith, fairly, for the purpose they were intended and reasonably.
5. The law must protect human rights.
6. The means for resolving the civil disputes must be made at reasonable cost.
7. Adjudicative procedures should be fair.
8. The rule of law requires compliance with international law obligations.

This list touches upon almost every aspect of prison routine and procedure. It might usefully be inscribed on the wall of every Governor's office and form an oath everyone working in and for prisons should take. These components of the rule of law might also usefully replace some of the many 'strategies' and 'action plans' and other impedimenta with which the administration of the severest sanction of the law is encumbered. Indeed, Bingham suggests that Clauses 39 and 40 of Magna Carta (which formed part of the curriculum of the training this reviewer undertook to become an adjudicator of disciplinary charges against prisoners) 'should be inscribed on the stationery of the Ministry of Justice and Home Office in place of the rather vapid slogans which their letters now carry.'

This book goes further of course than providing a source of principles and references for prison practitioners. In his chapter on the international law implications of the rule of law, Bingham presents a very clear and balanced analysis of the Attorney General's advice upon which the legality of the UK's participation in the invasion of Iraq was based — an analysis that concludes that the invasion of Iraq violated the rule of law. This chapter also provides a consideration of the British and American conduct in that invasion and its aftermath (Guantanamo, the breach of the Torture Convention, Abu Ghraib and the murder of Baha Mousa). In his conclusions in this chapter, Bingham laments as a weakness of the rule of law the fact that only 62 of 192 member states of the United Nations have accepted the compulsory jurisdiction of the International Criminal Court (and that only one of the five permanent members of the Security Council, the UK, has).

The book concludes with important considerations of terrorism and the rule of law and the sovereignty of Parliament. In the former, Bingham draws attention to the risks of a political rhetoric which promotes the importance of security above liberty. Reference is naturally made to the 2004 'Belmarsh case' in which the House of Lords declared unlawful the continued detention of nine foreign nationals suspected of being terrorists. Bingham draws attention to how the language of the 'war on terror' has redefined the terrorist as an enemy rather than a criminal suspect. He quotes Professor Conor Gearty's description of 'the supersession of the criminal model based on justice and due process by a security model that is based on fear and suspicion'. Bingham goes on the highlight the differences between the UK's and the USA's approach to dealing with the threat of terrorism.

At just over 170 pages this is a short as well as a compelling and an important read.

William Payne *works in the NOMS' Public Sector Bids Unit in London.*

Book Review

Gang Leader for a Day

By Sudhir Venkatesh
Publisher: Penguin Books
ISBN: 978-01-141-03091-3 (paperback)
Price: £8.99 (paperback)

Sudhir Venkatesh appears to be well and truly fearless. And perhaps a little mad. This book charts his 'ethnographic' study of African-American Chicago gangs during the nineties. What begins as a naïve inquiry into why he and his fellow undergraduates are warned of not crossing to the other side of the local park, ends up with a decade's worth of partly aimless research into the poor community of the notorious Robert Taylor Project.

The story goes that Venkatesh, feeling a bit of an outsider due to his ethnic origin, becomes fascinated by the local poor black community. In order to answer his many queries he decides to go straight to the local projects and ask the controlling Black Kings gang all about their lives. Following an initial night being held hostage by the menacing gang, Venkatesh is released, but not before developing an affinity with the gang leader, JT. This prompts Venkatesh to return the next day and it is his special relationship with JT that allows him to open up this world in a way sociologists never have before.

Venkatesh appears to want to provide the voice of middle class American optimism. This should have been crushed following his initial, sometimes shocking, encounters with the gang. However, he also lays bare his naïvety to the extent that he is happy to outline the embarrassing situations that this causes. His frankness though, also encourages other members of the community, away from the gang, to tell him their stories.

What follows is an interesting but somewhat laboured dissection of the workings of the entire project. Venkatesh explains in detail the management structure and workings of the gang. This includes his access to the street, project, city and national organisation of the Black Kings. JT is portrayed here as filling a regional manager type role in a legitimate business. Interestingly the legitimacy of the various businesses from drug dealing to robbery to prostitution is something that the gangs and others are keen to emphasise. The Gangs have a surprisingly benevolent side, investing in community events and empowering the local people in democratic activity. In the end however, it is often merely a clever way to maintain their control over and exploitation of the masses.

Venkatesh goes on to explore the underground economy of comprising mostly of crack-cocaine dealing. He exposes the lack of a glamorous side to the work where street dealers are barely paid more than minimum wage for the risks they take. He also uncovers the economic decisions the local prostitutes have to make, along with the complex interaction between rival gangs, local police, community leaders, homeless people, building presidents and the unfortunate regular tenants of these properties, who always appear to bear the brunt of the consequences.

There is some focus on the strong patriarchs of the community, particularly amongst the corrupt building presidents. The building presidents are supposed to be the effective link between the tenants and the housing authority. Unfortunately they are power hungry, receiving bribes and top slicing assistance offered to tenants for themselves, as well as using drug money and resorting to gangs to solve tenant problems. However, the authorities appear either to frightened or not interested in responding to the needs of tenants and coupled with the building president actions, this becomes a self-perpetuating situation. Linked to this issue is the slightly under explored role of the police, who all appear to operate in much the same way as a gang but with the added ability to incarcerate people.

Ethically, Venkatesh was always going to run into issues with research like this. He witnesses numerous crimes including two drive-by shootings and actually takes part in a beating on the spur of the moment. With his supervisors at the University always a step behind him, it is only the fact that things get a bit hairy that makes him conclude his research after ten years in the projects.

Overall, this book is a good read. However, I felt I was left with a feeling the author was chasing sensationalism in some sections. JT is often glorified and seen as an enigmatic leader. At one point Venkatesh even admits what he sees is like a 'movie coming to life'. The book reads almost like a work of fiction and could easily have been converted into film. But, mainly for the sheer entertainment factor, I do recommend this book to those interested in this area of sociology.

***Paul Crossey** is an Operational Prison Manager at HMYOI Portland.*