

# Exploring penal reform

Jamie Bennett introduces the themed section and reviews the contributions.

The attempt to explore penal reform strategies in this edition of *cjm* is not simply an academic inquiry, but for me, and for many people contributing to and reading this edition of *cjm*, reflects a personal dilemma. This explores issues that lead us to question what we are doing and who we are. As a prison governor, who is also engaged with research, the third sector and penal reform organisations, I constantly question whether what I am doing is making a difference to people's lives, whether that difference is positive or negative, and whether I should be taking a different approach. This is not always a comfortable position to be in as such reflection is soul searching, challenging intimate and personal areas of morality and identity. The aim of this edition is to move from the personal to the public, to open up and share reflections, and to engage in a dialogue about reform strategies: what they aim to achieve, the methods they use and whether they are effective.

The starting point for any discussion is to define the terms. The word 'reform' has a dictionary definition which sets out that it describes the process of changing an entity into an improved condition or removing its faults. Therefore penal reform describes the process of improving prisons and removing its faults. As with any definition, this is more complex than it first appears. In particular, ideas of how prisons should be improved or what their faults are vary widely. For some, improvements may be through questioning the internal structures of the prison, for example making prisons more secure and reducing escapes, improving humanity and basic conditions, or enhancing opportunities for rehabilitation. For others, ideas for improvements are drawn from the wider social context

of imprisonment, for example considering how the use of imprisonment falls disproportionately on certain groups and may maintain and entrench existing social inequality in areas such as poverty and wealth, race and gender.

The notion of prison reform is also built upon some fundamental assumptions. It assumes that the prison is capable of reform as an entity in itself. This is problematic because as with every social institution, it does not stand alone but is embedded within the society in which it operates. It is a reflection of wider social structures and values, or as Winston Churchill described it 'an unflinching test of the humanity of a nation'. Prison reform can, therefore, entail a wider social change particularly within political, media and public discourse. The second assumption is that the prison is capable of reform in the sense that as a concept the institution is fundamentally sound. This is where the distinction arises between abolitionism, which does not accept that the prison is fundamentally sound, and reformism, which accepts that it is.

The idea of penal reform is therefore more complex than may appear. Rather than 'prison reform' being a homogenous idea, it is a contested area with many different ideas about what this means and whether it is possible at all.

Despite these conflicts and contests, there is a collection of 'penal reformers', groups and individuals who consciously aim to change the system of imprisonment in one way or another. They deploy a number of strategies in order to meet their aims, and these strategies form a major focus of this edition. A number of those strategies focus internally within the prison, whilst others have their primary focus externally. Internally there are

individuals and organisations that attempt to make improvements. For example, in this edition **Peter Bennett** describes how he has used his role as a prison governor to positively influence the prison environment, pragmatically walking a line between compliance and change. **Anne Owers**, the Chief Inspector of Prisons also reflects on the role of the prison inspectorate in reforming and improving the system and the lives of prisoners, pointing both to their core work of improving observation of *Expectations* but also their wider role in informing penal values and commenting on policy. **Alison Liebling** from the Institute of Criminology at Cambridge University explores her role as a researcher working not only in prisons but with prisons. Whilst she acknowledges some ambiguity about how research findings may be applied (or not) in practice, she does suggest that research can have a positive and progressive impact on the organisation and individuals. A number of contributions on the work of voluntary or third sector organisations also describe how they work within the system in order to affect change. There is also the issue of prisoners themselves, explored in this edition by **David Scott** who describes how empowerment has been attempted through a mixture of self-help groups, campaign organisations and acts of resistance including prison riots, hunger strikes and litigation. This importantly traces that prisoners are not simply the subjects of reform, but are active participants in the process.

A number of penal reform strategies focus outside of the prison. **David Wilson** discusses how the media can be used as an instrument of reform, which he explores through a case study of the series *Banged Up*, which he participated in. **Simon Creighton**, a renowned prison lawyer also examines how the use of litigation can be used as a lever for change, although he also highlights how this can falter in the face of the judicial and political establishment. **Julia Sudbury** brings a different perspective from her work as an abolitionist in California. Here she discusses the grassroots movement

that has engaged popular support for prison abolition, decarceration and reform. She highlights that this has played a role in changing perceptions with such success that proposals they have advocated are now being introduced into practice and this will significantly reduce the use of imprisonment. **Justin Piché** also considers how working within the system can push reflective professionals toward more radical, abolitionist approaches.

Finally, it is necessary to turn to the question of whether all of the efforts that have been expended on prison reform have really been worth it. What have been the achievements and effects of prison reform? A Whiggish interpretation of history would point to a continuous and incremental process of improvement, a civilising process which has seen society in general, and prisons in particular, becoming more humane and progressive. However, the truth is not as simple as that optimistic assessment would suggest. There may be successes that can be highlighted, and there are several examples of 'landmark reforms' presented in this edition including the Woolf Report, race equality in prisons, the introduction of an Ombudsman and examples of success arising from litigation and the media. However, not all penal reform works in the way that was envisaged and there have been unintended consequences. An obvious example is the closing of asylums and their replacement with care in the community, which was seen by many as a way of improving the treatment of people with mental health problems. However, the rise in the imprisonment of these people has exposed how this progressive reform had unintended consequences that could be said to be detrimental and repressive.

There are also more fundamental

questions about the effects of the penal reform process as a whole. In another article, **John M Moore** describes prison reform as being characterised through 'a history of failure'. He argues that prisons perform not simply a criminological function, but a social function maintaining inequality and power structures and that without tackling that, prison reform will continue to fail. This raises one of the essential questions about the penal reform process: how far is this movement progressive and how far does it simply legitimate the institution? Does the penal reform lobby accept and promote support for the fundamental role of prisons, merely calling for peripheral changes? Does the achievement of some limited reforms provide moral authority and obscure more fundamental concerns? This is where the theoretical tension between reformists and abolitionists emerges: abolitionism stands outside and in opposition to the prison, whilst reformism stands alongside or even within the prison and works in co-operation.

These inter-dependencies are not simply political and ideological, but are also economic as there is growing financial relationship between prisons and reform movements. In the contemporary world, the prison has become increasingly marketised with the development of privatisation, contracting, commissioning and more business-like practices. This has had consequences for the penal reform lobby. In particular, articles in this edition by **Mary Corcoran**, and **Andy Benson** and **John Hedge** explore the impact that this has had upon voluntary or third sector organisations. Whilst for some this has presented an opportunity for expansion and increased influence,

others have argued that this has co-opted these organisations and diluted their impact. This is particularly highlighted in the decision of NACRO to form part of a consortium with a private sector organisation in order to bid to operate prisons. The consequences of this are referred to in several articles, as this has become a signal case of the changing role of the voluntary sector. Even where there is no direct financial relationship, there is a symbiosis between prison reform organisations and the prison, with reform organisations existing in the wider economic market created by the prison. Reform organisations revolve around in orbit to the prison and require its continued existence for their own survival. There is a greater degree of mutual interdependence both economically and politically than many would like to acknowledge.

This edition attempts to explore penal reform strategies in particular highlighting the tensions and controversies as well as its potential and achievements. There is clearly a wide range of support for change and there is a great deal of talent, energy and good intentions being directed towards achieving this. However, given the diversity of views, there is a risk of fragmentation and weakness. Attempts to abolish, reduce and change prisons may be better served through harnessing what Julia Subdury describes in her article as the 'creative tension' between reformers. This kind of co-operation and co-ordination could better realise progressive change and avoid the risks of reformists simply becoming part of the establishment. ■

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**Jamie Bennett** is Governor of HM Prison Morton Hall and also editor of *Prison Service Journal*.

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