

It's not just about the profits: privatisation, social enterprise and the 'John Lewis' prison

J M Moore and David Scott argue that the proposed *Transitions* prison represents 'old wine in new bottles'

Prisons in contemporary Britain are highly problematic institutions. From the outside we can see they are struggling to cope with rapidly increasing prison populations largely made up of the most social excluded members of our society, who on their release are more likely than not to face re-imprisonment. From the inside the picture is even bleaker, with prisoners feeling unsafe in a violent and unjust environment governed by an authoritarian and alienated workforce.

This is, however, not a new problem: indeed the very creation of the modern British prison can be seen as the brain child of penal reformers like John Howard and Jeremy Bentham who sought to create legitimate, well ordered, industrious and reformatory institutions to replace the chaotic Hanoverian gaols of their day. Throughout the nineteenth and twentieth centuries prison reformers have continued this search for the penal Eldorado: the morally legitimate, well ordered and reformatory prison. Whilst on occasions it appeared that the dream had been successfully realised, institutions with humanitarian and largely successful regimes have found these to be unsustainable, with progressive reforms gradually being clawed back.

The Coalition government's current policies include a range of initiatives that could potentially have an impact on the future management of prisons. Of central importance is a strong desire to see substantial

reductions in spending on prisons. On 13 July 2011 the government announced that, alongside the already existing 14 private sector prisons, in the following 12 months competition for prison contracts would take place at eight public sector establishments. Simultaneously the Coalition has promised a 'rehabilitation revolution' whereby the focus of the penal system becomes the reduction of re-offending (Ministry of Justice, 2010). To achieve this there is a commitment to 'payment by results' whereby providers' revenues will be directly linked to reconviction rates. This in turn has become linked in with separate government initiatives promoting social enterprises and a 'Big Society' which offers the possibility of voluntary sector organisations providing a range of services to the criminal justice system.

'Community prison'

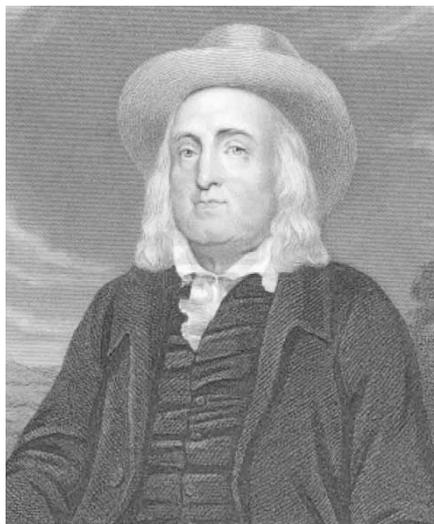
This context has created the potential, at least in theory, of a voluntary sector provider utilising the privatisation agenda to submit a bid to manage a prison as a social enterprise. However although charities have participated as very junior (and marginal) parties to consortium bids led by large corporate 'corrections' companies to date none has submitted a bid on their own behalf. This may be about to change. The Royal Society for the Encouragement of Arts, Manufacturing and Commerce (RSA), a charity originally founded in John Howard's day, has recently

published its blueprint for a model 'community prison' entitled *Transitions* (O'Brien, 2011). Their vision accepts prisons role as a form of punishment but argues for a greater focus on rehabilitation. Their prison, they claim, will be 'a place of employment, learning and activity' that will 'enable prisoners to make a positive social and economic contribution' (ibid). The RSA prison seeks to bring into practice the 'community prison' most famously envisaged by Lord Justice Woolf (1991). The report proposes the development of a 'transition park' that would be on the same site as the prison but outside its walls, in which ex-prisoners could be employed post release and where a range of 'community' services could be delivered to them (O'Brien, 2011).

Old story

The proposals appear to be a creative blend of new and innovative ideas crafted to meet the current political agenda. But throughout the report what we find is simply 'old wine in new bottles'. It draws remarkable parallels with Jeremy Bentham's eighteenth-century proposal for a model prison – the panopticon. Here Bentham proposed an innovative prison that was privately managed, saw the deprivation of liberty as the punishment, focused on reformation through the provision of work for its prisoners, sought to redefine the relationship between prisoners and guards and dealt with the problem of released prisoners re-offending by providing employment for ex-prisoners in community panopticon factories (Bentham, 1843). Bentham even planned payments-by-results with incentives to achieve low mortality rates and penalties for reconvictions. It is remarkable how similar the twenty-first century enlightenment prison is to the eighteenth century version.

Nowhere in the document does the RSA question *who* is being imprisoned. The assumption is that the right people are being imprisoned and that prison is right for those incarcerated. Yet prisons are filled by the most socially excluded and marginalised members of our society – people who are homeless,



have mental health problems, are educationally disadvantaged and /or suffer the consequences of extreme poverty. The RSA proposal largely ignores the reality of prisoners' social backgrounds and their need to access community resources choosing instead to focus on 'work'; a focus based on an ideological belief that hard work leads to law abiding behaviour.

Dehabilitation

Like many prison reformers, the RSA fundamentally fails to understand either the nature or function of imprisonment. In *Transitions* the prison is constructed as a commodity and service rather than an institution whose prime purpose is the infliction of pain and suffering. Prisons are places of exclusion where people are sent for punishment. Incarceration is *inherently harmful*, not only to the individual imprisoned but to their families and the wider society. Whilst there is undoubtedly much that can and should be done to mitigate the harms of imprisonment it should always be realised that such initiatives are temporary and always liable to be reversed as prison's intrinsic punitive character reasserts itself. Prisons can never be normal institutions: whatever the enlightened motives of those who design our prisons, they are experienced as pain and violence. The requirement to exclude, contain, control and discipline means that prison is more likely to de-habilitate than re-habilitate. In the largely hidden world of the prison dignity,

self respect, personal safety and other pre-requisites of humanity are always threatened and prisoners have to live with the constant possibility of systematic abuse, maltreatment and ultimately dehumanisation.

Marginalised and deprived

Transitions reinforces the idea that prison is the natural response to social problems. Rather than questioning why prisons predominately incarcerate the most marginalised and deprived in our society or indeed why after over two centuries modern prisons are still failing to achieve the very objectives they were established to achieve, the RSA, like generations of prison reformers before them, again puts the prison forward as the solution to its own failure. Whilst there is no evidence that by itself the RSA proposal will make things any worse for the prisoners subjected to it, indeed its access to private funds in an age of austerity may even mitigate the pains of imprisonment; the harm of its ideological impact must not be underestimated.

Prisons' repeated failure and the exposure this gives to the violence and lawlessness that characterises the institution inevitably erodes its authority and legitimacy. The RSA Prison with its focus on the organisation's *not for profit status* and the use of the social enterprise model provides an analysis of problem of prison that distracts from the real causes and both seeks to restore the authority, legitimacy and stability of the prison and to portray the privatisation of prisons as a potentially progressive initiative. It is important that we break away from the current focus on comparisons between who runs prisons – public sector, private sector, and the proposed RSA 'John Lewis' (Williams, 2011) non profit prison – all remain fundamentally the same; places designed to deliver pain. The problems confronting imprisonment are much more than just about whether they should be run for profit or not.

By choosing to site their intervention inside the prison the RSA has firmly defined the central

problem as one of criminal justice rather than social justice. If instead they had learnt the lessons of generations of reformers, that the deeply engrained penal malaise and crises of legitimacy experienced by the prison suggested a fundamental flaw which demands the imagination to look outside this failed institution for solutions, they could have devoted their considerable resources and influence to something genuinely innovative. An initiative that focused on providing ex-prisoners on release with access to community resources, housing, medical services, benefits advocacy, education, recreation and work, in a way that empowered them and facilitated their inclusion in the community would have been much more exciting. What is needed is not a new improved prison formula but effective routes that allow prisoners on release to escape the 'perpetual incarceration machine' (Richards and Jones, 2004). ■

J M Moore is Senior Lecturer in Criminology, University of the West of England. **Dr David Scott** is Senior Lecturer in Criminology, University of Central Lancashire

References

- Bentham, J. (1843), 'The Panopticon or The Inspection House', in Bowring, J. *The Works of Jeremy Bentham*, Volume 4, Edinburgh: William Tate, pp. 87-172.
- Ministry of Justice (2010), *Breaking the Cycle Effective Punishment, Rehabilitation and Sentencing of Offenders*, London: The Stationery Office.
- O'Brien, R. (2011), *RSA Transitions: A social enterprise approach to prison and rehabilitation*, London: The Royal Society for the Encouragement of Arts, Manufacturing and Commerce.
- Richards, S. and Jones, R. (2004), 'Beating the Perpetual Incarceration Machine: Overcoming Structural Impediments to Re-entry', in Maruna, S. and Immarigeon, R. (Eds.), *After Crime and Punishment: Pathways to Offender Reintegration*, Cullompton: Willan Publishing, pp. 201-232.
- Williams, Z. (2011), Why 'John Lewis jails' are better for corporations than for prisoners, *The Guardian*, 5 November.
- Wolf, H. (1991), *Prison Disturbances April 1990: Report Of An Inquiry*, London: The Stationery Office.