

TURNING THE PRISON SCREW

Back to basics

Michael Howard's law and order package announced at the Conservative Party conference in October and his subsequent 'back to basics' pronouncements which were supported by the Prime Minister, placed the prison system at the centre of the Government's strategy for dealing with crime and disorder. Much of the political furore which followed these announcements centred on the Home Secretary's (mis)interpretation of a range of research studies and his attempt to marginalise what the majority of commentators, academic and otherwise, wrongly regard as the best policy document on the way forward, namely Lord Justice Woolf's report into Strangeways and other prison disturbances.

The apparent marginalisation of the report, a point also made by Woolf and other senior judges, has only added to the view that the Home Secretary is determined to push ahead with his now well-publicised goal that gaols should become more 'austere' places. Resurrecting memories of the grim and prudent nineteenth century 'judges of normality' Howard supports the reintroduction of a prison machine driven forward by the twin pistons of punishment and deterrence. The logical conclusion to be drawn is that if the Home Secretary can be made to alter his views (hence the pre-Christmas debates about divisions with his officials) then the policy will change with a resumption of the reforms which had materialised in the post-Woolf, pre-Howard days of consent.

There are three major problems with this line of argument. First, it individualises the complex problems facing the prison and criminal justice systems in this country. While individual Home Secretaries may be important at particular moments, to concentrate exclusively on the strengths and weaknesses of the office holder restricts discussion and debate on the range of structural issues confronting both systems. It reduces these issues to a question of personality differences while allowing broader questions around the politics and policies of punishment to be ignored. Prisons are austere places, both physically and psychologically, with or without Howard's interventions. Concentrating on an additional turn of the prison screw distracts attention away from the nature of the screw itself.

The second problem with 'blaming' Michael Howard is that this position

misreads history. The backlash against Woolf started *before* he became Home Secretary. For example, on the day that Woolf reported, the then Home Secretary, Kenneth Baker, was quite explicit about the message that prisoners and those in the wider society should receive about the future. He pointed to the reforms which had been introduced since the disturbances in April 1990. These included: increasing the stock of riot control equipment, opening twelve new prisons by 1993, training more staff in new and improved techniques of riot control and creating a new offence of prison mutiny which would carry a maximum sentence of ten years. It was only after listing these changes that Baker turned to the issues which many prisoners had identified in the genesis of the disturbances: overcrowding, slopping out, the lack of rehabilitative programmes and the fracturing of family ties. His emphasis on smothering Woolf within a blanket of coercive measures was repeated in September 1991 at the annual conference of the Boards of Visitors and at the Conservative Party conference one month later where he warned that prisoners would quickly learn that rioting was not a 'cost-free option'. Baker therefore created the necessary space for Howard's emphasis on punishment and control, a position which was facilitated further by Kenneth Clarke's rejection of the unit-fine system before Howard came to office. It should also be noted that Howard's sentiments and policy orientation are not far removed from Leon Brittan's speech to the 1983 Conservative Party conference which announced the massive prison building programme, minimum set sentences for particular crimes and introduced more austere parole regulations for long-term prisoners. Four years earlier William Whitelaw had announced the resurrection of yet another austere regime, the short, sharp shock of the detention centres. It is necessary therefore to see Howard's actions as part of a process of continuity rather than as an aberration from what has been a benevolent norm.

The third problem with focusing on the present Home Secretary is that the problems associated with the Woolf report are never discussed. Instead Woolf's analysis has been allowed to set the political and sociological agenda for discussion. Space does not allow for a complete critique of Woolf's proposals, I have done this elsewhere (Sim 1993). It is important to note however, that there are significant problems with a number

of Woolf's central proposals, particularly his view that prison contracts and notions of individual responsibility can be introduced into institutions without dealing with the operation of power in those institutions, especially the power of prison officers.

Definitions of responsibility and irresponsibility will still very much remain in their highly discretionary, largely non-accountable hands. Woolf also failed to deal with the particular problems of women prisoners, the central question of democratic accountability, the issue of sentencing policy and the philosophical basis of judicial thinking. In addition, despite claims that prisoners' accounts counted, in practice the report either ignored or excused some serious allegations that prisoners made. Paragraph 8.188 provides a good example of this point. Those prisoners involved in the Pucklechurch demonstration were told that their arms and legs would be broken. For Woolf, such appalling behaviour had to be considered against 'the long hours that management and staff had been on duty... Each member of staff must have been extremely tired and close to exhaustion' (Woolf Report 1991).

In essence, Woolf has attempted to introduce what he regarded as a series of apolitical reforms into a highly politicised debate. This has meant that while government ministers and civil servants can pay lip service to the impartiality and depth of the recommendations, in practice they have been free to choose which policies to implement, which to ignore and which to bend to suit their own purposes. For example, at the public inquiry held in November in Liverpool which examined proposals to build a new prison in Fazakerley, Home Office officials maintained that in the spirit of Woolf the new prison would be a 'community prison' thus allowing prisoners closer contact with family and friends. At the same time they also maintained that not only will existing prisons remain open but further prisons may also be built in the north west. The prison estate therefore will continue to expand behind the liberal rhetoric of 'community prisons'.

References

- Sim J (1993) 'Reforming the Penal Wasteland?: A Critical Review of the Woolf Report' in E Player and M Jenkins eds *Prisons After Woolf* Routledge.
 Woolf Lord Justice and Tumim Stephen (1991) *Prison Disturbances April 1990* CM 1456 HMSO
 Joe Sim is Professor of Criminology at Liverpool John Moores University.