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Reviews

Book Review

Cultural criminology: An invitation (Second edition)

By Jeff Ferrell, Keith Hayward and Jock Young

Publisher: Sage (2015)

ISBN: 9781446259153 (hardback)
9781446259160 (paperback)

Price: £75.00 (hardback) £26.99 (paperback)

This is the second edition of a ground-breaking and influential book by three distinguished, internationally renowned professors. It draws upon a wide range of criminological and sociological theories in order to cast new light upon the issues of crime and criminal justice. The introductory chapter explains that cultural criminology is concerned with the ways in which people act together creating meaning and forming identities. This symbolic environment does not exist in a theoretical space, but has real world implications, intertwining with structures of power and inequality. It is a process that is dynamic, evolving and constantly negotiated. A vivid example is given in the opening pages of the book focussing on the Occupy movement, which emerged following the financial collapse of 2008 and the subsequent period of economic austerity and recession, calling for fundamental reforms and contesting capitalism itself. Activists took to wearing 'Guy Fawkes' style masks, which were inspired by images from dystopian graphic novel *V for Vendetta*,¹ which subsequently became a successful film.² Closer analysis not only reveals the cultural

appropriation of this image from mainstream, commercial entertainment, but also reveals deeper capitalist structures. The image is owned by the Time Warner corporation, who therefore gain additional profit, and the company licenced to produce the masks uses non-unionised workshops in Mexico and Brazil. This story therefore reveals not only how cultural products are contested, but also how resistance can be commodified and enlisted by powerful financial interests that benefit from it.

The chapters in this book cover the intellectual and theoretical origins of cultural criminology as well as chapters focussing on specific issues including media representation. A particularly enlightening chapter describes everyday experiences of crime and criminal justice. It takes a diary of an ordinary day and illustrates the ways in which we all encounter the representations and reality of crime and criminal justice, whether that be the increasing securitisation of public spaces, media coverage and also criminal chic used in fashion and advertising. The book also addresses research approaches that can draw out the cultural aspects of criminology, particularly qualitative approaches such as ethnography. Each chapter ends with a helpful section that recommends books, articles and websites, but also films and documentaries that reflect the themes, an excellent resource that rightly illustrates how popular culture is a site in which criminology is enacted.

I read this book at the same time as reading legal journalist,

Jeffrey Toobin's account of the OJ Simpson trial.³ At the time, the trial was an event of seemingly unprecedented intensity, a bewitching confluence of celebrity and crime. The apparently insatiable appetite for the trial generated huge media coverage. The fact that the trial was broadcast and participants spoke openly to the press simply fuelled the obsession. This also played out in the courtroom, with theatrical gestures by lawyers seeming to be aimed at viewers as much as the jury, most notoriously when Simpson was asked to try on the gloves found at the murder scene. Toobin's account also shows how the lawyers and judges responded to media coverage on a personal and professional level, becoming acutely conscious of their own media image. The trial took on an almost unreal quality, as if it was a vast and unfolding entertainment rather than being concerned with a brutal double murder. At the same time, the trial became embroiled with social problems that went beyond the events themselves, raising public issues about gender, including domestic violence and the problematizing of female behaviour, issues of race, in particular regarding the discrimination in the criminal justice system, and issues of wealth and power, including whether those with resources could avoid accountability for their actions. Following Simpson's acquittal many of the lawyers, witnesses and jurors went on to write books, benefiting from lucrative publishing deals, and move on to successful media careers. The trial has now, itself taken on a mythical status, recently being successfully recreated as a fictional

1. Moore, A. (1988) *V for Vendetta* New York: Vertigo.

2. *V for Vendetta* Dir. James McTeigue (USA, 2006).

3. Toobin, J. (2015) *The run of his life: The People v OJ Simpson* London: Random House.

television show⁴ featuring high profile stars, marking the final transition of real deaths into a commercial, entertainment product. This is only the most high profile example of the relevance of cultural criminology and the entangled relationship between representation and reality.

Critical Criminology is an outstanding book that is essential reading to anyone concerned with issues of culture, whether that be the behaviour of groups, popular representation, or the construction of social values.

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Book Review

The Justice Women: The Female Presence in the Criminal Justice System 1800–1970

By Stephen Wade

Publisher: Pen & Sword History (2015)

ISBN: 978 1 47384 365 3

(paperback)

Price: £12.99 (paperback)

In *The Justice Women: The Female Presence in the Criminal Justice System 1800–1970*, Stephen Wade explores the challenges faced by women, in gaining professional status in the criminal justice system. He traces the introduction of women to a number of professional roles within the British criminal justice process; from voluntary, unpaid work through to professional status, whilst highlighting the struggle these women faced against gender inequality and discrimination. As professional roles within the criminal justice system, like many other professions had simply not been accessible to women until the First World War, and then the

implementation of the Sex Disqualification (Removal) Act 1919, this book reflects not only the rise of women within this field but arguably the rise of women more broadly within British society.

Stephen Wade is a historian of crime and law, and author of predominantly non-fiction books; he has spent time 'writing as a worker in prisons,' and is a part time lecturer at the University of Hull. He begins this book by exploring how through women working in voluntary and unpaid roles within the criminal justice system, women's interest in this type of work was highlighted (Chapter One), before continuing with an insight into the gender related battles women faced as law students and lawyers (Chapter Two). The book is structured in such a way that each chapter is devoted to a profession; professions which include policewomen, jurors and magistrates and prison officers and the lesser known roles of the probation officers, lady detectives and sheriffs, Lord Lieutenants and coroners.

By drawing on a diverse spectrum of roles, this book encapsulates the social history of the Criminal Justice System, through the biographies of women who contributed in part to its reform; describing both the challenges and the battles women faced as they entered the legal and law related professions within a male dominated institution. In doing so, Wade brings the social history of the criminal justice system to life, when he describes the women who experienced the battles of discrimination and inequality. By drawing on the biography of Sybil Campbell for example the, 'first woman judge in a full time capacity, being appointed and serving as a magistrate at Tower Bridge in 1945;' (p34) Wade describes the objections she faced and in particular the

'questions that were asked regarding whether a woman was a fit person to do such work,' (p35). By interweaving the biographies of women, throughout the book, who experienced the battle to enter the legal profession, with developments within the social history of the legal system, Wade depicts the on-going struggle confronting these women through their own eyes, relating to first-hand accounts and experiences. Crucially whilst Wade acknowledges that a tremendous amount of progress has been made during the period on which this book covers, he also acknowledges that he is, 'astonished that more progress has not been made' (p147).

This book is well researched, as Wade draws on a broad range of biographies from both the Old Bailey and provincial sources. For example, the matron's journal at Lincoln Castle Prison dated October 1868, describes the care given to a particular prisoner with a baby whilst awaiting execution, (p75) however as Wade acknowledges, such sources are fundamental to the insight of fact, but fail to provide a crucial insight into the emotional struggles such women working within the criminal justice system undoubtedly encountered.

During his introduction, Wade describes that a woman's place in the 'legal system up to the turn of the nineteenth century had been limited to prison matrons and wardresses,'(pviii) and in doing so, disappointingly fails to acknowledge the crucial role of the jury of matrons. The jury of matrons were called upon by the court in a number of instances, but primarily in cases to establish whether a woman was, 'quick with child' in women who had pleaded their belly, whilst facing a capital punishment. However, this does not detract from the fact that the book presents a thorough representation of women's experiences within the criminal

4. *American crime story: The People V OJ Simpson* (US, 2016).

justice system in gaining professional status.

This book provides a refreshing perspective on the developments of the criminal justice process from the viewpoint of women, who experienced the challenges and battles of entering a male dominated profession. Overall this book demonstrates a thorough insight into these issues through the diverse spectrum of professions, and the personal challenges the women faced in gaining professional status within the British criminal justice system. The style of this book allows an inter-connectedness between events in social history and the biographies of women, bringing history to life, making it an ideal read for students.

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Book Review

The Monster of Myra Hindley

By Nina Wilde

Publisher: Waterside Press (2016)

ISBN: 978-1-909976-34-4

(paperback)

Price: £19.95 (paperback)

The subject of this book, Myra Hindley, needs no introduction. Even though she has been dead for 14 years she is still, aside from perhaps Rosemary West, one of the best known female offenders in England and Wales. Charged and convicted with Ian Brady for the murder of five children, she served 36 years in custody. The fact that she did serve such a long period in custody and is still characterised as one of 'the UK's most notorious serial killers' (p.17) is the focus of this book. The author, Nina Wilde, describes herself as 'a very close friend' (p.17). They first met in Cookham Wood Prison when Wilde was conducting research

there in 1993 and their friendship continued until Hindley's death through subsequent visits and letters. Over this time Wilde got to know Hindley well and the book is an attempt, I think, to show the reader perhaps a different side to Hindley than has previously been expressed. This is also done through the publication of letter extracts which over the years Hindley had sent to Wilde.

The crux of the book is to show the unfairness which Hindley suffered at the hands of the state. Hindley was the first female to be convicted of murder following the abolition of the death penalty in England and Wales. Despite this, the mood and temper of the country was still punitive, especially when it came to a child killer, which is why the media throughout her lifetime painted her as the 'most hated woman in Britain' (p.100). At the time that Hindley was sentenced to life, the period of time which she had to serve was imposed by the Home Secretary and it was not until 1982 that a minimum sentence of 25 years was suggested for her. By this stage she had already served 16 years and had been refused parole once. In 1985 the Local Prison Review Committee recommended that Hindley was suitable for release, but her parole was knocked back by the then Home Secretary, Leon Brittan, who imposed a provisional tariff of 30 years. This was further extended to a whole life tariff in 1990 by the then Home Secretary David Waddington. Throughout her time in prison and up until her death she tried to challenge this whole life tariff, taking her case to the Court of Appeal in 1997 and the House of Lords in 2000. Ten days after Hindley died, on 25 November 2002, the House of Lords ruled that the Home Secretary could no longer set the tariff for life sentenced prisoners and that it should be a matter which rests with the judiciary.

The book has two main arguments. Hindley was treated as she was first because she was a woman and consequently what she did was worse because she was a woman. Second the unfairness she experienced was because the press would not leave her alone and continually brought up the story and the evil nature of her character. In most press articles the same photograph of her was used—platinum blond—when in actual fact Hindley spent most of her life as a brunette. The author claims that in the 1990s 'any tabloid editor could have told you that he could guarantee sales by putting one of two women on the front page: the other was Her Royal Highness Diana, Princess of Wales' (p. 101). This is therefore a good example of how much influence the media and the press can have on political decisions.

In terms of these arguments I think Wilde is right on both counts. Interestingly she cites examples of other female killers who were not given the same notoriety as Hindley and who frankly I had not heard of. Again this shows how it was the press which was the largest contributor in this story. Despite agreeing with the main arguments in the book I felt that the author wanted me to feel some level of pity for Hindley. She continually reminds the reader that Hindley did not actually kill any of the children and that she was convicted for being an accomplice of Brady. I didn't feel this pity, but nor did I react to the arguments with dismay (p. 17). Overall the book is written well and makes the above arguments well. It thus serves as a reminder that tariff decisions on life imprisonment should be decided upon by the judiciary and that they should be carried out without political bias or influence.

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Book Review

Josie

By Catherine Trimby

Publisher: Youcaxton publications
(2016)

ISBN: 978-19111-753-08
(paperback)

Price: £10.00 (paperback)

Dissimilar to most books which are reviewed in the *Prison Service Journal*, *Josie* is a fictional novel. I decided to include it in the review pile partly because the subject matter of the book focuses on Josie's time at a women's prison and also because the author, Catherine Trimby, served as a magistrate in Shropshire for 34 years and is now a member of the Independent Monitoring Board for a women's prison.

The book opens with Josie being transported to prison having been sentenced for her criminal offence. At this stage of the book we don't know anything about her or the fact that she is an offender, just the experience of being transported in, what is often referred to as the sweat box. We soon learn the context and then follow Josie through her first evening and morning at Edgehill Prison. The book then sets the scene. Josie is a 'quiet and timid thirty-two-year old' (back cover) who lives alone and is involved in an operatic society. One of the society's members, Mike, pays her unwanted attention and one night on a ruse gets Josie to come back to his flat. Mike makes unwanted advances to her and through panic Josie forgets to put on her lights when driving away. She hits and kills a man and is later charged with death by careless driving. She is sentenced to a custodial sentence.

Chapter 13 onwards then describes Josie's life in custody. We are told about the detailed induction programme, her bedroom, her house (wing), the group of friends she begins to make, her time working in the gardens and her involvement

with a choir. The book also highlights her appointments with her probation/reintegration officer and the conversations which they have in order to get Josie to start taking responsibility for causing the death of a young man. This involves contact with the victim's mother and also Josie replying to this letter. The experiences are not all positive: she is involved in a small incident in the queue for dinner in her first few weeks in prison, she is involved in a hostage incident and she also sees one of her friends self-harm.

Overall I did enjoy the book. It was well written and I did want to find out what happened to Josie but in truth I did find it a little tame. I have never been inside a women's prison so do not know what the reality of a women's prison is like, but having read some of the academic literature and watched documentaries I didn't feel this book painted that realistic a picture. Despite including the incidents of self-harm and being taken a hostage and also touching on other issues such as the women missing their children, drug abuse, low education levels and post-conviction employment; none of these were really dealt with in any meaningful way and thus could have been much stronger. This could have been a way in which to get some important messages out to people about why women shouldn't be held in existing custodial institutions. Nevertheless as a novel, it was an interesting read.

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Book Review

Regulating Judges: Beyond Independence and Accountability

Ed. Richard Devlin & Adam Dodek

Edward Elgar 2016

ISBN 978 1 78643 078 6

Price: £105

This book considers the regulation of judges in 19 countries, including England and Wales. It proposes a new approach to analysing judicial regulation, which has traditionally been discussed only in terms of the twin necessities for judges to be independent and for them to be accountable. The book also provides a critique of regulation conceived merely as a process of setting, monitoring and enforcing rules or standards. Although this is not part of its design, the book may also help shed light upon the regulation of other aspects of social, economic and governmental activity, which the body of literature which has grown up alongside it often terms the 'regulated State'. This book adds to that literature and helpfully makes many references to it.

The importance of judicial regulation has long been recognised as a fundamental constitutional and philosophical issue (the question Plato asked in the *Republic* about how those who had power were to be controlled is of enduring significance). Judicial regulation is also topical given the scrutiny the senior judiciary in England and Wales have come under about whether the executive or the legislature can trigger Article 50 of the Lisbon Treaty to set in motion the UK's departure from the European Union. In November 2016 three judges in the Court of Appeal ruled unanimously that Ministers exercising the Royal Prerogative could not trigger Article 50 and that Parliament must formally empower them; and in January 2017 the Supreme Court upheld that decision, albeit with four of the 11 judges dissenting. The media coverage of those judgments, particularly the first (with the *ad hominem* attacks three tabloid newspapers made against the Appeal Court judges), has thrown into sharper relief issues relating to the accountability of judges (and indeed the media) as well as highlighting the tensions in the

relationship between the legislative, the executive and the judicial functions of the constitution.

The more sophisticated model this book proposes provides an interesting means of understanding and framing debates about such current issues. In the first of its 20 essays, each of which is written by separate authors all of whom are senior academics, the editors (Canadian professors of law) set out their new approach. Instead of conceiving the regulation of judges as a calibration of independence balanced against accountability, the editors set out a 'regulatory pyramid' of four features: values, processes, resources and outcomes. These are 'four variables that are potentially helpful for a description or analysis ... of all the multiple actors involved in the operationalization of a judicial system' (p. 4).

The six 'values'—impartiality, independence, accountability, representativeness, transparency and efficiency—provide the base of the pyramid. The 'processes' side of the pyramid (which includes recruitment, training, complaints, the appellate mechanism and performance evaluation) recognises how critical the administrative framework of a judicial system can be. It is argued, for example, that the 'recruitment and appointment processes are perhaps the most powerful regulatory instruments' (p. 18). Post-appointment the independence of the judiciary often leaves regulation to the appellate case-focused process and disciplinary arrangements which apply only by exception when judges behave improperly.

The importance of the 'resources' side of the pyramid was illustrated by comments made by Lord Neuberger and Lady Hale (respectively, the President and Deputy President of the UK Supreme Court) when appearing before the House of Lords Constitution Select Committee in

March 2017. The terms and conditions under which judges are appointed; the number of judges for which resources are made available; and the support they receive (including the physical and IT infrastructure) have a bearing on efficiency and effectiveness (efficiency being important for, as the old adage has it, 'justice delayed is justice denied'). In England and Wales there are currently concerns about the difficulty filling judicial vacancies because terms and conditions aren't attractive enough. The fourth aspect of the pyramid, 'outcomes' is a consideration of public confidence in the judiciary. Several of the essays consider the role the media plays in communicating this.

This new approach involves a more sophisticated assessment than balancing independence and accountability does alone. However, the editors recognise that it cannot provide a hard and fast yardstick. Accordingly, they qualify their approach by acknowledging the inherent complexity and diversity (or hybridity as the editors term it) of regulation; and by the need to contextualise its analysis, and appreciate the fluidity of context. These help explain variations of interpretation, particularly when applying the model internationally, which is the substance of the book. In the book's other 19 essays, different authors apply the 'pyramid' approach to considering judicial regulation in different countries including China, Croatia, Russia, the USA, Malaysia, Germany, South Africa and England & Wales.

Diverse though the countries whose judiciaries are considered, it is interesting to see common themes. For example, the introduction of a complaints and disciplinary process has proved a 'fertile domain' (p. 41) for reforms in many countries including Canada, India, Italy, South Africa as

well as England & Wales. By contrast where complaints systems are not formalised, accountability it is argued is less robust, as the essay on judicial regulation in Australia illustrates, which also criticises the lack of transparency in the system for appointing judges. It is also interesting, *apropos* the need to understand the judicial system in context, to note that the significance of impartiality as a value is subordinated to other political and social norms in China, Italy, Japan and Russia.

The essay on the Chinese judiciary highlights the fundamentally different set of values which underpin Chinese society. The very deep and longstanding cultural preferences in China for the harmonious resolution of disputes are reflected in the distrust of litigation to resolve them. This contrasts dramatically to the litigious nature of dispute resolution in Western democracies, notwithstanding efforts to replace some openly adversarial conflict with mediation. Perhaps the largest theme to emerge is that a healthy relationship between the regulated and the regulator involves tension. Should that relationship be 'comfortable' (that is, with everything going swimmingly) there is probably something deeply wrong. This isn't to suggest that regulation necessarily involves an adversarial set of relationships. Indeed, the editors argue that their pyramid approach is in part recognition that regulation needs to be understood and conducted not as a command/control relationship but more collaboratively; and, like all good partnerships, needs constant attention.

Some may regard the consideration of regulatory issues as like counting how many angels can dance on the head of a pin. Like all areas of study there is a risk of self-absorption and the marginalising of relevance. In addition to the insights into the

judicial function the book provides, its novel approach may also offer a way of considering current issues related to prisons. Regulated by the statutory instrument of Prison Rules and the instructions and managerial arrangements that flow from them, the pyramid model may enable interesting reflections on the role and discretion (or 'autonomy' in current parlance) of governors. It may also help interpret the

changes to the prison service as an organisation. From being truly an 'arm's length' body in 1990s (when the Director General of the Prison Service answered Parliamentary Questions), today NOMS (the name has disappeared) is being folded into the Ministry of Justice as another Directorate.

In short, this an interesting book. One of its principal achievements, as Justice Richard Goldstone (who served on the

Constitutional Court of South Africa 1994–2002 and who was Chief Prosecutor for the International Criminal Tribunal for the former Yugoslavia and Rwanda) notes is its contribution to comparative jurisprudence: to understand one's own judicial system one needs to examine others.

William Payne was a prison governor and worked elsewhere in NOMS before retiring.