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The Modern Prison in a 'Fear-Haunted World'[1]

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Introduction

….history… can help to pierce through the rhetoric that ceaselessly presents the further consolidation of carceral power as a 'reform'. As much as anything else, it is this suffocating vision of the past that legitimizes the abuses of the present and seeks to adjust us to the cruelties of the future.[2]

The first edition of the 'new' *Prison Service Journal* was published in January 1971. This was the year of the Attica prison revolt. Forty three people, mainly prisoners, were shot dead when America's National Guard stormed the prison. As a result of the state's brutal intervention, many others were 'left maimed, tortured and scarred…..[a] list too long to recount here'.[3] The devastating events at Attica had a profound, radicalising impact on the emerging prisoners' rights movement in the UK and on the first, and so far, only strike by prisoners in August 1972.[4] In this tumultuous period, two other key events transpired.

First, within academia, criminology moved in a new, radical direction. The emergence of critical criminology meant that the discipline was no longer seen as a neutral, value-free subject which objectively analysed crime trends, and the allegedly benevolent response by the state to these trends. Rather, it was understood as part of an interlocking network of power, which, despite the contradictions, contingencies and contestations within this network, legitimated and reinforced the reproduction of a deeply divided social order. Critical criminologists conceptualised the state as a contradictory but coercive set of institutions based on the threat and use of violence when common sense discourses, and the wider consensus, began to disintegrate.

This development was important because central to the reform discourse was the emphasis on the neutrality of the value-free expert who had no political or ideological axe to grind. Critical criminologists highlighted the fallacy of this argument and demonstrated the role of experts in reinforcing power relationships within and without the criminal justice system. Criminological experts, like the rest of the human sciences, operating, according to Michel Foucault, as 'judges of normality'[5], were integral to this exercise of power. In the case of the prison medical service, this had devastating consequences for prisoners over the previous 150 years.[6] In other institutions, expert interventions had equally devastating consequences for individuals who had not broken any laws but who were, nonetheless, punished for their aberrant behaviour.

The coruscating punishment of 'deviant' women provided a poignant example of this point. In asylums, the systemic rape of women labelled as spinsters to 'normalise' them sexually, and the electro convulsive 'therapy', and the lobotomies enforced on depressed women detained in hospitals, brutally exposed the bogus claims made by allegedly neutral experts that they, and the knowledge they generated, were benevolently independent of the exercise of state power, in these cases, the exercise of misogynistic, patriarchal power.[7]

Second, the emergence of radical prisoners' rights organisations — the National Prisoners Movement (PROP), Radical Alternatives to Prison (RAP) and Women in Prison (WIP) — supported by critical criminologists, followed a similar critical trajectory.[8] Again Foucault was crucial here. He pointed to the critiques of the prison that had been made since the early nineteenth century.[9] Over a century later, the same critiques were being

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1. This is a term used by H.G. Wells in his book *The Dream* cited in Lynskey, D. (2019) *The Ministry of Truth: A Biography of George Orwell's 1984* London: Picador p.73.
2. Ignatieff, M. (1978) A *Just Measure of Pain* Basingstoke: Macmillan p. 220.
3. Thompson, H. A. (2016) *Blood in the Water: The Attica Prison Uprising of 1971 and its Legacy* New York: Pantheon Books (Front piece).
4. Fitzgerald, M. (1977) *Prisoners in Revolt* Penguin: Harmondsworth.
5. Foucault, M. (1979) *Discipline and Punish: The Birth of the Prison* Peregrine: Harmondsworth p. 304.
6. Sim, J. (1990) *Medical Power in Prisons* Stony Stratford: Open University Press.
7. Showalter, E. (1987) *The Female Malady* London: Virago; Ussher, J. (1991) *Women's Madness: Misogyny or Mental Illness?* London: Harvester Wheatsheaf.
8. Sim, J; Scraton, P. and Gordon, P. (1987) 'Introduction, Crime, the State and Critical Analysis' in Scraton, P. (ed) *Law, Order and the Authoritarian State: Readings in Critical Criminology* Stony Stratford: Open University Press.
9. Foucault, M. (1977). see n. 5.

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made in the 1970s — and indeed beyond. And yet reforms were largely unsuccessful, they were incorporated into the prison's subjugating apparatus of power, prisons persisted, and their number expanded, as liberals strove to find the golden fleece of reform which would 'solve' the problem of recidivism and construct a prison system that 'worked.' Why, Foucault asked, did the prison remain central to the criminal justice system when, on its own terms, it had palpably failed for nearly two centuries? The answer was clear; the prison did work. It reproduced a narrowly defined, identifiable criminal class which generated an expanding, self-justifying and self-referential industry of state agents, private interests, professional groups and institutions designed to categorise, control and contain this class.[10] For PROP, RAP and WIP, state agents, despite some honourable exceptions, and the institutions within which they worked, were concerned not with rehabilitation, whatever the official discourse maintained, but with the conscious and unconscious, intended and unintended reproduction of a criminal class and the punishment of that class both as a group and as individuals.

These organisations, operating from an abolitionist theoretical, political and strategic position, were scathing about the capacity of liberal reformers to magically develop the 'perfect' prison. Instead, the system required radical transformation. The politics of the prison, operating as a state institution in a grossly unequal society, needed to be exposed, recognised and ultimately abolished. The institution operated at the sharp end of the needle of state power which, in combination with the criminalisation of the behaviour and activities of the poor, supported by equally regressive, formal and informal policing strategies outside of the institution, meant that it was those on the political and economic margins of the society who were incarcerated.

The powerful, on the other hand, who engaged in activities which, in many ways, were more destructive and harmful to the wider society, were rarely, if ever, policed, prosecuted and punished for their crimes and misdemeanours. This covered behaviour from domestic

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violence to state assassinations. Prisons were warehouses for the poor and the powerless while a culture of immunity and impunity protected the powerful. In other words, 'the rich get richer, and the poor get prison.' [11] Breaking the Gordian knot which bogusly linked the prison to a rise or fall in the crime rate was an 'illusion of the epoch.'[12] As Brett Story has noted, 'reform efforts that treat the prison as merely a place, narrowly indexed to the metrics of punishment, offer little insight into or promise for a truly decarcerated future.'[13]

This history of the prison will be familiar to, and perhaps rejected by, many. However, prison familiarity should not breed political contempt. In fact, quite the reverse. It is a history that is worth repeating, indeed *needs* repeating. This story, over the last 50 years, has been effectively ignored by politicians of *whatever* political party and persuasion and by liberal academics. Their hypocritical and egregious failure to recognise the prison's abject failure to live up to its own rhetoric, never mind the condescending and patronising attitude that often accompanies this failure, is a powerful example of what Henri Giroux has called the 'disimagination machine'[14] operating through the education system (and to which could be added traditional and social media outlets) to restrict and close down informed debate about social issues.

Criminality and Social Harm

Making the point that it is overwhelmingly the poor, the unemployed, the sexually abused, the poorly educated and those with drug and alcohol problems who have been criminalised since the birth of the prison should *not* be seen as defending, condoning or idealising conventional criminality. However, what *has* become clear over the last fifty years is that politicians, having no answers to the complexities surrounding conventional crime in terms of the relationship between individual agency and social structure, and the lamentable failure of their law and order policies to deal with these crimes, have responded to *any* criticisms of

10. ibid
11. Reiman, J. (2006) *The Rich Get Richer, The Poor Get Prison* London: Pearson.
12. This phrase was coined by the sociologist Erik Olin Wright about America's claim that it had overcome the major issues confronting the world in the 1970s. It also seems highly applicable to the claims being made about prisons. See Burawoy, M. (2020) 'A Tale of Two Marxisms: Remembering Erik Olin Wright (1947-2019)' in *New Left Review*, 121, Jan/Feb 2020 p 67.
13. Story, B. (2019) *Prison Land: Mapping Carceral Power Across Neoliberal America* Minneapolis: University of Minnesota Press p. 22.
14. Giroux, H.A. (2013) *The Politics of Disimagination and the Pathologies of Power* https://truthout.org/articles/the-politics-of-disimagination-and-the-pathologies-of-power/ Accessed 25 March 2020.

their policies through mobilising an insidious and perfidious discourse namely that their critics are pro-crime and anti-victim.

This offensive caricature is based on morally vacuous sloganeering. It is underpinned by breath-taking hypocrisy which legitimates this caricature. Together, these discourses have mystified a key issue. In practice, it has been different governments over the last five decades which have been pro-crime in terms of their lackadaisical attitudes towards, and lack of response to, white collar, corporate and state crime. And it is *they* who have been anti-victim, in terms of their deplorable response to domestic and sexual violence.[15] What is required is moving from a fixation on conventional crime (without underestimating its impact) to considering the impact of socially harmful activities including:

income tax avoidance and evasion, which even on the Government's own 'laughable' estimate now stands at a record £35 billion per annum,,,the 36,000 deaths each year which the Government links to air pollution in the UK in its recently revised downwards estimate…the 50,000 work related deaths which occur year in, year out in one of the wealthiest economies in the world. The cultures of immunity and impunity which allows the rich and powerful to engage in routine criminal activity will continue to be encouraged [after the General Election]: programmes of deregulation and non-enforcement of law against businesses have been institutionalised since 2010 to the point where, for example, there are no officers to enforce law in some local authority areas, where some regulation has been privatised, and where prosecution in some areas are now non-existent.[16]

Furthermore, the state's response to crime in the world of the public has been narrowly focussed. It is indisputable that deaths from knife crime have a

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devastating and traumatic impact on families, friends and communities. However, there are other crimes in the public which do not receive the same attention. Hate crimes increased to 103,379 in 2018/19 from 42,255 in 2012/13. There is still little concern, about the impact of these crimes on the families, friends and communities of *these* victims. Additionally, in the year up to June 2019, the police recorded nearly 59,000 rapes and over 163,000 sexual offences, the highest volume since the introduction of the National Crime Recording Standard in 2002.[17] Then there is the question of crimes in the world of the private. In the year ending June 2019, over one-third of offences involving violence against the person were domestic-abuse related. According to Women's Aid, in the year up to March 2018, 1.3 million women experienced some form of domestic abuse while nearly 5 million aged between 16 and 59 had experienced similar abuse since the age of 16.[18]

Academically, it could be argued that critical criminologists have won the debate about crime over the last five decades. The idea that criminality is the prerogative of a small group living on the margins of the society is clearly indefensible given the arguments above and the surveys which have revealed the pervasiveness of law-breaking in this and other countries. Allied to this, the social harms generated by those in power — from state crime and white collar criminality through to environmental destruction all of which directly and indirectly cause death, mayhem and destruction — raise profound questions about how danger is defined, who are the dangerous and how it is not necessary for the narrowly defined, legalistic notion of intent to be present for death to occur. Systemic indifference also kills.[19] Therefore, the narrow, legal parameters around which intent is framed, and crime is prosecuted, needs to be radically reconceptualised and changed.[20]

Any yet, in the world of politics, and in popular culture, the stench of hypocrisy endures in that it is still those who are often-ignominiously processed through the criminal justice system each year, in increasingly

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15. This was first published in a blog. See Sim, J. (2019)) *'Bad Moon Rising': Criminal Justice after the Election* https://ccseljmu.wordpress.com/2019/12/19/bad-moon-rising-criminal-justice-after-the-election/
16. Sim, J. and Tombs, S. (2019) *The Johnson Government: Working for the Brexit Clampdown* https://ccseljmu.wordpress.com/2019/08/19/the-johnson-government-working-for-the-brexit-clampdown/
17. See n. 15.
18. Women's Aid (no date) *How common is domestic abuse?* https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/how-common-is-domestic-abuse/ Accessed 2nd March 2020.
19. Reiman (2006) see n. 11.
20. Tombs, S. and Whyte, D. (2015) *The Corporate Criminal* London: Routledge pp. 87-9.

racialized numbers, who are regarded as the 'real' criminals. As Thomas Mathiesen maintained nearly 50 years ago, the prison not only distracts attention away from crimes of the powerful but it constructs a symbolic divide between us on the outside — the good — and those in the inside — the bad.[21] Ideologically, in 2020, that binary divide still resonates and remains deeply embedded in political and popular consciousness despite the evidence to the contrary in relation to the nature and extent of crime, and the harms caused by the powerful.

Therefore, before thinking about transforming prisons, the nature and extent of crime, and the devastating impact of socially harmful activities instituted and carried out by the powerful, should be the starting point if serious progress is to be made. To do otherwise means simply reproducing the narrow, ideological, common-sense understanding of crime on which the prison, like Mount Everest, has stood, implacable to the storm of critique it has faced.

The Present Moment

This article was written in the run-up to the thirtieth anniversary of the Strangeways disturbance. Although the demonstration was seen as a seismic wake-up call for the state and successive governments in 1990, thirty years on what are we to make of the current penal moment? There are three issues I want to briefly highlight here.

First, there is the ongoing issue of prison conditions. Throughout 2018 and 2019, reports by HM Chief Inspector of Prisons — hardly a fully paid-up member of the nest of Marxist vipers which politicians use to slur their critics — painted a damming picture of male, local prisons in particular which could easily have been describing Strangeways three decades ago: appalling conditions, the normalisation of systemic indifference, the unofficial and often undocumented use of punishment and force, the desperate lack of safety, the dismissal of prisoners' concerns and feelings, the differentially negative experiences of black and minority ethnic groups, the

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failure to rehabilitate and the lack of democratic accountability. The Chief Inspector's description of the brutal conditions in Birmingham prison crystalized the nature of the current crisis inside:

> *Communal areas in most wings were filthy. Rubbish had accumulated and had not been removed. There were widespread problems with insects, including cockroaches, as well as rats and other vermin. We saw evidence of bodily fluids left unattended, including blood and vomit. I saw a shower area where there was bloodstained clothing and a pool of blood that apparently had been there for two days next to numerous rat droppings. Many cells were cramped, poorly equipped and had damaged flooring or plasterwork. Most toilets were poorly screened, many were leaking and we saw cells with exposed electrics.[22]*

Second, there is the question of prison safety. Many prisons often fail to live up to their duty of care towards prisoners given the acute and indefensible levels of self-harm and deaths inside. The Chief Inspector has pointed to the 'staggering' decline in safety in youth prisons which was so bad no institution for young offenders or secure training inspected in early 2017 was safe.[23] Central to the concern around the lack of safety has been, and continues to be, the state of prison health care. Recent accounts from inside the state,[24] as well as from ex-prisoners,[25] have described, in withering detail, the lack of medical care, the systemic indifference towards prisoners and the lack of managerial coordination in Wormwood Scrubs and Wandsworth which, together, were, and are, deadly for the psychological and physical health of prisoners. Even getting a hospital appointment was problematic: 'I knew *as always*, that I would have a battle on my hands to arrange for his admission to hospital'.[26] For Chris Atkins, who served part of this sentence in Wandsworth, '[p]rison health care is straight out of the

21. Mathiesen, T. (1974) *The Politics of Abolition* London: Martin Robertson.
22. Sim, J. (2018) *Beyond Redemption: The Barbarism of Birmingham Prison* https://ccseljmu.wordpress.com/2018/09/18/beyond-redemption-the-barbarism-of-birmingham-prison/
23. https://www.theguardian.com/society/2017/jul/18/youth-jails-staggering-decline-standards-england-wales-peter-clarke-prisons-inspector-report Accessed 29th February 2020.
24. Brown, A. (2019) *The Prison Doctor* London: HQ.
25. Atkins, C. (2020) *A Bit of a Stretch: The Diaries of a Prisoner* London: Atlantic Books.
26. Brown (2019). see n. 24 p. 182.

Middle Ages. It wouldn't have been out of place if they had started dispensing leeches'. [27]

In February, 2018, the preventable death of Osvaldas Pagirys crystalized the issue of safety even further, this time in relation to deaths in custody. Deborah Coles, the Director of the charity INQUEST, said that Osvaldas had been regarded as a:

> *discipline and control problem not only by the prison itself, but by the systems which needlessly sent him there. It is simply not good enough for the prison and ministers to repeat the empty phrase that lessons will or have been learned. This death is a matter of national shame.....[t]he response must be one which ensures there is accountability for those responsible, and lasting systemic change.[28]*

Safety was compromised in other institutions. In March 2020, the inquest into the death of Prince Kwabena Fosu at Harmondsworth Immigration Removal Centre found that the the 'medical cause was sudden death following hypothermia, dehydration and malnourishment in someone with a psychotic illness'. Even though he was purportedly checked four times an hour, these checks:

> *showed no positive evidence that Prince had eaten, drunk or slept and that he was naked. Both detention and medical staff recorded this, and that Prince was often lying on the cold concrete floor, in unsanitary conditions, behaving 'bizarrely', not communicating with anyone and with no bedding or mattress. His bedding had been removed on the first day leaving him with nothing soft to sit or lie on and there was nothing else in his room save for it being smeared with his own faeces, urine and food debris. Even so, four GPs, two nurses, two Home Office contract monitors, three members of the Independent Monitoring Board and countless Detention Custody Officers and managers who visited him failed to take any meaningful steps.[29]*

The Ministry of Justice's data on the levels of self-harm inside further illustrates the problems around ensuring safety. In the year up to September 2019, there were 61,461 incidents of self-harm — approximately 168 each day, a record number, and an increase of 12 per cent from the previous year. This harm was also highly gendered. The rate for male prisoners was 633 incidents per 1000 men, a rise of 15 per cent over the year. In women's prisons, there were an astonishing 3007 incidents per 1000 women, 18 per cent up on the previous year.[30]

Over the last five decades, the dominant discourse around prison safety has focussed on the safety of prison officers, particularly in relation to assaults against them. However, the health and safety of prison staff is more likely to be compromised by a range of other issues. Musculoskeletal problems, sickness, stress, bullying by managers, anxiety and depression have also been found to contribute to days lost at work. In 1999, the National Audit Office (NAO) noted that sickness stemming from accidents at 5 per cent, and assaults at 2 per cent, 'represented a small proportion' of absences from work among staff. In 2004, the NAO also pointed out that between 1999 and 2003 the number of days lost at work as a result of depression, anxiety, stress and nervous debility rose from 116,744 to 178,625. The number of days lost as a result of accidents rose from 824 to 1201 while the number of days lost as a result of assaults increased from 397 to 693.[31] To be clear, this is not an argument for saying assaults on staff are unimportant, which again is contrary to the offensive caricature that critics of the prison system condone assaults. However, it is to say that there is a broader context for assaults on staff which concerns the prison *itself*. It is the prison environment — demoralising and dehumanising — which presents the greatest threat to

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27. Atkins (2020). see n.25 p. 296.
28. Coles cited in https://www.independent.co.uk/news/uk/home-news/prison-suicides-teenage-home-office-deaths-osvaldas-pagirys-mental-health-support-care-a8221656.html Accessed 2nd March 2020.
29. INQUEST (2020) *Jury concludes neglect and gross failures contributed to the death of Prince Fosu in immigration detention* London: INQUEST Press Release.
30. *Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to December 2019 Assaults and Self-harm to September 2020* /1https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861732/safety-in-custody-q3-2019.pdf Accessed 3 March 2020.
31. Scott, D. and Sim, J. (2018) *Prisons Dangerous for Whom?* https://ccseljmu.wordpress.com/2018/09/20/prisons-dangerous-for-whom/

the psychological, emotional and physical well-being of staff.[32]

Third, there is the issue of how the current crisis is being explained. Again, this is an issue that cuts across the last five decades. Here, the dominant discourse has focussed on the cuts to the prison service (and the wider criminal justice system). If the cuts were restored, so the argument goes, then the prison will be back to its 'normal' operational best. However, this argument again ignores history. The pre-cuts prison was not an institution based on rehabilitation or reform but was also a crisis-ridden site which delivered punishment and pain.[33] Otherwise, how can the crises that erupted throughout the 1970s, which culminated in the winter of 1978/9, or the Strangeways disturbance in 1990, be explained? These eruptions occurred in a system which was not experiencing cuts and which had a full complement of staff. The cuts, built on 'the violence of austerity',[34] have only intensified the problems which were already deeply embedded in the system. They have not caused them. To argue otherwise is to occupy a terrain which reinforces the model that has persisted for the last two centuries, and certainly since the 1970s, namely crisis/reform/crisis/reform. This model has gone nowhere politically or strategically in terms of offering sustainable solutions to the social problem that the prison has become. The depth of the crisis in 2020 is a terrible testimony to decades of failure to move beyond the crisis/reform/crisis/reform model.

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Eroding the Prison: The Question of Abolitionism

So far this article has critiqued the role of the prison reform movement in reproducing a failing system while remaining trapped within the dominant discourses around crime. In contrast, the argument in this paper supports abolishing prisons, and the criminal justice system, in their present form. Since its emergence, also in the 1970s, abolitionism has provided a clear and unambiguous critique of the politics of reform and the role of the prison reform lobby in reproducing, rather than challenging, the dominant discourses around the prison, and crime more generally.[35] However, there are also a number of issues for abolitionists, and critical penologists, to consider in the twenty first century.

First, there is the question of historical periodisation. Abolitionists, and critical penologists, have analysed the prison as integral to the authoritarian shift that took place in the 1970s, propelled forward and legitimated by the rise of the new right. This, in turn, led to the point where countries like America and the UK reached unprecedented levels of imprisonment.[36] And while there is much merit in this argument, the ideal typical binary which underpins this position — pre-1970s and post-1970s — misses a key point. Since their inception two hundred years ago, prisons have *always* been sites for punishing the poor and therefore what has transpired since the 1970s has been an intensification in punishment rather than a shift from an idealised moment of rehabilitation to a new moment of punishment.[37] This is important because having a longer historical perspective suggests some very different strategy interventions and policy conclusions compared with an analysis which focusses on relatively short-term historical trends.

Furthermore, in the UK, abolitionists have underestimated the contradictions and contingencies within the state. There have been a number of visionary initiatives which emerged in the 1960s and 1970s which have challenged the idea that prisoners are there simply to be punished. Rather, when committed staff recognise their dignity, treat them with empathy and support and when they are not subjected to the 'ethical loneliness'[38] that the prison engenders, then they can be fundamentally changed, even those who have been imprisoned for serious crimes. These examples — the Barlinnie Special Unit, Parkhurst C Wing and Grendon Underwood — have provided a very different vision to traditional law and order discourses and policies and directly challenge these discourses and policies. The key questions are: why have these initiatives either been

32. Ibid.
33. Sim, J. (2017) 'Austerity, Violence and Prisons' in Cooper, V. and Whyte, D. (eds) *The Violence of Austerity* London: Pluto
34. Cooper, V. and Whyte, D. (eds) (2017) *The Violence of Austerity* London: Pluto
35. Ryan, M. (1978) *The Acceptable Pressure Group* Farnborough: Saxon House
36. Garland, D. (2001) *The Culture of Control: Crime and Social order in Contemporary Society* Oxford: Oxford University Press; Wacquant, L. (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity* Durham: Duke University Press.
37. Sim, J. (2009) *Punishment and Prisons: Power and the Carceral State* London: Sage.
38. Stauffer, J. (2015) *Ethical Loneliness: The Injustice of Not Being Heard* New York: Columbia University Press.

closed down or not expanded and what have abolitionists had to say about them in terms of defending them? The answer is not very much. Therefore, abolitionists in the early 21st century should also be thinking about the contradictions within the state — it is not homogenous, speaking with one, instrumental voice. These examples provide a critical, alternative vision of confinement and stand in marked contrast to the baleful system that currently exists.[39]

The basis of abolitionist thought around health and safety also needs to be expanded. How should abolitionists (as well as liberal reformers and state agents) think about safety and protection in the twenty-first century? Prison safety tends to be analysed in isolation from debates about health, safety and protection across the social landscape. Therefore, what is required is a broader definition of health and safety built around a straightforward question:

> *[h]ow can we organize our communities to be safe? What should we do when various kinds of harm, with different kinds of needs, occur? What are the collective ways and forums in which we can pursue this work?*[40]

Thinking about health, safety and protection in prison in this way would connect deaths in custody with deaths in a range of social areas: due to gender-based, racist and homophobic violence; through austerity; in the workplace; through pollution; amongst the homeless; in NHS Foundation Trusts; and in infant mortality rates as a result of poverty:

> *Establishing these links, raises profound questions about the relationship between death, security and social harm [and] the state's abject failure to protect those who are often most in need….These deaths should not be treated as forms of individualised*

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abnormality but as a normal outcome of the state's failure to offer even a modicum of protection to those at the bottom of the ladder of inequality. It would also mean rejecting piecemeal reforms based on the abnormal characteristics of individual state servants.[41]

Finally, there is the question of democratic accountability. This is particularly relevant to prisons. The Chief Inspector of Prisons has consistently noted that many of the recommendations the Inspectorate has made have been systematically ignored by individual prisons, and by the state more generally. Therefore the question is: what would workable and effective structures of accountability look like, how can mechanisms of democratic control be implemented and how can the cultures of immunity and impunity referred to earlier, not just in prisons but again across the social landscape, be challenged, removed and replaced, so that *all* human beings, including prisoners, are protected and kept safe? This key issue has remained outside of abolitionist thought for fear of being seen as too reformist. However, according to Karl Marx, who is a key reference point for critical criminological and abolitionist thought, democratic accountability is a key building block towards radical social transformation.[42]

Despite these issues, the crux of the abolitionist position remains as clear as it was fifty years ago. In 2020, prisons, and the wider criminal justice system, continue to be corrosive sites for the 'churning'[43] of vast, increasingly racialised, numbers of the dispossessed, pauperised and destitute. The pliers of punishment, and the laser of criminalisation, reach deeply into their lives and have become normalised through an intertwined network of criminal justice and state welfare power, the intensification in punitive and degrading welfare state practices and the withdrawal

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39. Sim (2009). see n. 37.
40. Brown and Schept cited in Sim, J. (forthcoming) '"Help Me Please": Death and Self-Harm in Male Prisons in England and Wales' in Coyle, M. and Scott, D. (eds) *The International Handbook of Penal Abolition* London: Routledge.
41. ibid, emphasis in the original.
42. Sim, J. (2020) 'Challenging the desecration of the human spirit: An alternative criminological perspective on safety and self-inflicted deaths in prison' in Carlen, P. and Franca, L. A. (eds) *Justice Alternatives* London: Routledge.
43. Sawyer, W. and Wagner, P. (2019) *Mass Incarceration: The Whole Pie* https://www.prisonpolicy.org/reports/pie2019.html Accessed 8 April 2019

of the state from a range of protective welfare interventions. Together, they reinforce a vicious, lacerating circle of coercion and surveillance.[44]

Conclusion

This paper has discussed some key themes and issues that have been central to the debate about crime and prisons since the *Prison Service Journal* was first published. The ongoing tension around, and the intrinsic limitations of, liberal reform which have emerged over the last five decades, and indeed over the last two centuries, have been central to the analysis presented here.

What of the immediate future? Until the time of writing, it looked as bleak as ever for prisoners and for those committed prison staff trying to do a humane job in often intolerable physical and psychological conditions. The endless mantra of crisis/reform/crisis/reform, referred to above, remained central to political and state discourses. Even the new reforms that are being suggested should be treated with caution. Brett Story's warning from America is instructive:

> *……under the pretext of bipartisan prison reform, the capacities of the carceral state may be retrofitted for the current conjuncture, producing new spatial fixes for managing surplus life. Such findings are in keeping with the history of prison reform. Scholars have offered examples….of reform efforts that have failed to stem either the growth of or the increased racialization of U.S. prisons, in some cases having even engendered more austere and punitive conditions…….recent scholarship shows that reformist appeals to a more 'rehabilitative' approach to incarceration have actually helped to facilitate the building of more carceral spaces in the guise of 'justice campuses'…and 'gender responsive prisons'….[45]*

However, as in other social arenas, the desperate, unfinished impact of the coronavirus may have opened a window for developing alternatives to the neoliberal responses which have dominated the state's response to social issues since the 1970s. In prisons, this would include thinking about radical decarceration. At the time of writing, liberal and radical prisoners' rights organisations have called for the early release of different groups of prisoners in order to avoid a potential catastrophe inside.[46] This never happened. Even in the middle of a pandemic, which provided the perfect opportunity for a programme of decarceration, the prison remained, and remains, an impregnable force, deeply embedded in the politics of law and order, despite the institution's well-documented failures over the last two centuries. Even if it did happen, decarceration, etc.

a) **An immediate release of all those held in immigration detention centres,** in line with recommendations made in the British Medical Journal by key health professionals in the field.

b) **Relieving the pressures within [the] prison system** by closing child prisons Secure Training Centres and other facilities holding children) as soon as practicable.

c) **Prompt release into the community and relevant support services for women in prison,** alongside increased funding for women's centres and other specialist support services as a priority.

d) **Dramatic reduction of the population across the rest of the prison estate,** with consideration of options to release all those who safely and reasonably can be. This should be done with input from (and funding provided to) community and voluntary sector services providing support for people on release. Nobody should be released into destitution or poverty or faced with a lack of health and welfare support.[47]

As a start, implementing these proposals has the potential to overturn decades of failure and institute something radically different to what has gone before. Whether those in power have the desire, wisdom and imagination to recognise the failures of the past, and transcend them, remains extremely problematic. Turning possibilities into radical probabilities continues to be a difficult task given how power is distributed and exercised in the UK. However, not to seize this moment, and to simply continue down the iron road of punishment, is likely to mean that the 500th edition of the *Prison Service Journal* will be discussing the same issues and lamenting the same failures. To paraphrase Karl Marx, the history of the prison has repeated itself first as tragedy and second as more tragedy. Now is the time to bring the curtain down on this tragedy.

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44. Shammas, V. (2018) 'Superfluity and insecurity: Disciplining surplus populations in the Global North' in *Capital and Class* 42, 3 pp 411-418; Vegh Weis, V. (2017) *Marxism and Criminology: A History of Criminal Selectivity* Chicago: Haymarket Books.
45. Story (2019) see n. 13 p. 175, emphasis in the original.
46. Scott, D. and Sim, J. (2020) *Coronavirus and Prisons: the need for Radical Alternatives https://newsocialist.org.uk/coronavirus-and-prisons-need-radical-alternatives/*
47. INQUEST (2020) INQUEST BRIEFING ON COVID-19   Protecting people in places of custody and detention London: INQUEST p. 6, emphasis in the original.