

Coproducing Justice in Carceral Contexts: User Voice Prison Councils as a Model of Epistemic Participation.

Beth Weaver is Professor of Criminal and Social Justice in the School of Social Work and Social Policy, at the University of Strathclyde

Co-production, as a form of participatory governance manifesting (to different degrees) in democratic innovations is, essentially, a term for a particular type of relationship between services, service users and others, from which an inherently different way of 'doing' services emerges.¹ While it denotes a range of collaborative practices, in general, co-production has been defined as 'professionals and citizens making better use of each other's assets, resources and contributions to achieve better outcomes and/or improved efficiency'.² However, rather than focusing principally on their outcomes, the value of, and rationale for, co-productive approaches may be more normative than instrumental, and reside rather in their processes (on which the outcomes depend) to the extent that they represent a form of, and generate opportunities for, epistemic participation, by enabling differently situated but interdependent actors to forge new norms of interaction, new forms of knowing, and new ways of being and doing.

This paper draws on an analysis of the User Voice Prison Councils, as a case study, to explore the potential for such collaborative dialogic structures and practices of engagement as a vehicle for the pursuit and promotion of epistemic justice through epistemic participation. In what follows, this paper commences by elaborating theories of epistemic injustice, and epistemic participation, prior to providing an outline of the emergence and approach of the User Voice Prison Councils. Drawing on data from a wider mixed method study,³ commissioned by User Voice this paper

demonstrates how User Voice Prison Councils, in certain contexts, represent a means of epistemic inclusion and a source of, and resource for epistemic recognition. In so doing, it outlines a framework through which co-productive initiatives may be evaluated to the extent that they support epistemic participation.

Co-production and Epistemic Participation

Arnstein's ladder of participation is perhaps one of the most frequently cited typologies for evaluating participatory and co-productive practices and processes,⁴ but it is not without its critiques or limitations. In particular, as Tritter and Callum have observed, Arnstein's sole focus on the outcomes, and specifically the redistribution of power, undermines the potential of the process, by ignoring the existence of different and relevant forms of knowledge and expertise and conceptualising participation as 'a contest between two parties wrestling for control over a finite amount of power'.⁵ The authors suggest, rather, that the key contribution that non-professional participants make is asking questions that professionals have not considered, generating new insights into their experiential realities. Put simply, and in contrast to Arnstein's adversarial model, one of the core aims — and outcomes — of co-productive initiatives and participatory practices may be to 'break down barriers, share experience, and build understanding. This suggests not a hierarchy of knowledge — relevant professional versus irrelevant lay — but rather a complementarity between forms of knowing, set within a willingness to acknowledge differences',⁶ closely

1. Weaver, B. (2019). Coproduction, Governance and Practice: The Dynamics and Effects of User Voice Prison Councils. *Social Policy and Administration*, 53(2), 249-264.
2. Bovaird, T., & Loeffler, E. (2013). The Role of Coproduction for Better Health and Wellbeing. In E. Loeffler, G. M. Power, T. Bovaird, & F. Hine-Hughes. (2013). *Coproduction of Health and Wellbeing in Scotland*. Governance International.
3. Weaver (2019). See n.1
4. Arnstein, S. R. (1969). A Ladder of Citizen Participation. *Journal of the American Institute of Planners*, 35(4), 216-224.
5. Tritter, J. Q., & Callum, A. (2006). The Snakes and Ladders of User Involvement: Moving Beyond Arnstein. *Health Policy*, 76(2), 156-68.
6. Tritter & Callum (2006: 164). See n.5

resembling notions of epistemic participation and epistemic justice.⁷

Epistemic injustice refers to a particular type of injustice that an individual suffers in their 'capacity as knower' because of their social position and association with a specific social group.⁸ Fricker identifies two types of epistemic injustice: testimonial injustice and hermeneutical injustice. Testimonial injustice occurs when a person's testimony or knowledge is dismissed precisely because they belong to a particular social group; their credibility as a knowledge-bearer is discredited by the hearer 'because of the hearer's prejudice regarding the social group to which that person belongs'.⁹ Perhaps, for example, a prisoner witnesses an assault or other offence in prison, but the investigating prison officer dismisses their account because it is deemed to be unreliable precisely because they are a prisoner and they are deemed epistemically untrustworthy. Hermeneutical injustice occurs when an individual's social experience or interpretation of a phenomenon is wrongfully misunderstood because of their social group's unequal participation in, or marginalization from, the production of collective understandings of phenomena.¹⁰ Such injustices can be identified in professional interpretations of the meaning, effects or effectiveness of punishment which can be disconnected from the experiences of those subject

to it, precisely because this group are denied the opportunity to influence those understandings. Importantly, while such epistemic injustices can and do manifest in and through interpersonal interactions, they also operate at a systemic and institutional level, when subjugated groups routinely experience 'epistemic marginalization' manifest in the prejudicially-driven dismissal and disregard of their opinions, and experiences, and 'their exclusion from participation in

communicative exchange' because of their social position.^{11 12}

In a departure from Fricker's emphasis on testimony, K. Schmidt has reconceptualised epistemic injustice through a lens of participation in inquiry centred on the act of participation rather than testimony, and in so doing, shifts the focus from individuals and on to groups.¹³

'Rather than understanding epistemic injustice as a denial of one's capacity for testifying [and role as a knower and informant] an account of epistemic injustice can focus on denying an agent's capacity to participate in the social activity of inquiry. Agents can be wronged in a variety of ways when they are marginalised or excluded from this central epistemic activity due to prejudice'.¹⁴

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Epistemic injustice is conceptualised by K. Schmidt as a form of oppression, in that it happens to and is experienced by a social group, not just individuals, and is based on their subjugated status or social location, and results in their marginalisation or exclusion from participation in epistemic activities. Epistemic marginalisation in K. Schmidt's formulation then denotes exclusion from social epistemic practices because of discrimination and prejudice associated with, and attributed

to, their group membership.¹⁵ Understood through this lens, the pursuit of epistemic justice necessarily focuses on facilitating epistemic participation.

It is not difficult to find examples of epistemic injustice occurring through both criminological research and criminal justice practices where the knowledge and expertise of researchers and professionals has largely been valorised over those who live the life. In this vein, Garland is right to suggest that offenders' [sic] voices

7. Schmidt, K. (2019). *Epistemic Justice and Epistemic Participation*. Arts & Sciences Electronic Theses and Dissertations. 1787. https://openscholarship.wustl.edu/art_sci_etds/1787

8. Fricker, M. (2007: 1). *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press.

9. Catala, A. (2015: 425). Democracy, Trust and Epistemic Justice. *The Monist*, 98(4), 424-440.

10. Catala (2015). See n. 10

11. Schmidt, K. (2019). See n. 8

12. Johnstone, M. (2021: 638). Centring Social Justice in Mental Health Practice: Epistemic Justice and Social Work Practice. <https://doi.org/10.1177/104973152111010957>

13. Schmidt, K. (2019). See n.8

14. Schmidt, K. (2019). See n.8

15. Schmidt, K. (2019). See n. 8

have also been subordinated in the 'criminological monologue'... because of their potential threat to expert (or even common-sense) discourses: [I]f only they were allowed to speak [offenders] might challenge some of the certainties with which we divide the world into normal and abnormal, right and wrong.¹⁶ It is this dismissal of expertise and experience, the subjugation and epistemic marginalisation of incarcerated people — in this context — that dialogic, co-productive initiatives such as the User Voice Prison Councils seek to address and redress.

Epistemic injustice matters due to the 'wrong that it does to an individual but also because of the societal harms that it generates'.¹⁷ In a penal context, we know from research into procedural justice that encounters with oppressive social structures and practices engender disenfranchisement, undermine attributions of legitimacy, and breed resistance.^{18,19} There are therefore compelling normative and instrumental arguments for enhancing participation and listening to the voices of those that have heretofore been marginalised. Indeed, procedural justice seems to require at least an element of epistemic justice to be present; notions of voice, trust, neutrality, and respect are central to procedural justice and penal legitimacy. It could be argued then that pursuing epistemic participatory practices could not only undo the historical legacy of epistemic injustices in carceral contexts, but support perceptions of procedural justice and penal legitimacy, and thus there are strong normative as well as instrumental rationales for so doing. K. Schmidt reasons that 'preventing and remedying epistemic injustice requires

creating inclusive communities that respect and foster participation in inquiry'²¹ because 'promoting justice requires more than simply believing [or viewing as credible] members of marginalised groups; it requires promoting their ability to act as individual inquirers'.²²

Overcoming epistemic injustice can, then, be achieved by facilitating participation in dialogic or communicative spaces where people can freely share their experiences, where people are held to account, and within which there is a willingness to listen and take the ideas and experiences of another person or groups of people seriously as epistemic agents. As K. Schmidt recognises, 'our models of citizenship and civic decision-making revolve around equal participation from various agents in different life situations', and it is this ideal that resides at the heart of notions of both epistemic participation and coproduction.²³ In what follows, I propose that the User Voice Councils might, in certain contexts,²⁴ represent a dialogic and communicative space that facilitates epistemic participation and through which more just epistemic interactions can be achieved.

The Origins of User Voice Prison Councils

Since the Strangeways Prison riots and the Woolf Report,²⁵ local prison managers have recognised the need to establish legitimacy and encourage cooperation amongst prisoners. 'As a result of the Woolf Report, there was a growing awareness that a credible and legitimate prison regime must involve a dialogue in which prisoners' voices are registered and then responded to'.²⁶ The rationale for this, however, is far

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16. Garland, D. (1992: 419). Criminological Knowledge and its Relation to Power: Foucault's Genealogy and Criminology Today. *British Journal of Criminology*, 32, 403-22.
17. Schmidt, K. (2019: ix). See n.8
18. Tyler, T. R., & Huo, Y. J. (2002). *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation.
19. The four interdependent principles underpinning Tyler and Huo's (2002) conceptualization of procedural justice are: 1. voice: an opportunity to tell one's story, voice one's concerns and perceptions of the issues involved and how they might be handled, and to participate in decision-making processes; 2. neutrality: making decisions with transparency, and based on proper procedure; 3. respect: feeling that interactions are respectful rather than demeaning or dismissive; 4. and trust: influenced by people's perceptions of the intentions of authorities and the extent to which they feel heard and understood further included trustworthiness of the decision-makers.
20. Tyler & Huo. (2002). See n. 19
21. Schmidt, K. (2019: vi). See n.8
22. Schmidt, K. (2019: 27). See n.8
23. Schmidt, K. (2019: 81-2). See n.8
24. It is worth noting that both Weaver, B. (2019) (see n.1) and Schmidt, B. (2020) (see n. 41) identify contexts where individual and institutional resistance or disengagement undermine the workings of some User Voice Prison Councils and thus their potential outcomes and effects.
25. Woolf, Lord Justice. (1991). *The Woolf Report: Prison Disturbances April 1990: The Report of the Inquiry*, London: HMSO.
26. Solomon, E., & Edgar, K. (2004: 3). *Having Their Say: The Work of Prisoners Councils*. London, Prison Reform Trust.

more ameliorative, if not instrumental, in aspiration than democratic in orientation, transformative in effect and normative in intent. This might, in part, explain why Prison Services across the UK have resisted a national policy on this form of engagement, despite the fact that European Prison Rules (Rule 50)²⁷ specifically recommend that prisoners are enabled to discuss prison conditions and processes with prison management and explicitly encourage the establishment of prison councils and related structures.²⁸ Internationally, a number of countries have, to different degrees and with different effects, made legislative provision for prisoner participation.^{29 30}

Aware of these deficits, and the widespread epistemic marginalisation of prisoners within the English and Welsh Prison Service, and informed by their own experience of the criminal justice system, User Voice was established in 2009 as a user-led charitable organisation. Their overarching aim is to 'foster dialogue between service providers and users that is mutually beneficial and results in better and more cost-effective services'.³¹ The origins of their Council model thus lay in this awareness of shortcomings in a system designed primarily to work 'on' rather than 'with' prisoners, and Councils were proposed by User Voice as a means of changing this dynamic. User Voice, as an independent organisation, operates as a mediating agency in a co-productive partnership with prisoners and prison staff. Consultation between elected Council Members and other prisoners inform the development of proposals for change that are the subject of Council meetings. User Voice employees attend regular meetings with Council Members. Monthly meetings with the prison Governor involve a discussion in which the proposals are negotiated and agreed. Agreed

proposals are thereafter discussed at monthly Council meetings, chaired by the Governor, and can include a diverse range of affected and interested parties.

Distinctively, User Voice Councils are oriented towards matters of collective concern, proposing solutions, rather than airing individual complaints, and they aim to be representative rather than elite, operating on mechanisms of representative democracy.³² User Voice Prison Councils can thus be described as 'participatory and dialogic' oriented to promoting 'democratic values...involv[ing] consultation [and] decision-making'.³³ In this sense, they might be construed as a platform for epistemic participation.

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Methods

This paper draws on a wider mixed method study, commissioned by User Voice, whose overarching aim was to determine the impact of User Voice Prison and Community Councils on individual participants and services as well as the wider social environment.³⁴ The research took place in three geographical areas of England and Wales (A, B and C), including six prisons, between May 2014 and March 2016. Ethical approval was granted by the University's Ethics Committee and the National Offender Management Service. This paper draws on interviews and focus groups with

21 Prison Council participants who ranged in age from 28-56 years old. Two were on remand, one was convicted and awaiting sentencing, and one was serving a life sentence. The remaining 17 were serving sentences that ranged from 3-27 years.

Interviews were recorded and transcribed verbatim. An inductive, thematic approach to analysis was undertaken.³⁵ This involved identifying key themes through a process of repeated reading of the data and

27. Council of Europe. (2006). European Prison Rules. Strasbourg: Council of Europe. Retrieved from <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

28. Bishop, N. (2006). Prisoner Participation in Prison Management. *Prison Field*, III <https://journals.openedition.org/champpenal/487>

29. Bishop. (2006). See n.29

30. Solomon & Edgar. (2004), See n.27

31. User Voice. (2012). Mission: *What Do We Do?*. Retrieved from <http://www.uservoice.org/about-us/mission/what-do-we-do/>

32. User Voice. (2010). *The Power Inside: The Role of Prison Councils*. User Voice.

33. Bevir, M. (2013: 205). *A Theory of Governance*. Available online at: <http://escholarship.org/uc/item/2qs2w3rb>

34. Barry, M., Weaver, B., Schmidt, B., Liddle, M., & Maruna, S. (2016). *Evaluation of the User Voice Prison and Community Councils*. Nesta: <http://www.nesta.org.uk/user-voice>

35. Braun, V., & Clarke, V. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology*, 3(2), 77-101.

the manual generation of initial codes according to thematic areas of inquiry broadly outlined in our interview schedule, including those common to the majority of respondents but also those outliers and differences between the case study areas. Thereafter, like categories of data were collated in a master list of major codes, further sorting the codes into themes and sub-themes, and assembling relevant coded data-extracts into the identified themes. The theoretical framing of epistemic participation represents a secondary analysis, conducted for the purposes of this article, and the data were revisited through this lens to explore the potential of the User Voice Prison Council model as a mechanism for enabling epistemic participation in a carceral context.

Findings: User Voice Prison Councils: Enabling Epistemic Participation in Prison

K. Schmidt outlines three pre-requisites for epistemic participation.³⁶ In the first instance, individuals need to have access to the basic resources and sites of intellectual or knowledge exchange. Secondly, once access is gained, individuals need a nominal level of epistemic recognition in order to participate in the kinds of social exchange that constitute inquiry. Thirdly, they need to be afforded appropriate epistemic appraisal [credibility]. Failure in any of these ways, according to K. Schmidt,³⁷ disregards an epistemic agent's capacity to participate and constitutes an epistemic injustice.

Access

In this context, access to the resources and sites of knowledge exchange might be most obviously attributable to both the implementation of the Councils and direct participation in and on the Council. This was conceived by some participants to directly influence levels of accountability both among participating actors and to the broader prison community in a way that was previously absent.

Now we're gonna have a voice, we're gonna have a point to stand, they're gonna bring us

Now we're gonna have a voice, we're gonna have a point to stand, they're gonna bring us to the table, which they should have done a long, long time ago. Even just the first meeting, we were all to be there, be accountable, be able to stand up and speak to the person.

to the table, which they should have done a long, long time ago. Even just the first meeting, we were all to be there, be accountable, be able to stand up and speak to the person. Until then, we didn't know who the number one governor was, what he looked like, you know. No sort of — yeah. So yeah, to be able to have — the bottom man to be able to talk to the top man (Council Member, Area B)

You have to understand from the prisoners, they try to raise their voice without an organisation, they're told, OK we'll look into it and that's the end of that subject. When they try to go to the management, they may respond or they may not respond and if they do respond, they say, talk to your landing staff. It's a loop that goes round and round. When we come in, we are now prisoners liaising with staff and management and also in interviews we're recorded like it's being recorded now and minutes are drawn up which then gets distributed to other prisons and from time to time we'll send up in what we call the Voice magazine as well, something that comes up whenever it comes up. So that every prisoner gets one of the copies of these and they see what we do and what we're here for. (Council Member, Area B)

Well, it's just — it's mainly having a voice and then you can get to speak to the governors and you can try and get some changes. Like if it wasn't in place, I can imagine a lot of things what has been put forward and gone through wouldn't have never happened, they would never have even looked at it, know what I mean. (Council Member, Area B)

Of course, not least for pragmatic reasons, not every prisoner participates in the User Voice Prison

36. Schmidt, K. (2019: 54-5). See n.8

37. Schmidt, K. (2019). See n.8

Councils directly and indeed most of the Council Members, across this sample, were older, serving longer sentences and were nearly all 'enhanced' prisoners as per the Earned Incentives and Privileges (IEP) policy.³⁸ While this may be problematic in terms of representativeness in relation to the broader prisoner population, Council Members do, as previously noted, engage with others on the wing who are not directly involved to solicit their views, concerns and proposed solutions.

We provide an ear for them to speak, we listen and we voice the words that have to be spoke (Council Member, Area B).

Interestingly, K. Schmidt argues that 'not all cases of denied access are cases of epistemic injustice, as some goods may be unevenly distributed for a number of reasons'.³⁹ This line of reasoning suggests that people are only subject to epistemic injustice when their ability to access epistemic resources is grounded in discrimination and prejudice tied to their social identity. Through this lens, then, both direct and indirect participation by virtue of the presence of the User Voice Prison Councils and interactions with and between Council Members and non-Council Members, might be conceptualised as both direct and indirect access to the basic resources and sites of knowledge exchange.

Recognition

Failures of epistemic recognition occurs when one is not recognised as having basic and equal epistemic standing — before a speaker can be appraised they must first be granted basic recognition that allows them to speak and their audience to listen and respond.⁴⁰ This implies an acknowledgement of individuals' capacity for participation in inquiry in terms of their standing as a capable epistemic subject, as a knowledge bearer, and as a knowledge seeker. They must be apprehended and treated as a person who can appropriately contribute to the discussion and, as such, this is closely connected to notions of respect, and that ought to be conveyed in

the manner of relating between differently situated people in that communicative space.

All interviewees felt that that they were both heard and listened to, and that they had a contribution to make, and that that contribution was valued. Indeed, the experience of 'having our voice heard' was invaluable, not only for identifying problem areas (and solutions), but also because most felt their voices were usually silenced within the prison setting. Listening and being heard, the recognition of their equal epistemic standing, were therefore at the heart of Council participation and effecting change.

More than anything else, it's just to be heard (Council Member, Area C)

Recognition.
Recognition by the
management
team...It gives me
self-satisfaction
knowing that I'm
trusted

Recognition. Recognition by the management team...It gives me self-satisfaction knowing that I'm trusted (Council Member, Area B)

With the Council, right, we come together. We're made to feel like someone's listening and that we can be part of it (Council Member, Area A).

I mean, it's giving a voice to the prisoners....So it feels as though — it's kinda... empowering them...to the point where they feel that people are actually listening. I feel as though I'm more able to say things that I probably wouldn't have been able to say before (Council Member Area A).

When we get together in the meetings, it's kind of off the cuff and, you know, first name terms and stuff. It's that one time where the boundaries are knocked down and we share information and we kind of — we are on a kind of level par (Council Member, Area, C)

At that time when we actually meet and discussing the kind of issues, we kind of forget

38. The IEP policy was introduced in 1995. The rationale was that privileges should be earned by prisoners through good behaviour and performance and can be removed where expected standards are not met.

39. Schmidt, K. (2019: 60). See n.8

40. Schmidt, K. (2019). See n.8

that we are prisoners and they kind of forget we're prisoners (Council Member Area B).

The significance of epistemic recognition is acutely apparent in those instances where 'access' is granted but epistemic recognition denied.⁴¹ B. Schmidt writes compellingly about the experiences of Council Members in HMP Maidstone, who felt that their voices were silenced, their views dismissed, and thus their epistemic standing unrecognised.

'There is no hope here ... No one tells you anything, no one listens to you. It's screaming into a black hole. (CP)⁴²

Indeed, this perception was echoed by the officers that B. Schmidt engaged with:

'Officers in this prison were suspicious of, and somewhat nervous about, the council, but ultimately thought it carried little power or influence. This was primarily due to the messages sent from the new Governor and his use of oppressive power to stifle any influence the council might have had. This included 'silencing' prisoners' collective voice'.⁴³

This both illustrates that it is insufficient to provide access where recognition is absent, and that recognition must occur before appraisal can be achieved.

Appraisal

Where epistemic misappraisal occurs, efforts and contributions will be seen as less valuable, and so they will be less able to shape group process, and ultimately outcomes. This means respecting both a person's capacity for knowledge and capacity to be epistemic participants in inquiry as a part of a community; it is about recognising the credibility of the epistemic agent and taking people's words seriously. While K. Schmidt does not specify as such, it is argued here that this implies that people's contributions should not only be

listened to, and valued, but taken on board and be used to inform change and result in tangible outcomes and effects.⁴⁴ To be clear, this does not mean that every proposal will be unequivocally accepted and acted on, but it does mean that every proposal should be taken seriously, and where it is not possible or feasible to act on that, reasons should be shared and discussed.

As noted elsewhere,⁴⁵ the operational outcomes engendered by the Councils studied included the provision of in-cell phones, the provision and distribution of clothing, a telephone monitoring and maintenance system, a calmer environment, and improvements to visit areas. These outcomes are oriented to an improved quality of life thereby contributing to improved service delivery. However, a

range of effects and outcomes for individuals were identified as a consequence of participation in the Council. Communication skills, confidence, increased self-efficacy, self-worth, and finding purpose and meaning in their lives through helping others were the most common benefits.

While these individual and operational outcomes testify to the value or the seriousness with which these Councils were apprehended or appraised, perhaps most revealing in this context, are the relational outcomes and the enhanced mutual understanding that these epistemic interactions gave rise

to. The relational outcomes reported by many participants suggested that the Councils had contributed to the reduction of some of the historical 'barriers' that existed between staff and prisoners, and to improved relationships, particularly between those active in the Council, and reinforced the need for a more participatory, collaborative, and co-productive approach. While this was necessary to producing tangible changes, it engendered personal outcomes for participants that were symbolic in effect. As noted, participants reported an enhanced sense of self-efficacy, reinforced by the tangible operational outcomes they co-produced, which signified to Council Members, in their own eyes and the eyes of others, that they were able to exert influence and that their contributions were both valued and taken seriously.

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change

41. Schmidt, B. (2020). *Democratising Democracy: Reimagining Prisoners as Active Citizens Through Participatory Governance* <https://www.repository.cam.ac.uk/handle/1810/312797>

42. Schmidt, B. (2020: 90). See n. 41

43. Schmidt, B. (2020: 121). See n. 41

44. Schmidt, K. (2019). See n. 8

45. Weaver, B. (2019). See n. 1

Moving away from negative labels (like ‘con’ or ‘offender’) toward ‘a person of value’ was critical to reshaping one’s identity. Being viewed or treated ‘as an individual and not just a number’ enabled many to see their own capacity and worth, and enhanced perceptions of self-efficacy. Council participants felt ‘valued’, ‘recognised’, and ‘listened to’ as an outcome of Council participation but, critically — in this context, this practice engendered enhanced understanding of prisoners’ experiential realities among participating staff.

Well, they get an insight from prisoners, don’t they, an insight that they can’t get without prisoners cos they’re not living the daily lives that we have to live. So I think that’s a big bonus for them (Council Member, Area C)

Indeed, B. Schmidt’s study goes further, and reveals important instances of testimonial justice taking place during these acts of collaborative epistemic inquiry, within which those participating learnt ‘something of the world view of the other’ in order to ‘address structural issues that constrain them’ and collectively ‘strive to create some better outcome’.^{46 47} Perhaps one of the most powerful examples that B. Schmidt shares is that of a proposal to mount a wall clock in the visits room, but this quickly generated a deliberative exchange in which Council members shared different perspectives on the impacts and effects that a visible clock would have on the visiting dynamic and the pains this could engender.⁴⁸ However, as Schmidt notes:

‘This issue, of course, extends far beyond whether a wall clock was visible or not...These ‘pains’, at least expressed this explicitly and candidly, took staff aback. Many sat listening intently, some taking notes, and no one interrupted. Occasionally one might say, ‘I’d never thought about it like that’ or

*‘that’s interesting — I’ve never seen it from that angle’.*⁴⁹

As a result, a clock was mounted for those who found some benefit in this, but for others, for whom the visibility of passing time was experienced as both an intrusion and distraction, they were afforded the option of sitting with their backs to it. For the purposes of the argument being advanced here, while a seemingly simple solution was negotiated in response to a matter of great concern among those affected, this is a powerful example of differently situated people engaged in knowledge seeking; in listening and understanding; in revising previously held assumptions; and working towards a mutually acceptable agreement or solution — processes that reside at the heart of epistemic participation.

Epistemic participation through dialogic exchange and engagement reveals some normative guiding principles for coproducing and centring epistemic participation and justice.

Concluding Discussion

In this paper, I have argued that co-productive initiatives such as the User Voice Prison Councils represent the organisation of heretofore epistemically marginalised voices into a dialogic, democratic, and collaborative forum where the historically marginalised knowledge and experiences of prisoners can be shared, understood, and acted on. Moreover, as the preceding example from B. Schmidt demonstrates, these

communicative spaces can further create impromptu opportunities for people’s experiences to be shared, heard, understood, and responded to, in a way that challenges previously held assumptions, and generate new insights into prisoners’ experiential realities, and in so doing support epistemic justice and growth.⁵⁰ However, as previously noted, where people do not feel heard or listened to, this can reproduce oppression, and exacerbate epistemic injustice.

What is perhaps distinctive about the User Voice Prison Council model is the focus on co-producing knowledge and solutions which is distinct from pre-existing prisoner committees that did not benefit from

46. Schmidt, B. (2020). See n. 41

47. Bebbington, et al., (2007:364). Bebbington, J., Brown, J., Frame, B., & Thomson, I. (2007). Theorizing Engagement: the Potential of a Critical Dialogic Approach. *Accounting, Auditing & Accountability Journal*, 20(3), 356-381. Cited in Schmidt, B., (2020:167). See n. 41

48. Schmidt, B. (2020: 139). See n. 41

49. Schmidt, B. (2020: 140). See n. 41

50. Schmidt, B. (2020). See n. 41

senior management 'buy in'. Where staff and prisoners come together, both bring their knowledge and experience into that shared communicative space, and in so doing it recognises that each participant brings partial knowledge and is an active subject who contributes to shared understandings in pursuit of a mutually agreed resolution.

Epistemic participation through dialogic exchange and engagement reveals some normative guiding principles for co-producing and centring epistemic participation and justice. If epistemic justice requires not just feeling but being included and heard, it is critical to understand how participants and non-participants engage or otherwise with the participatory initiative, and to what effect. In this article, I have drawn on evidence about the functioning, dynamics, and effects of these structured forms of engagement in carceral contexts, through the lens of K. Schmidt's framework of epistemic participation.⁵¹ As noted, in the first instance, differently situated actors require access to the kinds of deliberative and communicative spaces within which these different forms of knowledge and experiences can be conveyed, heard, understood, and responded to. However, access alone is insufficient; those who have been historically, epistemically marginalised need to be afforded epistemic recognition as equal epistemic agents, which implies a certain manner of relating. At

the very least, this requires epistemic appraisal, which means listening carefully, speaking, and engaging respectfully, being responsive to others' contributions, demonstrating critical reflection and a willingness to learn, to change, and to do things differently.

Theories of epistemic injustice and marginalisation, and their effects, create a normative mandate for epistemic participation in carceral contexts. Perhaps the first step, for some professionals and some justice institutions, is in first recognising and acknowledging that incarcerated persons are an oppressed and subjugated group whose voices and testimonies have been unjustly silenced and dismissed by virtue of their very position in the carceral context. It also provides a foundation as to how we might think about making participation just in justice contexts more broadly, and it asks us to question both the ethics and the limitations of the criminological and criminal justice reification of professional expertise over expertise by experience. In turn, this has potential to challenge the kinds of knowledge that dominate in these spheres, our approach to doing both research and services, and in turn increase our understanding of how people experience their encounters with justice practices from which an inherently different way of 'doing' justice has potential to emerge.

51. Schmidt, K. (2019). See n. 8