What are prisons for?

By Hindpal Singh Bhui

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Reviewer: ***Peter Dawson,*** *former civil servant, prison Governor and Director of the Prison Reform Trust.*

This short, very readable book is part of the 'What is it for?' series, edited by George Miller for Bristol University Press. All of the titles listed pose a challenge to their author, but few will have required as much head scratching as this one. So it's fortunate that they chose someone so steeped in the issues as Hindpal Singh Bhui to address it. He brings an immense knowledge of prisons both at home and abroad, and an enviable grasp of the ways others have approached the book's central philosophical question.

The first chapter, 'A journey into prisons', describes the fascination of living close to a prison as a child — 'a ready source of stories which I thought would impress other children' (p. 2). Hindpal ends up working in prison 'more by chance than design' (p. 3), having trained as a probation officer, and receives the baptism of fire that working in HMP Wandsworth in the late 1990s represents. A desire to change things for the better leads him to a job in the prisons inspectorate, where he remains over 20 years later, having visited over 200 prisons at home and abroad.

This first chapter also sets out how the book will examine the question of purpose by looking at 'who is sent to prison, and why them' (p. 7), rather than simply rehearsing the various statements of purpose in statute or policy documents. It's a method that challenges any complacency based on purely theoretical analysis. Because the disproportionate incarceration of the poor, people from ethnic minorities and foreign nationals suggests that prison in practice operates as an agent of social control, far from any tidy conception of it as the just conclusion to a just process.

Chapter two conducts a whistlestop tour of modern penal history, describing how the impact of both apparently benign and unquestionably malign policies 'fundamentally challenges the idea that the prison and other agencies of law and order evolved primarily to reduce harm to individuals or society' (p. 33). With brief outlines of how social and political context has informed governments' approaches to prisons, and references to key thinkers including Foucault and Garland, the author makes a convincing case that how and why governments have used prisons has always represented a choice, and that 'punishing criminal behaviour was only one of those reasons and, until comparatively recently, was hardly an objective of prison at all' (p. 38).

In chapter three, this theme is advanced by looking at how prison systems in different parts of the world have served very different purposes, reflected in who and how many are incarcerated as a result. Chapter four looks in more detail at examples of mass incarceration and its chilling correspondence with persecution on the basis of race. The author describes the common view that mass incarceration has its roots in politicians competing to look tough on crime, largely in pursuit of electoral advantage. But in examining the American example more closely, he exposes the deliberate use of prison to substitute for the lost machinery of slavery and segregation. The example of equally deliberate decarceration policies in Finland following the second world war gives some small comfort, but the author concludes that the UK compares more closely to the US than to Finland. He shows how mass incarceration in different jurisdictions has borne no relation to the incidence of crime prior to its adoption, nor to any reduction in crime thereafter. However, perhaps the most insidious harm of all is how it has 'achieved the normalisation of a fundamentally abnormal state of affairs', with 'its insistent message that prison is the obvious solution to crime and the only means of delivering a meaningful punishment' (p. 78).

Chapter five takes us in a slightly different direction, rehearsing many of the well-known general characteristics of the people who end up in our prisons. It is illuminated and humanised by real examples, and tackles the 'rational choice' perspective — essentially, that any prisoner has volunteered for that status — with an insight that can only come from innumerable hours spent listening to those people. The importance of choice is not minimised, but the author quotes McNeill as saying 'what correctional agencies need to work to correct is not an errant individual, but — more often — a broken set of social relationships' (p. 95). Chapter six builds on that insight with the most empathetic section of a highly empathetic work, acknowledging that for some prison has provided the 'hard break' that they needed from a damaging lifestyle. But it also describes what Crewe formulates as the need to construct a 'penal avatar' (p. 109) as the way to survive a long sentence, undermining any idea that prison is for most a conducive context for 'rehabilitation'.

Chapter seven, 'Where next for prisons', considers a variety of different schools of thought about

what prisons are for and what their future should be. Penal enthusiasts, abolitionists and liberal reformers all get a fair hearing, and there is a risk that the reader is left dissatisfied by this impeccably reasonable but ultimately inconclusive analysis. Wasn't this book supposed to answer the question? Endearingly, the author confesses all on the final page — 'I realised fairly quickly that I was never going to deliver a neatly packaged answer to the question (p. 138). But by that stage he has done something more important. He suggests that the starting point for a coherent set of ideas around purpose in prisons needs to be to ask some different and fundamental questions. He lists them:

- ❏ How can we reduce crime?
- ❏ How can we reduce harm, including to people who break the law?
- ❏ How can we prevent the criminal justice system from reinforcing social inequality, and instead make it a means of promoting equality?
- ❏ How can we best achieve the socially useful functions of prisons?
- ❏ Does punishment require the prison?' (p. 137)

I take this to signify that if the expectations of what prisons can achieve were both more honest and better informed, we might more realistically reserve this most painful of punishments to the circumstances that really require it, and in which some lasting benefit might result.

Over the course of a career in and around prisons I came to share what Hindpal describes as 'the feeling of unease and even confusion…about what they do and why' (p. 7). I think that's a healthy reaction to a profession that administers the deliberate infliction of suffering. But it should prompt anyone working in this field to stop and take stock of what they are engaged in. It's difficult to see how healthy policy or healthy practice can come about if they don't, but my experience was that I was rarely if ever, required to read any serious literature on the issue. I suspect many of my successors might confess to the same experience. A few hours spent with the words of Hindpal Singh Bhui would represent a very good and accessible way of starting to put that right.