

Power in a smoke: Tobacco use in English prisons

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The recent ban on smoking in British prisons and the controversies that ensued have attracted criminological interest. However, there has been little historical research on smoking in British prisons. In part, this is due to the hidden and illicit nature of much of the trade in tobacco in historical prisons as normally smoking was either not permitted or was a privilege to be earned. Also, smoking tobacco did not really become a clear and prominent health issue until the post-war era. This article considers the issue of smoking in English prisons primarily during the interwar years, by which time smoking had become a common and widespread habit among the general male population and, to a lesser extent, amongst women. The article makes use of prisoner autobiographies and archival sources as well as relevant historical and criminological discussion of smoking in prisons. It considers the possibility that by examining the admittedly limited evidence about smoking in prisons during the interwar years, we can gain insights into the tensions around tobacco in confinement as it became a more important aspect of working-class behaviours and therefore also an increased source of contestation between prisoners and prison authorities and indeed between prisoners.

Tensions have long surrounded access to tobacco, its distribution once inside the prison, and the power structures and influence that were facilitated by owning such a prohibited and sought-after substance. During the interwar period the development of prisoners' rights, as well as official and public perceptions of those emerging rights, gives an historical context prior to current prisoner incentives and earned privileges schemes and specifically the smoking ban in English prisons. In 2015-2016 total smoking bans were introduced in some prisons in England and Wales and into all prisons in 2018. This subject also has the potential to provide insights into a hitherto under-

researched aspect of the historical pains of imprisonment.

It has been stated recently that the relatively high levels of smoking by prisoners reflects characteristics of both prisoner populations and the prison environment. As has been observed, 'Prisoners are disproportionately from more disadvantaged communities and have high rates of mental health problems and substance abuse. These characteristics are associated with both smoking and resistance to smoking cessation' (p.1).¹ The disproportionately disadvantaged nature of the prison population in England since at least the late 19th century has been noted in scholarly work for some time.²³ For prisoners who experienced physical and/or mental health difficulties, the discipline, rigours and pressure of prison were likely to weigh more heavily. Prisoners resorted to multiple ways of coping with the emotional isolation, routine, monotony, indignities and stress of their confinement.⁴ Smoking, or rather the deprivation of access to tobacco, as one of the 'pains of imprisonment' has barely been touched upon by historians. Yet smoking has been an important means of coping which was recognised as such by prison authorities from an early point, although the regulatory context and access to tobacco has, of course, varied over time.⁵ Broadly speaking, as the modern prison moved away from the more chaotic, ad hoc prison system that existed prior to the 19th century, access to a range of goods and services, including tobacco, became restricted and regulated by more than just the ability of individuals to pay for them.

Smoking in English prisons is not a significant issue in historical primary sources until the 20th century when smoking became more embedded in working-class cultures and associated with masculine identities. Habits also changed within that rising market. By the end of the First World War, following technological innovation enabling mass production of cigarettes, a high proportion of tobacco consumed in the UK was in the form of cigarettes rather than loose tobacco.⁶ Over

1. Robinson, A., Sweeting, H. & Hunt, K. (2018). UK News representations of smoking, smoking policies and tobacco bans in prisons., *Tab Control*, 27 (6), 622-630.
2. Gatrell, V. A. C., & Hadden, T. B. (1972). Criminal Statistics and their Interpretation. In E. A. Wrigley (Ed.), *Nineteenth Century Society*. Cambridge University Press
3. Ignatieff, M. (1978). *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*. Macmillan.
4. Brown, A. & Clare, E. (2005). A History of Experience: Exploring Prisoners' Accounts of Incarceration. In C. Emsley (Ed.), *The Persistent Prison: Problems, Images and Alternatives*. Francis Boutele.
5. See footnote 1: Robinson et al (2018).
6. Hilton, M. (2000). *Smoking in British popular culture 1800-2000*. Manchester University Press.

time, this affected the nature of smoking in prison and internal means to disseminate this illicit contraband but importantly cigarettes remained convenient and portable.

The interwar expansion of more sophisticated and extensive branding, advertising and marketing of cigarettes available at lower prices stimulated increased social consumption but restrictions and prohibitions on smoking in English prisons remained, especially for those serving shorter sentences. Tobacco became a 'good' that nurtured subterfuge and illicit practices and influenced internal prisoner subcultures. In relation to tobacco smoking, the first milestone for convicted prisoners was in 1922. Convicts, defined at this time as those serving sentences of three years or more, gained limited access to tobacco. It was at this point allowed as a privilege following the fulfilment of specific milestones regarding length of sentence served (four years) and behavioural requirements. Those behaving well were able to enter the 'special stage' in which smoking and other privileges were allowed. Special stage convicts were also differentiated by their clothing. As Ex-Convict No.- pointed out,

'By my side marches a murderer, a grey-haired man with a North-country accent, He is dressed in dark grey, a different-coloured tunic from mine. Twelve years have gone since he entered Dartmoor Prison for life. His tunic denotes that he is in the privileged class. Four years of good conduct have earned him certain little luxuries — a pipe, tobacco, cigarettes, and a newspaper' (p.28).⁷

In the stark monotony of the inter-war convict prison, rumours were rife and often the stuff of desires for the long-incarcerated, among them inevitably that smoking and the use of tobacco were to be granted to everybody. As Ex-Convict No.- observed, 'I expect these rumours, tragic in their absurdity, will go on and on until the end of time. I have heard them repeated not once, but a score of times, and always found myself reminded of the drowning man clutching at straws' (p.53).⁸ Prison matters remained of interest to the press and during the interwar years newspapers reported intermittent stories of suicides, attempted suicides, and escapes by those apparently desperate for tobacco, and also stories about prisoners' families or friends

attempting to smuggle tobacco into prisons. In 1922 an extract from a suicide note left by a young man aged only 19 who hanged himself in Preston Prison was reported: 'I would never have done it if they had let me smoke.' (p. 12).⁹

So, from 1922 legitimate and limited access to tobacco was allowed as a reward for good behaviour over a long term, although within such an attenuated reward system it is unlikely this privilege operated to decisively influence behaviour or affect the stability of prisoner cultures. Individual experience and place in prisoner hierarchies would already have been established by the four-year point in an individual sentence at which access to tobacco could be earned. For those serving short sentences in local prisons tobacco was forbidden. This cohort made up the bulk

of the prison population because during the nineteenth and up to the mid-20th centuries a high proportion of those sentenced received what, to early 21st century eyes, seem like short terms. For example, the Prison Commission's annual report for 1931 states that as a proportion of all prison sentences nationally, 77.2 percent were for terms of not more than three months and 89.6 percent were for terms of not more than six months. The large local prisons, where many of these sentences were served, were bustling hives of toing and

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froing of prisoners, staff and general supplies, giving opportunities for the passing of contraband but less time to nurture the development of secure and embedded supply routes for tobacco. That picture changed somewhat following the Criminal Justice Administration Act 1914 which allowed time to pay fines awarded in court, leading to a decline in the number of shorter sentences as some defendants were able to avoid prison altogether. In addition, on the outbreak of the First World War the Home Office ordered the release of any prisoners with three months or less to serve.¹⁰ Within a reformatory ethos, the proportion of penal servitude sentences also declined so the total prison population dropped during the 1920s to a little over ten thousand.

Press coverage illustrates how historically the availability of tobacco to prisoners was viewed and the extent to which prisoners were deemed to deserve access. During the interwar years, the press often

7. Ex-Convict No- (1930). *Dartmoor from within*. George Newnes Limited.

8. See footnote 6: Ex-Convict No- (1930).

9. *Western Gazette*. (1922, September 8).

10. *Western Times*. (1939, November 10).

represented smoking as a luxury. Discussion of prison reforms rarely failed to include smoking as it retained a flavour of privilege about it. A recent examination of news media discussing 21st century smoking and smoking bans in prison also found frequent references, especially in the tabloid press, to taxpayers' costs and prisoners as undeserving of privileges. In the examination, constructions of tobacco-related prisoner cultures figured prominently depicting prisoners as desperate, unpredictable and disruptive. Smoking was often presented as essential to prisoners as the only legal stimulant and as currency, but with little linking of smoking to poor mental health and social deprivation. Even a brief look at the interwar press suggests that such perspectives have a long history with prisoners being portrayed as irrational and undeserving of provision beyond that led by the principle of less eligibility. In the 21st century one of the ways this has expressed itself is in the fragmented access to medication which could reasonably be expected for prisoners trying to give up smoking, such as, nicotine replacement patches.¹¹

Evidence of the cultural importance of tobacco in prisons, and the need of prisoners for it, can be found sporadically in historical records. Smoking was an issue that caused internal disciplinary tensions. Prison authorities certainly believed this to be the case. In a press interview in 1930, a well-known Prison Governor, Gerold Fancourt Clayton, stated that

'A convict...would go to endless trouble to pick up a cigarette end in the streets of Princetown [while on a work detail] and risk any punishment to get it into his cell with a match and a piece of box on which to strike it. That attitude was due to the fact that convicts were not allowed to smoke and regarded cigarette ends as a treasure trove of the highest value' (p. 7).¹²

One ex-convict agreed, asserting that 'A convict will do a knifing for not much more snout (as we call it) than gets left in any hotel ashtray' (p. 41).^{13,14} Ex Convict No.- observed, 'I've seen ten of them sharing a piece of tobacco the size of a pea'. He himself had often

'enjoyed a 'contraband' cigarette in prison without being caught. Tobacco and cigarettes were among the most valued of contraband' (pp. 75 and 57).¹⁵ This view was reinforced at the time in an interview with an ex-convict released from Dartmoor which was published in the *Western Times* of 29 January 1932, a week after a major riot had occurred in the prison. He maintained that tobacco and food were the main causes of the riot:

'Tobacco is the coinage of the prison. You can do nothing without it. But if you have friends outside it is easy to get it in. I have seen as much as four pounds at a time smuggled into the gaol. It has been left concealed under stones in the quarry and brought in by hiding it in a tool bag' (p.6).

In interwar Parkhurst, one convict was said to be joining the choir because he thought he could source 'snout' [tobacco] from the 'Star' men (those segregated for their first term of imprisonment).^{16,17}

The Prison Commissioners were aware of the potential difficulties and resisted pressure to allow tobacco to prisoners. If granted to some, how could that supply be controlled in a context where it was clearly already being trafficked into and within prisons? Hence, it was regarded as a potentially dangerous innovation. In 1932 they pointed out:

'If smoking is permitted for trial and remand prisoners the

difficulties of officers charged with the duty of preventing tobacco reaching other prisoners will be increased, since there will naturally be attempts by trial and remand prisoners to pass tobacco to the other prisoners' (p.7).¹⁸

Yet earlier that same year prisoners on remand at Brixton prison were allowed to smoke. So, Prison Commissioners were attempting to defend a position that had to an extent already been conceded. However, it was clear that practice had varied between prisons: in 1926 the Prison Commission had already explicitly prohibited smoking or the drinking of alcohol by prisoners awaiting trial causing, one newspaper stated, 'some surprise'.¹⁹ By 1938 men awaiting trial in local

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11. Dugdale, S., Semper, H., Povey, R., Elison-Davies, S., Davies, G., & Ward, J. (2019). 'Offenders' perceptions of the UK prison smoking ban. *International Journal of Prisoner Health*, 15(2), 114-125.

12. *Western Morning News*. (1930, June 14).

13. Sparks, R. (1961). *Burglar to the Nobility*. Arthur Barker

14. Clayton, G. F. (1958). *The Wall is Strong: The Life of a Prison Governor*. John Long.

15. See footnote 6: Ex-Convict No-. (1930).

16. See footnote 6: Ex-Convict No-. (1930).

17. Bethell, B. (2023). 'Star Men' in *English Convict Prisons, 1879-1948*. Routledge.

18. *Shepton Mallet Journal*. (1932, September 2).

19. *Sunderland Daily Echo and Shipping Gazette*. (1926, April 8).

prisons were allowed to smoke but they were not allowed to smoke if they were convicted.

Prisoner autobiographies evidence that smoking has long been a contested issue among those incarcerated. In 1937 ex-convict Red Collar Man observed,

‘I think...smoking, chewing or the use of tobacco by a convict who has not done four years is to a prison commissioner the most deadly of sins, an outrage only to be expiated by starvation and isolation which certainly gets the nicotine out of the system’ (p. 60).²⁰

Ultimately, the Home Office did concede that if the experiment begun in 1932 at Brixton Prison was successful, extension would be considered. That experiment was reported in numerous newspapers. On 17 February 1932, under the headline ‘PRISON SMOKING. NEW REGULATION IN A PRISON’, the Gloucester Citizen reported that

Following a new regulation during the weekend, prisoners on remand at Brixton prison are now allowed to smoke while at exercise. Each prisoner awaiting trial may buy up to 100 cigarettes or 2-oz. of tobacco per week. Destitute prisoners in this class are issued with two cigarettes or one pipeful of tobacco a day. Pipe-smokers are becoming cigarette-smokers. They have decided that there is more smoke in 100 cigarettes than in 2-oz. of tobacco.

Some of these articles revealed longstanding pejorative assumptions about prisoner behaviour and implicit doubts about the extension of these rights. However, pressure had been brought to bear by penal reform organisations.²¹ What ultimately drove the very gradual extension of legal smoking for convicted men was its interlocking with an earnings scheme. By 1938 smoking facilities were extended to prisons which had earning schemes, that is ‘Wakefield and the four convict prisons—Dartmoor, Parkhurst, Maidstone and Chelmsford.’ In those prisons, a Home Office spokesman observed erroneously, ‘a man can smoke pretty well as much he likes in his free time’ (p. 12).²² But it was also noted that ‘Generally speaking there are no opportunities for smoking in local prisons, except for men awaiting trial. It is intended gradually to extend

the earning scheme, and with it the facilities for smoking’ (p. 2).²³

It was explained that this extension of privileges was part of reforms trying to appeal ‘to the prisoner’s better instincts and make him leave with less evil disposition’ (p. 11). Rather than being deterrent the aim was for prisoners to enjoy privileges that they could lose.²⁴ The Prison Commission report for 1938 commented on experiments at Wakefield, supported and initially funded by the Howard League:

It is hoped that this system may help to teach the men the following lessons: (a) That it is worthwhile to get a job, and whether one likes it or not, to make good at it; (b) that honest work is not unpleasant, and brings its own reward; and (c) the value of co-operation and esprit de corps.

So, by 1939 some basic principles were established regarding legitimate, permitted access to tobacco, albeit that uneven practice continued into the post-war era. The valuable and power-giving commodity should be available in prison only to those not convicted and for the convicted it had to be earned as a privilege and was used as a tool to try and teach the value of hard work as well as a tool to maintain discipline. Nevertheless, according to one interwar convict, unregulated tobacco continued to be considered by prison authorities as ‘more

dangerous contraband than (a) an open-blade razor, (b) smuggled drugs (c) trafficked liquor’ (p. 231).²⁵

The legitimate supply of tobacco was important to prisoners (although for many there was also an illegitimate, if risky, supply available) but this also became important to prison staff and officials alike. For most prisoners, according to B.2.15, being deprived of tobacco was the chief punishment, especially early in their sentence.²⁶ In an account of his prison life published in 1936, Wilfred Macartney gave his verdict on how to manage a sane prison system, which seemed to concur with the introduction of a privileges and incentives scheme:

‘Permit talking, allow smoking, abolish flogging and bread and water; maintain

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20. Red Collar Man (1937). *Chokey*. Victor Gollancz Ltd.

21. *Portsmouth Evening News*. (1931, 15 December 15).

22. *Western Gazette*. (1937, December 17).

23. *Warwick and Warwickshire Advertiser*. (1938, March 12).

24. *Hull Daily Mail*. (1937, June 4).

25. Phelan, J. (1940). *Jail Journey*. Secker and Warburg.

26. B. 2. 15. (1924). *Among the Broad-Arrow Men: A Plain Account of English Prison Life*. A. & C. Black, Ltd, p.45.

discipline by the deprivation of remission and of privileges — that is to say, permit a man to smoke, associate with his fellows from the beginning of his sentence, and, in the event of bad behaviour, take the privileges away' (p. 167).²⁷

Historically, prison authorities made use of smoking within a spectrum of punishment and deprivation at one end and reward and behavioural control at the other. Only recently has this been disrupted. In the early 21st century national prison administrations have, for the first time, endeavoured to impose smoking bans not explicitly and primarily, it is claimed, for disciplinary or control objectives. Rather, it is asserted, this has been undertaken for reasons of prisoner and staff health and concerns about legal action over the harmful effects of second-hand smoking.²⁸ The financial burden on the state of the associated insurance costs has also been included in the discussion. Yet there have been accusations that the ban adds to tensions and psychological damage caused by isolation and hopelessness in prison and that most return to smoking on release. Taylor et al support this and suggest there is likely to be less hostility towards informal attempts to enforce smoking cessation amongst the poor and working classes. They also remind us of the cultural significance of smoking in prison within these social groups reinforcing the 'status' of being able to smoke whilst incarcerated.²⁹ In the early 21st century outside of the prison non-smoking has become the norm due to restrictions on smoking in public and the promotion of narratives of health and wellbeing. This is in stark contrast to prisons where 'the 'normative' behaviour remains smoking, putting the non-smoker in the submissive position' (p. 41).³⁰ and highlighting the differing functions that smoking serves within prison and the increased complexity of attempting to regulate, and indeed, ban it, especially within a context of widespread use of illegal drugs in prison. Overall, people in prison often experience significant health inequalities but none starker than the difference in smoking rates. In England in early 2018, 14.9 percent of adults smoked tobacco, but for people in prisons it was about 80 percent,³¹ although cigarette

smoking is often replaced by e-cigarettes, which in recent years have raised their own concerns.

As Robinson et al point out, 'increases in tobacco black markets and riskier smoking practices [including illegal substances] have been reported' (p. X). But the suggested pre-ban anxieties about disorder appear to generally have proved unfounded although tobacco was cited as playing a role in recent problems in Birmingham Prison.³² Another important issue has been that the loss of autonomy regarding the choice to smoke was a potentially massive issue amongst the prison fraternity.³³ Some prisoners in this study expressed ways of claiming back some control and autonomy before smoking bans were implemented, 'That's why he's quit, because he had that much taken off him all his life by the prison system, just give it up now, so they can't take it off him in sixteen weeks' (p. 118).³⁴ This highlights the potential power struggle which may be ongoing in relation to smoking in prison and the prioritising by prisoners of the autonomy of being able to smoke over the potential health benefits a ban could bring.³⁵

Clearly, the issue of smoking in prison has long been contentious and will continue to be so. The faith invested in the use of tobacco as a key facet of incentive schemes to encourage good behaviour and reform emerged in the interwar years into active and public discussion. Embedded in these discussions were long-standing beliefs about less eligibility and the purpose of imprisonment within which the reformatory ethos of the 1920s and 1930s made little headway. Smoking continues to be not only an addictive substance enjoyed and indeed prized during incarceration, but it also continues to represent a small level of autonomy within highly restricted regimes and tense environments, whether legally or illegally available. In this context, progressing a policy of attempting to ban smoking in prisons continues to be contentious of itself and also because it relates to other experiences of confinement.

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27. Macartney, W. (1936). *Walls Have Mouths. A Record of Ten Years' Penal Servitude*. Victor Gollancz Ltd.
 28. Hopkins, S. (2015) 'British Smoking Ban Riot Fears As 'Stability' Concerns Overshadow Health Implications', Huffington Post. British Prison Smoking Ban Riot Fears As 'Stability' Concerns Overshadow Health Implications | HuffPost UK News
 29. Taylor, P., Ogden, C., & Corteen, K. (2012). Tobacco Smoking and Incarceration: Expanding the 'Last Poor Smoker' Thesis. An Essay in Honour of Dr David Ford. *Internet Journal of Criminology*, www.internetjournalofcriminology.com.
 30. Ritter, C., Stover, H., Levy, M., Etter, J.F. and Elger, B. (2011). Smoking in prisons: The need for effective and acceptable interventions. *Journal of Public Health Policy*, 32(1), 32-45.
 31. Cropsey et al (2010), cited in Dugdale, S., Semper, H., Povey, R., Elison-Davies, S., Davies, G., & Ward, J. (2019). 'Offenders' perceptions of the UK prison smoking ban'. *International Journal of Prisoner Health*, 15 (2), 114-125.
 32. See footnote 1: Robinson et al (2018).
 33. See footnote 10: Dugdale et al (2019).
 34. See footnote 10: Dugdale et al (2019).
 35. See footnote 10: Dugdale et al (2019).