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Reviews

Book Review

Punishment

Thom Brooks

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Thom Brooks is a Reader in Law at Durham University. In this book he sets out to address the central question 'How should we punish crimes?' through the exploration of theory. To do this, he provides a critical guide of the leading theories of punishment to engage readers with the strengths and weaknesses of each theory of punishment.

Brooks discusses the general theories of punishment (retributivism, deterrence, rehabilitation and restorative justice), acknowledging the aim of each approach to the justification punishment. He then approaches hybrid theories that seek to bring together elements of the traditional theories of punishment, which aspire to justify punishment on the basis of more than one aim. This is an important discussion, which draws attention to the need to be able to acknowledge that in practice, more than one justification could and should be sought to explain punishment. The hybrid theories discussed include the mixed theory, expressionism and the unified theory and Brooks successfully provides a critical analysis of each.

In the final part of this book, Brooks sets out useful case studies which set the different approaches to punishment in the context of different offences including capital

punishment, juvenile offending, the punishment of domestic violence, rape and child sex offences. The use of such case studies make clear to the reader the necessity for the adoption of both traditional and hybrid theories to explain and justify different types of punishment and gives the reader a more detailed understanding of how these theories work in practice.

Urging philosophers to accept the unified theory of punishment, Brooks argues that it is the most compelling theory of punishment and suggests that it can provide an important revision of restorative justice. He argues that this revision can address the non-punitive nature of restorative justice by implementing a 'punitive restoration' approach, thus restoring public confidence in what has so far proven to be a cost-effective alternative to competing approaches to punishment.

This book has the ability to speak to a wide audience about the theoretical and practical issues surrounding the discussion of punishment. It's illustration of the application of general and hybrid theories to case studies of different types of crime allows the reader to understand how such theories can be applied and discussed in practice in contemporary western society. It should be seen as being particularly useful to students, politicians, legal practitioners and policy makers as well as those who are new to the topic, or indeed already engaged in this field.

Helen Nichols is a PhD Student at the University of Hull.

Book Review

The American Prison: Imagining a Different Future

Edited by Francis T. Cullen, Cheryl

Lero Jonson and Mary K. Stohr

Publisher: Sage (2014)

ISBN: 978-1-4522-4136-4
(paperback)

Price: £22.99 (paperback)

In their impressive work on 'public criminology', Ian Loader and Richard Sparks¹ argue that criminologists use there are a range of strategies deployed by criminologists in order to engage with public opinion, public policy or the intellectual imagination of readers. They maintain that this helps to shape not only the immediate landscape of crime and penal policy, but also plays a role in creating a better politics through what they called 'democratic under labouring'. This edited collection by three distinguished American academics expressly and directly articulates positive alternative approaches for the future of American prisons. In doing so, they are explicitly attempting to inspire the reader and create a better politics.

As the introduction to the book highlights, we are currently at a moment where there is an opportunity to reconsider the penal populism of recent decades which has seen dramatic increases in the prison population, increasingly harsh sentencing and calls for more restrictive conditions. That moment has arisen, the authors argue, due to the confluence of three factors. The first is increasing evidence of the harmfulness of imprisonment which has undermined confidence in this as a solution. Second, there has been a consistent and sustained reduction in crime, including violent crime,

1. Loader, I. and Sparks, R. (2010) *Public Criminology?* Abingdon: Routledge.

which has reduced the immediacy of law and order as a political issue. Third, the financial crisis and subsequent recession has led to the need to curtail public expenditure and has therefore reduced the feasibility of mass incarceration as a policy option.

The book has seven parts which draw out different approaches to custody including restorative, therapeutic, green, and faith-based prisons. The book also addresses how the needs of women and minority ethnic communities can be better met, and how the harms of imprisonment including health and personal safety can be minimised. There are chapters exploring approaches to achieve change including accountability, effective management, smaller prisons and an ethical approach to competition.

The chapters are by turns inspiring and frustrating. There are a number that present their cases effectively, drawing upon real examples of prison practice that make their propositions appear grounded and achievable. That is particularly the case with the chapters on the green prison and the faith-based prison. However, others remain too detached from lived examples to be convincing. In this regard, the chapters on the therapeutic prison and the restorative prison are disappointing as there are outstanding examples to draw upon, including in the UK where prisons such as Grendon² and Whatton³ have attracted particular attention and restorative justice has been given close consideration.

It is also worth considering the strategy of this book. It clearly makes the case that prisons are harmful and that this harmfulness can and should be minimised. This liberal-humane strategy is one that seeks to ameliorate the effects of imprisonment and promote parsimony in its use without calling

into question the fundamental power structures that underpin the use and practice of imprisonment. This is particularly clear in the chapters on the needs of women and minority ethnic communities. In both of these cases, there is a growing and convincing body of critical criminology that draws attention to the role of criminal justice in creating and maintaining power and inequality. Such work highlights a need for wider and more radical social change.

It is to be applauded that the editors of this book have attempted to explicitly and directly to articulate a liberal-humane agenda for penal reform at an important moment. However, the ambitions of the editors are to a degree limited. Their aim is to ameliorate rather than overthrow and to reform rather than revolt. The fact that they have adopted a relatively cautious approach may mean that it is realistic and achievable, but also means that it is limited in its scope and imagination.

Dr Jamie Bennett is Governor of HMP Grendon & Springhill.

Book Review

If You Sit Very Still

Marian Partington
Publisher: Vala Publishing
Cooperative (2012)
ISBN: 978-1-908363-02-2
(hardback)
Price: £15.99 (hardback)

'To say, 'My sister was murdered, she was one of the Wests' victims' makes my throat ache'. 'Most of Lucy's bones, her poetry and something of her spirit survived.' Two sentences from Marian Partington's prologue. If you read this book, you will not forget it.

It encompasses, with a remarkable combination of directness and delicacy, a range of reality beyond both ends of the normal spectrum to which we limit ourselves in order to cope — for as T S Eliot said, humankind cannot bear too much reality.

At one end of that spectrum of honesty are the physical realities of loss. The ache precisely located in the throat, the bones counted out, the younger sister's skull held tenderly when it was found, the skeleton incomplete, 20 years after the murder. At the other end, running through the whole book is a minute and intensely lyrical delineation of the tides and waves of emotion, washing constantly against rocks of bitterness and self-pity but always letting go of them. Bereavement, so often chunked out into crude stages by cheap psychology, emerges as a key part of a lifelong journey of maturation, sympathy and self-discovery.

Marian's tale has been long distilled — 20 years of waiting, not knowing, and a further 18 years since the wound of knowing everything followed. To read her story is to guess that finding the right words, at every turn, has been at the heart of her healing. For the criminal justice student, theorist or practitioner, her painfully but beautifully articulate tone may seem remote from the mundane struggle which victims — including the many offenders who are victims — wage against despair and vengeful bitterness, and in search of justice, closure, some kind of non-destructive perspective on what they and their loved ones have suffered. And yet she glosses over nothing — certainly not the 'murderous rage' which possesses her at some points along the road.

Memories, dreams and reflections (the title of a book by Jung, which is no coincidence) come

2. See for example Shuker, R. and Sullivan, E. (eds) (2010) *Grendon and the Emergence of Forensic Therapeutic Communities: Developments in Research and Practice* Chichester: Wiley-Blackwell.
3. See *Prison Service Journal* no. 208 (2013) *Special Edition Whatton — Prison of change?*

together in Marian's journey for the weaving of a net in which she can, finally, hold and contain the mystery of the obscene evil which took root in the Wests. Her writing is most powerful and evocative when a minutely described physical object — the little bag that Lucy made for her out of scrap sheep's wool, for example, or something in nature — becomes the occasion of a profound reflection on meaning and emotion. The book is very much her life story: the potent shadow of the murder so overwhelmed her that other life struggles became subsumed — and were extraordinarily resolved — through the quest to find her way out of its darkness. The story ends very positively, and that not through finding a way to move on, but through all the positives which eventually came directly, as she tells it, from the tragedy itself. The teaching and the company of

Quakers and of Buddhists turned out to be central to this journey.

Four parts make up the book, their titles drawn from analysis of a fourteenth-century 'dream vision' text. Crisis — the disappearance, the long uncertainty, the discovery, the 'unearthing and re-earthing', tones and textures of experience told with piercing directness. Confessing — two chapters 'Enfolding the dark' and 'Finding a voice', tracing with harrowing honesty how by facing and facing again the anguish and rage, the dumb hopeless paralysis of grief was lanced and Marian first wrote her tale in 1996. Comprehending — again the chapter titles 'peeling away the layers', 'fresh earth', 'suffering and healing' give some notion of how meditation in traditions close to the good earth was a major resource. Finally Transforming — as Marian began to be able to make the fruits

of her healing and learning available to others, not least others who were victims and others who were in prison.

There is no psychobabble, and no rehashing of weary themes about the possibility of forgiveness. An understanding of that possibility emerges at the end of the book, but only as the final fruit of this long quest. The writing, never less than luminous, has a liminal feel, inhabiting a shoreline between the granular particularity of prose and the lyrical fluidity of poetry. It is not a perfect book — it is in a way too personal for that — but its startling and deeply considered honesty more than compensates for any imperfection.

Martin Kettle is Home Affairs Policy Adviser for the Church of England.



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