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Humanising Incarceration

A Prison Chaplain's Pastoral Response to 'A Rising Toll of Despair'

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Introduction

This article reflects upon the state of prisons in England and Wales which led to the Prisons and Probation Ombudsman entitling his 2014 Annual Report 'A Rising Toll of Despair'. A Chaplain considers the cost, in human terms, of incarceration in its current form. The factors that contribute to this 'rising toll' are explored, touching upon the role public opinion and political policy play; the institutional issues at prison level; and focusing, in a practical way, on the importance of 'custodial compassion' to foster human flourishing.

The Prisons and Probation Ombudsman's (PPO) annual report for 2013–14 was entitled 'A Rising Toll of Despair'. This article offers a humanitarian response, not to the report, but to the circumstances that led to such a bleak appraisal of the conditions of incarceration in England and Wales in 2013–14, many of which still abide.¹ My reflections are as a researching professional, embedded within that context, with a duty to offer pastoral care to those in custody, as well as their custodians. I concur with the PPO's appraisal, and the pastoral practice I will promote as an antidote to the human despair highlighted by the PPO is 'custodial compassion'. Although I write as a prison chaplain, this practice is relevant to all those who seek to serve in ways that foster human flourishing behind bars.

A Seedbed of Despair

My concern is an anthropological one: What is it to be human behind bars, and what is derived from

that which can help address the 'rising toll of despair' humanely. A complex overarching issue that drains human hope from the penal system and provides a socially constructed seedbed for human despair is the prevailing punitive public discourse. England incarcerates a disproportionate number of its citizens compared to other similar nations among its neighbours of both northern and western Europe.² The theologian Timothy Gorringer has likened this attitude to Biblical scapegoating.³ If prisons serve a similar but sociological function – banishing social deviancy and the carriers of it to the margins of society – what is the effect upon the humanity of those described and treated in such a way?

This is further compounded by a wilful blindness to the social deprivations that have impacted on many prisoners pre-custody.⁴ Social conditions are the greatest determinants of a journey towards incarceration.⁵ There is always a personal choice element in crime, but the odds are stacked against those who are 'largely the neglected children of the urban wastelands'.⁶ Ex-offenders need 'social capital (opportunities)' as well as 'human capital (motivations and capacities)' to be rehabilitated.⁷ With a few exceptions, this is not the view propagated loudest in public opinion or political policy.

The institutional 'coalface' of prison life is where these despair-inducing social factors are magnified. This is where the flesh and blood of incarcerated humanity is distressed to the level deplored by the PPO.

1. PPO (2014) Annual Report 2013–2014. Available at: <http://www.ppo.gov.uk>; Prison Reform Trust (Autumn 2015) Bromley Briefings Prison Factfile. Available at: <http://www.prisonreformtrust.org.uk>.
2. International Centre for Prison Studies (2013) World Prison Population List. University of Essex. Available at: http://www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/wvpl_10.pdf.
3. Gorringer, T. (2002) The Prisoner as Scapegoat: Some Skeptical Remarks on Present Penal Policy. *Journal of Offender Rehabilitation* 35 (3):243–251; Gorringer, T. (2004) *Crime: Changing Society and the Churches*. London: SPCK.
4. Bennett, J. (2012) Prisoner Backgrounds and Biographies, in B. Crewe and J. Bennett (eds.) *The Prisoner*, 1–12. London: Routledge; Scott, D. and Helen C. (2010) *Controversial Issues in Prisons*. Maidenhead: Open University Press.
5. Hudson, B. (1987) *Justice through Punishment: A Critique of the Justice Model of Corrections*. Basingstoke: Macmillan Education, 93–129.
6. Stern, V. (1998) *A Sin against the Future: Imprisonment in the World*. London: Penguin, 171.
7. McNeill, F. (2006) A Desistance Paradigm for Offender Management, *Criminology and Criminal Justice* 6(1):39–62, 55.

A Hotbed of Frustration

The detrimental effects (to incarcerated humanity) of public discourse is compounded by recent internal changes that have impacted upon the institutional level of incarceration. A key element in the delivery of the Prison Service's 'New Way of Working' was 'a smaller staff group'.⁸ Whilst the PPO suggests in his report that direct links between this dramatic re-structuring and 'a rising toll of despair' are anecdotal, they cannot be ignored as a contributory factor.⁹ Her Majesty's Chief Inspector of Prisons (HMCIP) was less ambiguous and claims that under-resourcing, in conjunction with overcrowding and policy pressures, led to 'the rapid deterioration in safety and other outcomes' his department reported.¹⁰

Although significant, I argue that staffing levels are not wholly to blame. The way in which prison resources are organised and managed also contributes. The nature of relational interactions that foster human flourishing are also key. Developments in the 'New Way of Working' – such as 'Every Contact Matters' and 'the Five Minute Intervention' – could make positive contributions to the humanising of incarceration.¹¹ This article demonstrates why every human contact should matter, not just as a convenient managerial sound bite.

Managerialism

Prisons do need to be proactively managed for security and can ill afford chaos or dis-organisation. It is the way organisations are managed that raises problems. Prison leaders and managers are

attempting to do the impossible and 'balance competing priorities in the light of a proliferation of objectives and tasks which go way beyond [their] functional and financial capacity to deliver'.¹² The prime issue for the purposes of this article is not one of personnel (the type of people in managerial roles) but the way they are being required to manage – it is a systemic issue.

The Francis Report into patient deaths at the Mid-Staffordshire Hospital highlighted how its organisational culture 'focused on doing the system's business – not that of the patients'.¹³ There are implications from this for HMPS.¹⁴ A main concern in the context of a 'rising toll of despair' is that the drive

towards greater value for money in prisons can – like Mid-Staffs Hospital – lead to an obsessive institutionalised compulsion to be 'doing the system's business'.¹⁵ Without close attention, 'efficiency' quickly loses sight of the duty of care that should imply a deeper regard for the humanity of those who are incarcerated. A judgement of the PPO, following the self-inflicted death of a prisoner through hanging, was that 'it appeared that [staff] were just going through the motions of the procedures'.¹⁶

Addressing human need is more complex than merely requiring the better application of managerialist solutions. Over-

reliance on managerialism's instrumental-rationality, and its obsession with targets and statistics, can impersonally mask a dehumanising organisational culture where harmful actions are legitimised as 'just doing my job'.¹⁷ The PPO's criticism of staff 'going through the motions' regarding the safe-guarding procedures displays a worrying degree of 'dispassionate compliance'.¹⁸

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8. NOMS (2013) Our New Way of Working. Available at: <https://www.justice.gov.uk/downloads/about/noms/our-new-way-maps.pdf>.

9. See n.1, 7.

10. HMCIP (2014) Annual Report 2013–2014. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisoners>.

11. Mulholland, I. (2014) Contraction in an Age of Expansion: An Operational Perspective, *Prison Service Journal* (January 2014 No 211):14–18, 16.

12. Bryans, S. (2008). Prison Governors : New Public Managers?, in J. Bennett, B. Crewe and A. Wahidin (eds) *Understanding Prison Staff*, 213–230. Cullompton: Willan, 224.

13. Francis, R. (2013) Report of the Mid Staffordshire N.H.S. Foundation Trust Public Inquiry (Executive Summary). Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279124/0947.pdf.

14. Hardwick, N. (2014) Lessons for the Prison Service from the Mid-Staffs Enquiry, *Prison Service Journal* January 2014 (211):3–13.

15. See n.14, 4 (My emphasis).

16. See n.1, 20.

17. Liebling, A. and Maruna, S. (2005) *The Effects of Imprisonment*. Cullompton: Willan, 7.

18. See n.1, 20; Liebling, A. and Crewe, B. (2013) Prisons Beyond the New Penology: The Shifting Moral Foundations of Prison Management, in J. Simon and R. Sparks (eds.) *The Sage Handbook of Punishment and Society*, 283–308. London: SAGE, 300.

Like most employees, vocational motivation and commitment will vary across the uniformed prison workforce. Many are constantly mitigating the institutional factors that are detrimental to human flourishing, in addition to carrying out their everyday duty of dealing with the troubled and the troubling in their charge. The cost of this double burden of care can be high, leading to cynicism and denial as coping mechanisms. If unchecked, these can be corrosive of a humane disposition.¹⁹ The 'humanising of incarceration' necessary to address the 'rising toll of despair' must include support for staff and the psychological and emotional loads they carry. The introduction of the NOMS *Help Employee Assistance Programme* is welcome in this regard.²⁰ Caring for the custodians as well as the cared-for is necessary if box-ticking 'dispassionate compliance' is to be transformed into humane 'custodial compassion'.

What is 'Humanity'?

An initial motivation for my current research was a concern about the prevalence of references to 'humanity' in official statements and documents that largely failed to provide much substance to the concept. If the 'rising toll of despair' is to be addressed, 'humanity' needs to be transformed from vague institutional aspirations to a real, embedded, daily praxis.

In Search of 'Humanity'

According to the United Nations' *Standard Minimum Rules for the Treatment of Prisoners* (UNSMRTP) those in custody are to be treated with 'humanity'. A similar aspiration to 'look after [prisoners] with humanity'²¹ is expressed in Her Majesty's Prison Service's (HMPS) Statement of Purpose, as adopted in 1988.²² Simple, uncontested, definitions of 'humanity' are, however, hard to come by and some commentators question whether

the notion is too complex and subjective to have general practical application.²³

'Humanity' is an asymmetric term. It is easier to identify its opposite (inhumanity) than define it.²⁴ Much valuable work is already being carried out to give substance to the notion.²⁵ Theology does not offer any superior insight into the human condition to those that might be found elsewhere. However, given its complexity, the more epistemological angles we approach the human condition from, the better placed we are to improve it (or, less ambitiously, to minimise the unintended detrimental consequences of our best intentions). Theology offers another angle to approach 'being human' because 'theologians 'know' differently', not better.²⁶

Anthropological Correlations

The Christian tradition, from which I write, has wrestled for two millennia with what it means to be human, a question of anthropology. The wisdom that has been distilled has been hard won and not always practised to the benefit of humankind. The tradition has deeply influenced prevailing understandings of human nature. Because this tradition is not homogenous, the model of humanity I offer is unavoidably selective. It provides enough correlation with contemporary

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humanistic aspirations found in the UNSMRTP and the *Seven Pathways of Resettlement* (SPR) to be the basis for a critical conversation around factors in incarceration that raise levels of human despair to those deplored by the PPO's report.

The view of humanity represented in the UNSMRTP and SPR demonstrate a holistic perspective regarding human needs. This can map easily across to a Christian anthropology derived from the teaching of Jesus as recorded in the Gospel of Luke. In one passage Jesus is asked by a religious lawyer how he must live his life so as to receive a heavenly reward. Jesus' reply incorporates wisdom from his own (Jewish) scriptures: 'You shall love

19. Scott, D. (2008) *Creating Ghost in the Penal Machine: Prison Officer Occupational Morality and the Techniques of Denial*, see n.12, 168–186.

20. NOMS (2015) *Help: Employee Assistance*. Available at: <http://www.employeeassistance.org.uk>.

21. United Nations. 1955. *Standard Minimum Rules for the Treatment of Prisoners*. Available at: <http://www.refworld.org/docid/3ae6b36e8.html>.

22. Coyle, A. (2003) *Humanity in Prison: Questions of Definition and Audit*. London: International Centre for Prison Studies, 10.

23. See n.22, 5.

24. Liebling, A. assisted by Arnold, H. (2005) *Prisons and Their Moral Performance: A Study of Values, Quality, and Prison Life*, Clarendon Studies in Criminology. Oxford: Oxford University Press, 205.

25. See works cited in notes 18, 22, 24; Coyle, A. (2002) *A Human Rights Approach to Prison Management: Handbook for Prison Staff*. London: International Centre for Prison Studies.

26. Pattison, S. (2007) *The Challenge of Practical Theology: Selected Essays*. London: Jessica Kingsley, 201.

the Lord your God with all your *heart*, and with all your *soul*, and with all your *strength*, and with all your *mind*; and your neighbour as yourself'.²⁷ Jesus' response offers a holistic model of humanity. It captures the four constituent and interrelated elements of human nature as defined in the Judaeo-Christian tradition: Heart (Emotional/Relational), Soul (Spiritual/Creative), Strength (Physical/Material) and Mind (Intellectual/Psychological).

Whilst my theological premises will not be shared by all readers, the human nature I have described is probably not alien. This is unsurprising given the cultural and historical influences that Christian understandings of humanity have had on British society and its institutions. Whilst upholding the importance of a holistic anthropology for human flourishing, it is in the emotional/relational element that the most hope lies as an antidote to the human despair that has grown to worrying proportions in prison.

Acting Compassionately, Being Human

Deep Relating

In the Prison Chapel where I work is hung a copy of Rembrandt's 'The Return of the Prodigal Son' (1661–1669). The Parable of the Prodigal Son²⁸ is a story to which prisoners readily relate. Depicting God's unconditional love, it tells of a wayward son who squanders his inheritance and eventually finds himself in a place of hardship. It is when he is 'down on his uppers' that he comes to his senses and turns homeward, not knowing what reception he will receive from his father (whom he has offended by his actions).

The story's promise of rehabilitation, following reckless and selfish behaviour, resonates with many prisoners' life narratives. It is a story that evokes a sense of deep compassion. The Greek word in the story which is translated 'compassion', taken literally, refers to a disturbance of the bowels! The bowels at the time were believed to be centre of the emotions. Care, as compassion, is a form of relationality that moves a carer deeply.

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Compassion is a word easily deployed. Yet it is 'actually a highly contested and ambiguous concept which can chase after real content and meaning'.²⁹ This makes it problematic in the context of incarceration when custody (and its privations) is frequently regarded as 'just deserts' of the crime committed. This is ill-conceived, for two reasons. Firstly, prisoners 'come to prison as a punishment, not for punishment'.³⁰ Secondly, 'just deserts' theory disadvantages those marginalized in society, taking 'no account of structural or economic factors such as poverty' in criminality.³¹ 'Just deserts' is a far cry from the deep compassion felt by the father of the prodigal son (even though the son was undeserving of such regard).

Custodial Compassion

'Custodial compassion' will sound strange to many ears but '[it] is perfectly consistent to treat a criminal...as fully responsible for his crimes, and yet to acknowledge with compassion the fact that he has suffered misfortunes that no child should have to bear'.³² This disposition is already embodied in the best practice of those staff that relate to prisoners with custodial clarity whilst maintaining a caring regard for the human brokenness of those for whom they have a duty of care to keep safe, secure and decent.

Compassion may seem well suited to a healthcare ('softer') context but awkward in a penal ('harder') environment. This is where the usual separation of 'thought' ('hard' – as in 'hard facts') from 'emotion' ('soft' – as in 'soft-hearted') – whereby the latter is considered 'irrational' – needs to be reconsidered. The field of neuroscience has offered the possibility of moving beyond the rather crude but popular model of 'left brain' (logic) and 'right brain' (feelings/creativity) for human cognition. Work in the field has shown that the relationship between these two cognitive modes are much more integrated and co-dependent for wise (ethical) decision-making than was

27. Luke 10:27–28 Cf. Deut. 6:5 and Lev. 19:18. (my emphasis).

28. Luke 15:11–32.

29. Pattison, S. (2015) "Ceeing [sic] Compassion." *Unpublished Manuscript* (February 2015).

30. Paterson, A. (1951) *Paterson on Prisons: Being the Collected Papers of Sir Alexander Paterson*. London: Frederick Muller.

31. Barton, A. (2005) Just Deserts Theory, in M. Bosworth (ed.) *Encyclopaedia of Prisons and Correctional Facilities*, Oxford: SAGE, 3; Hudson, B. (1987) *Justice through Punishment: A Critique of the Justice Model of Corrections*. Basingstoke: Macmillan Education, 93–129.

32. Nussbaum, M. (2001) *Upheavals of Thought: The Intelligence of Emotions* Cambridge: Cambridge University Press, 414; also Haney, C. (2005). The Contextual Revolution in Psychology and the Question of Prison Effects in A. Liebling and S. Maruna (eds.) *The Effects of Imprisonment*, 66–93, 87. Cullompton: Willan.

once imagined.³³ 'Compassionate custody' can be a form of ethical 'compassion within the limits of reason', a relational coming together of heart and mind.³⁴ Ratio-centric organisational systems and structures will always be places that easily foster human despair, unless they allow for and systematically embody compassion – care as well as control.

'I see you!'

In African cultures there is a concept known as *ubuntu*.³⁵ *Ubuntu* means 'humanity' and expresses the belief that 'our humanity is bound up with the humanity of others' – I cannot become fully who I am outside my interdependent relationships with others, and their diminishment is mine as well.³⁶ Conceptually related to *ubuntu* is *sawu bona*. It is an African greeting which literally means 'We see you'.³⁷ It conveys a form of seeing that goes beyond stereotypes and recognises the sharing of a common humanity. This is achieved by both the giver of the greeting, and the one greeted, being truly (relationally) present to one another.

The relationality implied by *ubuntu* and *sawu bona* is not a concept totally alien to Western culture.³⁸ Many staff within a prison, in my experience, naturally operate with this deep regard but, as HMCIP has argued, resilience in the system is so low that only a few things need to go wrong and problems arise.³⁹ It can be as simple as a member of staff going absent with illness for

capacity on a wing to be reduced to such a level that levels of compassionate attention are compromised. As a system, tragically, some times 'We no longer see you' pertains, as recent harrowing statistics suggest.

Emotional Labour

This regard for another person, a deep 'seeing', is a caring engrossment that is not indifferent to the plight of another human being, even when they have done wrong or may be personally obnoxious.⁴⁰ Techno-rational

systems, such as bureaucracies, have tendencies to dehumanise, turning people into numbers on spread-sheets and employing – consciously or unconsciously – other devices that distance individual operatives emotionally from those in their care.⁴¹

A further challenge is the emotional cost of caring. To recognise the humanity of another person in a disciplined and controlling environment is personally costly to compassionately disposed staff, at least to those who have not already adopted defensive and self-protective routines. Bearing the costs of emotional labour long-term can undermine human well-being.⁴² Care for the humanity of staff requires close attention to the

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additional emotional labour costs of not only keeping prisoners secure, safe and decent, but also having due regard for them as human beings, rather than distancing them as "scum", 'cons', 'scrotes', 'shits', 'toe-rags' and 'nonces'.⁴³

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33. In addition to Nussbaum (n.30) see LeDoux, J. (1999) *The Emotional Brain: The Mysterious Underpinnings of Emotional Life* London: W&N; Damasio, A. (2004) *Looking for Spinoza: Joy, Sorrow, and the Feeling Brain*. London: Vintage; Damasio, A. (2006) *Descartes' Error: Emotion, Reason and the Human Brain*. London: Vintage; McGilchrist, I. (2012) *The Master and His Emissary: The Divided Brain and the Making of the Western World*. London: Yale University Press.
34. Nussbaum (n.30), 414–425.
35. Swinton, J. (2007) *Raging with Compassion: Pastoral Responses to the Problem of Evil* Cambridge: Eerdmans.
36. Battle, M. (2009) *Reconciliation: The Ubuntu Theology of Desmond Tutu* Revised ed. Cleveland, Ohio: The Pilgrim Press.
37. Lessem, R. and Nussbaum, B. (1996) *Sawubona Africa: Embracing Four Worlds in South African Management*. South Africa: Zebra Press.
38. Buber, M. (1937) *I and Thou*. Translated by R.G. Smith. Edinburgh: T. & T. Clark; Macmurray, J. (1999) *Persons in Relation*. New York: Humanity Books; Kramer, K. with Gawlick, M. (2003) *Martin Buber's I and Thou: Practicing Living Dialogue* New York: Paulist Press; Liebling, A. (2015) Description at the edge? I-It/I-Thou Relations and Action in Prisons Research, *International Journal for Crime, Justice and Social Democracy*, 4(1): 18–32.
39. Wright, O. (2014) Chief Prisons Inspector Nick Hardwick Interview: 'You Need to Make Rehabilitation the Central Point', *The Independent*, 8th August. Available at: <http://www.independent.co.uk/news/uk/politics/chief-prisons-inspector-nick-hardwick-interview-you-need-to-make-rehabilitation-the-central-point-9662761.html>.
40. Noddings, N. (2013) *Caring: A Relational Approach to Ethics & Moral Education*. 2nd ed. Berkeley, California: University of California Press.
41. Crawley, E. (2004) Emotion and Performance: Prison Officers and the Presentation of Self in Prisons. *Punishment and Society* 6 (4):411–427, 25–26.
42. Hochschild, A. (2012) *The Managed Heart: Commercialization of Human Feeling*. Updated ed. London: University of California Press.
43. See n.39, 25.

Staff-Prisoner Relationships

HMCIP observed: 'Strong relationships between staff and prisoners often offset the poor physical conditions in prisons'.⁴⁴ NOMs has made a commitment to promote such relationships.⁴⁵ Compassion, construed as a deeply relational pro-active 'seeing', requires not only appropriate resources (so that there are enough staff with enough time and continuity of contact to offer quality interactions with prisoners) but also an institutional *predisposition* or organisational mode that fosters an attitude that every contact really does matter. 'Just five minutes, or even less, of our time can make a real difference. Just saying 'good morning' can change the way a prisoner might be feeling'.⁴⁶

In 'a rising toll of despair' it is crucial that humane practices of relating become institutionalised and second nature. Leaving a prisoner feeling that they have been regarded ('relationally seen') as a human being can be transformative. It can make all the difference between an incremental step towards rehabilitation or another tragic statistic.

Summary

The 'rising toll of despair' I have reflected upon is located within the external tension of public opinion and political policy and the internal stresses of contemporary penal practice. Public opinion about, and political policy towards, prisons determine the allocation of resources from the public purse. This has a dramatic impact that tragically trickles down the penal system to contribute to the conditions within

which intolerable levels of despair can reside. The wider context within which prisons sit cannot be ignored. However, as a Chaplain, my concern here has been to draw attention to the internal level: the relationships between staff and prisoners within the institutional constraints of prisons.

Human beings are flawed creatures, so staff cannot – all the time, with all people, everywhere – be the best versions of themselves. Every human contact does matter but organisational compassion also entails recognising (whilst not excusing) people sometimes have 'a bad day' and fall short of their own best intentions. But the more 'custodial compassion' is normalised, rather than being an exotic interest of 'do-gooders', the better the chances (within constraints of resources) of reducing the awful toll of despair in prisons. To deny the relevance of compassion within the custodial context is to fall short of the glory of our own humanity.

The fact that, until recently, safeguarding processes had significantly reduced the frequency of self harm and suicide suggests that the tide of despair can turn again, given adequate resources and institutionalised compassionately attentive practices. This desperate toll is most tragic upon the individuals (and their families) who self-harm or end their lives. But it is also costly to the many staff who dedicate their daily work to making a difference in such a bleak environment. Personally speaking, that they continue to do so, in public service, enables me to maintain some hope in humanity.

44. See n.10, 34.

45. NOMS (2014) 'Business Plan 2014–2015.' Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302776/NOMS_Business_Plan_201415.pdf.

46. Baker, P. (2014) Making a Real Difference to Prisoners' Lives. NOMS Intranet (With Author's Permission).