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Reform and Research: Re-connecting Prison and Society in the 21st Century

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Abstract

In this contribution I briefly outline some of the historical and current trends in prison research and question how a prison researcher can work towards influencing policy and practice. I discuss the current role of 'what works' research and the way it is sometimes utilized in a time of penal populism and rising prison populations. I argue in favour of a broader approach which recognizes the wider societal effects of imprisonment and I provide a concrete example of how one can attempt to plan research and project work in order to facilitate progression from research and knowledge production to action and implementation. Finally I discuss some of the scientific and ethical implications which can arise when working with reform and implementation projects.

Keywords

Prison; research; reforms; what works; penal populism; human rights.

Introduction

Since the development of the modern penitentiary the effects of imprisonment have been discussed intensively. For more than a century a primary focus of these discussions was the effects of imprisonment on the individual prisoner or the use of imprisonment as general deterrence. The question of how prisons otherwise affected society gained sparse attention by comparison. Since the 1960s and 1970s a critical literature on the penal power of the state has developed and more recently a new wave of studies has begun to document the wider societal consequences and damage caused by the use of imprisonment, while another school of research continues to focus on 'what works' and rehabilitation of prisoners. Meanwhile, 'tough on crime' policies and the use of imprisonment continue to be on the rise in many nations and the need for reform and drastic change seems obvious. So where does this leave a researcher who not only wants to collect interesting data but also has a modest hope of making an impact on policies and practice that will contribute towards lessening the amount of pain and punishment dispensed by the state? In the following I briefly outline some trends in prison research and I describe my own experience from doing research and working with practical reform projects within a climate of penal populism. By doing so I discuss some of the ways in which prison

research can be used to analyse, challenge, and even change the century-old relationship between prisons and the surrounding society.

Prison, society and prison research

Historians normally agree that prisons have existed since the sixteenth century as institutions specifically established to incarcerate a significant number of people for prolonged periods of time (Smith 2003: 25, 2004). For much of this time and especially in the last 200 years, the effects of imprisonment on prisoners have been discussed intensively. From the late nineteenth century and up until the 1960s, modern criminology saw 'the maladjusted delinquent' as 'the problem and correctional treatment was the solution' (Garland and Sparks 2000: 8). The scope and focus of research has since broadened considerably but even some of the more recent transformations in society seem to take place without general consideration of how they affect the relationship between prison and society. One example is the question of how the rising importance of digital communications technology affects prisons and prisoners (Johnson 2006; Smith 2012). Another interesting case is the question of how the use of large-scale imprisonment affects the relatives and children of those imprisoned, an issue of significant societal importance that has only begun to attract attention in the last decade or two (Murray, Farrington, Sekol et al. 2009; Smith 2014; Wakefield and Wildeman 2014). These studies are part of a growing trend in research looking at the wider societal effects and inequalities caused by the use of imprisonment (Alexander 2012; Western 2006; Western and Wildeman 2009).

At the same time it is well known and extensively described in the literature how late modern penal politics have favoured neo-liberal risk management and produced 'tough on crime' policies, penal populism, and rising prison populations (Garland 2001b; Robert, Stalans, Indermaur et al. 2003; Pratt 2007; Tonry 2004).[2] It has also been discussed how prison practices to some extent have become tougher and more exclusionary exemplified by, for example, supermax prisons, overcrowding, and interrogation and detention practices in the 'War on terror' (McCoy 2006; Shalev 2009). One can argue that even when treatment programs and rehabilitative efforts are used in prisons today they are often focused more on the individual prisoner's internal psychology (such as cognitive programs) and less on relations with the outside world (family, social contact, education, work, and so on), whereby the criminal 'Other' and the dangers (and risks) it allegedly presents become the focus of attention rather than a prisoner's rights or welfare needs (Garland 2001b: 176 f; Robinson 2008). The current use of the penal system has also been analysed together with the use of the social welfare system as a convergent exclusionary and punitive neo-liberal project (Wacquant 2009).[3] Taken together these developments in penal policies have the potential to create a new Weberian 'iron cage' where anxieties about crime, demand for public protection, political populism and disregard for the broader nature of social problems will continue to increase prison populations (Garland 2001a: 179 ff). As part of this process, the prison and the criminal 'Other' gradually risk becoming alienated and dislocated even further from the allegedly respectable free society.

Painting this bleak picture of course only does justice to one side of the coin, and there are also examples of liberal and arguably novel approaches to prison practices, such as the use of community sentencing and other alternatives to imprisonment. Even in the United States (US) several avenues of reform away from penal populism have opened in recent years and some of them are beginning to be utilized (Lynch 2011a; Simon 2014). But if we take a step back and look at current penal policy and practice on a more or less global scale it certainly seems to be the most important side of the coin. 'Tough on crime' policies and an alarming rise in prison populations in several jurisdictions clearly illustrate how penal politics have generally disregarded the negative effects and 'collateral damage' that the use of imprisonment causes.[4]

A critical philosophical and sociological literature on prisons and their relation to society has appeared especially since the 1970s inspired by, for example, Foucault's *Discipline and Punish*

(Foucault 1995/1975). In this tradition prisons have been studied as a reflection of society and modernity. This Foucauldian discourse and other critical interpretations have produced a very interesting theoretical literature on power technologies, cultures of control, and theories of punishment in general, which have helped uncover the causes of mass imprisonment and the broader role of risk, security and punishment in today's societies. My own understanding of prisons and punishment today is very much based on such literature. But perhaps some of this research has generally explored prisons as symbols of modern society and modern technologies of power rather than analysing how prisons and society interrelate on a more practical level? As described by Sparks, Bottoms and Hay, 'many readings of Foucault make a sweeping assumption about the general applicability of his contentions' although *Discipline and Punish* was in fact 'concerned less with prisons as such than with "the diffusion of disciplinary mechanisms *throughout the social body*" and especially during the first half of the nineteenth century' (Sparks, Bottoms and Hay 1996: 65). Others have since focussed on what actually goes on inside prisons (like Sparks, Bottoms and Hay themselves) and, especially in Europe (for example in the UK, Denmark, Norway and Sweden), there seems to be recent growth in prison studies and prison ethnography,[5] an issue I return to later.

Taken together – and with the caveat that there are big differences from one jurisdiction to another – it seems fair to argue that we today have: (i) extensive research which helps us understand the policies and power structures surrounding the use of imprisonment (from Foucault to Drake 2014, Garland 2001b, and many others); (ii) important studies of what goes on inside prisons including a recent new wave of studies in a number of European countries (see note 6); (iii) a rapidly growing literature on the inequalities and wider societal effects of imprisonment (Alexander 2012; Western 2006; and several others); and (iv) a long list of 'what works' studies on the effects of various interventions and programs. Nevertheless, there seems to be general agreement that, although the discipline of criminology has expanded dramatically and to some extent always existed in 'close proximity to government and the institutions of social control', it has during the last fifty years or so gradually lost its influence on practice within these institutions and in that sense become a paradox of 'successful failure' (Loader and Sparks 2011: 3, 8). So where does this leave us as researchers today if we want to navigate the space where research, practice, politics and policy meet?

Can we use prison research as a reform tool?

One could argue that a lot of the existing critical research on prisons and punishment has remained relatively abstract in terms of suggesting a way forward. We have excellent theoretical criminological interpretations of recent penal developments but according to Loader and Sparks 'the direct purchase' of such analysis 'on policy or political intervention is often obscure' (Loader and Sparks 2011: 81). Moreover, we are confronted by an additional challenge when working specifically with prisons because this institution has become ingrained in our societies, practices, and minds in a way that has created a number of dangerous blind spots and made reform of the practice of imprisonment even more difficult. The modern penitentiary presented itself with an impressive force and a convincing ideology in the nineteenth century and there is a continued belief in its possible rehabilitative effects along with its power as a tool for retribution that allows us to carry out punishment out of sight of the rest of society, which seems to fit well with our self-understanding as civilised people and nations. As Cohen and Taylor pointed out back in 1972 'the only way our society can think of dealing with certain offenders is to send them to prison for very long periods' (Cohen and Taylor 1972: 188), a point that in some ways has become *more* rather than *less* true during the last four decades. To downscale the use of imprisonment and to reform prison practices is, in other words, a very challenging task where we have to confront old beliefs and traditions deeply ingrained in our culture and self-understanding. As explained by Deborah Drake, critical criminological analyses can help make 'the invisible visible', but it can nevertheless be very difficult to overcome the barriers created by culture, traditions and morality 'that prevent us from thinking the

unthinkable': that is, to consider how to actually reform our systems of justice and punishment, and construct penal policies and practices which are as far as possible unburdened by the past (Drake 2012: 161). So, if we want to try, how can we as prison researchers take the next step and move from the broad lensed theoretical framework I have addressed in the above to a place where we can contribute more concretely to such a project of reform?

In their thought-provoking publication *Public Criminology?*, Loader and Sparks explore how criminologists in general can bring 'greater coherence to criminology's relationships to politics and engagements in public life' and contribute 'to a better politics of crime and its regulation' (Loader and Sparks 2011: 9). They analyse five different types of 'criminological engagement' with the public: the 'scientific expert' (who produce evidence based and objective knowledge to guide or answer questions posed by policy makers), the 'policy advisor' (who produce autonomous and independent academic research and advise policy makers when possible), the 'observer turned player' (former researchers who now work inside government agencies), the 'social movement theorist/activist' (critical criminologists producing 'counter knowledge'), and the 'lonely prophet' (who produces theoretical macro explanations of punishment, society and cultures of control). The five typologies vary to a greater or lesser extent with regard to methodology, theoretical approach and normative values, and especially in the way they approach and relate to the public role of criminology (Loader and Sparks 2011). We have no detailed empirical analysis showing which of these modes of engagement currently influence penal practice and politics the most. Along with others I will argue however that the 'scientific expert' model seems to have the most success at the moment in that regard due to an increasing reliance on 'evidence based' programs and practices, a trend which tends to favour the 'what works' school of research. As described by Hilde Tubex the 'main interest of prisons as a business has become tailored around the concept of "what works", demanding evaluations that measure the effectiveness of programmatic interventions with an overwhelming quantitative focus' (Tubex 2015). This is not, however, unproblematic.

Habitual thinking in penal policy and the role of 'what works' research

The answer for policy makers and 'modern criminologists' (Garland and Sparks 2000: 8) to some of the above questions has often been to search for rehabilitative interventions that can turn criminals into law-abiding citizens. This 'what works' movement has certainly been successful in the sense that government policies and funding in many jurisdictions support such research often in the form of evidence-based evaluations and studies of specific interventions. While much of this research can be very useful I think that two issues are sometimes ignored or downplayed in this context:

1. History has documented extensively how rehabilitative interventions often constitute state sponsored social control efforts, which can sometimes violate prisoners' privacy and autonomy and are not always in the best interest of those on the receiving end (Engbo and Smith 2012: 67 ff; Smith 2003).

2. 'What works' and rehabilitation is often portrayed as a force opposing 'tough on crime' policies and rising prison populations. But in reality rehabilitation policies can fit well within the framework of a late modern managerial penal strategy, which focuses on risk management and allows tougher sentencing and more exclusionary politics supported by penal populism (Beckett 1997: 103; Robinson 2008; Tubex 2015).

To put it bluntly: does it make sense as a researcher to study allegedly rehabilitative interventions in prisons (such as cognitive programs) if the results are indirectly, and sometimes directly, used to support policies which put even more people in prison? In Denmark, for example, recent decades have witnessed a proliferation of penal populism, tougher sentencing and a significant rise in the prison population (albeit on a smaller scale than in many other jurisdictions), but still politicians continue to evoke utilitarian arguments of

rehabilitation when justifying these policies. These arguments are often twofold and follow a simple logic: (a) that it is a good thing to introduce tougher sentencing and put more people in prison (for moral reasons, to revenge their crimes and to show the victims support); and (b) it is still important to utilize time spent in prison to teach prisoners not to commit crimes again. Such policies support specific utilitarian rehabilitation policies, which often focus on prisoners' individual 'criminogenic' needs and can be justified within a framework of risk management and public protection rhetoric while social welfare thinking is typically disregarded.

There is also a pronounced moral dimension to this late modern version of rehabilitation, which tends to place responsibility on offenders and their alleged lack of moral integrity (Robinson 2008: 435). This dimension also furthers an understanding of criminals as a group of people who represent the (evil) 'Other', which can obviously strengthen arguments for exclusion rather than support inclusion. Cognitive programs, for example, target a criminal's way of thinking while the social context of crime is often disregarded (Garland 2001b; Porporino, Fabiano and Robinson 1991; Smith 2006). Expressed differently, there is a 'risk of the "what works" question being limitative, without questioning how criminal behaviour originated, why it emerged and why it is considered criminal behaviour in the first place' (Tubex 2015). In other words, working with and researching rehabilitative interventions such as cognitive programs can easily produce results that fit well within the boundaries of habitual utilitarian thinking on penal policy and can be misused to justify tough on crime policies and thereby support a continuously growing prison estate, while the broader societal consequences are more or less ignored.

A foreword to a recent book on 'criminal justice innovation' in the US in my mind illustrates how researchers sometimes seem unaware of this problem. Here Professor Laurie Robinson state that 'things have changed for the better in our field' because while 'in the 1970s, criminal justice was largely dominated by bad news […] practitioners and policymakers at all levels of government rely more today on evidence and data – and less on ideology and anecdote – in their decision making about programs, strategies and resource allocation' (Berman 2014). Robinson's point seems to be that the 'nothing works' pessimism of the 1970's has now been replaced by objective policies based on research and scientific evidence. Meanwhile the whole context of rising prison populations – certainly 'bad news' for anyone interested in limiting the use and pains of imprisonment – is ignored. And it surely seems far-fetched to argue that the phenomenon of mass imprisonment and penal populism rests 'on evidence and data – and less on ideology'.

This of course in no way means that 'what works' research is wrong and that implementing such programs is counter-productive. Plenty of research addresses the latter issue and finds positive effects in a number of cases. Furthermore, one can look at such interventions as part of a broader strategy involving education, work and family contact, where the prisoner's social context is included. Within the 'what works' paradigm you can also study the effects of alternatives to prison and other interventions, which clearly seek to change the relationship between prison and society. The evaluation of the Danish 'Skejby'-model – Skejby is an institution where prisoners live together with non-prisoners – is but one an example of the latter (Minke 2006).

In any case, the broader question in my mind is to what degree much of the 'what works' movement and the (seemingly) objective and value-free 'scientific experts' have been taken hostage by policy makers who increase the length of prison sentences and put more people into prison on the one hand, while funding rehabilitation program research on the other? To put it differently, the answer for a critical and reform-oriented researcher may not be simply to study 'the most effective interventions' and then let policy makers take a pick between different 'programs' (Przybylski 2008: 5). Perhaps 'imprisonment' *and* its broader relation to society is the 'intervention' we should study instead?

Questioning the relationship between prison and society

If we want to examine and even change the relationship between prison and society we have to acknowledge the power of context, which is sometimes left more or less out of consideration in evidence-based control group studies of specific interventions in prisons and elsewhere. As explained by Craig Haney 'exclusively individualistic approaches to crime control are too limited in scope to be effective over the long term. This implies that prison – as a people-changing rather than a context-changing institution – should be used more sparingly and supplanted instead by more context-based strategies of controlling crime' (Haney 2009: 304). The recent literature on the damage caused by imprisonment clearly shows this to be true. In the US the inequalities and intergenerational effects of mass-imprisonment are so stark and well documented that it should be obvious to even a casual observer that these require a broad range of context-related social and penal reforms and interventions if serious change is to be achieved (Wakefield and Wildeman 2014; Western 2006). Even a Scandinavian welfare state like Denmark has proven how imprisonment exacerbates and sometimes causes inequality and social problems (Tranæs and Geerdsen 2008).

Instead of relying on purely utilitarian 'what works' evaluations that essentially fit well within a framework of penal populism, one can try to locate other avenues of reform-oriented research which perhaps follow more directly the path of the above-mentioned critical literature on penal power and the recent studies on the broad societal effects of imprisonment. One thing I find important in that regard is that we keep focusing on actual prison life, conditions and culture, and do not lose contact with the realities of the prison experience. As Wacquant in 2002 rightly complained with regard to the US: 'studies depicting the everyday world of inmates in America have gone into eclipse just when they were most needed on both scientific and political grounds' (Wacquant 2002: 371). Very importantly we, at the same time, need to keep a constant eye on transformations in society and the possible changes in the relationship between prison life on the inside and life on the outside. A 'new level of disconnection between prison and society has emerged' during recent decades which leaves us with a novel situation and an important challenge (Johnson 2006: 257). To engage in this challenge in a practical way is to me even more important than discussing whether we are dealing with a product of 'late modernity' or 'neo-liberalism' (see also Wacquant 2013: 77). We therefore need to critically question the established relationship between prison and society, regardless of what exactly we as prison researchers choose to study and where exactly we get our empirical data. There are many ways of doing that and, as already described, several studies address the collateral damage caused by the use of imprisonment. Another (normative) possibility is to apply the principle of normalization, according to which conditions in prison should resemble conditions in the free community as much as possible, and prisoners should retain all their rights except those which are taken away by necessary implication of the deprivation of liberty (Smith 2012). But while focusing on the changing relationship between prison and society in my opinion will help make prison research both critical and relevant it does not solve the question of how we can help create reform and actual changes.

Research, recommendations and reforms

In the world of human rights mechanisms, instruments and organizations, it is generally assumed that one can influence practice through a system that relies on monitoring and dialogue based on human rights conventions and standards, as well as on research. For example, when preventive monitoring mechanisms such as The European Committee for the Prevention of Torture (CPT) visit countries they normally try to engage with NGOs, national human rights institutions and others in order to be supplied with local data and research before their arrival.[6] More or less similar principles also underpin the work of Ombudsman institutions and independent national prison inspection mechanisms that conduct prison visits and monitor conditions.

Prison practice has also been studied with a view to discussing and creating better and more legitimate prison regimes. The classical sociological literature on the pains of imprisonment pointed to the need for reform by describing prisons as suffering from 'structural flaws' and as institutions causing pain and deprivation (Goffman 1991; Jacobs 1977; Sykes 1974: 127, 130). Gresham Sykes for example warned against ignoring the 'social system' inside prisons when attempting any kind of prison reform (Sykes 1974: 134). Several years later in 1996, Sparks, Bottoms and Hay complained that a 'developed awareness' was missing 'of the ways in which the broad outlines of policy and the local construction of social relations in prisons interact'. Their answer was, among other things, to focus on the question of 'legitimacy' of prison practices and prison regimes (Sparks, Bottoms and Hay 1996: 306). Using this research as a starting point, Alison Liebling and her colleagues at the Prison Research Centre in Cambridge have since developed the Measuring the Quality of Prison Life survey and focused on 'the moral performance of prisons' (Liebling assisted by Arnold 2004). Loader and Sparks have grouped some of this research into their already mentioned five categories of criminological engagement, which I return to later. But I also think we need to look more in depth at the processes which involve taking research and turning the resulting knowledge into reforms and practice.

In 1987 John Friedmann wrote his book on 'planning in the public domain' where he described processes going 'from knowledge to action' and thereby analysed some of the key questions with regard to how research, knowledge and reform interact. Friedmann identified four major traditions of planning thought: the *social reform* tradition (Comte, Weber, and so on), *social mobilization* (utopian, anarchist and Marxist), *policy analysis* (Herbert Simon and others), and the *social learning* tradition (Dewey). He found all four to 'suffer from internal contradictions' and proposed what he called 'radical planning' as a way to mediate theory and practice towards creating social transformation and self-empowerment (Friedmann 1987). In his analysis Friedmann identified some of the key issues relevant to achieving social transformation through the use of knowledge. One important point he makes is the fact that radical planners, and arguably all who want to engage in both research and reform, should 'have the ability to live with contradictions': that is, to be able to engage apparent opposites, hold them in tension and affirm both. Illustrative examples are 'theory *and* practice', 'empirical analysis *and* normative tension', 'critique *and* affirmation', 'explanation *and* action', and 'future vision *and* present reality'(Friedmann 1987: 405). One can argue that much research deals actively with only one part of these apparent opposites while a dialectic approach is needed in these areas if research is to be transformed into social action and reform. In the words of Thomas Ugelvik, prison research should be 'potentially positive and not solely negative', which is perhaps another way of arguing something similar. According to Ugelvik, this for example means that the question 'what is a good prison?' cannot simply be answered with 'a prison that does not exist' if one wants to engage constructively in prison reform (Ugelvik 2014).

In the following I briefly tell the story of how my colleagues and I since 2005 have done research and worked on children of imprisoned parents as *one* example of how one can mediate theory and practice, work with contradictions and apparent opposites in a process towards creating social transformation (Friedmann 1987): that is, work with research in order to achieve reform of penal practices. Afterwards I discuss the process from research to reform and some of the key factors in that regard.

Research and reform: the case of prisoners' children

In 2005, urged by the former director at the Danish Institute for Human Rights, Morten Kjærum, I suggested a number of possible research areas involving prisons. The case of prisoners' children appealed to both of us for three basic reasons. Firstly, it was clearly an important area, as it involved a number of vulnerable and more or less forgotten children. Secondly, it was a new area, both in terms of researching these children's situations and problems but also in terms of discussing and analysing their human rights. Furthermore, it was an area where it

seemed plausible that we could make an impact and improve the situation for a large group of children.[7]

At that time the Danish political agenda was heavily influenced by penal populism. When taking office in 2002, the Danish Minister of Justice Lene Espersen explained that she wanted to govern with her 'inner sense of justice', which she claimed to share with 'ordinary citizens'. She clearly regarded criminological advice and research as less important. What this meant was that she wanted to introduce tougher sentencing policies in a number of areas and seldom missed a chance to appear 'tough' and talk about 'zero tolerance' (Smith 2011: 43 ff). How this attitude could harm prisoners' children for example became apparent in 2005, when Espersen published a bill, which called for three months home leave suspension for all prisoners who appeared late for their commitment to prison.[8] Espersen claimed that it would have 'a pedagogical effect if you cannot visit your family for three months or participate in your child's birthday' (Smith and Jakobsen 2010: 233 ff). The problems and harm that this would cause prisoners' children was never mentioned and did not become a political issue. At the same time, new 'tough on crime' legislation caused a rise in the Danish prison population and thereby in the number of children affected by their parents' imprisonment. The general influence of penal populism meant that it was difficult to discuss several issues involving prisons, punishment, and police work. But perhaps serious research on prisoners' children would produce a different result? What would happen, for example, if the ever-present public opinion and sense of justice were informed about these children, their situation and *their* sense of justice?

I (as researcher at the Institute) decided to focus on the perspective of these children and on the rights of the child, and began some pilot research, after which we decided to see what a dialogue amongst key stakeholders could bring to the arena. Accordingly, I arranged two meetings, which took place at the Danish Institute for Human Rights. Present at these meetings were representatives of the Danish Prison and Probation Service, the National Council for Children, the police, the social authorities, the Danish Red Cross, associations for prisoners' relatives, inmate spokespersons, and previously imprisoned parents, among others. The meetings were arranged as round-table discussions where all parties met each other face-to-face on neutral ground with the same rights and speaking time. The topic was prisoners' children and the idea was to have an informal discussion about what could possibly be done to assist them.

In many ways, the participants' points of departure were very different. Experiences were shared and accounts were given from prison staff, imprisoned parents, relatives, researchers and others who in one way or another were involved with children of imprisoned parents. For some of the participants, this was the first time they met in this way. There were some heated arguments, and it was clear that not everyone agreed on everything. This was in no way surprising. However, it was striking that after both meetings all participants were willing to do something for children who experienced parental imprisonment. It was furthermore clear that there was an abundance of ideas on how things could be done better and how to improve the conditions for these children. The basis for the round-table meetings was dialogue and cooperation, but from the outset, the goal was that this dialogue should have a well-developed foundation in research. My colleague Janne Jakobsen and I therefore drew up a research-based project and consequently applied for and were granted funding. This became the first of three different projects on children of imprisoned parents.

The first research project was carried out from 2007–2010 and consisted of data collection and analysis with regards to children of imprisoned parents in Denmark. Focus was on how these children were met and treated by the state representatives they encountered throughout the whole process: from their parents' arrest, to their imprisonment and release. A sociological/criminological and legal analysis of the situation was carried out. Data collection consisted of interviews with more than 80 practitioners from various institutions and representatives from NGOs; numerous prison visits primarily in Denmark, but also in Italy, the

United Kingdom and Sweden; and a countrywide survey with comprehensive questionnaires which was sent to all prisons, police districts and local social services in Denmark. Simultaneously a study of the relevant human rights standards and Danish law was carried out. Taken together our approach was cross-disciplinary (sociology, criminology, history and law) and involved quantitative and qualitative data collection through different methods, not unlike the 'messy approach' that Mona Lynch advocates as necessary in order to locate 'pathways out of mass incarceration' (Lynch 2011a: 688).

We chose to focus on the most important state actors instead of conducting a large, systematic survey of prisoners' children. Others had already interviewed the children thoroughly, and we knew from the outset that we were able to gather these children's stories and statements from many different sources, while no one had conducted systematic interviews with prison officers, the police and social workers for the purpose of studying how they approached, perceived and treated issues related to children of imprisoned parents. By consciously focusing on the relevant state actors – including their working methods, culture and the legal frameworks within which they take action – we hoped to produce research that could be used in practice. The idea was that dialogue and research should go hand in hand with practical exploratory proposals for reforms. If one wants to propose better conditions for prisoners' children, it is in my opinion necessary to carefully relate to the working conditions of these actors, and combine such knowledge with what we know about the children's problems and needs.[9]

The second project on children of imprisoned parents was a European Union (EU) project based on the model of our first Danish study.[10] Four studies of varying scale and scope were conducted on the treatment of children of imprisoned parents in Northern Ireland, Denmark, Italy and Poland, and a separate analysis of the relevant human rights instruments and standards was carried out. In all countries, research, dialogue, fieldwork and knowledge drawn from the expertise of those conducting the studies was combined in order to produce not only theoretical but also practical recommendations based on examples of good practice and grounded in children's rights. The research uncovered both problems and good practices, and demonstrated that although prison conditions and economic and legal situations vary substantially in the selected countries, the problems experienced by the children were remarkably similar (Smith and Gampell 2011).

Technically speaking, the final outcomes of the above two projects were recommendations that could be implemented at EU and/or national level. In Denmark we certainly sensed that we had an opportunity to do much more than simply hand over recommendations, which we did by engaging with the media, and also meeting personally with the Danish Minister of Justice. Through a continuous dialogue with the various relevant actors, we knew that we had brought these parties close and secured a more or less common platform based on the results of our research and not least the process of dialogue itself. Hence we had in fact created a basis for reform.

This was the starting point for our third project, which constituted a very concrete attempt to implement children's rights and alleviate some of the problems that children of imprisoned parents face. The project was to introduce children's officers in Danish prisons and the purpose was to train selected prison staff, primarily prison officers, as children's officers who should work in their respective institutions to firmly anchor the child's perspective in the individual prisons. The project ran for two years (2010-2011) in four institutions: two remand prisons, one open prison, and one closed prison. We focused on introducing simple and reliable measures to improve children's contact with their parents as well as their experience when visiting in prison. Activities conducted by the children's officers included improving visiting facilities and procedures, arranging child-friendly events, introducing different measures to help imprisoned parents deal with parenthood and disseminating information to colleagues on how to welcome and handle children visiting the institution. We also collected information and

knowledge about other relevant initiatives in the prison service, interviewed staff, and conducted a small survey among imprisoned parents (Hendriksen, Jakobsen and Smith 2012).

When the project was over and the funding spent, the Danish Prison and Probation Service continued the activities in the four institutions. What followed was a phase in which awareness raising and timing were key factors if one wanted to influence both the bureaucratic and political process towards a new four-year plan for the Danish prison service. We therefore engaged specific NGOs, state officials and politicians, got the issue into national media and helped keep the children's officer scheme on the agenda. In November 2012, the new four-year plan was adopted and along with it, the Danish government and parliament decided to implement the children's officers' scheme on a national basis beginning in 2013.[11] As a result, all Danish prisons (remand and sentenced) now have children's officers. In January 2014, all the newly appointed children's officers met for the first time and a potentially far-reaching reform process involving visiting conditions, staff practice, parental programs, staff-relatives dialogue, staff-prisoner dialogue and more broadly prison culture is now underway in the Danish prison service. In November 2014 this initiative was – in line with the original recommendations of our 2010 study – followed by a further government initiative which funded parental courses for imprisoned parents, secured money to transport visiting children, and established a 'family house' with family therapy.[12]

Choosing sides? Perspectives and normative questions in research and reform work

Initiating and running the children's officer project gave valuable insight into the many dilemmas and concrete practical issues faced by staff, prisoners, relatives and prisoners' children. Every step of the project generated new knowledge and empirical data that could be used in later research (Smith 2014). Working with the children's officers also provided my colleagues and me with a sense of having achieved some very concrete and practical results that mattered to the children and their imprisoned parents. It was very uplifting to see how the work also mattered to the children's officers, who put an amazing amount of time, energy and purpose into the project, sometimes while facing scepticism or criticism from colleagues. In that sense, the children's officer project was also about prison culture and reform in a broader sense, which – in my opinion – constituted an effort to decrease the barriers between prisoners and prison officers, as well as between prisons and the surrounding society.

Working with such a practical endeavour as the children's officer project undoubtedly has implications for the way one works and writes as a researcher, simply because one gets involved in the institutions and issues in a different way when becoming partners in concrete projects with specific staff in specific prisons and NGOs. To me this accentuates some of the theoretical and methodological issues inherent in studying vulnerable and marginalised groups in society: that is, questions concerning bias, personal sympathies, research perspectives and ultimately the relationship between values and social science. In other words, one question that often emerges when researching prisons and prison staff is 'Whose side are we on?', and how is that reflected in, or influenced by, the way we approach and conduct our work (Liebling 2001). Alison Liebling highlights some of the important issues in that regard by asking: 'Does acquiring sympathy for those whose worlds we study undermine our professional integrity? And does it matter which social groups draw these feelings from us?' (Liebling 2001: 472). The short answer is yes, of course it matters, and it is therefore important to try to balance 'different or competing perspectives' when designing and carrying out research studies, unless one believes in either complete objectivity or 'epistemological relativism' as possible avenues (Liebling 2001: 481 f).[13]

I believe that working with both prisoner relatives' organisations and children's NGOs on the one hand, and the prison service and the police on the other has helped inform my work with these different and competing perspectives. At the same time, I have undoubtedly also become

submerged in the field in different ways. I have come to respect and like people representing these different perspectives and I appreciate the conditions under which they work, live and act. All this has influenced my values, my research and what I write. This of course does not free the researcher from responsibility. On the contrary, being informed by – and having a constant dialogue with representatives from – all these different groups and perspectives can be difficult and weigh heavily on the shoulders as a kind of obligation with moral, ethical and scientific dimensions. That is when I, as a researcher with a background not only in social science but also in history, sometimes begin longing for historical research where the sources are primarily written material and all the involved parties are long gone.[14]

Still, there is no doubt that one perspective was given priority over others in this research and that is the perspective of the situation and rights of the child. It is not that this is less normative or less informed by different and competing agendas than other research objects and perspectives. On the contrary, it is more a declaration of a basic normative foundation upon which a hopefully thorough and scientific research effort rests (Smith 2014). This is perhaps also a way of saying that researchers should be answerable to the 'Other' when doing prison research: that is, those without power and in risk of (further) exclusion (Sim 2003: 243).[15] Along similar lines I would argue that achieving prison reform is – or should be – ultimately about creating 'democratic autonomy' for human beings in risk of exclusion (Held 1999: 395 ff).

A model for research and reform

The field of project planning, organizational development and reform planning is densely populated with 'theories of change', 'logical frameworks', 'human rights based approaches' and countless other theories and practices. The brief model that I present in the following is to some extent inspired by such thinking but is primarily based on my own experience from working with the above mentioned research and implementation projects. I think that our work with prisoners' children and reform initiatives went through a number of phases – I have tried to describe these in more general terms below as a possible model for working with human rights violations – but it can hopefully be used as inspiration for anyone working with the interaction of research and reform. The various phases are to some extent overlapping but can for the sake of clarity be described in the following stages:

1. *Identify a problem*, which has resulted or potentially will result in oppression of individuals and violations of their human rights.

2. *Bring together the relevant actors* dealing with, experiencing or influencing the human rights problem in question and engage them in a dialogue on the basis of preliminary research into the issue.

3. Conduct thorough multidisciplinary *research*: relevant laws, practices, institutions, stakeholder motives, and so on are identified and analysed from a human rights point of view.

4. Throughout the research process a *dialogue* is maintained, to the extent possible, with all relevant actors – from state representatives to civil society, from the violated to possible violators – and preliminary research findings and possible recommendations are discussed with all these actors on an ongoing basis.

5. *Recommendations* and a preferred outcome are identified. If you have done your work properly you now have a very strong platform for approaching politicians and other decision makers, since your recommendations are likely to be supported by a number of the central actors who you know well from the previous project stages and with whom you have cooperated or maybe even formed alliances with.

6. A useful *advocacy, dissemination and implementation strategy* for convincing, utilizing, overcoming, or cooperating with other powers (states, media, institutions,

and so on) is decided upon in order to actually produce the preferred outcome: empowerment of those subjected to human rights violations – that is, human rights implementation.

One of the key issues throughout the above process is obviously dialogue. As described by Greg Berman 'there is no substitute for face time' when working with criminal justice innovation and 'it is impossible to build meaningful relationships without investing significant time and energy' (Berman 2014: 11). Establishing and maintaining a dialogue while also conducting thorough empirical research is time consuming but it can certainly ease the process towards identifying both useful and realistic recommendations as well as implementing them. Another key issue is doing multidisciplinary research – or working together with other organizations and researchers to achieve that – in order to capture the complexity of the issue in question and enhance the change of achieving reform. This will also help you better relate to the agendas of the various organizations and key actors. For example, the current importance in some jurisdictions of 'what works' and evidence based interventions was sometimes utilized in the Danish case by citing research that maintained family relations can lower recidivism. At the same time, this was done in a way which never made rehabilitation and recidivism a central priority as this could have taken focus away from the problems and rights of prisoners' children. Finally, you (or your partners) need to exhibit some level of professionalism with regard to planning and carrying out advocacy, dissemination and implementation strategies in the final stage, which is perhaps easier in local settings and smaller countries like Denmark where access to the media, politicians and other decision makers is likely to be easier.

If we look at the six-stage model through the lens of Loader and Sparks' typology of 'criminological engagement' I think we can conclude that the model does not fit into one specific category. But clearly some of the various types of engagement described by Loader and Sparks will be very useful at different stages of the process. The first stage could be undertaken by different types of researchers although some, and perhaps especially the 'lonely prophet' and the 'scientific expert', would likely prefer to leave out the normative foundation in human rights. The second and fourth stages of the model seem to traverse different positions and in that sense call for participation of several types of researchers. The issue at stake here is that you have to engage both NGOs and government agencies and appreciate and respect their different positions with a view towards future collaboration. For example, working closely with state agencies might become difficult if you are a social movement theorist solely focused on producing 'counter knowledge'. Likewise, adopting a narrow methodological 'scientific expert' approach where you only accept 'evidence' produced by randomized control trials will make it difficult to incorporate the experience and knowledge of practitioners. The third stage of the model might suit several types of researchers while the fifth stage seems to fit the 'policy advisor' given the focus on concrete and practically workable recommendations. The sixth stage is however another matter, at least if we look at how we proceeded in the work on prisoners' children described above. Here we took on the role as implementers carrying out concrete reform work inside government agencies; that is, prisons. But we were *not* 'observers turned players' in the sense described by Loader and Sparks because we were not employed by the prison service. We took the initiative as researchers and secured and administered external funding with which we paid all project participants from the prison service, the Danish Institute for Human Rights, and elsewhere. We thereby kept our complete autonomy, managed the project, and did this as independent researchers implementing a reform project in prisons. This seems to be a role that falls completely outside the categories described by Loader and Sparks.[16]

Conclusion

In June 1969, while touring England with his rock band 'the Mothers', the famous guitarist and composer Frank Zappa was asked to give a lecture at the London School of Economics. At the time Zappa was regarded as a revolutionary by many, which view was primarily based on some of his more political lyrics. After Zappa had screened 18 minutes of his new film *Burnt Weeny*

Sandwich he quietly asked 'Any questions?' Some of the audience were clearly dissatisfied. A discussion, and some shouting, began and someone accused Zappa of being 'yet another bourgeois liberal camouflaging his innate reactionary tendencies'. In the end Zappa gave his view on how to change society:

> The best way to achieve lasting results is to infiltrate where you can. People should go into communications and the military and change them from the inside. I'm afraid that everyone will have a revolution and make a mess of it. They will wave their banners on the streets and brandish sticks and go home and brag about the bruises: 'There I was – the teenage rebel' ... The only way to make changes that will last is to do it slowly. (Quoted from Miles 2005: 191 f)

Someone in the audience then asked: 'Suppose I try to infiltrate. What is there to prevent me from being corrupted from the situation I'm working in' to which Zappa replied: 'There is nothing to stop you from being corrupted. Maybe you aren't the type to infiltrate' (Quoted from Miles 2005: 191 f). The point of this little story is not to hail Frank Zappa as an authority on reforming state institutions. But I think that the scene, the debate and Zappa's choice of words illustrate a number of very interesting issues which I have touched upon in this article. Criticising, opposing, challenging and working with state institutions and systems of power can be done in different ways. Needless to say, the context is crucial when discussing methodologies and the possible interaction between research and reforms. In some cases when encountering oppressive power, dialogue can be pointless. You need to be able to locate serious and potentially powerful drivers for reform both within the relevant state institutions and outside in civil society, in order to use dialogue in the way I have described. If you cannot do this you need to adopt other strategies. Otherwise you risk feeding into the continuation of exclusionary and oppressive policies or simply maintaining *status quo*. Perhaps you also need some sort of normative foundation to avoid 'corruption' as discussed in the Zappa dialogue above. In that case the human rights baseline in the reform model I have presented might be crucial, at least in certain contexts.

In any case, the model for reform and my experiences are a product of working with state institutions and children's rights in a Scandinavian context. This is at least in some ways likely to be a relatively benevolent and comparably 'easy' arena for working with prison reform. However, I also have many years of experience working with other more difficult areas of prison life such as the use and effects of solitary confinement and century old remand imprisonment practices. While such areas are clearly more difficult to engage I still find that many of the same methods can be used. In any case my own experiences and the model presented in the above are of course just examples of *some* of the possible avenues for researchers hoping to influence or achieve reforms. Under all circumstances I think there is an arena here – the interaction between prison research and prison reform – where researchers could and should take up more space, and work more systematically with the process and the intended outcome.

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[2] Another discussion is whether incarceration levels across different types of institutions have actually risen: that is, whether we include the institutionalization of the mentally ill (Harcourt 2006).

3 As explained by Mona Lynch, however, the convergence of the 'social arm' and the 'penal arm' of the state is not new as argued by Wacquant, but rather a practice which goes back in history at least to the nineteenth century (Lynch 2011b: 239).

4 Using the term *collateral damage* in this context is inspired by Robertson (2012). For a discussion of rising prison populations in relation to the number of people admitted to mental health institutions, see Harcourt (2006).

5 See http://www.open.ac.uk/icccr/events/prison-ethnography/ (assessed 10 November 2014). See also Joe Sim's preface to Drake (2014: ix). Other examples are Smith (2014) as well as prison studies done at Örebro university in Sweden (http://www.oru.se/english/employee/odd_lindberg/) and at Aarhus University in Denmark (http://psy.au.dk/forskning/forskningscentre-og-klinikker/center-for-rusmiddelforskning/forskning/afsluttede-projekter/prison-based-drug-treatment-in-the-nordic-countries/).

6 I have participated in such meetings in Denmark with, for example, CPT delegates and the UN Special Rapporteur on Torture.

7 The following is based on parts of chapter two in Smith (2014).

8 In Denmark prisoners in open prisons can often go on home leave every third weekend or so.

9 For more information about this study and my later research in the area, see Smith (2014).

10 Funded by the European Union; the Directorate for Justice, Freedom and Security: Fundamental Rights and Citizenship and by the Danish Egmont Foundation.

11 See 'Aftale om kriminalforsorgens økonomi i 2013–2016'. Available in Danish at http://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2012/Aftaletekst-KRF.pdf (accessed 1 September 2014).

12 http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2014/244-millioner-over-de-kommende-fire-%C3%A5r-til-b%C3%B8rn-af-indsatte-og (assessed 1 December 2014).

13 I do not find it impossible to 'see both sides at the same time' as Cohen and Taylor apparently argue – although that can of course depend on the degree to which you as a researcher become connected to specific groups/research subjects (Cohen and Taylor 1972: 183).

14 While such a state of affairs does not make ethical considerations less relevant there is certainly a psychological difference between working with living people whom you know and working with the archival remnants of people no longer alive.

15 How exactly one should be answerable to the 'Other' and what that entails in practical terms is of course another discussion, one which is clearly also a question of the context (institutionally, politically, nationally, culturally, and so on) in which the research is taken place.

16 Loader and Sparks (2011) also describe a sixth category of criminological engagement, which they call the 'democratic under-labourer'. But while this type of research/researcher can be creative, engaged in public debate, work with civil society, and so on, they are not described as implementing changes themselves.

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