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### Bearing Witness to the 'Pain of Others': Researching Power, Violence and Resistance in a Women's Prison

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#### Abstract

Addressing the dynamics of interpersonal violence, institutionalised abuses and prisoner isolation, this article consolidates critical analyses as challenges to the essentially liberal constructions and interpretations of prisoner agency and penal reformism. Grounded in long-term research with women in prison in the North of Ireland,<sup>2</sup> it connects embedded, punitive responses that undermine women prisoners' self-esteem and mental health to the brutalising manifestations of formal and informal punishments, including lockdowns and isolation. It argues that critical social research into penal policy and prison regimes has a moral duty, an ethical obligation and a political responsibility to investigate abuses of power, seek out the 'view from below'. Challenging the revisionism implicit within the 'healthy prison' discourse,<sup>3</sup> it argues for alternatives to prison as the foundation of decarceration and abolition.

#### Keywords

Women's incarceration; incapacitation; punishment; violation; mental ill-health; prisoners' rights; abolition.

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## **Introduction: 'Your troubles are not mine'**

### TIME TO DIE

Today has been an ok week and day except this evening the voices are getting really bad. I can't put up with them much more. There was a code blue tonight on the wee lads in Elm. Code blue is when someone has hung themselves and died, so we are locked all night. If these voices keep up there will be another code blue tonight. I already have a noose made and ready but I can't do anything until the night staff do the alarms. Then I have an hour ... I've got it planned and tonight is the night. (Frances McKeown, 4 May 2011, quoted with permission of the McKeown family)

When people take their own lives, a departure note to loved ones often gives some indication of profound despair and emotional isolation seemingly contradicting a person's outward, apparently engaging, demeanour. 'Time to die' is the final entry in Frances McKeown's personal journal, written in her prison cell in Northern Ireland's only women's prison, a self-contained building within Hydebank Wood male young offenders' institution. Earlier that evening in an adjacent house, a young man, Samuel Carson, aged 19 years, had taken his own life triggering a 'Code Blue' thus locking down the entire prison. Alone, vulnerable and suffering, Frances became the second fatality that evening. She was 23 years old.

Frances endured mental ill-health throughout her teenage years, had been admitted to a mental health unit on eleven occasions and diagnosed as suffering from an 'emotionally unstable personality disorder'. Her marriage ended and her young children were taken into care. On remand, her medical records recorded a history of self-harm, noting her suicidal ideation, depressed and anxious condition. Despite her fragile mental health being clearly evident and well-documented, the Prisoner Ombudsman found that the prison committal staff were unaware of her recent history (Prisoner Ombudsman 2012: 12). Frances had complained of bullying and was categorised 'at risk', yet her mental health remained unassessed for six weeks. Following assessment her psychiatric referral was delayed a further five months. Inexplicably deprived of her prescribed anti-psychotic or anti-depressant drugs, she had been transferred to the isolation of an 'observation cell' by prison guards using the full force of 'control and restraint'.

Her journal pleaded to be allowed to escape the 'voices in my head ... and if I am dead I wouldn't have to suffer anymore because I can't put up with it any longer' (Prisoner Ombudsman 2012: 53). The Prisoner Ombudsman's diligent, in-depth report listed 18 'matters of concern' to be addressed by the Health and Social Care Trust responsible for her healthcare in prison and by the Northern Ireland Prison Service. Frances's death revealed systemic flaws in the prison's duty of care: inadequacies in her observation and records; inordinate and inexplicable delays in psychiatric consultation to establish an appropriate treatment program; institutional complacency in not accessing her community-health or hospital records; and the use of control and restraint to place her in isolation.

While prison staff appeared ambivalent to her vulnerability, Frances was also failed by inadequate community-based health care and by a criminal justice system unable to provide alternatives to custody responsive to her previously diagnosed illness. Custody deaths are regularly represented as 'self-inflicted', an unfortunate but inevitable consequence of individual pathology. Yet personal crises endured by those who take their own lives, as Frances' journal evidences, are heightened by harsh regimes of incarceration that neglect to identify their fragility. In advancing a critical analysis of her death in its institutional context, it is instructive to engage Wright Mills' (1959) oft-quoted invocation to explore the 'personal troubles' Frances endured as a prisoner of the state as a 'public issue' regarding the state of prisons.

### **A forbidding legacy**

In his comprehensive analysis of medical power in prisons, Sim (2003: 240) observes how prisoners' medicalisation operates within a 'hidden micro-world'. He records, 'with a sense of outrage', the imposition of 'medical power' by prison doctors and 'health care' guards, 'the abject and corrosive physical conditions' inflicted on prisoners and 'the often callous, off-hand and brutally capricious medical treatment they received' (Sim 2003: 241). In conducting in-depth, primary research, Sim was a rare outsider inside the most impenetrable corner of the prison estate. He invokes Maher's conceptualisation of 'being there', capturing the ebb and flow of 'the politics of domination and power relations that inhere in ethnographic encounters' (Maher in Sim 2003: 241).

Ethnographic prison research focusing on the 'view from below' or, more accurately, the 'view from inside', bears witness to what Mathiesen (1990: 130) characterises as the 'prison fiasco': whereby prison regimes fail to rehabilitate or to protect those in custodial 'care' while their political and ideological champions project the 'pretence' that 'the prison is a success'. As Hudson (1993: 6-7) argues, critical analysis emanating from within prisons has the capacity to expose the 'structural context in which criminal justice is enacted', relying on the prevailing 'rhetoric of law and order, crime and punishment [that] has prevailed over treatment'. Confronted with the reality of 'being there', of 'bearing witness', the critical prison researcher responds to the fundamental challenge famously posed by Howard Becker to fellow researchers: 'Whose side are you on?' (Becker 1967). The 'sides' are both conceptual and interventionist, illustrated by the dichotomous relationships between rehabilitation and incapacitation, between care and custody.

At the turn of the nineteenth century, sentenced to hard labour for the 'crime' of 'gross indecency', a near-to-death Oscar Wilde wrote *The Ballad of Reading Gaol* (Wilde n.d.). His passionate lament, redolent with the stench of the confined poor, represents the fabric of Victorian prisons as 'bricks of shame'. Within their walls, the 'weak' were scourged and 'some go mad' within 'a foul and dark latrine' where 'all but Lust, is turned to dust/ in Humanity's machine'. Wilde's powerful verses remain a testament to the pain and suffering of men, women and children under the surveillance of the guard's 'hard, pitiless eye'. What is evident through his personal endurance is how the physical hurt perpetrated on the body was equalled, if not overshadowed, by the irreversible damage inflicted on the mind. This inter-locking relationship, regardless of proclaimed advances for 'humane containment' or 'healthy prisons', provides the prism through which the operational prison, historical or contemporary, must be viewed and analysed.

Wilde brought the reality and persistent despair of the 'new prison' to a wider audience. Despite claims to have initiated regimes prioritising reform and rehabilitation, prisons retained regimes of deprivation and cruelty. Throughout the twentieth century a regular flow of prisoners' testimonies laid bare the cynical disregard paid to the reformist principle of 'humane containment'. Coinciding with Becker's call for researchers to identify with the oppressed, Goffman (1968) published his defining analysis of the 'total institution', revealing how, stripped of all vestiges of personal expression and need – clothes, movement, interaction, nutrition, relationships, healthcare – the prisoner experiences the 'mortification' of the self. Removed from meaningful associations and locations where identity is rooted and recognised, without the support of significant others, home and community – the 'barrier that total institutions place between him [sic] and the wider world' – the prisoner is inflicted with a 'series of abasements, degradations, humiliations and profanations of self' (Goffman 1968: 38). Beyond mortification, the potential of self is 'curtailed'.

The non-negotiable, formal and informal rules imposed selectively by regimes and their guards comprise a 'currency of dispossession' as the prisoner's agency becomes fettered by the

'administrative machinery' of the prison. In this operational routine of 'forced deference' the prisoner, referred only by surname, number and offence, is objectified, humiliated and degraded further by the open disclosure of 'discreditable facts'. Goffman (1968: 47) notes that the systemic denial of 'self-determination, autonomy, and freedom of action' seeks to infantilise the prisoner through breaking her/his will. As Scraton, Sim and Skidmore (1991: 61) conclude in their study of Scotland's prisons, the 'totality of the institution, in terms of its political and professional autonomy, is underwritten by a degree of totality or absolutism in power relations which virtually strip the prisoner of civil rights, personal consultation and democratic process'.

Half a century beyond Goffman, Simon (2007: 142) despairs that prison in the United States is no more than a 'space of pure custody, a human warehouse' condemning prisoners to a 'kind of social waste management'. In this context power relations are absolute. As Currie (1998) demonstrates, any progressive commitment to reformism had been superseded by the politics of retribution. It has resulted in a 'stunning evisceration of prisoners' rights' disregarding the rehabilitative ideal in favour of populist, vindictive policies and sentences geared to 'aggressive incapacitation' and 'containment' (Fleury-Steiner and Longazel 2014: 8). This reactionary climate echoes Wilde's experience a century earlier as 'intensive surveillance' of prisoners replaces 'sensory stimulation, social contact and privacy' (Rhodes 2006: 76).

### **The continuities of incarceration**

As Whitman (2005: 69) comments, the carceral 'chill' within the United States has 'struck worldwide' bringing 'demands to purge individualization and resocialization from the practice of punishment' and feeding a voracious appetite for 'retribution, incapacitation, and determinate sentencing'. Sim's (2009: 2) more nuanced consideration of 'continuity and discontinuity' guards against a one-dimensional interpretation of what 'new penologists' have characterised as the 'forward march of a more retributive, denunciatory and mortifying discourse of punishment, fuelled by the new right's economic, social and cultural ascendancy in Western Europe and North America in the 1970s'. He challenges 'reductive periodization' that portrays the late eighteenth century as the dawning of penal reformism, the post war years as a period reflecting the rehabilitative ideal, followed by a 'punitive turn' now gripping policy and practice. Quoting Jewkes and Johnston (2006: 287 in Sim 2009: 3), he argues that contemporary 'punitive policies' are aligned with those a century earlier – 'prolonged periods of solitary confinement, military interventions to suppress prisoner demonstrations and the use of photographic surveillance'.

Further, Sim maintains the discontinuity thesis reflects 'social history of the prison from above' neglecting prisoners' accounts that narrate 'the deeply embedded rationalities of punishment that govern their everyday lives'. Such accounts 'challenge the idea that rehabilitative discourses have *ever* been an institutionalised presence in the everyday, working lives of prison officers or the landing culture that legitimates and sustains their often-regressive ideologies and punitive practices' (Sim 2009: 4, emphasis in original). As persistent and consistent 'invisible places of physical hardship and psychological shredding', the penal estate has retained and strengthened 'a system of punishment and pain underpinned by non-accountable power of prison officer discretion' (Sim 2009: 4).

The 'continuity' discourse goes to the heart of the debate about the purpose and function of imprisonment. Tied into the due process of criminal justice is the penultimate sanction of the state's designated right to withdraw freedom from its citizens as recompense for breaching its criminal code, the ultimate sanction being execution. In his late eighteenth century commitment to prison reform, John Howard proposed that imprisonment should inflict on captives a 'just measure of pain' proportionate and consistent with the crime perpetrated (see Ignatieff 1978). Throughout Europe 'new' prisons were built on the principle of 'improving' punishment through disciplining and reforming the prisoner-as-subject (Foucault 1977) to serve a political

purpose underpinned by moral responsibility. Cavadino and Dignan (2007) note the foundational principles of retributivism, directed proportionately towards the 'offender' for the crime committed, alongside reductivism, through which the habitual offender is deterred by incapacitation *and* rehabilitation. It is a process of denunciation, restoration and reintegration. Yet, these principles – universally espoused in all advanced democratic states – are permanently in tension.

This tension, pre-eminent in the overarching reach of control over care, of security over movement, and of institutional priorities over personal needs, dominates prison routine. Prisoners' accounts of their time inside reveal places where all reference points to their regular worlds are suspended. Time has no meaning beyond the opening and closing of the spy-hole, keys are turned in locks at another's whim, and weekly visits with loved ones are programmed without consultation. Work 'opportunities', 'meaningful activities', interpersonal association and access to basic facilities are allocated as 'privileges' within regimes where the default position is the isolation of lockdown. By definition, prisons are places of permanently restricted movement under constant surveillance, where the only meaningful discretion is that held by guards and managers underpinned by the constant threat of disciplinary procedures.

### **Prisoner agency ... or not**

Whatever claims are made for 'prisoner agency', it is circumscribed and determined by the actions of guards whose personal authority carries institutional legitimacy rarely challenged effectively by prisoners. As discussed elsewhere (Scraton 2015), these are regimes in which out-of-cell time is, at most, eight hours. When short-staffed, and at weekends, prisoners are confined to Spartan cells for 23 hours each day. Yet beyond the prison gates most citizens remain unaware of the pains of confinement. Information from inside is carefully orchestrated by prison managers and their employers, whether state justice department or private company. Each prison is defined by its distinctive history, established reputation and organisational culture, inter-locked across the custodial estate. Within this highly determined institutional context, Bosworth (1999: 3) proposes that prisoners remain 'independent actors whose actions help to determine the meanings and effects of punishment'. Accepting they 'are clearly at a disadvantage' in the 'negotiation' of 'power', stripped of 'the characteristics deemed necessary for active, adult agency, namely choice, autonomy and responsibility', she considers they can influence regimes 'and so assert themselves as agents'.

While there is optimism in Bosworth's (1999) conclusion, it is in marked contrast to the findings of Pat Carlen's (1983) earlier pioneering research in Cornton Vale women's prison in Scotland. Over 60 per cent of women prisoners were sentenced for less than six months, the majority 'diagnosed as having personality disorders and alcohol and/or other drug-related problems' and incarcerated for 'purely punitive purposes' (Carlen 1983: 22). Many physically abused by male partners, husbands or police officers, they were trapped in a double bind, 'within and without sociability ... within and without femininity ... within and without adulthood' while being 'driven into even greater isolation, a debilitating isolation' (Carlen 1983: 90). Infantilised and unable to trust those in authority, they endured constant surveillance, had no privacy and experienced minimal social interaction. A quarter of a century later a full inspection of Cornton Vale reflected scathing criticisms of the regime in previous reports. The Inspectorate found a prison in 'crisis', 'endemic' overcrowding, living conditions 'unacceptable and women locked up for excessively long periods' (HMIP 2009: 1). Silent cells remained in use and healthcare facilities were 'unfit for purpose'. In the wake of these criticisms, a 'new approach to the management of women in Scotland's prison system' was recommended (Commission on Women Offenders 2012: 66; see also Malloch and McIvor 2012).

Conducting in-depth interviews with women prisoners in the United States, Drew Leder (2004) reveals starkly how the unchecked escalation of incarceration and ever-longer punitive



sentencing, together generate a continuum of operational control through subjugation. Trapped in the political-ideological vortex of mass incarceration, the prisoner 'cannot move freely, leave the prison, secure privacy, or pursue [her] preferences ... bodily location, dress, and actions are largely dictated by the state', her 'imprisoned body ... associated with violence and deficit, objectified by a fearful gaze, appropriated by hostile others' (Leder 2004: 61). In this context, as Law (2009: 6) notes, women prisoners who 'challenge the system face extreme levels of administrative harassment': strip-searches and solitary confinement. McCulloch and George (2009: 122) conclude, 'the coercive removal of prisoners' clothes amounts to a symbolic enactment of the stripping of rights that accompanies imprisonment ... particularly resonant as an identity-stripping and negating act for women who so often have their identities and rights stripped through sexual assault outside prison'. Subjected to the isolation of 'time-out cells', 'special segregation' or 'special care units', women prisoners' daily lives are diminished by confinement in a 'prison within a prison', where the 'ultimate regulation of the female body' is painfully administered (Shaylor 1998: 386).

While not dismissing entirely the significance of agency manifested in acts of individual and collective resistance, prisoners are cognisant of the limits to dissent and well aware of the discretionary scope afforded to managers and guards in the veiled operation of prison regimes. Oppositional acts, however minimal, are monitored, assessed and classified, determining the specific regime under which prisoners are held, their human rights traded as 'privileges', a term unique to the prison vocabulary. Telephone access, recreation, family visits, time out of cell, access to fresh air and prison work form the currency through which compliance to the regime is exchanged. From the moment the sentence is passed, their personal identity and civil rights are denied. No longer a citizen, the prisoner wears convicts' clothes, is reduced to a number, surrenders personal possessions and loses movement. The door, the clock, the bathroom – commonplace in the taken-for-granted world of daily life – assume new, institutionalised meaning as mechanisms of control functioning through the discretion of others. On the uncorroborated evidence of guards, internal disciplinary adjudications place prisoners on restricted regimes, including solitary confinement in strip cells.

Enforced incapacitation ranges from prescribed drugs through to physical restraint, lawful or unlawful. As Mandela (1994: 340-1) affirms, prisoners always have been 'shaped and coded into an object', their 'defiance' generating 'immediate, visible punishment'. He concludes that the 'challenge for every prisoner ... is how to survive prison intact, how to emerge from a prison undiminished, how to conserve and even replenish one's beliefs'. Initial experience of incarceration focuses on survival, as the process 'is designed to break one's spirit and destroy one's resolve' and 'the authorities attempt to exploit every weakness, demolish every initiative, negate all signs of individuality ... stamping out that spark that makes each of us human and each of us who we are'. This powerful quote reflects Mandela's direct experience of the regime's commitment to eradicating collective resistance through breaking the spirit of each prisoner.

For most prisoners, unsupported by political movements and often rejected by their communities, there is no collective resilience. Such isolation is clearly evident in the institutionalised abuse endured by long-term prisoner, Michael Santos, incarcerated within the United States' prison-industrial complex. As days merge into months and months into years, 'life in prison is punitive, repressive, and degrading' constantly over-shadowed by the 'threat of punishment', eliminating 'hope' while generating 'resentment' (in Carlton 2007: x). Prisons, he states, 'self-perpetuate', 'thwart family relationships, degrade each individual's sense of self, and separate prisoners *in every way* from society' sustaining 'unnatural us-versus-them, Orwellian worlds' (emphasis in original).

### Women's imprisonment in Northern Ireland

In 1920 the *Government of Ireland Act* partitioned Ireland, establishing six of the nine counties of Ulster as Northern Ireland, a 'province' of the UK, and the Irish Free State was established as a British Commonwealth Dominion. In 1937, Ireland, to the exclusion of the six counties, became a sovereign state, gaining full independence twelve years later as the Republic of Ireland. Partition devolved powers from the UK to the Northern Ireland Parliament entrenching and reproducing conflict within the six counties. While Nationalists/Republicans/Roman Catholics were committed to Ireland's reunification (see Boyle et al. 1975), they were governed politically and ideologically by Unionists/Loyalists/Protestants committed to preserving the union with the UK. If gradual transition from conflict to peace was envisaged, it was based on naïve assumptions. 'Emergency powers' were normalised, the Royal Ulster Constabulary was reinforced by part-time police reservists drawn from Loyalist communities and internment without trial was deployed repeatedly against Republicans (see O'Dowd, Rolston, and Tomlinson 1980).

During the late 1960s the growth of the civil rights movement brought a violent response from Loyalists and the British Army was deployed on the streets of Northern Ireland ostensibly to protect Catholic communities. This soon changed. According to Hillyard (1987: 284), in August 1971 the introduction of mass internment without trial demonstrated the British State's commitment to 'suppressing political opposition' and 'direct rule' was imposed. Internees were held in a former RAF camp, Long Kesh, and in 1976 the site was developed to accommodate politically affiliated prisoners, housed in H-Blocks. The prison was renamed HMP Maze, although Republicans refused 'criminal' status, continuing to refer to the prison as Long Kesh. Politically affiliated prisoners constituted approximately two-thirds of the prison population (McEvoy 2001).

All women prisoners were held in Armagh Gaol built at the turn of the eighteenth century. In 1986, they were the first cohort of prisoners to be accommodated in the purpose-built high-security Maghaberry prison housed in a discrete self-sufficient unit, Mourne House: a jail within a jail. The Mourne House women's unit operated a harsh, high security regime targeting Republican prisoners. Forced strip searches, isolation cells and violent regulation are well documented (Aretzaga 2001; Calamati 2002; Corcoran 2006; Fairweather, McDonough and McFadyean 1984). In March 1992 institutionalised cruelty came to a head. Throughout a day and evening, pausing only for lunch and dinner breaks, men and women guards dressed in full riot gear and carrying shields, some accompanied by dogs, conducted a mass strip search of Republican women. Bernie (cited in Aretzaga 2001: 10) was stripped while a male guard sang 'happy days are here again'. Carol was held down by four guards while two tore her clothes from her body: 'They took my sanitary towel and threw it to a corner as if I was shit ... the male screws were outside coaxing the female screws' (in Aretzaga, 2001: 13). Hearing screams of others Karen awaited her 'turn'. She was also on her period 'but that didn't stop them ... they managed to strip me naked ... the warder that held me down with her knee wasn't finished [and] as she was leaving she landed me a violent kick in the ribs' (in Calamati 2002: 87-88). For the women, being forcibly strip searched was a form of rape.

This was not an isolated example of discretionary brutality administered by out-of-control, ill-disciplined guards. Rather, it represented the sharp end of a continuum of institutionalised violence and violation; a display of purposeful, controlled aggression warning *all* women prisoners, politically-affiliated or not, that ultimate power lay with the guards. Its legacy extended beyond the 1998 Good Friday/Belfast Agreement and the subsequent release in 2000 of politically-affiliated women prisoners.<sup>4</sup> In May 2002, Her Majesty's Inspectorate of Prisons conducted a full unannounced inspection of Maghaberry, including Mourne House. The inspectors were concerned that in a predominantly male jail women's specific needs were not recognised. Despite the release of politically affiliated prisoners, leaving a population of low and

medium security ordinary prisoners, a high security regime persisted, staffing levels were excessive, women were locked alone in their cells for much of the day, education and work opportunities were severely restricted and 'activities were frequently cancelled due to "operational difficulties"' (HMCIP 2002: para. MH25). Kitchens, health centre and workshops had been closed.

The Inspectorate criticised the prevalence of male staff, particularly as they conducted visual checks while women were changing, bathing or using the toilet. Further concerns included strip-searches without satisfactory explanation, lack of structured induction, poor care for self-harming or suicidal women, overuse of punishment cells for minor misdemeanours and for women and girls (including a 15 year old) who self-harmed. Regarding the prison hospital, the Inspectorate considered it inappropriate 'to accommodate distressed female prisoners in what were little more than strip cells in an environment which essentially centred on the care of male prisoners, many of whom had mental health problems' (HMCIP 2002: para. MH36).

Against this background, in July 2003, the Northern Ireland Human Rights Commission used its statutory powers of entry into prisons commissioning research to examine 'the extent to which the treatment of women and girls' complied 'with international human rights law and standards', particularly focusing on the prevention of custody deaths and inhuman or degrading treatment. The research presented 41 key findings and recommended an 'independent public inquiry' focusing on 'the deterioration in the regime and conditions in which women with girl children were held' (Scraton and Moore 2005: 185). An inquiry would focus on: 'the failure of the Director General and the Governor of Maghaberry to implement the Inspectorate's [2002] recommendations and the consequences for women and girl prisoners'; the circumstances surrounding the deaths in custody of two women; the overuse of punishment and segregation cells for women and girls who self-harmed or were suicidal; and the inappropriate conduct of male guards (Scraton and Moore 2005: 185).

As the research was nearing completion, women and girl prisoners were transferred to a self-contained unit within the medium security male young offenders' centre. Despite its lower security status, Hydebank Wood was another male prison. The regime, facilities and routines imposed on women and girls were determined and inhibited by their secondary, minority gender status. They moved between buildings only under escort, thus restricting their access to facilities including healthcare, education, work, and recreation. In July 2007 the research produced a second in-depth report. While 'some of the worst excesses and deprivations of the Mourne House regime' had been eliminated there remained an urgent need for policies and interventions to address 'self-harm, substance use, mental ill-health, therapeutic provision, counselling, occupational therapy and constructive work, and education opportunities' (Scraton and Moore 2007: 127). The Human Rights Commission called for an independent inquiry, stating that the relocation of 'distressed and self-harming women and girls' from mainstream association 'to the punishment block represented an egregious breach of their human rights as well as damaging their already parlous health' (Moore and Scraton 2014: 170). No inquiry, nor review, followed. Yet the conditions contextualising three deaths in custody, highlighting the use of punishment and segregation and the failure to respond appropriately to prisoners' mental ill-health, persisted.

The research findings were submitted to the UK Government's Northern Ireland Affairs Committee (Scraton 2007: 193).<sup>5</sup> They addressed six 'generic issues' for 'urgent consideration at strategic, policy and practice levels' that despite being 'well-known and well-publicised' had not been 'appropriately and adequately addressed'. First, the prison estate was 'unfit for purpose' tolerating and perpetuating multiple egregious breaches of human rights' standards. Second, managers, guards and other prison workers manifested a collective mind-set rooted in, and conditioned by, the containment of politically-affiliated prisoners. Third, operational policies and routines were overwhelmingly reactive rather than proactive with minimal interaction



between landing guards and prisoners. Fourth, the needs of a complex prison population were not identified in policies; nor were they met in practice. Fifth, there were serious deficiencies in mental healthcare, particularly the imposition of isolation lockdowns of 'the most vulnerable prisoners who pose a management problem through their self-harming or para-suicidal behaviour'. Finally, restricted regimes prevented constructive activities and work opportunities with most prisoners locked alone in their cells for a minimum two thirds of their sentence. This isolation was exacerbated by limitations on family visits and telephone contact.

The findings of both research reports were presented to the Committee identifying three overarching policy deficiencies (Scraton and Moore 2007: 194-195). The Prison Service had shown an 'inexplicable reluctance ... to establish a comprehensive gender specific strategy for the development of appropriate regimes for women and girl prisoners'. Separate site provision for women prisoners was essential to ensure 'discrete healthcare, work, recreation, staffing and resettlement'. The primary research revealed four pressing needs: a comprehensive program of education, including vocational training; significant expansion in out-of-cell time; increased access to families through extended visits and less expensive telephone contact; and sentence planning in preparation for post-release resettlement. In interviews women prisoners emphasised the deleterious impact of arbitrary punishments routinely administered by prison guards and their managers. This included behaviour modification based on a reward-driven token system enabling guards to 'zero' women for petty 'offences', thereby eradicating their earned 'privileges'. They likened enforced strip-searches, on admission and at random, to sexual assault. They feared disclosing feelings of depression or low self-esteem, knowing it would result in the enforced isolation of strip cells.

The UK Government's Northern Ireland Affairs Committee was unresponsive, presumably anticipating devolution of justice and policing powers to the Northern Ireland Assembly. Agreed by all parties in the 2006 St Andrews Agreement, devolution of justice and policing was delivered finally in February 2010 and the Department of Justice was established in April 2010. Immediately, the Justice Minister, announced a 'review of the conditions of detention, management and oversight of all prisons' alongside a 'comprehensive strategy for the management of offenders' and, most significantly, a 'fit for purpose' separate women's prison operating a gender-appropriate regime to meet 'international obligations' (Hillsborough Agreement 2010: para. 7). He established an independent Prison Review Team (PRT) headed by the former Chief Inspector of Prisons in England and Wales.

In February 2011, the PRT published a scathing indictment of the Northern Ireland Prison Service's operational policies and practices (PRT 2011a). The prison estate was considered unacceptable and the Prison Service was condemned as 'demoralised and dysfunctional', lacking in ideas or motivation to change (PRT 2011a: 4). It called for a 'properly resourced change programme' to challenge the prevailing 'culture of denial and compromise' (PRT 2011a: 12-13). Proposing a reduction in the number of women imprisoned via diversion to non-custodial programs, it noted the 'need for a new custodial facility for women' and the urgent need for their removal from the male young offenders' centre (PRT 2011a: 70).

In its final report, the PRT concluded that the Prison Service was operating outside internationally agreed human rights' standards and appropriate ethical values: rehabilitation should be a 'core function'. It recommended statutory time limits for remand prisoners and community-based sanctions for those receiving sentences of three months or less. It proposed new, self-contained and adaptable accommodation for women 'within an actual or virtual community network, to prevent isolation and [to] ensure a range of service provision' (PRT 2011b: 69). Following the PRT's report, a Review Oversight Group was established, a new Prison Service Director General appointed, early retirement packages for prison staff introduced, and the first recruitment of prison guards since the early 1990s announced.

Progress, however, was slow, not least in tackling the embedded, institutional failings identified by previous research, the Inspectorates' reports and the PRT's findings.

In February 2013, the Prison Inspectorates conducted a full inspection of Ash House. They recorded 'disappointment' that women continued to be held in a male prison. Deficiencies were 'significant and intractable', access to necessary facilities and services 'inevitably marginalised and restricted' (HMIP/ CJINI 2013: v). Women prisoners reported persistent verbal abuse by male prisoners, victimisation by staff, and excessive strip searches 'on arrival and randomly after visits'. Reflecting on the death of a woman (Frances McKeown), the Inspectorates concluded that the most vulnerable women received 'inadequate' care. This extended to a 'suicide and self-harm prevention policy that did not reflect the needs of the women held' with 'some staff' demonstrating 'complacent attitudes' towards vulnerable prisoners (HMIP/ CJINI 2013: ix).

The Inspectors found that women continued to endure verbal abuse during the 'transfer and escort process'. While they ranked prisoner safety as 'reasonably good', they considered the 'co-location of women and men unacceptable' with 'outcomes fundamentally disrespectful ... undermin[ing] positive work elsewhere' (HMIP/ CJINI 2013: x). The regime was ranked poor against the respect criteria, a negative assessment also given to 'purposeful activity'. There was 'significant regime slippage ... mainly due to frequent unpredictable lock-downs', 'minimal access to outside exercise' and 'no coherent strategic approach to the provision of learning and skills' (HMIP/ CJINI 2013: xi-xii). Finally, resettlement was ranked 'not sufficiently good'. The Inspectorates published 111 recommendations, of which ending the imprisonment of women in a male jail was *the* priority. Overall, the detailed critique revealed the persistence of seriously flawed operational policies, priorities and practices amounting to egregious breaches of international human rights' standards and conventions. It constituted a further indictment of the institutional failure to respond to previous reports and inspections. Eight years on from the first Human Rights Commission report, the state of women's incarceration in Northern Ireland remained parlous.

In deploying prescribed tests and assessment criteria, prison inspections adopt the agenda of liberal reformism thus accepting the propositions that prisons can be 'healthy' and imprisonment can be utilised as a force for good through 'rehabilitation'. The evidence presented here lays bare the much-vaunted policy commitment to rehabilitation, resettlement and reintegration. At best, it is frustrated by prison regimes that isolate and punish vulnerability, medicalise ill-health and undermine prisoners' relationships with families and communities. At worst, the political rhetoric of generic rehabilitation and 'desistance' from 'criminal' behaviour constitute an elaborate deceit. The findings are unequivocal. Women's interpersonal and individual needs were unmet, their sentences served 'against a backdrop of violence and restraint, strip-searching and the systemic denial of bodily integrity, self-harm, segregation, appalling physical and mental health care in facilities shared with men, punitive detox programmes, restricted contact with families and children, bereavement, inadequate preparation for release and authoritarian, [and] poorly trained guards' (Moore and Scraton 2014: 233). While recommending discrete accommodation, gender-specific policies, regimes and programs, the research also specified well-resourced alternatives to prison, community-based support structures, and integrated appropriate health-care responsive to identified need. Almost a decade later, it is evident from the prison review, and from subsequent inspections, that progress towards their realisation has been minimal.

### **Decarceration, abolition and the limitations of penal reformism**

Oscar Wilde's experience of prison reflected his profound sense of despair, isolation and loss. A century on, improved conditions have not eradicated the human suffering within their walls. While Nordic States have made significant inroads against the excesses of incarceration,<sup>6</sup> its

inherent inhumanity, so sharply observed by Goffman, has survived virtually intact. In a typically astute observation on the language of reformism, the late Nils Christie (1981: 13) notes how the 'means of disguising the character' of state interventions, specifically the 'shield of words' adopted by criminal justice agencies, soften and reconstruct the formal practices of so-called humane containment. The 'person to be punished' becomes a 'client', the 'prisoner' is reclassified as 'inmate', a 'cell' transforms into a 'room', 'solitary confinement' into 'single-room treatment'. Renaming is central to a management discourse affirming style over substance, delivering magically the professionalisation of imprisonment. For Christie, it is illusory, ideologically reconstructing the regulation of 'crime' as a 'hygienic operation' through which 'pain and suffering' are 'vanished from the text-books and from the applied labels' but 'of course not from the experience of those punished'. Those subjected to 'penal action are just as they used to be: scared, ashamed, unhappy'.

The process of professionalisation gives legitimacy to the promotion and reproduction of imprisonment in advanced democratic states as an appropriate and acceptable form of punishment administered and monitored in 'our' name under the safeguards of the Optional Protocol to the *United Nations' Convention against Torture or Other Cruel, Inhuman or Degrading Treatment*. Central to the politics of incarceration is the proposition that prison as punishment and punishment in prison are calibrated and legitimated within a structure of authority in tune with the 'will of the people'. Yet Medicott (2009: 259) concludes that the inspection and monitoring process 'has been thwarted by serious failures of political will' and 'an engrained political refusal to tackle the problems of overcrowding and an apparently intractable culture of casual cruelty'.

Medicott optimistically calls for the 'strengthening of domestic mechanisms' to deliver effectively the principles of OPCAT, but Scott and Codd (2010: 12) argue that the 'legitimacy of current penal practices demand the adoption of moral and political normative value judgements ... beyond the current dimensions of healthy prisons [emphasis added]'. They note that within the climate of popular punitivity and vengefulness prison regimes and practices will remain 'inherently harmful' and 'undermine human dignity'. As Quinney (2006: 270) states, no citizen 'escapes the damage caused by the fact that the prison exists'. It is 'pervasive ... economic, social, psychological and, ultimately, spiritual'. He notes the 'real and consequential difference' between those inside and those outside the walls; yet the social and psychological 'injuries caused by the prison are shared by all' as 'anything done to others is done to ourselves'.

Scott (2013: 313) concludes that prisons are 'designed and operationalised through deliberate pain infliction', providing a 'key function in the maintenance of blatantly unequal societies' through punishing the poor and the marginalised. Angela Davis (2003: 103-104) eloquently claims that the 'major challenge' is to secure 'more humane, habitable environments for people in prison without bolstering the permanence of the prison system'. She questions whether it is possible to square the circle. It leads her, a prison abolitionist, to consider the breadth and depth of wider reform required in societies reluctant to replace incarceration with the necessary 'constellation of alternative strategies and institutions'. The debate is not new.

In his defining text, *The Politics of Abolition*, Mathiesen (1990: 139) exposes the abject failure of prisons as places of reform and rehabilitation. He argues that the 'prison fiasco' is masked and perpetuated ideologically, 'in the widest public sphere' particularly the 'modern mass media'. It is supported within 'a narrower public sphere', most prominently those 'institutions directly engaged in crime prevention', and 'in an even narrower sphere consisting of particular professional groups'. Governmental and societal failure to acknowledge the 'prison fiasco' has been ignored in the wake of populist discourses heralding the 'success' of incarceration.

Two decades on, Mathiesen (2008: 58) records the inexorable 'wave towards penal populism, media panics and rising prison figures'. Not 'desperate' nor 'ashamed' by minimal progress

towards abolition, his critique of the reformist agenda remains steadfast, arguing that by accepting the limitations of reform, campaigners become implicated in the 'necessity of maintaining the regime' (Mathiesen 2008: 59). As the global prison-industrial complex consolidates, denying prisons legitimacy removes abolitionists from the reformist dialogue and the attendant risk of political incorporation.

More broadly, abolitionism extends to the social, political and economic constructions of crime, criminality and criminal justice. Christie (1998: 121) interprets acts within their context of time, place, culture, social order and dominant ideologies through which 'meaning' is ascribed via a 'long process'; 'so it is with crime', he concludes. As Hulsman (1986: 63) argues, the discourse on crime and criminal justice labels 'criminals' a 'special category of people' to be condemned, contained and punished. In advancing the critical criminological debate, he considers it necessary to secure the 'abolition of criminal justice as we know it' (Hulsman 1986: 67). This requires abandoning the 'cultural and social organisation of criminal justice' (Hulsman 1991: 32). A critical agenda exposes 'how institutions really function', identifies 'the real consequences of their functioning in the different segments of social formations', and explores 'the systems of thought which underline these institutions and their practices'.

In definition, commission and punishment, crime is contextual, its parameters set in the complexities of social action, interaction and reaction, determined, in part, by prevailing political-economic and socio-cultural conditions. Critical analysis rejects the determinism underpinning traditional criminological and penological theories that interpret and react to crime as a consequence of individual and/or social pathology. It challenges administrative criminology's focus on individual pathology, weak socialisation or social dysfunction as threatening established common values of a fair, equal and just meritocracy. It foregrounds the conflictual and subjugating relationships prevalent within overarching structural relations of advanced capitalism, patriarchy, neo-colonialism and age.

As noted elsewhere (Scraton 2007), the ownership and control of the means of production and distribution, the politics and economics of reproduction legitimating normative heterosexuality, the colonial legacies of racism and xenophobia along with children's and young people's marginalisation, encompass private and public spheres. They sustain, and are sustained by, *determining contexts* that have consequences for *all* people in society. Power and authority are not limited to material (economic) or physical (force) interventions, but are supported by deep-rooted ideologies, a social force of compliance and conformity evident in the populist appeal of authoritarianism. Thus the pathway to prison is laid, ensuring few politicians will acknowledge openly that it is an indefensible, institutionalised, discriminatory utility geared to 'manage' marginalised and alienated 'problem' populations.

The theoretical and political arguments for a radical reconceptualisation of 'crime' and 'criminal justice', including progressing abolitionism from the narrower objective of decarceration to the broader objective of decriminalisation, remain persuasive. Yet penal expansionism, particularly in the USA and the UK, has been unbridled. More people are imprisoned for ever-lengthier periods and women's imprisonment has been at the forefront of this expansionism. Further, the political, economic and ideological drivers of incarceration have been complemented by penal reformism, proclaiming a commitment to building, managing and staffing 'healthy' prisons. This reformism, 'however well-intentioned, facilitates a politics of incorporation in which places of detention become "rights-compliant" ... [a process] moderated or hidden beneath the veneer of mission statements, glossy brochures and internet virtual tours' (McCulloch and Scraton 2009: 11).

The global development of the lucrative prison-industrial complex, supported by oxymoronic claims that prisons can achieve 'humane', 'healthy' containment, has secured its future under a banner of liberal reformism. This leaves abolitionists occupying a difficult terrain. Of course, as

Davis argues, prisoners within the *present* cannot be subjected to ever-worsening conditions to strengthen the moral and political argument towards *future* decarceration. Yet, as this article demonstrates, critical social research bears witness to systemic abuse, harnesses official discourse of formal inspections, and provides empirical, alternative accounts to those carefully orchestrated by prison managers and state departments. It projects the 'personal troubles' of the incarcerated to the wider stage of societal 'public issues'. Yet it should not be limited to an elaborate academic critique only directed inwards towards mainstream social sciences.

The research discussed here was initiated and conducted to promote public engagement, to inform an often cynical media and sceptical population that the expensive escalation in imprisonment represents a much less effective investment than seeking constructive alternatives. If the decarceration agenda is to challenge the 'soft-on-criminals' tag imposed by the pro-prison lobby, the political-ideological context underpinning penal expansionism has to be exposed alongside the political-economic failure of constructing more and bigger prisons. On publication of the primary research, the *Belfast Telegraph* cleared its front page, leaving two words before its readership: 'PRISON SHAME'. Accepting that its coverage, illustrative of other newspapers and broadcasters, adopted an urgent, reformist position because the focus was women's imprisonment, it indicated the existence of a constituency sceptical of the claims for ever-increasing incarceration. In realising and energising this process, critical social research intellectually has the potential to be transformative, providing incontestable evidence to inform public debate while building strong alliances with campaigning not-for-profit organisations and generating community-based public engagement. It exploits the contradictions implicit in criminal justice and legal process, holds carceral states to account and progresses alliances committed to the development of alternatives to incarceration.

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<sup>2</sup> Commissioned by the Northern Ireland Human Rights Commission the initial phases of the research incorporated in-depth qualitative research primarily with women prisoners alongside documentary analysis (2004-2008). More recently, the focus has been on policy analysis, inspection reports and the outworkings of the official reviews of women's incarceration while drawing on the experiences of women prisoners.

<sup>3</sup> In 1999 the World Health Organisation introduced four 'tests' of a 'healthy prison': a safe environment; respect and dignity for prisoners; opportunities for purposeful activity; preparation for resettlement. In the UK and Northern Ireland formal inspections provide criteria-based assessments against each of these tests.

<sup>4</sup> Following the 1994 paramilitary ceasefires in the North of Ireland and the political negotiations towards conflict transformation, the 1998 Good Friday/ Belfast Agreement established the foundation for devolved powers from the UK Government to the Northern Ireland Assembly. It included a commitment to a root-and-branch review of policing and justice. The release of politically-affiliated prisoners was central to the negotiated peace.

<sup>5</sup> In 2007 justice and policing powers remained determined by the UK Government in Westminster. They were devolved to the Northern Ireland Assembly three years later.

<sup>6</sup> For example, Pratt and Eriksson (2014) note that in humanising prison design, prioritising small accommodation units and encouraging social interaction inclusive of families the systemic warehousing of mass incarceration has been eliminated.



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