



The Problem with Prison – From an Academic Who’s Been There

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The Problem with Prison – From an Academic Who’s Been There

Gary F. Fisher

Biography

Gary F. Fisher is an inter-disciplinary teacher and researcher in the liberal arts tradition. He received his doctorate in Classics from the University of Nottingham in 2020 and has published research on a variety of subjects, ranging from the history of education to twentieth-century travel literature. He is currently employed by Lincoln College.

The National Records of Scotland recently released their [much-delayed statistics](#) concerning the number of drug-related deaths that occurred during the year of 2019. They revealed a continued rise to a record high, firmly cementing Scotland as the [drug deaths capital of Europe](#). This, combined with the fact that Scotland also boasts the largest prison population per capita in Western Europe, has prompted a [slew of articles proposing various types of reform](#). So far, so familiar. ‘Prisons in this country are a mess’ is one of the few sentiments that appears to be shared on both sides of the political aisle in the UK. It is a sentiment that you can find in both the [New Statesman](#) and [The Spectator](#). As the [Oxford History of the Prison has noted](#), it is a sentiment that has persisted for over two centuries, at least since the prison reformer John Howard roundly criticised the condition of eighteenth-century Britain’s criminal justice system in his 1777 *The State of Prisons*.

That, sadly, is where the unity ends. While Britons can collectively agree that they are not happy with the state of our prisons, we differ wildly in our proposed solutions. More than that, we cannot even agree on precisely what the problem is. On the one hand, there are those who believe prisons have become too soft, that they are limp-wristed holiday camps in which society’s foulest enter through a revolving door to be waited on hand and foot before being released all too quickly upon an unsuspecting public. On the other hand, there are those who view prisons as brutal and draconian institutions, in which cruel and oppressive restrictions on individuals’ human rights serve to entrench and reinforce criminal behaviour to no palpable social benefit. [The former](#) will question what punishment or deterrent is offered by giving potentially violent and dangerous criminals free access to entertainment resources and educational courses, luxuries that law-abiding citizens would only be able to access at personal expense. [The latter](#) will appeal to examples of ‘humane incarceration’, typically exhibited in Scandinavian countries, and cite the reduced rates of re-offending associated with a more rehabilitative approach. Representatives of these two broad camps regularly spar on the

airwaves, yet these clashes rarely serve to advance the dialogue. One can watch two daytime television debates entitled ‘Are we too soft on prisoners?’, [one from ten years ago](#) and [one from only last year](#), and see almost the exact same points and rebuttals being made, with no significant innovations in reasoning having been made in the intervening decade. Neither side will engage with, let alone be convinced by, the arguments of their opponents. In fact, it’s questionable whether they even hear each other.

Courting one of these two sides has become something of a prerequisite for elected office in the UK. Upon his election in 2019, Boris Johnson immediately sought to placate the ‘tough on crime’ crowd by [introducing reforms to expand sentence durations and prison numbers](#). On the other side of the debate, since her election as Scottish First Minister in 2014 Nicola Sturgeon has consistently cultivated favour amongst those who favour a progressive approach to criminal justice by [introducing reforms to move the focus of Scottish criminal justice away from punishment and towards rehabilitation](#). This politicisation of debate has hardly helped matters and, frustrated by the fruitlessness of dialogue on the subject, one criminal defence lawyer recently [penned a plea in *Scottish Legal News*](#). Iain Smith implored legislators to ‘move beyond tokenistic, meaningless terms like being “hard” or “soft” on crime’, and instead adopt a ‘smart’ approach that focuses on achieving the goal of reducing offending through solutions that occur outside the walls of a prison. As well intentioned as Smith’s plea may be, it seems unlikely to gain traction.

Highly conscious of this fatalistic public attitude towards the prison system, I first passed through the gates of a category C men’s prison at the beginning of 2020. I should stress that I entered voluntarily, joining the staff as the manager of the prison’s library. It was not long into my career as the librarian that I found the same two broad camps that occupied public dialogue had carried through into the four walls of the prison. There were those staff who pined for the days of ‘proper prison’ and suggested that the modern officer ought to be renamed the ‘custody butler’ for the amount of waiting on their charges that they were increasingly expected to perform. Drawn against them were those who embraced the sector’s increased

emphasis on supporting rather than simply securing their residents, and quietly derided those individuals they believed to be insufficiently 'pro-prisoner' in the execution of their duties. The incompatibility of these two schools was driven home to me when the library found itself in possession of several copies of a workout guide that could be completed in a cell with no equipment. One of my colleagues was excited by the prospect of distributing this to the men in their cells so that they could continue to exercise while the ongoing pandemic limited their yard time. The other asked 'why would we want to help them get stronger?'

This was more than a simple difference in methods: it was a disagreement as to what the fundamental goal of prisons actually was. To some, their goal was to punish, and anything other than Dickensian horror would represent a betrayal of that goal. To others, their aim was to reform and support, and any interruption to their counselling sessions and wellbeing workshops constituted a frustration of that aim. No wonder these two sides are unreceptive to each other's arguments: they're arguing from different pages. They don't merely disagree on what is wrong with prisons, they disagree on what a 'correct' prison would look like.

The reality is that the punitive and rehabilitative approaches, while not necessarily completely mutually exclusive, are at the very least highly counter-productive. It is somewhere between hard and impossible to adopt one without at the very least undermining the other. During my time in the prison library, I witnessed how these two approaches played against each other, with the prisoners caught in the middle. To illuminate this, consider a few examples. Upon being sentenced, a newly convicted offender will be transported to their holding facility in a secure transport vehicle, colloquially known as a 'sweatbox'. Inside the sweatbox the offender is crammed into a tiny cubicle smaller than an airplane bathroom. So small is this space that taller offenders are unable to properly sit down within them, instead having to half-stand, half-sit for the duration of their indeterminately long journey from court to prison. The transport's blacked-out windows make the prisoner invisible to the world outside and he is assigned his number and stripped of all personal effects. With this removal of identity completed, the prisoner is then

assigned a counsellor and mental health support worker to help him explore the roots of his criminality and come to terms with the very personality that has just been stripped from him.

A prisoner is encouraged to explore his faith and has regular contact with a large team of professionally-trained chaplains from a variety of religious denominations. But if he indulges too deeply in this faith he will find himself earning the attention of counter-extremism professionals who will monitor him and his reading habits closely and reprimand him or extend his sentence if they deem it appropriate.

He is given a wide variety of learning opportunities and encouraged to attain qualifications that will hold him in good stead upon his return to the outside world. But he is also barred from accessing the greatest source of learning and information ever created: The World Wide Web. He instead has to make do with the finite materials that the already overstretched library and education services are able to provide and risk a revocation of his learning privileges should a book be returned delayed, damaged or dog-eared.

Of course, those who believe their job is to punish and those who believe their job is to rehabilitate are frustrated with each other. They are not merely pursuing different objectives, they are actively cancelling out each other's efforts. I am not the first to have noted the incompatibility of these goals. In 2019 James Bourke, the governor of H.M.P. Winchester, was [reported in *The Daily Telegraph*](#) criticising the culture of 'fantasy' surrounding what prisons are able to achieve, and how the present attempt to achieve both punishment and rehabilitation has left both goals unfulfilled.

Although conditions in prison may be a horrifying deterrent for the 'nice, white middle-class' people who legislate for them, Bourke claims their structure and security means they can act as a 'place of refuge' for those from more troubled backgrounds. Meanwhile, the idea that a five-week prison sentence is enough time to successfully rehabilitate a convicted criminal after years, if not decades, of accumulated suffering and habitual criminality is derided as a 'fantasy'. In attempting to both deter criminal behaviour through harsh punishment and

rehabilitate convicted criminals through reformatory support, prisons seem doomed to fail both goals.

This leads back to the condition of public debate about criminal justice reform. Despite the great amounts of ink spilled and spittle launched debating the conditions of our prisons, we never seem to have actually tackled this most fundamental of issues: what do we actually want our prisons to achieve? Do we want to rehabilitate, or do we want to punish? Neither goal is palpably ridiculous, but we can't have our cake and eat it too. As it stands, the same arguments will continue to be repeated, drug-related deaths will continue to rise, and the one thing that we'll all be able to agree on will be that we're not happy with the state of our prisons.

[In the BBC's recent political thriller *Roadkill*](#), the Prime Minister, played by Helen McRory, informs Hugh Laurie's Justice Minister that, 'We lock people up. We're famous for it. We like locking people up. It's in our character'. For the foreseeable future, that seems unlikely to change.