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THE

ABOLITIONIST

The Magazine of Radical Alternatives to Prison

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incorporating Inquest PROP Women In Prison

RAP

RAP is a pressure group working towards the abolition of imprisonment. We do not believe that imprisonment is a rational, humane or effective way of dealing with harmful behaviour or human conflict. We believe that it functions in a repressive and discriminatory manner which serves the interests of the dominant class in an unequal society – whether capitalist or 'socialist'.

Most people in prison are there for crimes which are a response to the frustrations of their economic position. Capitalism creates its own 'crime problem' and no amount of tinkering with the penal system will solve it.

We recognise that there will be no possibility of abolition without fundamental changes in the social order. We also recognise, while working towards abolition, that it may never be fully attained. The may always be some people whose behaviour poses such a threat to others that their confinement is justified; we cannot tell. There are some such people in prison now but they are, without doubt, a very small minority of the prison population.

A capitalist state cannot do without imprisonment, but it can make do with very much less of it that ours does, as other countries, notably the Netherlands, have shown. RAP supports measures to reduce the prison population by means of:

- **an end to prison building;**
- **legislation to cut maximum sentences;**
- **decriminalisation of certain offences, such as soliciting and possession of cannabis;**
- **an end to the imprisonment of minor property offenders, and of fine and maintenance defaulters.**

The introduction of 'alternatives' like community service orders and intermediate treatment has not stopped the prison population from rising, but has increased the scope for intervention by the state in people's lives. We do not deny that some good things have been done in the name of alternatives within the penal system, but we hold no brief for them. What we do support are 'radical alternatives' which are, as far as possible, non-coercive, nonstigmatising and independent of the state.

Many prison reforms amount to a sugar coating on a toxic pill. But while prisons remain, some features of our present system can and should be done away with, in particular:

- secrecy and censorship;
- compulsory work;
- the use of drugs to control prisoners
- solitary confinement (by whatever name);
- the system of security classification.

These demands are largely satisfied by the Special Unit at Barlinnie Prison, which has shown what can be achieved by a less authoritarian and restrictive approach.

Many of RAP's medium-term goals are shared by other groups who do not share our political outlook. But RAP's fundamental purpose is, through research and propaganda to educate the public about the true nature, as we see it, of imprisonment and the criminal law; to challenge the prevailing attitudes to crime and delinquency; and to counter the ideology of law-and-order which helps to legitimate an increasingly powerful state machine.

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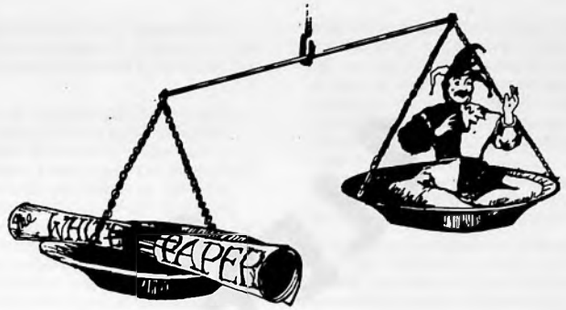

CONFIDENCE TRICK

The Government's White Paper on **Criminal Justice** begins by arguing that, while measures to deal with crime 'cannot be left to the criminal justice system alone', that system has 'the most direct contribution to make to the sense of public safety and confidence which are essential to any civilised community.' Not to **actual** public safety, but to the **sense** of safety. Only in the case of extradition does the Government claim that the changes it proposes will 'increase the effectiveness of the international fight against crime'. The reasons advanced for the other proposals have to do with symbolism, 'public confidence' and administrative efficiency.

The proposed increases in the penalties for certain offences involving real or imitation firearms from 14 years to life 'are intended to demonstrate emphatically that the carrying of firearms by criminals, whether or not they are used, is regarded by society as an offence of the highest gravity.' (As the Police Federation pointed out, if the Government were concerned with anything so mundane as the safety of police officers, it might be more sensible to 'demonstrate emphatically' that mere possession of a gun is a less serious offence than actually using it.) The publication 'under the authority of Parliament... in a single and readily comprehensible document' of the Court of Appeal's guideline judgements on sentencing – giving statutory recognition for the first time to the 'tariff' – is proposed in order that sentencing should be consistent and 'command public confidence'. Reparation 'can be effective in giving greater satisfaction to the victim and bringing the offender to face up to the consequences of the crime'. And so on.

There is a curious blend of honesty and deceit here. 'Since you are taking the trouble to read this', the Home Office might have written if it believed in putting things bluntly, 'it seems possible that you actually know something about criminal justice. So we won't try to deny to you what our own research people have been telling us for years, that any conceivable change in the criminal justice system will make precious little difference to the volume of crime. But Jill and Joe Public out there don't know this. So we've cobbled together a few "reforms" which will make it look as if we're doing something about crime, and give our political masters and mistress a pretext for spending lots of parliamentary time droning on about law and order and slagging off Bernie Grant.'

There is little sign in the White Paper that the Government is anxious either to reduce or to increase the prison population. The increases in sentences for fireamrs offences and certain forms of corruption seem designed for maximum applause at party conference and minimum practical effect. On the other side of the scales are some changes in fine enforcement procedures and a half-hearted endorsement of reparation. Perhaps more significant is the Government's desire to reinforce the sentencing 'tariff' and 'level up' those sentences which fall below it. The effect of the specific measure suggested on the lower courts is difficult to predict, but it is a further stage in the drift towards a more overtly retributive sentencing system.

The really nasty part of the White Paper is that concerned with the jury system – the suggested abolition of juries in fraud trials, of peremptory challenges, and of the right of jury trial for 'minor' offences of 'dishonesty'. (There is no suggestion that **imprisonment** for such 'trivial' crimes should be abolished.) The Labour Party will be hamstrung in opposing these measures by its own disgraceful record when in office. Governments of different parties have treated the rights of defendants much as Goneril and Regan treated Lear's hundred knights – each in turn proposing a further diminution until the more audacious of them asks: 'What need one?'. The number of peremptory challenges has been reduced from 35 to seven, by the Labour Government to three, and the White Paper ponders whether it should be two, or one, or none at all. Labour removed the right of jury trial from a long list of offences, and was only prevented by the Lords from removing it from petty theft. Now the Tories hope to succeed where they failed.

There are two points which must be made about these proposals. Firstly, the real penalty for 'minor offences of dishonesty' is not imprisonment, but unemployment. Even if imprisonment for such offences were abolished, as it should be, the potential impact of a conviction would be more than sufficient to justify a right to jury trial. Secondly, there is no inherent merit in randomness. A random jury is of course preferable to one hand-picked by officialdom, as coroners' juries could be until recently, but there is no guarantee that a random sample of only twelve people will be in any sense representative of the community from which it is drawn. It is therefore perfectly legitimate for defendants to try to adjust the composition of juries so that they can feel that they really are being 'tried by their peers'. It may well be (though there is little hard evidence) that pin-striped gents with rolled-up copies of **The Times** are unlikely to be seen as the 'peers' of the average defendant. The notion that such people are challenged because they are suspected of 'insight and respect for the law' has no serious basis.

The White Paper is the work of a Government whose 'law and order' policies have manifestly failed and which is now casting about for scapegoats. 'Parents, schools, and all those who have positions of influence and authority in our national life' are not doing their bit for law and order (cue Bernie Grant). Judges are 'over-lenient'; jury-boxes are packed by unscrupulous lawyers with stupid, scruffy people who don't respect the law. It is a tawdry effort, worthy of the same contempt which the Government displays for the 'public' whose 'confidence' it seeks, and the system of justice whose 'integrity' it is 'determined to maintain'.

The Prior report on prison discipline was released last October, and according to the Criminal Justice White Paper is still 'being considered' by the Home Office.

Here, Melissa Benn and Chris Tchaikovsky discuss the pros and cons of Prior's proposals.

Apparently the Prior report has been re-christened the 'lead balloon' report at the Home Office. According to rumours in the prison reform lobby, Home Secretary Hurd is said to have liked it 'personally' but might be dissuaded by his ministry from implementation on the grounds of excessive cost, although the Prior committee set an informal figure of three quarters of a million pounds. Prior himself believes that the new Prison Disciplinary Tribunals, recommended in the report would be less expensive than the present system because of current prison adjudicators inability to grasp the law. Cost is NOT believed to be the real reason for Home Office reluctance; it is the proposed stringent independence of the new tribunals which frightens them.

Certainly the present system is not independent, fair or efficient. It is, in Prior's words, a 'woolly antiquated system'. Prison disciplinary matters are adjudicated by Boards of Visitors who are hired and fired by the Home Office. BOVs have a dual role in prison; acting as both the prisoners' 'friend' against any breach of the prison rules injurious to them and judge and jury at courts of adjudication when prisoners are in breach of the prison rules. There is nothing intrinsically wrong with this dual role of supporter and punisher (it is a role, after all, taken on by the probation service). The question is: are the BOVs impartial? Prisoners say not: to them, the BOVs are so tightly aligned with the prison authorities that prison adjudications have been reduced to the status of kangaroo courts.

This view was confirmed by a series of legal body blows to Boards of Visitors' adjudications from British and European courts, blows which forced former Home Secretary Brittain to re-evaluate the whole system. In 1976, prisoners disciplined after the Hull riots appealed to the High Court for a ruling on the legality of Boards of Visitors. They argued that the penalties given were so extreme (one prisoner Saxton lost 720 days remission) and the procedure of the adjudication so unfair that they should be subject to judicial review. The High Court disagreed but the Court of Appeal held that prison courts must comply with the principles of fairness and natural justice, setting out a range of procedures such as the right to be apprised of what evidence is to be brought against the defendant, the right to amend and contradict any statements against him/her which would comply with this. The Court also held that future BOV adjudications could be subject to judicial review if there had been a substantial, as opposed to a trivial or technical, injustice.

In early 1984 the case of R *v* Secretary of State for the Home Office *ex parte* Tarrant and another the Divisional Court held that in certain circumstances a Board of Visitors should allow assistance and in particular legal representation to a prisoner.

And in June 1984 the European Court of Human Rights (ECHR) gave severely critical judgement of the BOVs in the case of Campbell and Fell *v* UK. Both Campbell and Fell had been charged with exceptionally serious charges: Campbell, charged with mutiny, lost 570 days remission. The European Court held that the Board of Visitors hearing on these two men had breached Article 6 of the European Convention on Human Rights on two counts: neither of the men had had access to legal representation, and the Board had not made its judgement public.

Brittan, and Britain's, hand was thus forced to overhaul the whole system. Peter Prior, life-long Labour party member and declared reader of the *New Statesman*, was appointed in 1984 to chair a departmental committee inquiry into the Prison Discipline system and make recommendations. It was Prior's managing skills (once management consultant and director of Bulmer's cider) which were required rather than a prison 'expertise' he does not claim to possess. Some thought the Committee's terms of reference were too tight, no mention was made, for example, of the 'alternative' disciplinary system – the use made of prisoner 'recategorisation' or transfers, or powers whereby prisoners are kept on rule 43 (segregation) without adjudication. And Prior was asked to look only at the control of prisoners and not at the controllers (prison officers) themselves.

Most of the hundred or so Prior recommendations are good – which is probably why the Home Office is reluctant to implement them. The replacement of BOVs by a rigorously independent machinery – Prison Disciplinary Tribunals (PDT) – is recommended. A circuit judge, appointed by the Lord Chancellor, would preside over PDTs and present an annual report on the workings of the tribunals to Parliament. For the first time, someone other than the Home Secretary would be accountable to the Commons on internal prison matters. Individual PDTs would be chaired by a lawyer with not less than 7 years' experience and the other crucial elements of independence for the new tribunals include recommendations that lay members must not be members of the BOV (whose friendly function will continue) and that the tribunals should be based in an office, *not* in the Prison Department.

In comparison to the BOVs the power of the PDTs to take remission would be drastically reduced. The maximum penalty a PDT could take would be 120 days on one charge, with an upper limit of 180 days on consecutive charges. While this is a great improvement on the present power of BOVs – who have limitless power to take remission subject only to the time a prisoner has left to serve – it is still too much. The PDT's penalties are comparable to a nine month and a six month sentence given *with due process at a public hearing* in a magistrate's court. Governors' powers to take remission are also reduced: they can take 28 days remission, but penalties of over 7 days can be appealed to a PDT. As one prison governor wryly pointed out to us, it is unlikely that he and his colleagues would take more than 7 days' remission as the control implications if their decision is overturned would be clear.

What is bad in Prior? Most worrying is the replacement of 'incitement to mutiny' (at present an internal prison charge) by 'prison mutiny' which they recommend should go onto the statute book as a criminal offence carrying with it a maximum penalty of 10 years in prison. Trevor Phillips, producer of *Black on Black*, and a member of the committee, believed such a serious charge *should* have the proper safeguards of a criminal trial, and be subject to the 'burden of proof'. However, the penalty of 10 years is so severe that it will effectively deter any prisoner from protesting. It is also an ill-defined and archaic charge dating back to 1693 and more suitable to a military than a prison context. A new internal offence of prisoners 'engaging in a concerted act of indiscipline' is also recommended. According to Trevor Phillips this is designed to cover such acts of passive prisoner protest as 'when an entire prison decides to sit down'.

The effect of these twin recommendations will be to deter any prisoner protest and this in a system which Prior accepts is 'very bad indeed': a system so appalling that human control inevitably breaks down and will continue to do so. And these 'new' charges might well rebound on the government with serious implications for criminalised (as opposed to political) prisoners. As the charge of mutiny is to be tried at a public outside court with (presumably) the lifting of reporting restrictions political prisoners might well wish to invoke mutiny as part of a political strategy. Less politically sophisticated prisoners might get involved in the mutinous protest without fully understanding the implications, or the consequences, of a 'mutiny' charge.

Another key failure in Prior is the retention of the dubious charge of making 'false and malicious allegations against an officer', now re-formulated as 'falsely making an allegation of misconduct against an officer – knowing it to be false or not believing it to be true' – prisonspeak at its finest. Prior has probably bowed to pressure from the POA on retention of this charge. Most worrying is the fact that the committee does not give prisoners privilege or exemption from this charge when appearing at a PDT; this means the charge of 'falsely making an allegation . . . ' can be brought against prisoners even when they *challenge* the evidence of officers. Prior has also retained the catch-all charge of 'offending against good order and discipline': the alternative to this retention would have been the creation of hundreds (if not thousands) of specific charges which Prior rejected on the grounds that prisoners could not possibly hope to know every charge and would therefore be vulnerable. But this ignores the reality of prisons where any ill-defined or unspecified charge makes vulnerable those prisoners who might be, or are, targets of arbitrary or capricious officer prejudice. Common petty charges against prisoners are: 'being in possession of a bun outside of the dining room' (mentioned in the Prior report), 'encouraging vermin' (feeding squirrel), 'running upstairs' or lending another prisoner a cardigan. The Prior committee was said to be staggered by the pettiness of the charges routinely brought against prisoners.

Prior does not recommend that prisoners have the *right* to legal representation, even though the POA recommended this in their submissions to the committee. Prior is a pragmatist: he wants his recommendations implemented and didn't believe there would be any chance of the Home Office accepting the cost of an across-the-board right to representation for prisoners. He also argues that it could involve delay for prisoners, although an opposing argument can be put that a right to legal representation would lead to *less* delay, because there would be no need for a separate tier to assess a prisoner's eligibility for legal aid. The need for legal representation was shown by a recent Home Office research study revealing that out of 346 male prisoners at Wormwood Scrubs, over 2/3 had difficulty in following the procedures and didn't know the difference between offering a defence and offering mitigation. There are also many non-English speaking prisoners and 14% of prisoners have a reading age of less than 12, 6% one of less than 8 years.

The ethics of prison doctoring and its relationship to prison discipline is not tackled at all in the report. One of the ethical dilemmas for prison doctors is the requirement that they find prisoners 'fit' for punishment: the report recommends that doctors should continue to find prisoners fit for adjudication and fit for solitary confinement. But doctors should only be looking at a prisoner's 'fitness to plead' or 'fitness to understand the proceedings' or 'fitness to offer a defence' – criteria that would automatically exclude a majority of the mentally ill and therefore a significant number of prisoners. In an attempt to wriggle prison doctors off the ethical hook Doctor Kilgour, director of the Prison Medical Service, stated recently that the Prior recommendation should not be a problem for prison doctors if the doctors consent could be shifted from a positive consent to a negative finding: that a prisoner was *unfit* for cellular confinement. Some would argue that this philosophical nicety sidesteps, rather than confronts the real issues.

The prison reform lobby have mostly welcomed the Prior report, particularly concerning the independence of the newly recommended PDTs. And the report's main recommendations have been taken up by the Labour Party. But it will be interesting to see how the Home Office reacts to those recommendations for a genuinely independent adjudication system; this will be a test of their genuine commitment to change.

Thanks to Paul Cavadino of NACRO for information.

WATCHING THE PRISON WHEELS GRIND

WATCHING THE PRISON WHEELS GRIND: THE 1984 REPORT OF HER MAJESTY'S CHIEF INSPECTOR OF PRISONS

> . . . human beings invent or construct knowledge in accordance with the values and beliefs with which they begin. What knowledge gets made, and what does not, why and how it is used, can provide much illumination about the people who have made it and the society in which they live. If there is little knowledge about oppressed groups, and if what there is portrays oppressed groups as inferior or incompetent, then it is perfectly reasonable to assume that those who are making the knowledge are not oppressed and that they are not particularly interested in challenging the basis of oppression.
>
> Dale Spender 1982.[1]

Unlike the controversy that has surrounded the control of the police since the early 1980s,[2] the question of who controls the prisons has received little attention. Public debate in this area has been minimal. The secrecy of the Prison Department within the Home Office itself arguably the most secretive of all the Departments of the State, has been compounded by the lack of any critical concern on the part of either the Left in general, or the Labour Party in particular. Consequently, debate over penal policies and practices has been at a premium at meetings, caucuses and conferences organised by the Left. Indeed it has taken groups such as PROP, RAP and latterly Women in Prison, unhindered by the stifling and often sexist and racist bureaucratic formalism of organised left politics to highlight and publicise the daily humiliation and often brutalising experiences of the imprisoned in England and Wales. The issues which these groups have highlighted over the last 15 years have only served to underline the lack of any real, effective control over those state servants who work in the prisons every day. As the editors of the recently published volume, *Accountability and Prisons* argue:

> the exceptional nature of the powers taken by the state over confined individuals makes effective scrutiny of their use a matter of particular urgency.[3]

While both the Left and the Labour Party have yet to come forward with a programme which is both philosophically coherent and ideologically sound for making the prisons more accountable, this issue and the question of greater openness has seen some movement at the level of the State. The move towards greater openness has centred upon the formation of the Prison Inspectorate under a Chief Inspector of Prisons which in theory is independent of the Prison Department. The Inspectorate has been a feature on the penal landscape since the early 1980s, and emerged as a result of a recommendation made by the Committee of Inquiry into the Prison Service chaired by Mr Justice May which reported in October 1979. The Inquiry, set up by Merlyn Rees, the then Labour Home Secretary, was a response to the profound crises which gripped the prisons in the late 1970s.[4] It is important to emphasise this link with the Inspectorate in order to underline the fact that the Chief Inspector and his team did not materialise as a result of sudden State benevolence or an altruistic desire to open up State practices to public scrutiny. The May Inquiry was the government's largely unsuccessful attempt to defuse the explosive situation in the prisons nad was forced on them by the combined actions of prisoners inside, thieir supporters outside and the challenge to the authority of the system itself that was posed by the actions of rank-and-file prison officers.[5] The emergence of the Prison Inspectorate through the recommendations of the Inquiry can be seen as a response to pressure from below rather than to any benevolent movement from above.

In April 1980, William Whitelaw, the new Conservative Home Secretary announced that he accepted the Committee's proposals that a Prson Inspectorate be established which was outside of the Prison Department and answerable to the Home Secretary. In April 1981 'the brief terms for the new Inspectorate were announced'.[6]

As Rod Morgan has recently pointed out[7] this statement, in an expanded form, was to be the basis of what the Chief Inspector called his 'Charter'. This meant that he and his Inspectorate would 'inspect individual establishments regularly'.[8] These inspections have since been published in booklets of around 30 pages. Up to December 1985, the Inspectorate had published 53 reports on individual prisons.[9] In addition, the Chief Inspector publishes an annual report detailing the work of the Inspectorate for the year and raising some of the issues and themes which he regards as important. Before considering the latest annual report[10] it is worth noting that the publication of the Reports on individual prisons has not been commensurate with the supposed commitment to greater openness. As Morgan points out, there are major delays in publishing reports after inspections. By the middle of 1982, this had reached the point where the Home Secretary would 'wait for 12 months or more for reports with publication taking longer still'.[11] In terms of finance, the Inspectorate 'has regularly been starved of resources'.[12] There have also been major delays in replacing Chief, Deputy Chief and full-time inspectors which 'given that it takes three months to train team members . . . this is scarcely a personnel policy reflecting Home Office concern for the Inspectorate's effective operation'.[13] Between July and October 1985, 13 individual reports were published but again there were major delays, 'the publication delays range from the disgraceful three years for Bullwood Hall (inspected July 1982) to the less exasperating but still unreasonable fifteen months for Norwich (July 1984)'.[14] It is worth noting that sections of individual reports are not made available to the public. These sections relate to the security aspects of individual prisons, which the Chief Inspector feels it is necessary to comment on, but should not be for public consumption. They usually cover 3 or 4 pages. However, this concern for security, like the more general concern for national security, pulls into its orbit issues which arguably are matters of wider public, rather than narrow state concern. For example, some of the unpublished sections contain discussions about the MUFTI squad and the squad's role in individual prisons. Given the controversial history of the squad, the secrecy with which it was set up and the current concern with para-military developments within the state in general, particularly with regard to the police[15] this issue could be seen as being one which the Inspectorate, if it is concerned about more openness, should be publicly discussing.

In its earliest days some of the Inspectorate's reports received wide publicity at least in the 'quality press'. For example in early 1982 both the *Guardian* and *Daily Telegraph* produced reports on, and leader articles about, the Chief Inspectors report on Gloucester Prison which found conditions in the prison 'degraded to the point of being squalid'.[16] In December 1982, the *Observer* carried a major piece which summarised some of the Inspector's reports including those on Gloucester, Leeds, Winson Green and Wormwood Scrubs and concluded that the reports condemned conditions inside as 'inhuman and degrading'.[17] Finally, the appalling conditions in Brixton, which the Inspectorate highlighted were picked up by the *Guardian*, *The Times* and *South London Press* in March 1983.[18] However, despite this early publicity, the majority of the 53 reports have been received with little public comment or controversy. Consequently, as Morgan has pointed out, rather than condemn conditions:

> in successive and increasingly ignored individual reports, the Inspectorate sensibly has tended to store up its fire-power for the annual reports. Here issues can be dealt with more systematically and tellingly since the annual reports are read and reported widely.[19]

According to this argument, therefore, the Chief Inspector's Report should be a major focus of, and discussion about, the issues confronting the prisons in the last decades of the twentieth century. It should be an important link in the quest for more openness. Clearly, the question arises, how far, and in which ways, does the 25 page Report go to fulfilling this objective?

AN INSPECTOR CALLS

The Annual Report of the Chief Inspector, Sir James Hennessy was published in the autumn of 1985. It is the fourth in the series. Like its predecessors it covers a range of substantive areas including The Treatment of Prisoners, Prison Staff, Thematic Reviews and Prison Conditions. All of this is done in 25 pages including 3 appendices. It is in the area of prison conditions that the report makes grim and depressing reading. The conditions for those in the short term and remand prisons appears to have deteriorated still further in 1984, the year covered by the report. Conditions are described as ranging from 'grim' to 'generally bad'.[20] Hennessy paints a particularly gruesome picture concerning the night sanitary arrangements and their impact on the lives of the confined:

> The sanitary arrangements in many penal establishments in England and Wales are uncivilised, unhygienic and degrading. . . . The problem is exacerbated by overcrowding which results in most of these inmates having to use their pots in the presence of one or two other inmates in the confines of a small cell. When the time for slopping out comes the prisoners queue up with their pots for the few toilets on the landing. The stench of urine and excrement pervades the prison. So awful is this procedure that many prisoners become constipated – others prefer to use their pants hurling them and their contents out of the window when morning comes.[21]

Hennessy, in contradiction to public statements by politicians and by the prisons minister Lord Glenarthur,[22] contends that the present plans for building integral sanitation facilities will not obliterate the problem but on the contrary, 'a significant proportion of the prison population will still be using chamber pots at the end of the century'.[23] The Chief Inspector also points out that those on remand suffer under these conditions. He notes that those held in custody before trial or sentence are increasing in overall numbers, are spending longer on remand and represent an increasing proportion of the total prison population. In percentage terms they accounted for 12.5 in 1973 and 17.6 in 1983.[24] While he argues that 'it is not for the Inspectorate to comment on the increasing use being made of custodial remands, or the lengthening delays in bringing such remands to trial',[25] Hennessy, nonetheless, feels that such figures are of legitimate concern because of the very poor conditions in which remand prisoners are held and because it is in the local prison and remand centres that facilities and services for prisoners are generally the poorest:

> At the five establishments we inspected during 1984 which routinely held prisoners awaiting trial, we frequently found that the basic requirements could not be met: the accommodation was often grossly overcrowded, prisoners spent long hours locked in their cells, they were not always kept separately from unconvicted prisoners, opportunities for work and recreation were either not provided or were very limited, facilities for visits and the receipt of food were poor, while access to education and library facilities was far less than for convicted prisoners.[26]

The Inspector has also some critical comments to make about work for prisoners. He notes that many prisons that were inspected in 1984 only met The Council of Europe Standard Minimum Rules for the Treatment of Prisoners and Prison Rule 28 to a very limited extent. Both these rules emphasise that work should be provided but clearly many of the prisons were failing to do so, through lack of suitable employment opportunities, under use of instructional or supervisory staff and the failure to seek alternative occupations where conventional work was not available. The Report describes the position in Frankland where an industrial complex of 6,360 square metres had been designed for the manufacture of household furniture but where only 85 out of an intended workforce of 268 were employed. In addition:

> matters would not, in our view, have been improved if a particularly complex piece of wood-making machinery designed for mass production and installed in 1981 at a cost of £135,000 – but never used – had been brought into production. To be commercially viable in private industry we were told that this machine would have needed to be in operation for 16 hours a day – but at Frankland the workshops were only open for some 25 hours a week![27]

This kind of waste and 'misapplication of resources'[28] were not, the Inspector comments, too difficult for his team to identify.

In other areas the Inspector is also critical. With regard to fire precautions, for example, he found that there was little evidence in the prisons that were inspected during the year of any significant improvement in the standard of fire precautions:

> This was particularly so in the case of the procedures used for instructing illiterate inmates in fire precautions. Records relating to the maintenance of fire-fighting equipment were also still being poorly kept – leaving open the question of whether the equipment had been maintained in the first place. And recommendations made during surveys were often not being followed up while flammable liquids were again being frequently stored in unsuitable conditions.[29]

The Report also indicates that the Inspectorate found that the 'simple distinction' between security and control is 'often blurred'.[30] This meant that security considerations were sometimes advanced as a reason for restricting regimes by closing workshops or stopping association. Such measures were not justified on security grounds though the Inspector argues that they may be justified on control grounds. He does moreover point out that 'clear thinking is obviously needed if the risk of undue restriction on already impoverished regimes is to be avoided'.[31]

OMISSIONS AND LIMITATIONS

The most serios and glaring omission in the Report is the lack of any discussion of, or information about, women in prison. This omission is particularly important when considered against the fact that in 1984, the terrible conditions in which women prisoners were being kept was being actively publicised by Women In Prison, and commented on by some sections of the media. The self-mutilations in Holloway, the controversy over C1 psychiatric wing and the depressive and repressive environments in which women served their time are not mentioned in the report. The screams of protest by the women are ignored.

When the report does discuss issues it tends to present half the story. For example, when he discusses the use of restraints, the Chief Inspector argues that:

> in those establishments we inspected in 1984, we found that the rules were generally being complied with and restraints were only used as a last resort. In most establishments they had not in fact been used within the memory of the staff we questioned.[32]

While this may be so, the Prison Statistics for 1984 show that in that year body belts were used on 135 male prisoners, handcuffs on 11 and ankle straps on 5. For female prisoners, the figures were 1, 16, and 3 respectively[33]. Furthermore, as the Prison Reform Trust has pointed out, the use of mechanical restraints should be seen in the context of the use of segregation in prisons, particularly in relation to isolating those individuals deemed to be in need of physical restraint. The use of three different cells – stripped, special and padded – is significant.[34] While in his 1982 Report, the Chief Inspector noted the confusion of prison staff over the use of such cells,[35] the Prison Reform Trust has moved the debate further on by indicating that although the stripped cell is the most frequently used type of restraint 'the Prison Rules make no mention of its existence and the official statistics carry no report of its use'.[36] In addition, the use of added cells has fallen in recent years but the Trust points out that there would seem to be a 'disturbing correlation between the decline in use of this strictly regulated restraint and a significant rise over the same period in use of the special cells which require no medical authorisation'.[37] Finally, they suggest that women's prisons make 'quite disproportionate use of segregation in special cells'.[38] In particular:

> *the women prisoners in the remand centres were 31 times as likely to be subject to restraint as men in similar prisons.* It is well known that the prescription of psychotropic drugs and other medication in women's prisons is far higher than for men, but here the argument is always advanced that women prisoners are more likely to be suffering from mental or other illness. It is therefore worth emphasising that the use of restraints against women prisoners was without exception on non-medical grounds.[39]

In other areas, too, the Report tends to present a superficial analysis of the issues confronting the prison service. The Chief Inspector talks about the commitment of prison officers to personal officer schemes, and shared working schemes as methods for increasing job satisfaction and improving relations between prisonerss and staff. Nowhere, however, is there a sense of the ongoing conflict between staff and prisoners on the one hand, and staff and management on the other. The Report of the Work of the Prison Department, for example, which covers the period between 1st January 1984 and 31st March 1985, reveals that there were 37 acts of 'concerted indiscipline' during that period. These included refusal to work, refusal to take food, the number of prisoners involved ranged from 7 to 420 and the length of time varied from under one hour to 10 days.[40] The relationship between management and staff is equally fraught. By the middle of 1984 alone, there were a number of disputes at particular prisons over local matters such as overcrowding, staffing levels, the implementation of manpower reports and allowances. In addition there were also two national disputes, one relating to procedural issues on Use of Force Reports and the other to procedures for internal investigations.[41] While the Chief Inspector pointed to 'an apparently unsystematic approach to the manpower question as a whole'[42] he fails to confront the implications of this position both for the lives of the imprisoned and for the continuing militancy of the prison officers. This militancy has become even more visible with the negative reception which Leon Brittan received at the annual POA Conference in May 1985 and in early 1986, with the removal of a liberal prison governor from his post at Styal Women's Prison. This was seen as 'a key victory for the POA in the power struggle between officers and governors over who runs Britain's prisons and whether their regimes should be more relaxed.[43]

Similarly, the Report devotes 12 lines to what it terms 'race relations' and indicates that there has been 'some improvement in the standard of awareness, and some increase and support, given by senior management to the question of race relations in prison in 1984.[44] Such assertions do not touch upon the issue of institutionalised racism in the prison system which manifests itself in relation to the kinds of jobs black people are given, the medical treatment they receive, the question of racial attacks on black prisoners and the issue of National Front membership amongst prison officers.[45] By turning the question of black people in prison into one of race relations such structural and deeply institutionalised processes are ignored.

Finally, the Chief Inspector discusses the contentious area of medical care in prisons. With regard to the question about the use of drugs on prisoners to control them, Hennessy concedes that 'the idea that psychotropic drugs are used widely and indiscriminately in the prison system has . . . gained some currency'[46] despite the fact that 'many of the staff we spoke to believed that much could be done to control violent inmates without resort to mechanical restraints or drugs'.[47] He goes on to point out that the system of dispensing drugs appears to work well 'but the result is that in prison records no distinction is drawn between a single case requiring a course of treatment consisting of 10 doses and separate cases each requiring a single dose'.[48] The Chief Inspector does not provide any hard evidence to support this contention; as ever, detailed information on the question has not been made available.

Furthermore, recent evidence from state servants themselves, as well as the powerful testimony of both male and female prisoners, indicates that the question is still very much a central aspect of the debates about containment and control inside. The evidence of Harold Eldridge, the Senior Medical Officer at Wandsworth Prison, at the inquest on George Wilkinson illustrated the overlap between treatment and control:

> we tried in cooperation with the Governor to uphold discipline and control over people like Wilkinson and to use medication where we think that patient will respond, where we think there is a medical indication – and I may say it is extremely difficult to weigh the balance between discipline and medical control . . . we regarded him [Wilkinson] basically as a discipline problem. We felt that if he would cooperate with medical treatment – I can't think of any way of putting it simply. . . .[49]

In January 1986, Phil Hornsby, the Assistant General Secretary of the POA, appeared on the ITV programme *Insiders* in which he was closely questioned about the use of drugs for control purposes:

> **Interviewer:** There is however a fine line between the use of drugs for therapy and their use for control.
>
> **Hornsby:** Certainly there are cases in prison, quite a lot, where we would suspect drugs have been given to prisoners for no other reason than for control measures, because, quite simply, prison officers do not have the training and the ability to nurse these people properly.
>
> **Interviewer:** So in a sense it would be officially therapy of some kind, for medical reasons but the reality is, as it is I would suggest in many mental hospitals, it is to do with control.
>
> **Hornsby:** Yes, I wouldn't argue against that.
>
> **Interviewer:** When you were an officer yourself, were you aware, I mean was that one of your impressions from the 11 years that you spent as an officer?
>
> **Hornsby:** Yes, I mean it has to be said that it is vital for the prison officer to be in charge of the situation in prison otherwise we'd have total disruption and anarchy but how that is best achieved . . . with a normal prisoner we do it by the normal methods and there is a normal expectation that people will behave and conform to regimes. With the mentally abnormal offender he doesn't know any better and by hook or by crook he has to be controlled. I'm not so sure that's right, the way we do it.[50]

THE POLITICS OF HENNESSY

In attempting to investigate the question of the control of the prisons, and the role that reports such as the Chief Inspector's play, it is necessary to consider the more general question of the accountability of the State itself to the people. This question has taken on an added significance since the election of Margaret Thatcher's government in the spring of 1979. The present government's thrust towards greater centralisation, militarisation and intensification of state power is part of a long historical process in which Labour administrations themselves have been deeply and shamefully implicated. The augmentation of state power, the invisibility of state practices and the inscrutability of state servants have a historical pedigree which goes much further back than May 1979.[51] The Thatcher administration, building on these processes, has intensified them still further to the point where authoritarianism, control and domination have simultaneously become even less visible to the people. It is in this context that the accountability of the prisons should be understood. To divorce the issue from this wider political and social backdrop is to ignore crucial determinants and influences within which individuals such as Sir James Hennessy operate and to which they react. The Chief Inspector and his team are not above these determinants, nor outside of their influence but in practice because of their relationship to the State are deeply enmeshed within them.[52] These wider processes, historical, ideological and structural, form the 'hidden agenda' of the 1984 Report. It is an agenda which when considered against the background of the reconstruction and extension of state power and relations of domination does not ultimately allow a challenge to emerge, serious or otherwise, to the state's control of the prison system.

Even at an empirical level the Chief Inspector's background and biography provide some indication of the perspective that he is likely to bring to his analyses. Educated at Bedford School and Sidney Sussex College Cambridge, Sir James spent much of his life in the Overseas and Diplomatic Service working in Africa and South America. In the 1970s he was Acting, later High Commissioner to Uganda and Ambassador (non-resident) in Rwanda from 1973 to 1976. From 1977 until 1980 he was Consul General in Cape Town. Finally, in the year 1980–1 he was Governor and Commander-in-Chief in Belize.[53]

The politics of such personal experiences seen beside the processes described above make it unlikely that Sir James, or his officials, will move beyond the narrow (and increasingly narrowing) definitions of accountability which circulate in the political arena. In short, 'we are dealing with social individuals in historically constructed relations'[54] which in the end proscribe true democratic control of state institutions from making it onto the political agenda.

Furthermore, while the Report provides a critical reference point around which some aspects of the prison crisis can be discussed, it fails to provide significant information about or, more fundamentally, a searching analysis of that crisis. Indeed, the language that is utilised in the Report is of a technical and managerial kind thus removing the issues to outside the arena of politics. The questions to be asked are seen as non-political. As Murray Edelman has pointed out, the perception of an issue as non-political:

> often serves to win general acceptance for elite values. . . . The definition of a decision as professional or technical in character justifies decision making by professionals and technicians and promotes mass acceptance of their conclusions.[55]

While Edelman's last point lacks a notion of how individuals resist the imposition of dominant values into their lives, the thrust of his argument provides a good indication of how the very language that state servants use helps to set the agenda for both the debate about and action on areas of public concern such as prisons. The language used also constructs a reality for discussion which effectively neutralises alternative explanations, programmes for action and suggestions for radical reform or, more importantly, abolition. While PROP, RAP and Women In Prison have had some highly significant and vitally important successes in the last 15 years publicising, researching and analysing the horrors and futility of prisons, they have done so against a new wind which blows in favour of the state. In the domain of an increasingly uncritical, acquiescent and managed media state accounts almost always have first priority.[56] Consequently, the language of and accounts by the state are immensely powerful in this respect and make alternative representations 'appear fragmentary and insecure in the face of a massively authoritative organisation of what is to count as reality'.[57]

Finally, the politics of the Chief Inspector's report should also be understood in the context of how civil liberties, human rights and openness of government have developed in the United Kingdom. As I indicated above, the Prison Inspectorate did not materialise as a result of state altruism and a desire for more open government, but rather through the various struggles that led to the setting up of the May Inquiry. Moving the state through struggle is, of course, not unique to the prisons but has been an integral part of the political and economic development of the UK. What is important is that in emphasising such a perspective, the focus of analysis and understanding moves from one which sees civil liberties, human rights and openness of government as deeply enshrined within the cultural and legal superstructure to one which indicates that such limited liberties that individuals do have exist in spite of the state and not because of it. As Graham Zellick has recently pointed out, Britain is in many ways a 'lawless state'.[58] It is a country in which the courts (even if they wanted to) have been unable to control the abuse of government power. The reluctance of both the state and successive governments to be more open and to extend civil liberties can also be seen in Britain's dealings with the European Court at Strasbourg. In the twenty years that have passed since citizens have been allowed to petition the European Commission, there have been 40 rulings by the Commission and a dozen by the European Court itself against Britain. In both areas the British government has been found to be in breach of the European Convention on Human Rights. No other state has lost so many cases.[59] As recently as March 1985, when ministers from all 21 Council of Europe states carried out their first review in the 35-year history of the European Convention, the British delegation led by MPs Patrick Mayhew and Timothy Renton 'rejected every change, radical or moderate and the UK was one of the few countries that felt that there was no issue of human rights of sufficient concern for it to raise'.[60]

Britain stood out against a radical Swiss plan to merge the Commission of Human Rights and the Court and there was no UK support for increased legal aid, time limits to speed up procedure, reviewing the committee of the ministers' role or an optional protocol to permit states that support the idea of petitioners' direct access to the Court to actually grant citizens such a right.[61]

In recognising this alternative perspective to the question of civil liberties, it is also worth recalling that more general democratic rights such as the vote have themselves had to be fought (and died) for in the United Kingdom. They too have not emerged through state altruism but rather through long periods of protracted struggle which has seen strong and often bitter resistance from the powerful. In terms of voting rights, for example, the Great Reform Act of 1832 increased the electorate by precisely 280,814 men in England and Wales.

> In 1833 one in five men in England and Wales, one in eight men in Scotland and one in twenty men in Ireland could vote. In 1886 the total electorate for England, Wales and Scotland was 1,902,270 men out of a total population (in 1891) of around 33 million, some 17 million of whom were female. Full franchise democracy (one adult person, one vote) arrives only in 1950 with the cessation of plural privilege and property voting (all of Ireland is excluded from this statement).[62]

Such historical precedents do not lend themselves to a more open and accountable prison system, nor to prisoners suddenly having more rights. Rather Sir James Hennessy and his team are themselves prisoners of these historical and structural processes geared ultimately towards closure rather than openness. The denial of rights rather than their extension becomes the watchword of such a system. His latest survey is a direct descendant of previous inspections and inquiries. It is next in line in the 'long, long history'[63] of inquiries which have been important ultimately in legitimating the practices of the British state. It is a history which has been geared to constructing and cementing the walls between the powerless and the powerful, rather than demolishing them. In 1986, the walls of the prison do not look any smaller or any less forbidding as a result of the Chief Inspector's work. In the long run they may even gain renewed strength from it.

Joe Sim

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Joe Sim is co-author, with Mike Fitzgerald of British Prisons *(Basil Blackwell 1982).*

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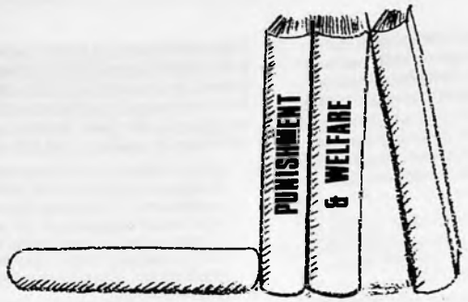

Punishment and Welfare: Experience and Practice]

Mick Ryan and Tony Ward

While the main focus of *Abolitionist* in recent years has been on concrete issues, such as internal disciplinary hearings or prison medicine, we have always taken the opportunity to consider wider, theoretical issues. The publication of David Garland's impressive book, *Punishment and Welfare* (1985) offers such an opportunity.[1] But first, a word of warning. Garland's work is not always easy to follow. This is not just because of its complexity, though complex it certainly is, and our attempt to simplify his thesis will inevitably do it less than justice. However, even more problematic is that much post-structuralist writing these days is so tentative. In Garland's case, for example, we move in a very imprecise world, one in which strategies are 'loosely organised' or 'never to be discovered fully formed in the texts, speeches or agendas of the authorities . . .'. To get inside this sort of methodology, to realise both its possibilities and its limits, and then to relay them, can only be done here in a very basic form, and it is important that our readers understand this caveat.

PUNISHMENT AND ALTERNATIVES

We have pointed out elsewhere that it is possible to understand the evolution of the penal system in a straight line or linear form.[2] That is to say, the eighteenth century penal system of bodily punishments, from whipping to hanging, gave way in the nineteenth century to a system in which incarceration played a central role, while in more recent times the prison is giving way to a system in which alternatives to prison are becoming increasingly important. In a word, we are witnessing a crucial new shift in the direction of the penal system. As far as Garland is concerned this simple view of the penal system is far from adequate. In particular, he locates the move towards alternatives to prison at a much earlier period, in the late nineteenth and early twentieth century. He believes that this is when the modern penal system began to take shape, when it broke from Victorian practice.

For Garland, Victorian penal practice was essentially legalistic. Rational offenders were punished according to the seriousness of their offence. Little else was taken into account when they were sentenced. If the offender reformed while he was on the inside, either through religious contemplation or by moral exhortation, all well and good, but that was something of a bonus. Where this practice differs from modern penality, argues Garland, is that towards the end of the nineteenth century the offender comes to be regarded much more as an individual. Those who sentence him, even those who are in charge of his confinement, want to have more knowledge about his antecedents, about his past behaviour. This knowledge, whether it is in the everyday language of the newly emerging probation service or the psychiatrist's report, in its turn leads to a more refined penal apparatus. Offenders are thought to be best treated in this or that sort of institution, or indeed, in no institution at all, hence the development at this time of a significant number of dispositions which leads to the *decentring* of the prison; it ceases to be the main instrument of penality, and instead becomes one of just many punishments – in truth, the hard end of a punishment continuum which expands out into the community itself in the form of the offender on probation or under supervision.

What we need to ask ourselves, of course, is why this change took place at all, and why did it take place at this particular time? A possible, and perhaps obvious answer might be that the experience of running the new mid-Victorian model prisons soon taught the authorities, not only that prisons failed to reform, but even more worrying, that they were inclined to reinforce criminal behaviour. While accepting that the Victorian prison was increasingly criticised along these lines towards the end of the nineteenth century, Garland does not take this to be a sufficient reason to explain the changes in penal practice he refers to. Nor does he believe that they can be explained solely by the rise of criminology: that is, the science, so-called, of criminal behaviour which was to suggest different forms of sentence for different categories of offender. Both these factors have a part to play, particularly in the complex process of putting together the new penal strategy, but the need for such a strategy can only really be explained by factors which lie outside the formal penal system itself.

Briefly, Garland suggests that like the workhouse, the Victorian prison was really about disciplining those at the very bottom of the social ladder. It was directed, not at the skilled labour aristocracy, nor even the fairly steadily employed, respectable working-class, but rather at what the authorities saw as something akin to a lumpenproletariat which by virtue of being out of, or unresponsive to, its many charitable, normalising agencies posed a real threat to bourgeois hegemony. The prison was part of a strategy to segregate and discipline what was taken to be a feckless and potentially de-stabilising element, to separate it out from the rest of the deserving working class and label it firmly, criminal.

This strategy, however, while successful until the 1870s comes under increasing strain due to important structural changes takng place in the British economy.[3] These changes, combined with Britain's changing (and weakening) position in the international capitalist economy, helped to partly homogenise and unify the working class and so increase their political muscle. Confronted with this new situation, the need to accommodate a newly enfranchised, confident and politically active working class which is no longer so malleable, so easy to divide and rule, the old central strategy of which the prison and the penal system, like the workhouse and the Poor Law, were an integral part, had to be revised. In particular, it had to be more subtle and penetrating; geared not simply to punishment – that was far too crude – but to better regulating individual behaviour, of re-socialising offenders. Garland sums up his thesis in the following way:

> The coming of 'advanced democracy' . . . made it important to discover a means of policing the population that would accord to the new political and ideological relations of the social state. In the new democracy, where citizenship and security extended to all classes, discipline could no longer function through repression and exclusion. Henceforth its modalities would have to be more refined and discreet. Yet, at the same time, they would require to be more penetrating, more thorough in their effects. Their task was to ensure that the new and permanent threat posed to the system of class domination by the workers' vote, their mass trade unions and their collective political existence was counterbalanced by an equally extensive and thoroughgoing regulation and discipline, reducing the 'risks' that democracy entailed, ensuring that new citizens were good citizens.[4]

It is the construction of just that disciplinary/regulatory apparatus – both at an ideological and legislative level – that Garland's central chapters address.

EXPERIENCE AND PRACTICE

While we would not quarrel with Garland's insistence that some of us have failed to identify this period as being the time when the modern penal system with its range of prison alternatives came into being, it is important to point out that *Punishment and Welfare* is very short on both experience and practice.[5] At one level, of course, this is perfectly reasonable. Garland is talking about the construction of ideas and the legislative measures that they give rise to, that is what his book is about. However, there is a very real danger that this level of analysis can all too quickly lead to the unconscious assumption that the new regulatory apparatus was quickly put into practice, so displacing the central features of the old apparatus. We believe this to be a dangerous half truth, and for a number of reasons, some of which are more obvious than others.

In the first place, Garland's emphasis on the rise of alternatives to prison, the idea of penal practices subtly spilling out into the community, diverts attention from the simple fact that prisons continued to be built and widely used, and that the prison experience was still a brutalising one, notwithstanding the reforms at the turn of the present century which Garland alludes to. To perhaps update our concern and give it a sharper edge, we now have more people in prison than ever before and Jimmy Boyle's experiences in the cages at Inverness took place in the 1970s and not the 1870s.

A second and less obvious reason why this type of analysis concerns us is that it tells us so little about the practice and experience of alternatives to prison, let alone resistance by those who experience them. So, a picture is painted, a deliberately oppressive picture, of penetrating, normalising controls being exercised over offenders – even potential offenders – and their families. What we need to ask to put such an analysis into some sort of perspective is just how successful such a strategy has been? What does being caught up in it really amount to? The degree of penetration may not be anything like as extensive or oppressive as Garland *implies*. To shout 'normalisation', and then to 'cut and run' is simply not good enough. Even the broad lines of resistance have yet to be fully mapped out, and this would have to include an element of conscious resistance from those officials who actually operate the control system itself.

Before passing on to other strategic considerations we should make it clear that Garland is obviously keenly aware of the need to distinguish between ideas about punishment and penal practice. Indeed, it is one of the great intellectual strengths of *Punishment and Welfare*. Our main concern, however, is that like other writing of this genre, his convincing account of how the reform strategy – at an ideological level – came into being, might be construed as practice, so obviating the need to investigate that penal *practice*; at best it could direct all our investigations and political energy into challenging only the soft end of the system while the hard end grinds on. So, for us the way forward must be to borrow from Michel Foucault and *start* with the particular mechanisms of penality. In a word, practice.

TOWARDS A NEW PENAL STRATEGY?

Nevertheless, Garland's message that the construction of penal strategies is a complicated, even contradictory business, is an important one. For example, it seems clear that there has recently been an attempt to restructure Britain's penal strategy, at an ideological level at least, and that the drift from rehabilitation to punishment has been endorsed by groups on the Left as well as the Right. How this apparently peculiar alliance has been formed, and the extent to which it has already succeeded in penetrating official discourse, in the May Report for instance, is something that only detailed research will show. Again, however, it is difficult to know exactly what even a high level of penetration might mean in terms of penal *practice*.

For example, the borstal, perhaps the most important institution in what Garland terms the 'correctional sector', characterised by indeterminacy of sentence and an emphasis on 'training', has been transformed into the determinate, overtly punitive sentence of youth custody. But how far this has altered the experience of such sentences from the point of view of those subjected to them (apart from increasing their numbers) is harder to assess. Again, the demise of rehabilitation has forced the Home Office to seek a new legitimation for parole,[6] but not to abandon it as a disciplinary tool.

An important insight of Garland is that the prison itself never really functioned as a 'treatment' institution, despite rhetoric to the contrary. Any movement 'back to punishment', then, seems unlikely to pose a substantial threat to the prison, except to such atypical establishments as Grendon Underwood which seriously attempt a 'correctional' role. It might even reverse the 'de-centring' of the prison which Garland describes. In the non-custodial sector, however, there have already been significant developments, such as stricter conditions on probation and supervision orders, emphasising their prison-like, liberty-depriving aspects.

It seems unlikely, however, that punishment will triumph completely, any more than welfare did in the past. Whatever new strategy does emerge will probably, like its predecessor, incorporate elements of several different programmes. Restitution, for example, has figured more strongly than straightforward punishment in legitimating the major penal innovation of recent years, community service, and is now being enthusiastically embraced by probation officers and intermediate treatment practitioners seeking a substitute for welfare ideologies. Another important element in the whole debate has been the strategic shift away from offenders as such to strategies aimed at crime prevention through the surveillance of whole sectors of the public as they go about their daily business.[7] As in the case of non-custodial sanctions, it would be a mistake to portray crime prevention measures as uniformly oppressive, or to exaggerate their likely effectiveness in terms of control. However, the idea of prevention through surveillance figures strongly in recent developments in policing, and the control dangers it holds for the whole of society are surely clear.[8] In an important sense, then, the failure of individualised methods, the drift from reform to punishment, is likely to have consequences far outside the penal system itself, even beyond the burgeoning apparatus of 'alternatives' with their supposed justifications. The new penal strategy has the potential to engulf us all.

On the other hand, both restitution and prevention are capable of development in a more democratic direction, giving the parties to conflicts greater control over their resolution, and communities greater control over measures aimed at protecting them. But even on the most optimistic view, it is difficult to see either of these programmes as a fundamental threat to the prison: a penal continuum would still exist, with prison as the repository for those whose offences were too serious for restitution, or could only be prevented by their segregation. Penal strategies may come and go, it seems, but the prison remains. Perhaps the 'birth of the prison' around the time of the industrial revolution was, after all, a more fundamental and less easily reversible change that that analysed by Garland.

Should this all sound too pessimistic, it is important to recall that the point Garland makes about the restructuring of penal practice at the turn of the century, that it was the product of wider social and political struggles, holds good for the present restructuring. True, while the wider struggles to which he refers might not today be at the same progressive stage which led to the foundation of the welfare state – quite the reverse, in fact – it does at least suggest that nothing is inevitable, that there is some space for struggle, for opposition.

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8. See Bridges and Fekete, in this issue.

THE LAW-ENFORCERS POLICING

The UN sets standards – but how can it enforce them?

Martin Wright

Every five years the United Nations turns its attention to the administration of criminal justice. On 6 September 1985, in Milan, it concluded the Seventh Congress on the Prevention of Crime and the Treatment of Offenders. During the twelve days of the congress, the 2,000 delegates from 130 countries used the elaborate UN machine to produce 31 resolutions. The question has to be asked: can these products be put to good use?

Resolutions come in two main types: codes of practice, or tablets of stone, and statements of principle, or mood music. The former are declarations of minimum standards, such as the Standard Minimum Rules for the Administration of Juvenile Justice – stressing, among other things, that would-be educative measures should not entail a repressive loss of liberty. But the statements of principle should not be dismissed as mere lofty intentions: they affirm current attitudes towards such questions as abuse of power and the exploitative activities of transnational corporations, and could with advantage be incorporated into the manifestos of socially conscious political parties.

The problem, as so often, is how to turn words into action. The UN does what it can, by asking governments to report progress every five years; but usually less than half the countries do so, and they only give the information they choose. They are also likely to be the countries claiming a relatively good record.

To reinforce its efforts, the UN needs the media, to publicise not only the conclusions but the manoeuvrings of delegations as they try to get principles watered down to the level of their present government's practice. This produces some unholy alliances, with the Americans and the Russians, for example, resisting the abolition of capital punishment and the reduction of imprisonment, and wary about the abuse of power. But except for agencies, I was aware of only one foreign journalist, a Finn, at the congress, although the Italian papers found plenty to write about.

Thirdly, hope for progress toward implementation (one cannot speak of enforcement) lies in the Non-Governmental Organisations (NGOs), which have observer status. Amnesty International has shown the way. At the 1975 congress it secured support for a declaration against torture; through its worldwide network it collects information which at least subjects repressive regimes to some public embarrassment, and sets a standard which those who oust them claim to follow. This time AI, confronted by the impossibility of a clear resolution against capital punishment, concentrated on unlawful killings and safeguards for those facing legalised execution.

Similar action is needed for other aspects of the administration of justice. Lawyers' associations, for example, should obtain the rules on juvenile justice and those on the independence of the judiciary, prosecutors and lawyers, to ensure that these are followed in their own country and others where they have contacts.

Women's organisations will want to monitor the statements on domestic violence, and on fair treatment of women by the criminal justice system. The principles are admittedly stated in general terms, but they include reference to an earlier declaration on physical violence against detained women, and sexual abuse.

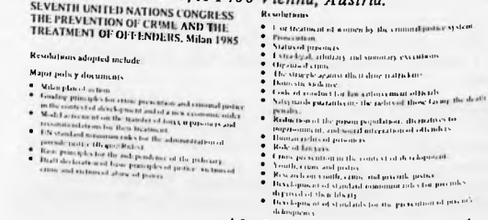
For the first time there was a resolution calling for reduction in the world's prison population: it states that imprisonment should be used as a last resort and not imposed on petty offenders, and that non-custodial sanctions should replace prison sentences, not be added on. It was promoted by the Howard League, and sponsored by Norway and others, including (after some compromises) the United Kingdom. Here again the challenge is firstly to make it known, and secondly to build a network of NGOs, academics, church leaders or other responsible contacts who could report on progress. They should also check on the Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 but still far from being implemented.

Some of the tablets of stone, however, may prove to have feet of clay, and need later revision – not only because of the inevitable watering down to secure agreement, but because they have not been sufficiently thought through. The victims movement in Britain believes this has happened with some aspects of compensation for victims; the congress itself shelved one recommendation, that there should be an International Year of the Victim, because of fears that it could be misused to support law-and-order rhetoric.

There is one other type of resolution, calling for technical co-operation in the fight against terrorism, international organised crime, and drug trafficking. This is no doubt necessary, but as President Cossiga of Italy told the closing session, there is a danger that the rights of the individual could be swamped. Civil liberties organisations, too, need to be watchful on the international level.

NGOs are a largely Western phenomenon, and those with international awareness feel, despite their small resources, some responsibility to offer support to lone campaigners in countries where they are an unknown luxury.

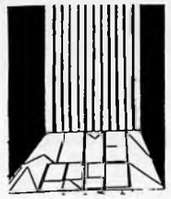
Texts of resolutions passed at the Milan Congress will be available from: Executive Secretary, 7th UN Congress on the Prevention of Crime and the Treatment of Offenders. Room E-1223, PO Box 500, A-1400 Vienna, Austria.


SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS, Milan 1985

Resolutions adopted include

Major policy documents

Resolutions



...NEWS SECTION

NEW PRISON POLICY

A 250-page report on women's imprisonment, commissioned by the GLC, has just been published.

Three consultants working closely with *Women in Prison* and the *Black Female Prisoners Scheme* have produced the document which is called 'Women's Imprisonment: Breaking the Silence'. The report covers all aspects of the criminal justice system as it affects women – from arrest through to imprisonment through to release with particular emphasis on the experience of black and ethnic minority women.

The question of crime is addressed in the narrowest sense; infringement of the criminal law and the present method of responding to it – imprisonment. It states that only those women who pose a continuing and serious physical threat to public safety should be imprisoned and that resources should be provided for alternatives that do not remove the criminalised from the community. It recognises that in the short term, prisons are not likely to be abolished and puts forward a set of principles to underpin the use and management. The report has over 200 recommendations.

The evidence from 37 women ex-prisoners is central to the report, along with others working in prisons or in related fields. The report clearly exposes the discriminatory practices of the courts and the disastrous situation of women's prisons in this country: the punitive regime, the pettiness, the frustration and the futility of prisons. And the total lack of constructive measures to prepare women for their release.

The report will be sent to the Home Office, Prison Governors, relevant local authorities, Women's Committees, MPs and those working within the criminal justice system.

The Report is available from *Women in Prison* and *The Black Female Prisoners' Scheme.*

WIP'S AGM. . .

Women in Prison's Second Annual General Meeting, held on March 25th, was thought provoking and good fun. The meeting heard about WIP's second year of work, including the key C1 campaign and the initiation of the House of Commons Social Services Committee inquiry into the Prison Medical Service. Plus, campaigning and legal work on a number of tragic deaths in women's prisons, the continuation of prison visits and work with prisoners inside and out . . . There was a good discussion on the form of future relations with the POA and prison governor.

Speaker Melissa Benn talked about her book *Death in the City* and linked some of the issues it raised to two recent prison deaths: Mark Santo (1985: Holloway) and Ruth Dyson (1986: Risley).

But the highlight of the evening as undoubtedly Sue Rossiter talking and singing. She described how she was refused permission to bring her Cassio (plastic synthesiser) into Styal. 'They said they were afraid it would get stolen, but as it was going to be put in a locked room to which only screws had the keys, I wondered who it was the didn't trust? Eventually I got to the music department department and they gave me a plastic cut-out keyboard. I couldn't get a note out of it'.

Her first song, **Treasure**, sets spines and eyes tingling.

I remember yesterday
When you were lying in my bed
I remember yesterday
And all the things you said
Do you remember
The words you whispered close to me?
Do you remember?
Am I a treasure in your memory. . .?

© Susan Rossiter

If you want Sue Rossiter to come and do a gig, contact her through the WIP office. . . .

STOP PRESS: The inquest verdict on Mark Santo, who hanged herself on C1 last December, was *Accidental Death, aggravated by lack of care.* A good verdict; yet another indictment of C1.

BRIXTON PICKET IN SUPPORT OF IRISH WOMEN

Over a hundred women took part in a twenty-four hour picket of Brixton prison on March 7th and 8th (International Women's Day) in support of Irish prisoners, Ella O'Dwyer and Martina Anderson. The women-only picket was organised by women in Troops Out and the Irish Prisoners Association. (We print extracts from letters to WIP from these two women in Reports from the Prisons).

Thirty women were outside the prison on Friday night, some of whom managed to get round the back and sing, for half an hour, to Ella and Martina. One of the organisers told WIP 'We could only see their hands at the windows but we knew it was them because they were saluting in time with our songs'.

On the Saturday afternoon, there were eighty women outside the prison. In the late afternoon, about sixty of them walked right through the prison – down Jebb Avenue, public property at certain times of the day. Knowing Ella and Martina's whereabouts, they could again sing to them.

A rump of 20 women had camped outside the prison all Friday night.

STILL HOPE FOR HOLLOWAY?

Will Colin Allan stay the course at Holloway? Allan, who took over as Governor of the prison from Joy Kinsley last spring came in with a reputation for liberalism and rationality. But it may turn out that the combined pressure of the POA and the Home Office prove too much for him.

Allan has certainly tried harder than his predecessor Kinsley. He participated in an Open Meeting organised by Islington Council Women's Committee (the borough hosting Holloway) on January 21st. There, he faced criticism, particularly from ex-prisoners, over 23-hour lock ups, the lack of proper conditions and trained staff for the mentally ill and the drugging of prisoners. Allan deflected criticism by saying 'The picture of Holloway is nowhere doing justice to the real position'.

He was questioned on Islington Council's plans to set up a prison's sub-committee. WIP's Chris Tchaikovsky asked him if he would welcome such a committee. His answer? 'I would need to know what the terms of reference were and what it intended to do'. The just-published GLC policy states 'HMP Holloway should recognise, liaise and co-operate with the prison sub-committee set up by the London Borough of Islington'.

INCH BY INCH ON C1

In a letter to Robert Kilroy Silk MP Home Secretary Douglas Hurd has provided some information on improvements to C1.

The letter is dated February 14th. In it, Hurd states that there will be modification of ten cells on the unit, including replacement of existing sanitary fittings, floorings and an improvement in observation. A pre-fabricated building is to be moved onto prison grounds – to provide an association area and a day room.

Staff changes include the appointment of a 'psychiatrically experienced SMO' (Senior Medical Officer) on C1, recruitment of hospital officers with nursing qualifications and discipline officer training.

The letter also mentions plans to replace C1. There has already been a visit to Broadmoor and there is to be another to a special hospital and a secure unit, in order to learn from their treatment of the mentally disturbed.

A cynical last word from women in Holloway: could all this refurbishment of C1 have anything to do with the presence of a 'Forty Minutes' (BBC) film crew, doing a fly-on-the-wall documentary on a day in the life of Holloway? I mean, those BBC microphones are bound to pick up the sound of all those hammers on C1 . . .

REPORTS from the PRISONS

DESPERATION ON D3

'A girl had spent two nights on D3, each evening asking at late medication for "something for a heavy period".' I noticed that she slept an awful lot, and frequently twitched during sleep, as if in pain. By late afternoon of the third day, she was in obvious pain and losing a lot of blood. I discovered she had been bleeding since Christmas (12 days before) and was not using any form of contraception. By 7pm I was very worried and rang the bell.

'I told the officer who answered of my concern that she might be having a miscarriage. She said she'd put her down to see a doctor the following day and offered to get her some sanitary towels. When she returned with them, I took a deep breath, apologised for interfering and explained as clearly as I could th that she was losing clots of blood and might not be alive in the morning to see the doctor.

'By this stage the girl was very tearful. The officer was young herself and though sympathetic could offernothing more than a through-the-hatch "Don't worry, the sister will be around with medicine in a little while." At which point, I asked if there was a doctor on duty. I was told not at night. I asked what would happen then in an emergency and said I thought that if someone was losing a lot of blood, they should at least be examined. She nodded agreement, but offered no further help.

'The other two girls and I waited anxiously for the sister to arrive. Meanwhile, G. kept crying and was in and out of the bathroom every five minutes to change her sanitary towel. Obviously flooding. A long fifty minutes later, we heard the medicine trolley approaching to do its rounds, but didn't come to our room first. It ambled along only when it was our turn! I stood and talked through the hatch to sister, who asked G. to come to the hatch! She could barely stand!

'Sister was even less helpful than the officer had been and told G. it was probably a heavy period and "It often happens to women in here." I interfered again and emphasised that she was losing clots and that this "heavy period" had lasted 12 days. At which point G. was criticised for not having told the MO on reception (admittedly G. wasn't very bright). After my pushing, sister agreed to phone a senior sister downstairs.

'About 30 minutes later, she appeared at the hatch again. She explained how they couldn't "necessarily" believe everything inmates said – which I found offensive as well – and gave the same blurb about heavy periods. I interrupted again, so she asked G. next time she passed a clot to keep it to show her. She then locked the hatch and disappeared! We sat in stunned disbelief, meanwhile a very tearful G. disappeared again to the loo and came out clutching a paper bag and sobbing.

'I pressed the bell again; the poor girl had to go to the hatch to present the paper bag, and stand waiting while they looked and deliberated. . . . I told G. to lie down. Ten minutes later, four of them finally unlocked the door and took her to the hospital wing. Seven am the following morning, I was told she'd been taken to hospital.'

(January 6th 1986)

CHRISTMAS ON B5

Dear Madam,

I am writing to you on behalf of B5 wing remand prisoners. We are very distraught about the treatment we were given during the Christmas period.

On a number of occasions during the week leading up to Christmas we were served maels through the hatch, which means we were not unlocked even for meals.

Christmas eve we were given only one hour association; which means we were locked up for twenty-two hours.

Christmas day we were given only four hours' association; we had been given a menu saying we were having turkey, and although many women saw *fresh* turkeys coming in the prison kitchens, we were given only turkey loaf. When we tried to protest against this treatment, we were threatened with report and told to take our decorations down.

On Boxing day we were given only four hours' association. On the same day we were told that there would be gym in the afternoon. Come the afternoon we were told there was to be no gym because there was no room for B5 wing. On both Christmas day and Boxing day there was no exercise.

Rules are being applied differently to different prisoners for example. For some women sandwiches were accepted as part of a meal from the outside, and for others sandwiches were refused. Some prisoners were told they were allowed parcels (food from the outside) on Christmas day, whilst others were told they were not allowed parcels on Christmas day. I must point out those prisoners were on no sort of punishment and that we were all on straight remand.

In view of the recent death in the prison (see Deaths in Custody: Death on C1) into which a public enquiry is being made, the way we are being treated could possibly lead to similar incidents. As you realise, Christmas is a time to be with family and friends. The type of treatment we are receiving is only aggravating the frustration and tension we are all already feeling.

We have spoken to Mrs Hare, the deputy governor, and Mrs O'Neill the assistant governor about those matters and they have told us that *nothing* can be done about it.

We are writing to you in the hope that you can bring this to the attention of someone in authority. We would not like to see a repeat of what happened last year in Holloway.

Yours faithfully,

B5 Wing

HYPERACTIVITY AT HOLLOWAY

I'm hyperactive and the doctors will not acknowledge it. All they said was, 'Oh good, you can clean the whole wing on your own then, in ten mins.' I've had other medical problems, but this one is the most important. I find it very difficult to concentrate on one single thing at once, and usually end up trying to do three things at once. I've got all this useless energy and can't direct, or rather am not allowed, to do anything creative or constructive.

At home, I treat it by following a diet. No additives whatsoever in foods, tea or coffee, sugar, well I cut out a lot of foods and I find it works. I'm able to lead a normal life. I also take Efamol, Oil of Evening Primrose, which they won't allow me in here, not even if I pay for it and have it sent in.

Now I'm also a vegan, and the diet here (supposed to be balanced) is appalling! A lot of the food I cannot eat or else eat and end up running around like a caged animal. They tell me being hyperactive is a good thing, specially Dr Rigby. He told me I was fit and healthy and ready to work (I was ill at the time) and about three-quarters of an hour later I was sent down to the gynaecologist for a cancer smear test and she wouldn't examine me because she thought I was too ill. Now if that isn't deliberate negligence, well, then I don't know what it is. They are not fit to look [examine] at another human being. What I'm asking you is if you could please send me some literature about hyperactivity, or even write to the medical board sending them papers about hyperactivity, maybe they *might* believe you. All this nonsense is doing my head in.

I also got an allergy which I've never had in my life apart from here. It took me nearly a month for them to do something about it, reluctantly tho'.

Could you please help me and advise me what to do. I'm 35 nearly 36 and I'll be a nervous wreck by the time I get out if it goes on like this.

Patou Fleming

A FACE WITHOUT EYES

BAD TIMES IN HOLLOWAY

Moira Abdel-Rahim:

I was remanded at Holloway for 8 days at the end of April 1985 for breaching bail conditions by breaking into the USAF base at Alconbury. I was in a cell on my own for the whole of the eight days and it was only by writing that I passed the time usefully. All the notes I made while in prison were confiscated by the Home Office for three months.

I was returned to Holloway on the 6th December for one month's detention for non-payment of fines.

Four days later I lay unable to move in a solitary confinement cell in the A1 punishment block. I too had been 'forcibly' removed, subjected to brutalising treatment and stripped naked. That Tuesday, 11th December, I did not think I

It turned out that according to the rule book of a certain officer K. I had disobeyed a direct order in reception to take off a plain gold wishbone ring. The fact that the ring did not come off was neither here nor there! The next day I was taken before an Assistant Governor. I (D26621) had disobeyed a direct order. The rules allowed plain rings, marriage rings. But they didn't say anything about rings that wouldn't come off!

That night, the second in Holloway, I took with what has been diagnosed in retrospect as probably vestibular neuronitis or acute labryinthitis. I woke up acute vertigo, pain in the head and neck and felt very ill indeed. The next day the SMO arrived, surrounded by officers and nurses. *I remember him as a bearded man with spectacles, a face without eyes. He gave a perfunctory examination and said, incredibly, that there was nothing whatsoever wrong with me.* When I made some attempt to describe what was happening to me he just said that I didn't know what I was talking about and that I could get up. Throughout the next night I lay in my own blood and urine. I had begun haemorrhaging. I find it now increasingly more difficult to describe the cold shock of realising that even in this country to not be able to get up and respond to orders can be, and is, punished by physical abuse.

The cell door opened for breakfast. Crawling across the cell was a sickening effort. Not that I cared who saw me. I was surrounded by a group of officers. From the feet I estimated six. They ordered me to get up. I couldn't. So the direct harassment started; the pulling up and the dropping to the ground again. I was conscious only of a barrage of noise and intolerable motion, jangling sensations. Their hands didn't stop clutching. Someone shouted 'we won't get anywhere at this rate' and orders were given to 'Use the restraint method', a strategy used for violent or resisting prisoners. I was seized by each arm and each leg and suspended face down between four officers with the full weight of my body pressing down on my lungs and stomach. *My arms were twisted in their sockets and I could hear my own voice screaming from a long way off. . . . it went on for what seemed an eternity.* Upstairs and down and along more corridors from one block to another. I was thrown down on a mattress on an otherwise bare cell – the A1 punishment block. Then faced by six officers I was stripped naked.

. . . Two nurses arrived with the officers to 'remove the ring'. They had a supply of vaseline with them. First one then the other tried forcing it off without success. The senior nurse eventually stood back and announced, 'I confirm that the ring cannot be removed'. They left. The following morning I was ordered again to get up and 'go to the Governor'. The ring he declared had been 'confirmed irremovable'. The case (mine?) was proved, and the 'matter closed'.

I was held for a further four hours in the punishment block before being taken up, this time in a lift, to the C4/3 convicted prisoners' wing, and to the company of five inmates I came to regard as allies. When I stumbled in to join them they thought I was coming off drugs. With their support I got through the next few days.

I said then that someone would die before long in solitary.

Statement Paper Issued to D26701 Beswick 17.02.86

I am writing this statement, a true account of what happened on the 14th and 15th of February 1986.

On the night of the 14th February 1986 I had returned from court and was in a room along with about ten other women. The door of the room has a small glass window and this window was smashed, I did not see who had done it or how it had been done. After this incident the door was opened and four officers entered the room. One of the officers said, 'Let's have her out, for a start', pointing towards me. She then came up to me and took hold of my right arm, another officer took hold of my left arm, and they pulled me to my feet, I told them to hold on a minute, and not to pull me in the way that they were, but to listen. They declined to listen and continued to drag me. *I struggled against them, shouting for them to let me go. This struggle resulted in me being thrown to the floor just outside this room.* I had a very large officer sitting, or kneeling across my stomach. Two officers holding my legs, one of them took the shoe and sock off my left foot and bent my toes down towards the flat of my foot. More pressure was applied. Other officers arrived and I was helped to my feet.

On the 15th February 1986 at approximately 10am I was in Dorm 21 on Unit D1. The door was opened and about six officers entered the room. One of them told me I was being taken to A1. *I asked her what for? I told her I wanted to know why I was going, before I went.* . . . the officers were refusing to listen to what I was saying, I might as well have been talking to myself.

The officers then started to approach me. I jumped up from my bed and took hold of a chair which was beside me. I told them not to grab hold of me, or I would lose my temper. One officer took hold of the chair. As she did this the other officers came towards me and started to grab hold of me. I fell back on the bed, shouted for them to get off. I was struggling and shouting, they told me to calm down, I told them if they got off of me I would calm down. One of them kept telling me to get onto my knees and pulled my hair to lift my head. Another kept pinching me. The way in which these officers were supposedly restraining me was in my opinion much too aggressive and only inviting an aggressive response.

These officers carried me bodily holding my arms, legs and pulling at my hair from Dorm 21 on D1 to the cell I am in now on A1. *Despite my pleas several times on route they stopped to rest, each time they did, I was dropped onto the floor. My arms were bent up around my back, my wrists were bent, my legs were bent up to my back. . . .*

(Being in considerable pain) I asked to see a doctor, and was told I would have to see a nurse first. My back was painful and my head was throbbing. I felt dizzy and again was physically sick. I was just retching. A nurse came to see me, she looked at some small cuts and grazes I had and said they were just grazes. I agreed with her but told her about the pain in my back and my head. She gave me some paracetamol and told me to rest and I would see a doctor the following morning, that she had gone off duty now. I asked her where I was supposed to rest? There was nothing except a cardboard chair and table in the cell. On the floor? *She implied that my injuries were the result of bad behaviour and I should have done as I was told.* I was being wound up by this so-called nurse, who could have been interested only if I was bleeding to death, and even then she would probably have said, 'It's your own fault, bleed'.

Later the next day a doctor came down. She did not come into the cell, I had to speak to her through the hatch. She told

me it was only reasonable to feel the pain as a result of the previous day and said I will probably have stretched some muscles in my back.

This is just in my opinion an example of ill treatment by both officers and medical staff. There are officers that encourage aggression. Some seem to think that the way to calm a person down is to inflict pain.

LETTERS FROM BRIXTON PRISON

Over the last few months, *Women in Prison* have received a number of letters from Ella O'Dwyer and Martina Anderson, who are awaiting trial on explosives charges in Brixton prison. Brixton is chiefly a men's prison. Its governor, Joy Kingsley, recently moved from Holloway.

Below, we print extracts from these letters. Particular publicity has been given to the continual strip searching of them. The letters show their continuing resilience in the face of this treatment.

Both women have received a great deal of public support. There have been regular pickets outside Brixton prison (see News).

Letter dated 8.10.85 from Ella O'Dwyer

Dear Chris and Judi,

I want to thank you for your letter and of course you may publish my correspondence regarding conditions here. Ironically, I was just reading an article in Cosmopolitan *which gives your address underneath, when your letter arrived. You don't need to be told that you're doing useful work. I think many women prisoners, especially those having short sentences to serve, are a bit daunted by the prison 'monster' as in the administration etc. Perhaps this dehumanising and insane gaol routine so degrades women that they feel ineffective when confronted with corruption at such a gross level. Let us know if you wish us to keep you informed with regard to conditions here. We are all in very good form despite our rather unwholesome surroundings.*

Best wishes to you both,

Letter dated 23.11.85 from Martina Anderson

You asked for some more information about conditions here. I would imagine from what I have read that they are as appalling here as most other prisons in England, but a letter would need to be sent to your bast (?) on conditions in general, which Ella intends to do within the next few days. But we feel the most important aspect at present is the continual strip-searches that Ella and I are being subjected to.

We feel that the Home Office down to the prison administration, under whose instruction that this immoral practice is carried out, are both guilty of trying to degrade and suppress us by this encroachment upon our personal dignity. There can be no justification for the amount of daily harassment that we have to endure. But what is extraordinary, they expect us to accept it as part of our daily life now, and would prefer if we didn't complain or let the outside world know what's going on behind these prison walls. My barrister summarised it last week when he said if the animals in London Zoo were treated the same as we are, there would be an outcry from the people of England.

I shall sign off now and I'm looking forward to hearing from you again.

Letter dated 09.12.85 from Ella O'Dwyer.

If you received Martina's last letter, you'll gather that it's the administration's intention to provoke some incident, to justify their putting us in 'solitary'. Last Saturday I was to be stripped and was told of a new procedure for the event. I suppose we could assume that all other strip-searches, as experienced by us here to date, were carried out in a manner no longer suiting their purpose. On Saturday, a screw held up a blanket while another stood beside me telling me to strip. I asked for the SO to query the absence of a dressing gown. She said that we wouldn't be allowed one henceforth. I tried to debate the issue with her, but could get no other response than the repeated question 'are you refusing to have a strip-search?' I knew the same discussion was going on between Martina and two other screws in a different cell. The screw beside me told me to take everything off from the waist up and to life my arms, up and out from the body. She and the other screw studied the naked top half of my body. I was then allowed to dress, on top.

Next I was told to strip from the waist down to allow them to view the bottom half of me, front and back. I had files with me when brought to the cell for this 'strip' but they didn't even look at them. So the 'strip' had nothing to do with security. Responding to our allegations that the absence of a dressing gown was contrary to Home Office directives that strip-searches should cause minimum humiliation, the SO said this 'strip' was an 'experiment'. We believe that the only experiment involved was one designed to research our levels of self-control.

They may consider that their treatment of us generally, gross numbers of 'strips', disturbed sleep and no acceptable exercise facility, could be sympathetically viewed by the public if we were portrayed as violent and unmanageable prisoners. We were lately told to use a different yard for exercise, but were confined to a tiny 35 x 12 paces area. The atmosphere of dogs, cameras, screws and general filth was totally depressing and there was hardly room to walk quickly. So we refuse exercise now, rather than avail of this excuse for a facility. . . . Our sleep is disrupted every five minutes when a light is turned on in our cells. We may see no films and have no TV.

Have a nice Christmas.

Letter dated 07.01. 86 from Ella O'Dwyer

This is to wish you a happy new year and also to give you an update on events here, for December. On Sunday 1st, we each had two body searches. On Monday we had a strip-search. On Wednesday Martina had two strip-searches and a cell search. On Friday Tina had two strip-searches. On Saturday 7th we each had a strip-search.

[The letter carries on with detail of daily strip- and cell searches all over Christmas.] On Monday 6th January we each had a strip-search and again today we had a strip-search each and lost a half-hour assoication time. When we complained to Ms Joy Kinsley about this interference with association time she told us that regardless of how much staff were on she would have us locked up for as long as she considered fit. When I asked her to record my complaint, she said that she would record what she saw fit to reocrd. Her attitude and behaviour towards us gives a good enough illustration of the administration's overall intention to impose maximum suffering.

I hope you all had a happy Xmas and I wish you the best for '86. Thank you for everything.

Ella O'Dwyer.

LETTERS

RISLEY

See: Ruth Dyson: death in Grisly Risley

. . . AND A LAST WORD FROM ASKHAM GRANGE

'. . . shipped out to Askham on the Monday morning. Compared with Risley, this place is like a holiday camp (well, almost). . . . I remember Jenny Hicks writing about this place and the "hundreds of petty rules". Well, it certainly is true. In fact, as one inmate put it, "You don't know what the rules are until you've broken them".'

WOUNDED KNEE

Dear Sir or Madam,

I suffer from growing pains. It is due to an injury sustained a few years ago. And I had treatment for it outside at Greenwich hospital. And they did an x-ray and found out that it was badly bruised and I had fluid in the knee. I was to go back and have it drained out and also I had to have crutches to rest my knee. I have seen a woman Doctor here and she told me that was all fat in the kneee. Without examining me.

I am 17 years old and I am worried if it is not treated now it will give me trouble in later years. I am in considerable pain and have trouble up and down the stairs.

Can you help me?

WOMEN AND VIOLENT MEN

This section concerns two women, both of whom killed violent men in self defence and were sent to prison for it. 'The last fourteen months of my life' is an anonymous account by a woman who is now serving three years in Drake Hall for the manslaughter of her husband. The second article is the reprint of a *Spare Rib* article on Karen Tyler who killed her drunken and bullying father in self defence. There has been an outcry about Karen Tyler's sentence, and a campaign launched to get her released.

THE LAST FOURTEEN MONTHS OF MY LIFE

At the present moment I am serving a prison sentence for manslaughter, which I did not do, but the Judge said that I am still a young woman, and I did have a knife in my hand.

On 18th June 1984, my life became a nightmare. At 2.45am my husband came home from a night club in Birmingham. I had put the night latch on the door. My sixteen year old daughter went and let him in when he rang the bell. He came into the house. He switched the bedroom light on and came towards me as I lay in bed with my six-year-old son who suffers from asthma. He said to me '*When you start paying the fucking mortgage you can start locking the door*'. Then he started punching me in the face.

When he started punching the children (who had come in to protect her) I got out of bed and took up a small knife from the bedside table, which I had put there before going to bed. He started hitting me . . . by this time I thought he was going to kill me, so I said to him '*For God's sake please do not hit me any more*'. He stepped back away from me and tripped over a little pouffe. He fell and hit his head against the wall. I started screaming that I had hurt him, telling him also that I loved him.

* * *

At the hospital, two police came and told me that they were arresting me and charging me with wounding. They told me I could not be with my husband because they did not know how badly he was hurt. Then eventually about 7am they came and told me that he had died. I could not believe it and I fainted.

They kept me at the Police Station all day and night, and on the 19th June at 9am I was taken to the Magistrates Court where I was remanded in Risley for a week. Each week I was taken to the Women's Section of Winson Green prison. The two weeks I spent in Risley was a terrible nightmare. I kept hoping that my husband would come and take me home. My case was called up at Worcester Crown Court on the 31st January. My trial lasted three and a half days, the Prosecutor tried to make out that I had intended to hurt my husband and that I was lying.

So on the 5th of January I was sentenced to three years imprisonment.

* * *

(After being taken to Pucklechurch and then Cookham Wood she was sent to Drake Hall.)

Now I am lying here upon my prison bed feeling very depressed, trying to get myself together. As I sit in the darkness of my lonely room, this room is a prison to me. So far I have done six months in prison and the things I have learned are unbelievable . . . there is no joy in my heart, only sorrow.

KAREN TYLER

In February this year Karen Tyler was sentenced to four years youth custody for killing her bullying and drunken father, in self defence. The case came in the same week as that of a man who killed his wife while she was sleeping – and was put on probation.

Karen Tyler's case was reported in few papers. The interest of the *Daily Express* was clearly cited in the case's banner headlines potential ('**Family Hits Out after Tragic Knife Fight Karen Gets 5 Years**' etc), the chance to print a picture of 19-year-old 'vicacious' Karen, and salacious courtroom reporting of sobbing and relative speak-outs at the savagery of the sentence. The murder of 15 stone 'bald giant' George Tyler happened on the doorstep of the family council home in Colchester. According to Karen, he was 'stoned out of his mind' when he returned home from the pub one night 16 months ago. He attacked Karen and his wife, having earlier rowed with his wife over a friend's joke that she was having an affair. 'He told his daughter to get out. It was as she was being slapped and punched that Karen plunged the eight-inch long blade into his chest'.

The *Telegraph* reported that Mr Tyler was 'obsessed with keeping his daughter away from men and had beaten her if she came home after 9.30pm'.

In sentencing Karen to four years youth custody the judge said that while he accepted that she had been 'subjected to pressures' he did not view the assault as 'extreme provocation'. 'It must be appreciated' he said 'that a killing such as this is likely to attract serious punishment'.

Four days later, the *Guardian* reported the case of a man given 'probation for killing venomous wife'. The defendant, a retired confectionery manager from Harrods, admitted killing his wife by striking her over the head with a hammer and smothering her with a pillow while she slept. According to evidence given in court the man had spent years waiting hand and food on his 'enormous, aggressive and alcoholic' wife. Pronouncing on his crime the judge in this case said 'I think you have been punished enough'.

These two cases are only too reminiscent of some early 1980s cases, the imprisonment of the Maw sisters for the killing of their violent father and the lenient sentence given to the killer of Mary Bristow in Winchester who murdered her father because she did not want a relationship with him.

In March 1986 Polly Toynbee did a major feature article in the *Guardian* on Karen Tyler and her crime, showing just how much of a miserable life she and her family endured under the shadow of her father. A petition has been launched in support of Karen Tyler. Her appeal is expected soon although we have no definite date as we go to press. . .

SCRUB–A–DUB STYLE

He used to beat me up and slap me around
Kick me, hit me, throw me to the ground
Abuse me and use me, make my life a hell
He said he'd slit my throat if I ever did tell
And so I killed him. . . boof!
Stabbed him with a knife
You see I killed him . . . what!
Even though I was his wife
And so I killed him dead
And now I'm doing life in Scrub-a-dub Style.

DEATHS in custody

In the last few months, two more women have died in British prisons adding to the already appalling and unnecessary category of such deaths. Women in Prison is campaigning to bring out the full facts about both these deaths.

Ruth Dyson: death in Grisly Risley

On Tuesday January 7th a young woman of 25, Ruth Dyson, was brought before Llandudno magistrates court charged with possession of cannabis with a street value of less than a hundred pounds.

Ruth Dyson's solicitor told the magistrate that she was suffering from Hodgkinson's disease, a form of cancer, and was undergoing chemotherapy and taking steroids and valium for the side effects. He also told the magistrate that Ruth Dyson was not a dealer and that she smoked cannabis to help with the side effects of her illness. The magistrate refused her a place in a psychiatric hospital where treatment could continue. Instead he remanded her to Risley remand centre – known as grisley Risley – in Warrington.

Ruth Dyson arrived at the prison that day, Tuesday 7th of January. Two days later she was visited by her mother and her common law husband Alan Holland. She told them that she was receiving no treatment for her condition other than valium. The next day, Friday 10th January, she was rushed to the prison hospital at 4.30pm. At 6.15pm she was given an injection of an unknown substance. Ruth Dyson was immediately transferred outside to Warrington Hospital where she died at 6.45pm.

Ruth Dyson's family are grief stricken and angry. They are pressing for an independent post mortem because they believe her death was due to medical neglect. It is apparently a well known fact that people on steroids need to be weaned off them: abrupt stoppage of the drug can lead to death.

Mark Sancto: death on C1

Nine days before Christmas 1985 in the mid-afternoon Mark Sancto wound her cardigan around a narrow window slat in her cell on the infamous C1 Wing Holloway and hanged herself.

She had been calling for help to other prisoners for over twelve hours, her cries becoming increasingly desperate. Yet according to prisoners who chatted to Mark Sancto through her window she was '*young for her age* [44], *gregarious, friendly and popular*'. However another prisoner claims that she was taunted, and laughed at on the exercise yard.

Mark Sancto was a transexual. She was also known as Ann Franklyn. She was paralysed on one side of her body and walked with a pronounced limp. She had chosen to be in Holloway because there, she said, she found more acceptance than in the outside world and also because she '*liked the company*'. After her release from an earlier remand, she had written to the governor and called at the prison gate asking to be taken in. A few days later she ensured her return by starting a small fire in a garage can and twisting a windscreen wiper on a police car into the shape of a heart.

The charge of arson would also have ensured that Mark Sancto was placed on C1 Wing and locked up alone for twenty three hours a day, her meals passed through the hatch in her cell door. *This degree of isolation, to a woman who chose imprisonment to ease her loneliness, may have caused, and certainly exacerbated, the depressive condition leading to her suicide.*

Mark Sancto had attempted to take her life before. On a previous remand in Holloway she had set fire to her nightdress and tried to hang herself, yet she was not categorised an 'F' listed potential suicide so she was not subject to the fifteen minute prison surveillance rule. The Home Office claims however that Mark Sancto was seen less than fifteen minutes before her death.

WIP intends to sue the Home Office for negligence. It is over six months since the former Home Secretary, Leon Brittan, said immediate and urgent action would be taken to justify the deficiencies on C1 Wing. The Home Office is only beginning to do anything now (see 'Inch by Inch on C1' . . .). Action would include improved surveillance, the provision of special rooms for women in crisis and a protected room for women bent on suicide.

The inquest on Mark's death is set for March 25th at the City of London Coroner's Court. But solicitors acting on behalf of Mark's relatives are calling for an adjournment, to gather more evidence.

In a letter to Women in Prison, Moira Abdel-Rahim, in Holloway at the time of Mark's death, described how it seemed to other women in Holloway.

'*On the morning of Monday December 16th 1985 I saw Mark through the narrow window of the solitary confinement cell.* He was sitting on the edge of a bed. It was five days after I had left the same row. The names of all Mark's friends were written (in soap?) over the plastic windows. He was quiet.

Shortly afterwards we heard screaming for help. This can be corroborated by those who were in the cells directly above Mark's cell.

Between 5.30 and 6.30 – perhaps a little later – I observed the mortuary van coming into the court at a snail's pace preceded by two officers and a person I took to be the doctor signalling the driver to proceed quietly and slowly. The van disappeared inside the block beneath us and reappeared at an equally slow and restrained pace about three quarters of an hour later.

The next day I heard an officer inform one of the inmates that Mark had died of a heart attack and not to get upset about it.

We were all later told that she had committed suicide by strangulation. That the bed had been upturned and the covers/blankets torn.'

'Women in Prison' – campaigning for WOMEN PRISONERS – demands:

1. Improved safety conditions, particularly in Holloway Prison where women have been burned to death in their cells.

2. The introduction of a range of facilities (e.g. more visits, including family and conjugal visits in relaxed surroundings, more association with other prisoners, fewer petty rules) aimed both at reducing tension and, subsequently, the number of drugs prescribed for behaviour and mood control rather than the benefit of prisoners.

3. Improved, non-discriminatory and non-paternalistic education, job-related training, leisure and work facilities.

4. Improved training and supervision of prison officers, aimed at reducing their present discriminatory practices against women from ethnic minorities and lesbian, disabled or mentally or emotionally disturbed women.

5. A mandatory and non-discriminatory income-entitlement to meet the basic needs of women prisoners.

6. Improvement of the existing child-care facilities in prisons together with the introduction of a whole new range of child-care facilities for mothers receiving a custodial sentence (e.g. new centres specially for mothers and children contacts with local nurseries and parents' groups).

7. Improved medical facilities in general and specialised facilities for women during pregnancy, childbirth and menstruation.

8. Dismantling of the punitive disciplinary structure coupled with the development of official recognition of prisoner participation in the organisation of the prison.

9. Non-discriminatory sentencing of women.

10. Unrestricted access to the Boards of Visitors for representatives from women's organisations, community, ethnic minority and other minority (e.g. lesbian) organisations.

Women in Prison – campaigning for ALL prisoners demands:

11. Democratic control of the criminal justice and penal systems with: suspension of Official Secrets Act restrictions on the availability of information about prisons; public accountability of the Home Office Prison Department for its administration of the prisons; public inquiries replacing Home Office internal inquiries into the deaths of prisoners, injuries and complaints in general together with Legal Aid to enable prisoners' families to be represented at any such inquiry.

12. Reduction in the length of prison sentences.

13. Replacement of the parole system with the introduction of half-remission on all sentences. Access to a sentence review panel after serving seven years of a life sentence.

14. Increased funding for non-custodial alternatives to prisons (e.g. community service facilities, sheltered housing, alcohol recovery units) together with greater use of the existing sentencing alternatives (e.g. deferred sentence, community service order, probation with a condition of psychiatric treatment etc), with the aim of removing from prisons all who are there primarily because of drunkenness, drug dependency, mental, emotional or sexual problems, homelessness or inability to pay a fine.

15. Abolition of the censorship of prisoners' mail.

16. Abolition of the Prison Medical Service and its replacement by normal National Health Service provision coupled with abolition of the present system whereby prison officers vet and have the power to refuse prisoners' requests to see a doctor.

17. Provision of a law library in prisons so that prisoners may have access to information about their legal rights in relation to DHSS entitlement, employment, housing, marriage and divorce, child-custody, court proceedings, debt, prison rules etc.

18. Improved living and sanitary conditions together with a mandatory income entitlement to meet basic needs

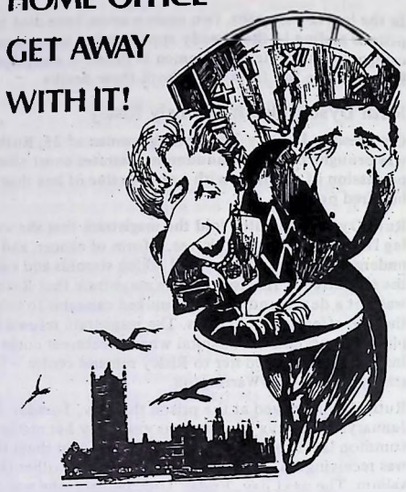
19. Non-discretionary rights to call witnesses and to full legal representation of prisoners at Visiting (internal) Court proceedings together with the abolition of the charge of 'making false and malicious allegations against an officer'.

20. A review of the existing methods of the recruitment and training of prison discipline staff

Campaign for Women in Prison
Members 25.3.86

June Battye (NAPO)
Melissa Benn (INQUEST)
Sharon Bennett
Rosemary Farrar (ACA)
Orna Fiegel (Community Graphics)
Jenny Hicks (Clean Break)
Moira Honnan (Stockdale House)
Patti Lampard
Gill Mebarek (Clean Break)
Helen Moore
Lynn Reed
Helena Stephenson (CAST)
Prue Stevenson (CAST)
Chris Tchaikovsky (INQUEST)

DON'T LET THE HOME OFFICE GET AWAY WITH IT!



W.I.P 444 Chiswick High Rd
London W.4 5TT
Tel:01 - 994 6470

WOMEN ONLY MEET AT HOLLOWAY PRISON, PARKHURST ROAD, LONDON N7, from 6.00 to 7.00pm on the FIRST DAY OF EVERY MONTH. PLEASE COME AND SHOW OUR SOLIDARITY WITH THE WOMEN IN HOLLOWAY.

INDIVIDUAL MEMBERSHIP

I wish to join the Campaign for Women in Prison

I enclose . . . . . for membership (£5) and . . . . . as a donation towards the Campaign's running costs.

I will receive an annual report and a calendar and will be informed of any open meetings of the Campaign.

Name (block caps) . . . . . .
ADDRESS . . . . . .
. . . . . .
Signature . . . . . .

AFFILIATION OF ORGANISATION

The . . . . . (name of organisation) wishes to affiliate to the Campaign for Women in Prison.

I enclose £10 affiliation fee.

Our organisation is/is not willing to allow its name to be used for publicity purposes on the Campaign's list of sponsors.

NAME (block caps) . . . . . .
POSITION HELD . . . . . .
ADDRESS . . . . . .
. . . . . .
Signature . . . . . .

PROP THE PRISON OFFICERS' DISPUTE

A Briefing Paper by PROP [the National Prisoners Movement]

Once again we face a full scale prison officers' dispute. Even though this is the time of the year, in the run-up to the POA Annual Conference, when it is customary for those requiring votes at the conference to display their militant credentials, this year's conference overture seems to be the real thing. The last comparable period was six years ago, prior to a trade union dispute which brought the army into the prisons. The prison officers did not then win, but neither were they defeated, and the system soon settled down to 'business as before'. The lessons of the dispute were both far-reaching and self evident. Yet there is no sign at all that anyone has learnt them.

Before looking at what happened last time, let us quote the then Home Secretary, William Whitelaw, speaking to Leicestershire magistrates on 13 February 1981, shortly after the ending of the prison officers' four months of industrial action. In that short period they had done more than all the penal reform groups put together had ever done to reduce the prison population by their tactic of refusing to accept new prisoners into already overcrowded jails. The prison population dropped by approximately 8,500. Even allowing for the confining of 4,000 new prisoners in police cells, there was still a substantial nett fall in the prison population. And, significantly, there was no discernible shift in the crime statistics during that period.

Mr Whitelaw, who by comparison with his three Labour predecessors was quite a liberal in penal matters, had this to say:

"One of the things the dispute demonstrated was that it is possible for us to survive with a much lower custodial population than before. It is therefore inevitable, and indeed I think it is right, that henceforward we should regard the lower level of population attained during the dispute as a benchmark against which to measure the progress or otherwise which the criminal justice system is making in months to come. I shall continue to be held to account in Parliament for the way in which the criminal justice system develops in the new phase into which it is moving with the end of the dispute. Having been prepared to grant exceptional temporary powers for dealing with the consequences of that dispute, Parliament will be most reluctant to see the prison population return to the high levels of last year when much lower numbers were seen to be consistent with supporting and enforcing the law".

One has only to measure those words against what has happened since to recognise that this, the major lesson of the dispute, has not been learned at all. Less than a fortnight after the Home Secretary's words the population had increased by 2,500 and within four months the number of prisoners was back to where it had been at the start of the dispute. In fact it took the courts exactly the same time - four months - to fill the prisons again as it had taken the prison officers to empty them. From then on the population climbed inexorably to ever higher levels.

All this was in Mr Whitelaw's own term of office. If he really meant what he said, then resignation would have been an honourable course when he found he could not take the cabinet or his party with him. He did not resign but instead was pushed out to make way for a Home Secretary, Leon Brittan, whose words would not merely match reality but would lead that reality into new levels of repressiveness.

WHERE RESPONSIBILITY LIES

None of these developments - the real cause of the prison crisis - are the result of prison officers' attitudes or their behaviour. Indeed, the POA were the first to denounce Leon Brittan's restrictions on parole for certain categories of prisoner as likely to introduce a 'no hope' situation for many prisoners, and hence an impossible control problem for staff. PROP has no bias towards prison officers. How can we have, after our experiences at their hands? But there are those amongst them whom we can certainly respect - far more so than is the case with prison doctors,

prison chaplains and the other 'professionals' who, time after time, have stood by and covered up for the worst abuses that have taken place in the prisons. Inevitably prison officers, because of their position at the end of the line, have been the instruments of many of these abuses, but responsibility, especially in the case of unchecked abuses, neither starts nor ends with the uniformed prison officer.

THE MODERN POA

PROP believes that it is very important to get the prison officers, and their position within the prison system, into some sort of perspective. Their role, fundamentally of locking people up, has not changed over the years. Nor is it likely to, whatever gloss is put on the job and whatever extra duties are appended to it. It is the locking up which differentiates a prison, by whatever name, from other institutions. The role may not have changed but the prison officer certainly has. The days when the majority of prison officers were ex-servicemen, exchanging a khaki discipline for a blue one, are long past. Prison officers today come from the same broad spectrum of working (and increasingly non-working) people as anyone else. That doesn't mean that they are exactly as others are, because they are not. Large sections of the community, and especially those sections which supply a disproportionate number of prisoners, find such a job unacceptable.

For some - the bully boys, including of course the National Fronters - there is no intellectual conflict in accepting such a job. It is precisely its repressive potential which attracts them and which they will exploit to the full, thereby providing the prison service with its necessary hard core (necessary, that is to say, for the running of the prisons on the Home Office's chosen 'carrot and stick' principles).

At the other end of the scale are those prison officers who have overcome whatever qualms they had about such a job, presumably by much the same reasoning that persuades other people to take on distasteful but socially necessary jobs. They provide the other sort of prison officer - sometimes but not necessarily lenient, but straightforward and fair. In between these two extremes lie probably the bulk of prison officers who have accepted the job without any particular desire for it, either positively or from the negative viewpoint of the bully boys.

WHERE THEY ALL AGREE

These are the disparate elements which make up the modern POA and one of the few things which unite them is their necessity for large and regular amounts of overtime in order to take home a worthwhile wage. The official May Inquiry of 1979 referred to some of them as 'overtime bandits'. To the extent that prison officers make overtime by, on the one hand, restrictive practices, and on the other, by spreading fictional accounts of escape plans in order to justify more security manning, the term has some meaning. But to make such an accusation really misses the point, which is that prison officers' behaviour in this respect is the understandable and natural response of workers anywhere to a salary structure which makes no sense without overtime. And the responsibility for that unacceptable state of affairs is a Home Office one, and ultimately a Government one.

WHAT THE MEDIA SHOULD REMEMBER FROM LAST TIME

On the last occasion of major confrontation between the Government and the POA the media were wrong at the start and, for the most part, remained wrong throughout the dispute. Despite the clearest indication (Wormwood Scrubs and the MUFTI squads, 1979) that the Home Office was quite capable of misinformation that Dr Goebbels would have been proud of, every official statement issuing from that quarter was treated with a deference which made one realise how little need there is in this country for Government censorship: the press can be safely relied upon to do the job for itself, not with scissors or blue pencils, but simply by its subservience. Some examples are given of the misrepresentation of the prison officers' case which took place last time - as a reminder to all of us that 'serious' newspapers and 'prestigious' television programmes do not guarantee unbiased news.

Significantly the one group of people not to be misled by all the propaganda were the prisoners themselves. When, early one morning (November 1980), a national newspaper sent its reporter to Durham jail to interview prisoners released at the end of their sentences, it was assumed that he would bring back stories of angry confrontation and imminent riot. Instead he was told 'It's not the screws making the trouble here, it's the authorities'. Unbelievingly, the reporter then contacted PROP to discover why Durham should be so different from everywhere else. PROP informed him that the information was no surprise at all but was fully in accord with the feedback we had been getting from jails all over the country. The prisons, generally, were indeed more tranquil than at any time during the previous ten years. Interestingly, nothing appeared in the next morning's newspaper. The facts didn't fit the intended story so the facts weren't printed.

Throughout the dispute the prison officers had been trying to cause administrative chaos without adversely affecting the lives of prisoners. It was a difficult tactic but one which, for the most part, was successfully conducted. Contrary to journalistic assumptions prisoners are not all wanting desperately to get out of their cells and go to workshops, and anyone who knew the first thing about the stupidity of prison 'work' would recognise that. The prison officers do understand, and they know very well that there are times when prisoners want to be free to associate and there are times when they actually welcome being left behind their doors. What the prison officers therefore did was to devise alternative duty rosters which, while keeping the workshops closed and causing general administrative problems, enabled them to offer prisoners alternative, and to most of them far preferable, opportunities for getting out of their cells.

OFFICIAL INCITEMENT TO RIOT

It was this tactic, coupled with the humanitarian one (in effect, even if not by motivation) of refusing to admit newly sentenced prisoners into already overcrowded jails, that drew the fury of the Government and its Home Office. The POA alleged that the authorities were at one and the same time forecasting strife in the jails and doing their utmost to bring about precisely such a situation. Prisoners were locked in their cells, not directly because of prison officers' refusal to unlock them, but because governors were sending home prison officers who refused to man workshops but were willing to undertake other duties. Thus at Leicester jail prison officers walked out, leaving a skeleton staff, after the Governor had refused to allow them to keep workshops open, not as workshops but for prisoners' recreation. Only after officers at other prisons had threatened to walk out in support of their Leicester colleagues did the Governor withdraw his provocative ruling. PROP knew well enough that the prison officers were right in their allegations and we never hesitated to say so, despite the unusual position in which it placed us as supporters of the POA's case.

Later in the month an official Home Office circular to all prison governors came to light. It was signed by Mr Gordon Fowler, Deputy Director of the Prison Department, and it was shown in facsimile to both The Guardian and Daily Telegraph newspapers. The circular opened by saying that the indications were that the POA was trying to preserve the goodwill of prisoners in its handling of the dispute. (Any reasonable person would surely have thought that such an aim was a laudable and highly responsible one.) The letter to the governors then stated, 'At a personal level, therefore, do not hesitate to use your **inventiveness** and **ingenuity** (our emphasis), especially in terms of press and media interviews, especially touching on possible disruptions to prisoners' visits, correspondence, transfers, etc.' There was not even subtlety about this clear incitement to governors to 'stir it'.

Both newspapers quoted the circular but the Daily Telegraph added a 'firm Home Office denial that any such letter had been sent'. The Guardian, despite having seen the facsimile, weakly referred to it as an 'alleged' letter. It was not until PROP produced a photocopy of the actual letter on Thames Television a week later that the Home Office was forced to own up, though neither of the newspapers which had earlier disposed of the story bothered to make any further mention of it.

1986 AND STILL THE MEDIA GET IT WRONG

Now, in 1986, there is no sign that the media have learnt anything from their long experience of getting it wrong. Numerous newspapers and television researchers have rung us up, always looking for help in filling out their interpretation of the prison officers' dispute as a prelude to violence and riot in the prisons. When we have questioned that scenario and pointed out what happened last time, they have quickly lost interest. A prison punch up is so much more exciting, isn't it?

As we go to press there have been two television programmes on prisons on the same night. LWT on Wandsworth had many good points. It had been prepared before the question of POA action had arisen and concerned the special place of Wandsworth within the prison system. On that subject it was generally sound, with excellent contributions from the Prison Reform Trust and from Frances Crook of the Howard League. But as soon as the programme, in order to be topical, tagged on comments about the POA dispute, it immediately began slavering like Pavlov's dog and repeated all the old nonsense from 1980/1. Said the presenter, 'Those opinions about Wandsworth Prison are suddenly very relevant, because Britain's prison officers have just voted to take industrial action, starting shortly. If they do so, conditions in prisons which are already bad will become worse. For Wandsworth such a prospect is alarming.' In fact, last time, the very opposite was true.

Newsnight later in the evening had no saving graces at all. It is not so much that Newsnight itself makes gaffes, because it leaves a great deal of what it says to the pundits it invites to the studio. But, unlike the memorable Channel 4 series on prisons produced by Anglia Television, it never goes outside the most banal framework for its discussions.

IS THERE AN ANSWER TO THE CRISIS?

Is there a solution to the prison crisis - of overcrowding, of staffing, of overtime? Indeed there is, but not by building prisons. New prisons, as the experience of the last twenty years demonstrates, mean simply more prisoners. The least slack in the system and the courts swiftly take it up, so that the position after new building remains precisely the same with regard to overcrowding. These are not conditions which the prison officers seek to worsen. They are the conditions against which they have consistently protested over many years. It is within their power to enforce an immediate improvement in the conditions, as they demonstrated in 1980/1. Why don't they now pursue the same tactic (of refusing to allow overcrowding) not just in support of their wage packets, but as a humanitarian policy echoing the fine words, never translated into action, of Messrs. Whitelaw, Rees, Callaghan, Jenkins?

There is of course a myth about staff shortages. The ratios of prison officers to prisoners have improved dramatically over the years - from 4.82 in 1966, to 3.58 in 1971, 2.85 in 1976, 2.65 in 1981, and 2.54 today. Although it is a myth, PROP does not think it important, except to be recognised and discounted. More staff won't improve the situation because prison officers will understandably not stand by and see their take home pay eroded. Additional officers will have to be balanced by more 'duties' in order to justify the same overtime.

The only way out of the impasse is for the Government to announce a phased but rapid reduction of the prison population to levels more in line with the rest of Europe. Simultaneously the Home Office must guarantee that a reduction in the number of prisoners will involve no reduction in the number of prison officers, and no erosion of their take home pay, despite the obvious elimination of most overtime.

It will not of course happen, but the reason will not be the intransigence of the prison officers but the intransigence of a Government which presides over an ever increasing crime rate and is trying desperately to con the general public, by building more and more prisons and making 'Law and Order' into virtually our only growth industry, that it is doing something about it.

PROP: April 86

PROP [the National Prisoners Movement], BM/PROP, London WC1N 3XX. (Tel 01 542 3744)

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London N4 2PJ.
BULLETIN no. 8
Spring 1986

MRS JARRETT

WE LEARNED with amazement of the decision neither to prosecute nor to bring disciplinary charges against the officers involved on the search of Mrs Cynthia Jarrett's home.

During the inquest cross-examination of the most junior of these officers, PC Allen, HM Coroner, Dr Paul, said of the police witnesses: **'It's quite obvious that what they've said is quite contrary to the facts.'** He was referring to the fact that the automatic electronic logging of 999 ambulance calls proved beyond a peradventure that the police account of events at the house could not be true.

Neither can that account be excused as an innocent mistake. That one officer should unwittingly produce a hopelessly inaccurate account of events might be plausible. That three officers should produce the same untrue account - and then, after it had been demolished in court, be completely contradicted by a fourth - points not to confusion but to collusion.

The inquest jury returned a verdict of accidental death. They were directed to return this verdict only if they were **sure** that DC Randall had pushed Mrs Jarrett, albeit accidentally. DC Randall was given every opportunity to admit that he might, for example, have brushed against Mrs Jarrett 'in the way that one might in the supermarket'. He remained adamant that there had been no physical contact whatsoever. The jury's verdict carries the inescapable implication that they were **sure** DC Randall had lied on oath.

In the light of this evidence we demand to know why none of the officers concerned is to be prosecuted for perjury.

It was admitted by the police witnesses that one of them, Sergeant Parsons, had gained entry to the house by means of a key illicitly obtained from the property of a prisoner. It was further admitted that he lied to the occupants of the house about how he got in (saying that the door was open) and that none of the other officers contradicted this lie.

'REGRETTABLE' is the weasel word chosen by the Police Complaints Authority to describe that particular lie. There have been plenty of other weasel words emanating from the PCA and much else for it to 'regret' in this affair. It does not seem any longer to 'deplore' (as it did, perfunctorily, at the time) the use by Metropolitan Police counsel of statements, given to the PCA under pledge of confidentiality by the Jarrett family, to discredit the Jarrett family's evidence. The attempt failed and backfired: it was the police who were discredited.

'UNFORGIVABLE' is the word many people are using about the manner of the PCA Report's publication. The readers of the **Mail on Sunday** learned of the fate of the Jarrett family's complaint before the Jarrett family. The shape of the PCA's future coat of arms is now becoming clear: a weasel and a mole rampant, supporting a collander.

That the PCA has deprived itself of any claim to independence or public confidence is its own fault. That the DPP and PCA have treated the work of the coroner and the verdict of the jury with contempt is damnable. That Messrs Parsons, Randall, Casey and Allen have not been suspended from duty is an obscenity.

Tel: 01-802 7430

JOHN MIKKELSON: THE CASE OF HELL'S BLACK ANGEL

On Monday 15th July 1985 Police Constables Richard Peacock and George Renton were driving their panda car past the 'Bell on the Green' pub in Feltham, Middlesex, when they noticed two men 'waving their arms about'. One of the men was wearing the insignia of the Hell's Angels Motor Cycle Club. It was the insignia rather than the gesture which led the constables to take an interest in the two - and in the car which stopped to pick them up.

Although it was clear that neither man was the driver - and despite confirmation from a police computer that the car had not been reported stolen - the constables followed the car to Bedfont Close, home of the driver's family. It was there that the confrontation took place which led to the death of John Mikkelson, aged 34, the only known Black man to be a Hell's Angel.

WHEN IS A FRENZY NOT A FRENZY?

Precisely what happened during that struggle remains the subject of bitter dispute. All agree, though, that it included the following features: a request by one of the passengers, Mr Griffin, for the officers' numbers so that a complaint of harrassment might be lodged; the attempted arrest of the driver; the intervention of the driver's parents; and that of another member of the public who suggested that an ambulance be called for the injured Mr Mikkelson. Had this been done, Professor Iain West told the inquest jury, Mr Mikkelson might well be alive today.

John Mikkelson had become unconscious, the police told the inquest, because he was an 'exhausted drunk'. The truncheon blow PC Peacock admitted administering during the struggle could have had nothing to do with it. Only Richard Peacock admitted using his truncheon - in extremis, he said, to save the life of his colleague, Renton. (A somewhat ungrateful Renton told the court that his life had not been in danger.) The driver (whom we shall not identify for legal reasons) sustained two injuries as a result, requiring a total of 14 stitches when, eventually, he arrived at hospital. John Mikkelson was knocked out.

'Went over the top, did you?' asked Orlando Pownall, counsel for the next of kin. 'In a frenzy, were you?'

'I wasn't in a frenzy', replied PC Peacock.

'Then why', Mr Pownall persisted, 'did you say at the magistrate's court [during the unsuccessful prosecution of the driver and his father], "I admit I was in a bit of a frenzy"?' To that, PC Peacock - and the learned coroner, acting in his habitual role of additional counsel for the police - could only reply that 'frenzy in the sense of panic' was what he meant. We cannot, regretfully, advise our readers to adopt the 'frenzy as panic' defence when facing charges of assault.

The Battle of Bedfont Close was ended by the arrival of police reinforcements: two dog handlers, several panda cars and a District Support Unit in their transit van. In this very unsuitable vehicle John Mikkelson was taken to Hounslow Police Station. Many questions remain to be answered about the journey. Was John Mikkelson 'carried like a sack of potatoes and thrown into the van' (as claimed by civilian witnesses), or assisted in with the utmost gentleness? Was Mr Griffin thrown in on top of him? Was Mr Mikkelson handcuffed with hands in front, or behind? How, in any case, could anyone see what was happening during the journey when the lights were out?

SERGEANT MEAD DOES HER JOB

Once at the Police Station, John Mikkelson was placed on the charge room floor. The choice of location was prhaps unfortunate: when a senior officer opened the door from the outside, he opened it onto Mr Mikkelson's head. Mr Mikkelson was duly moved out of the path of the door. The Chief Inspector went off duty, the Inspector had every confidence in the Station Sergeant and the Station Sergeant was busily engaged in vital, but unrelated, paperwork.

Most other officers seemed immobilised by their junior rank and consequent inability to act without orders. The other prisoners were meanwhile expressing concern about Mr Mikkelson's condition - and thereby 'creating chaos' in the eyes of tidy-minded police witnesses. The driver offered to provide mouth-to-mouth resuscitation. Eventually Woman Police Sergeant Lucy Mead was brought in to help control the situation.

A single glance enabled her to assess the position. 'Get that man an ambulance, now!' she commanded.

At the inquest Mr Pownall suggested to Sergeant Mead that she was 'the only one with any gumption'. We agree with that assessment. We salute the Sergeant not as a paragon of compassion but for that supreme police virtue, 'only doing her job'.

Mr Mikkelson was pronounced dead shortly after his arrival at hospital, and the self-exculpation machine went into operation. Much controversy surrounds the belated enquiry by senior officers into the possible use of truncheons, and especially the stage at which PC Peacock handed over his truncheon to the Station Sergeant, who put it in his pocket. The ambulance service seemed a suitable alternative candidate for scapegoating. One ambulance driver was so worried by this possibility that he advised his colleagues by radio to make statements only in the presence of a solicitor.

The ambulancemen, too, had a thing or two to say. 'There didn't appear to be any urgency in the Police Station', said the attendant who came to collect Mr Mikkelson. Another, who transported 'the driver' to hospital, told the court that he overheard a police officer 'saying there had been a bit of a punch-up. The police had been heavy handed. One man had died and it is being treated as murder'.

Of what did Mr Mikkelson die? The court heard three pathologists, of whom the most persuasive was Professor West. According to him, death resulted from a combination of four factors, namely:

1) a single blow to the head;
2) the presence of a substantial amount of alcohol in the body;
3) pressure applied to Mr Mikkelson's back, inhibiting his breathing; and
4) a considerable fall, or the dropping of a substantial weight on to Mr Mikkelson (perhaps accounted for by the knees of the dog-handler who handcuffed him).

The net effect of this combination was to render John Mikkelson unconscious and to inhibit his 'gag' reflex, so that he died by the inhalation of his own vomit. He did not drown in his vomit, but inhaled a small amount which corroded his lungs. This process could have been halted by prompt medical treatment, which explains Professor West's opinion that had he been taken straight to hospital from Bedfont Close 'he would probably still be alive today'.

OVER THE TOP?

For Dr J.D.K. Burton, the inquest on John Mikkelson must have seemed uncomfortably like that on Blair Peach, at which he also presided. The central difference between the two was that this time he was unsuccessful in his attempt to steer the jury away from Unlawful Killing.

In the six years which separated the two inquests, quite a lot had changed. The 1986 jury was, for example, chosen by random selection, rather than at the whim of the policeman who serves as Coroner's Officer. It seemed to many observers who attended Hammersmith's busy coroner's court in the interevening years that John Burton, too, might have changed. His kindly avuncular manner, his often helpful interventions (delivered in his inimitable blend of the staccatto and the rambling) his obviously genuine concern for improved methods of dealing with drunkenness and, especially his habit of encouraging juries to bring in recommendations (which, strictly, they're no longer allowed to) all seemed to indicate a change of attitude. At the same time, in his role of Secretary of the Coroners' Society, he has remained fiercely antagonistic to INQUEST and almost everything we stand for.

This time Dr Burton knew from the start that he would have to have a jury and that the question of Unlawful Killing could not be excluded from its deliberations. Still, the prospects for avoiding an Unlawful Killing verdict seemed fairly rosy. Counsel for the police would surely prevail - by weight of numbers, if not of argument. So many lawyers represented the Commissioner and individual officers that Dr Burton considered asking them to change places with the jurors. If they had, there would have been a tight squeeze in the jury box. Against these massed ranks the Angelic Host could muster only Orlando Pownall and his instructing solicitor, Chris Magrath. So, surely, everything would be alright?

When, at an early stage, it became clear that 'everything' might not be alright, the avuncular mask slipped and we could see the pristine, unreformed visage of Burton Mark I beneath. By special request of the coroner all attending the inquest were required to give names and addresses and submit to being searched before attending court. (The contrast with Dr Paul's acid comments about the excessive security surrounding his court during Mrs Jarretts case could not have been more marked.) Obvioulsy the intention was to bar the Windsor Chapter and its friends. It made them, in fact, more determined to come. Again in contrast to Dr Paul's practice, press and public as well as jurors were often excluded from the discussions between counsel and coroner. Here the intention may have been to exclude INQUEST and its friends.

Inside, the learned coroner's interventions became ever more one-sided and waspish. 'It's you, I think, who are in danger of going over the top', he told Mr Pownall, after his powerful but perfectly fair questioning of PC Peacock. 'If you've got nothing to say', he remarked (apparently a propos of nothing in particular) 'you can always attack the police.'

Dr Burton's zeal in defence of the police led him to draw some exceedingly strange conclusions. When the amn we have called the Driver was taken to hospital with two truncheon wounds beneath his blood-soaked hair and was asked how he came by his injuries he replied: 'Please ask the [two] policemen who are with me.' This for some reason incensed the learned Coroner. 'I can't think of a reason in the world', he burst out, 'why you couldn't say what had caused the injuries.' Those on the press and public benches experienced little difficulty in thinking of several reasons.

The concern for the welfare of 'drunks' was still there but only insofar as it was a useful cul-de-sac into which the the jurors might be side-tracked. They could make useful recommendations - about the treatment of drunks. As for that regrettable necessity the truncheon, Dr Burton's honest, head-scratching questions to senior police officers about possible alternatives elicited honest and head-scratching replies to the effect that there was no alternative.

Dr Burton, in short, was asking the jury to buy the 'exhausted drunk' theory. When, after Professor West's evidence, that one went, so to speak, West (or for a Burton, perhaps) there were few escape routes left for the constabulary. The route adopted was the 'person who might be mistaken for an exhausted drunk' theory.

ON THE SIDE OF THE ANGELS

If the jury had swallowed either of these theories it might have been persuaded to bring in a verdict of 'misadventure with recommendations' - which would have been ironic, since it was after the jury in the Blair Peach case returned such a verdict that formal riders were abolished. Fortunately the jury refused to be intimidated into such a literal 'cop-out'. 'Unlawful Killing' was the verdict - 'a true verdict', in the words of the jurors' oath, 'according to the evidence.'

The jury could have reached this verdict on either of two grounds: that Mikkelson had died as a result of a criminal assault by the police; or that he had been the victim of negligence so gross as to amount to 'a crime against the state'. The Foreman made it clear that it was by the second route that the jury had arrived at its unanimous conclusion.

As a result of the jury's verdict seven officers - a Chief Inspector, two Inspectors, two Sergeants and two Constables - were suspended the same night. No charges have yet been brought. If the precedents of Blair Peach, Winston Rose and Cynthia Jarrett are anything to go by, they never will be. Prove us wrong, Sir Tony Hetherington - but quickly.

Dave Leadbetter and Gary Rowlands

WILLIE McRAE

The anniversary of his strange death has brought renewed public interest in the case of Willie McRae. McRae, a Scottish solicitor, Vice-Chairman of the S.N.P., friend of Indira Ghandi and the nuclear industry's most feared antagonist in Scotland, was found dying in his car by the side of Loch Loyne in Inverness-shire - of what eventually turned out to be a gunshot wound - on 6th April 1985.

Although every detail of the affair which became public was calculated to arouse the most profound suspicion, the Lord Advocate refused to order a Fatal Accident Enquiry on the ground that 'there were no suspicious circumstances'. In England such a death would automatically have led to an inquest. In Scotland Enquiries are held only when the Lord Advocate (a Government minister) so decides.

INQUEST members are active in the newly formed Willie McRae Society, whose Secretary, **Janey Hulme**, writes:

'The Society's position is that the few known facts of Willie McRae's tragic death point every bit as much toward murder as they do toward suicide. Public concern is growing and we urge Her Majesty's Advocate to reverse his earlier decision and hold a Fatal Accident Enquiry now.'

REASONABLE DOUBTS

A personal view by Tony Ward.

One issue of policy which the Jarrett inquest, and the Police Complaints Authority's decision, poses in an acute way, is whether it is right for disciplinary charges against police officers to have to be proved 'beyond reasonable doubt'. Some of those who have argued for change (like the Guardian Leader-writer) have offered nothing better than a crude inversion of the Police Federation's view of the jury system: not enough people are being found guilty, ergo we have to change the rules so that more of them are. There is, however, a serious case for changing this aspect of the procedure, as Chris Smith MP argued in relation to his constituents who were beaten up in Holloway: 'When teachers or social workers or other professionals can face discipline on the basis of the balance of probabilities - rather than legal proof - shouldn't this be at least considered for the police, given the position of trust and responsibilty they hold in the community?' (Tribune, 28.2.86.)

To be fair to the police, there is also a serious argument that they should be given special treatment in this respect, which runs as follows. The police are in a unique position by reason of their duty to exercise coercive power on behalf of the state. This role brings them into frequent conflict with the public. In these situations of conflict they have often to tread a fine line between legality and illegality. They are therefore exceptionally exposed to allegations of unlawful or improper behaviour, and if they could be disciplined for such behaviour on the basis of a mere balance of probabilities, they would face an intolerable degree of uncertainty about the consequences of their actions.

But this argument cuts both ways. Precisely because of their unique coercive powers, it is particularly vital that the police should be subjected to the 'rule of law' when they exceed the limits of those powers. The statistics on police complaints show that the risk of any serious complaint against a police officer being upheld is almost negligible. When one compares these figures with the findings of the Policy Studies Institute and the Islington Crime survey about the extent of police use of excessive force, one cannot avoid the conclusion that large numbers of police officers are getting away with violent crime.

This state of affairs cannot be blamed solely, or primarily, on the standard of proof. One factor is that complaints are still being investigated by the police themselves. The Jarrett case does not inspire confidence either in the police's investigation of complaints, or in the Police Complaints Authority's 'independent supervision' of those investigations. But perhaps the most important factor is the simple fact - amply supported by the research of the Policy Studies Institute and ex-Sergeant Simon Holdaway - that most police officers are prepared to lie, on oath or otherwise, to protect themselves and their colleagues. What is remarkable about the Jarrett case is not that the officers lied, but that they lied so ineptly. Faced with a more competent bunch of liars who were capable of maintaining a united front, the most determined and independent-minded of investigators might find it difficult to prove any allegation beyond a reasonable doubt.

So we have a dilemma. On the one hand, we cannot expect the police to respect the values of procedural fairness and the presumption of innocence unless the benefits of those principles extend to them. On the other hand, we cannot have a fair system of criminal justice in which the police can commit perjury or assault with impunity.

One possible way out of this dilemma is to make much more extensive use of public inquiries. Police officers could, if necessary, be given immunity from prosecution or even from disciplinary proceedings if this would assist the inquiry to arrive at the truth, which it would do on the balance of probabilities. This might leave the officers concerned free from formal sanctions, but the inquiry could name names, and clearly define the boundaries of acceptable police behaviour. In conjunction with an effective system of democratic accountability, it might lead to steps being taken to ensure that whatever had gone wrong did not go wrong again.

LIFE AFTER ABOLITION

INQUEST has been awarded three months' interim funding by the London Boroughs Grants Scheme, pending a decision on our grant application. If the House of Lords finds the GLC's forward funding scheme lawful, we expect to receive a year's funding from the Cobden Trust.The Law Lords' decision is not known at the time of going to press.

PRISON DEATHS / REVIEW

In our two previous Bulletins we carried a 'roll call' listing 32 prison deaths during 1985. We have since learned of four more prisoners who died in the last four months of that year. They were:

Kenneth Cooper, 28, remand prisoner in Winson Green, Found hanged in blazing cell in hospital wing, 15 October.

Mark Hogg, 33, inmate of Exeter Prison, died in hospital, 5 October. A fellow-prisoner who had escaped with him alleges they were both severely beaten on recapture. Inquest pending.

Alexander Hutchinson, 26, found unconscious, 7 September in Peterhead Prison, Aberdeenshire. Believed to have been sniffing glue.

Ian Walker, on remand at Leicester Prison. Found hanged in cell and taken to hospital, where he died 15 hours later on 4 September. Inquest verdict: killed himself.

The full number of prison deaths last year will be known when the Prison Department publishes its next Annual Report.

An inquest jury at City of London Coroner's Court returned a verdict of 'accidental death due to lack of care' on Mark Sancto (a female-to-male transsexual, also known as Anne Franklin) who hanged himself in his cell in C1, Holloway's notorious psychiatric wing, in February.

This case is discussed in detail in the current Women in Prison Bulletin, which Abolitionist subscribers receive together with our own. The case is also important from a legal point of view, as Ed Fitzgerald, counsel for Mark Sancto's aunt, was able to demonstrate that the **Times** Law Report of one of the two High Court decisions on 'lack of care' (**R. v. Walthamstow Coroner., ex parte Rubinstein**) is seriously misleading. Please contact the INQUEST office for further details.

VICTIM

Has a relative or friend of yours been the victim of a speeding police car? Are you angry about it - angry enough to try to stop other people being killed in that way? If so, contact Mrs Josie Taylor, who is forming a campaign. Genuine enquiries only, please, to:

Mrs Taylor,
54, Knight's Hill,
West Norwood,
London SE 27
01-670 2801

The Law and Practice on Coroners (Thurston's Coronership: 3rd Edition) by Paul A. Knapman and Michael J. Powers. Barry Rose, 1985, 544 pages, £85.

This book is long overdue. For the first time in nearly thirty years, it provides a detailed, authoritative statement of the law governing coroners' inquests. It purports to be a third edition of Gavin Thurston's **Coronership,** but the original Thurston was a much slighter work, of which almost nothing is preserved here. This book is really a successor, and a worthy one, to **Jervis on Coroners,** the last edition of which appeared in 1957.

The law on coroners is, in the words of the 1971 Brodrick Report, 'archaic and exiguous', and on many points its interpretation is debatable. Knapman and Powers deal admirably with some of these points, for example the availability of 'lack of care' verdicts, but on others they do not go into as much depth as they might. It is not clear, for example, on what grounds the authors submit that a verdict of 'unlawful killing' requires the same standard of proof as a criminal conviction, rather than the somewhat lower level required for an allegation of homicide in civil proceedings. This point was raised in the Mikkelson case, and the coroner ruled, rightly in my view, that the standard was the same as for an allegation of homicide in civil proceedings: the graver an allegation, the stronger the evidence needed to prove it, but it need not reach the standard required for a criminal conviction.

The authors flesh out the skeletal provisions of the law with advice as to the procedure to be followed at inquests. They 'believe that much of the criticism of coroners which is justifiable arises from the total lack of uniformity in the way in which inquests are conducted.' There is a great deal of truth (though it is not the whole truth) in that remark, as anyone who (like the authors of the recently published Death in the City), has spent a day in Dr Knapman's Westminster Court, followed by one in nearby Southwark, will confirm. Much of the advice they give is little more than common sense: for example, that it's a good idea to listen to applications before rejecting them. Regretably, there are some coroners to whom this flash of jurisprudential wisdom seems never to have occurred, and one can only hope that they will take notice of this book.

Tony Ward

Crime is one of the most potent ideological symbols available to monetarism, especially when it is linked to notions of race and ethnic and national identity. Not only do the economic and social effects of monetarism produce an inevitable increase in crime, thereby providing an objective, materialist basis for populist appeals on this issue, but the fear of crime can be exploited further to divide citizen against citizen, neighbourhood against neighbourhood, and social group against social group, creating an even greater sense of dependence on the state for basic physical protection and security. And if the devastations of monetarism are allowed to strike deep enough into the fabric of society, this process can lead ultimately to a wholly negative identification with the state based on a group or national sense of deprivation and victimisation – from the stuff of which fascism itself has historically been constructed.

In Britain, the criminalisation of the black community has been an important feature of 'law and order' ideology since the late 1960s, with the Afro-Caribbean population increasingly being seen as instinctively 'anti-authority' and their youth as responsible for a growing incidence of street crime, whilst the Asian community fell under a general suspicion of harbouring large numbers of 'illegal immigrants'. Recently, a major new 'law and order' theme has emerged, not so much displacing criminalisation as operating in parallel with it, as an additional means by which to divide the community on racial and ethnic lines. This is the increased attention focussed on the victims of crime in the media, in official government reports and the statements of political leaders, and among academic researchers. In the process, people's natural sympathies with those who suffer from crime are being transposed, on the one hand, into a theory of victimisation that traces its causes to the victims' own failings, coupled with a more general breakdown in human relations within urban society, and, on the other, into an ideology in which the fact of victimisation is used to mobilise popular support (on both the right and left) in order to justify new programmes of state intervention and control.

Indeed, the significance of the new ideology of victimisation lies precisely in its utility to a variety of political positions and programmes that have developed in Britain in the wake of the urban rebellions of 1981. Thus, it has operated as a mechanism for diverting protest over institutional racism. It has also formed one plank on which the police in Britain have attempted to rebuild their own legitimacy since 1981. At the same time, Labour politicians and Labour local authorities, confronted in the aftermath of 1981 with their own inability to mount effective opposition either to general monetarist policies or to the growth of police powers and influence, have sought refuge in the issue of crime victimisation among urban working-class communities as a means of countering the traditional Tory appeal on 'law and order'. Most disturbing of all, the current emphasis on victimisation reinforces New Right conceptions of the city as an 'urban jungle' riddled with inter-racial and inter-ethnic conflict and disorder, as well as feeding proto-fascist notions of the white working class as 'victims' of a black presence in Britain.

REDEFINING RACISM: ETHNIC STEREOTYPES, INTER-RACIAL CRIME AND 'CORPORATE' POLICING

To understand fully the current use of victimisation in Britain, it is necessary to locate it in the context of the developments that have taken place since 1981 in terms of both general ethnic porgrammes for 'ethnic needs' and of policing strategies towards the inner city. Initially, the task of re-evaluating policies in these areas was assigned to the Scarman Inquiry, and to a Home Office departmental investigation into racial violence, set up in an attempt to quell the mounting protests of the Asian community over physical attacks on their homes and persons. In effect, the Scarman Report was seen to rationalise existing policing policies in areas such as Brixton by marrying up earlier stereotypes of the West Indian community (as socially and culturally disorganised and prone to disorder and crime) with liberal concerns about racial discrimination and social deprivation. West Indians were portrayed as the victims of racial disadvantage, but no less violently and criminally inclined for all that. Former police practices towards the community were thus deemed to be justified, although some reforms to police recruitment and training and the introduction of police-community consultative committees were seen as necessary to meet West Indians' particular 'sensitivities' on policing issues.

Although Scarman acknowledged in passing the growing confrontation between the police and Asian youth, he argued that the Asian community's primary concern was not, like the West Indians', police harassment, but rather their 'belief' in the failure of the police to provide sufficient protection against racial attacks.[2] The Home Office report also addressed the problem of Asian sensitivity on the issue of racial attacks and their 'perceptions' of police inaction, which it attributed in part to their 'lack of understanding of the practical and legal limitations on action by the police'.[3] According to both reports, Asians were not only the victims of racial violence but of political manipulation by 'extreme political groups, of both right- and left-wing persuasions' which sought 'to exploit the issue of race for their own ends', fostering mistrust of the police in the process.[4]

Of course, neither report made mention of the police's draconian enforcement of the immigration laws over the previous decade, through frequent mass raids and arbitrary arrests, which would have placed the Asian community's suspicions of the police in a different light, as well as undermining any notion of the police being constrained by 'practical and legal limitations' on their actions. And, although the statistics compiled for the Home Office report showed a high level of racial violence against West Indians as well as Asians, this fact merited little or no discussion in the report's general commentary, or in Scarman's catalogue of the 'disadvantages' facing the West Indian community. For to have done so would have undermined the ethnic stereotyping of the West Indian as a violently-inclined predator and the Asian as a misguided and politically manipulable victim. Indeed, in presenting its

statistics, the Home Office report ranked racial attacks alongside other 'inter-racial' incidents where offences were allegedly committed by blacks on whites. In doing so, it lent official endorsement to the tendency among 'the police and local authorities to regard . . . attacks experienced by the Asian communities . . . in some sense to be offset by the alleged anti-social activities of young West Indians'.[5]

These rationalisations and ethnic stereotypes were rapidly taken up and applied by the government, police and the media. The Scarman report almost immediately came under attack from the forces of law and order, more for its liberal pretensions than for any substantive reforms it proposed to policing. A major press campaign was specifically initiated by the Metropolitan Police in London through the release of a new set of racialised crime statistics which indicted West Indian youth as responsible for the majority of the capital's 'muggings'.

Over the following months, the press gave special prominence to reports of 'street' crime involving West Indians as offenders, with Asians frequently portrayed as the victims (they joined the elderly white lady as stereotypical victims of 'muggings'). At the same time, the police, following on from the recommendations and methodology of the Home Office report, introduced 'racial incident sheets', supposedly for measuring levels of racial violence. In practice, this amounted to no more than a further gloss on the same crime statistics, so long employed to criminalise black youth, but now used as a basis for accumulating data on all incidents reported by or to the police involving persons of different ethnic origin. For example, in one instance an 'assault' on two police officers by a West Indian youth was ranked, alongside physical attacks by gangs of white youth on blacks, as a 'racial incident'. And in two prominent trials, of the Bradford 12 in 1982 and the Newham 8 in 1983, where Asian youth had defended themselves against racist attacks and been subsequently charged themselves, efforts were made by the state to portray such actions as no more than gang warfare.

In these ways the issue of racist attacks was being re-defined not as symptomatic of a racist society, but as an aspect of 'inter-racial' crime, where different ethnic groups had different victimisation rates. At the same time, those involved in self-defence were being equated with the perpetrators of such violence. This fitted in well with the whole thrust of post-Scarman policy to reduce issues of racism to questions of individual and group psychology and to promote ethnic identity and competition in various fields. Indeed, in a piece of psychological reductionism of which the most conservative victimologist would have been proud, an Asian youth, Satvinder Sondh, who was attacked by skinheads and had swastikas carved into his stomach, was accused of wasting police time on the grounds that he had carved them himself in order to avoid sitting school exams. Two years later, in 1983, precisely the same story of self-infliction, again due to pressure of exams, was put forward by the police in the case of another Asian, Dipak Amin, who had NF carved on his wrist. In both these instances, the Asian victims were seen as being disturbed and insecure but also ambitious and somewhat crafty in blaming white racism for their own failings, less in need of police protection than of social psychological treatment and support. For its part, the government was to give further official support to the downplaying of racist attacks in favour of inter-racial crime when, in 1984, the Home Office published a report, based on Metropolitan Police statistcs, suggesting both that West Indians were disproportionately involved in 'muggings' and assaults in London and that Asians were most frequently the victims of such offences.[7] The implication of the report and of the sensational press coverage it received was that Asians had less to fear from white racists than from 'black' criminals.*

Nor did the police escape the post-Scarman upsurge in official activitiy, in promoting 'ethnic identity' and catering for 'ethnic needs'. Both the Scarman and Home Office reports had placed great stress on the need for special measures, in terms of ethnic recruitment and new training programmes, to increase police awareness of ethnic problems and their understanding of ethnic cultures and sensitivities. The object of these initiatives was not merely to give the police a better image. Rather, they have formed part of a more general shift in policing strategy.[8] The new 'corporate' approach to policing is based on the police segmenting and penetrating the community more thoroughly, in order to gather wider intelligence* and identify and isolate criminal and activist elements who can then be specifically 'targeted' in police operations. This form of policing implies, in particular, efforts to recruit a variety of non-police agencies, such as community and tenants' groups, housing departments and local churches, into collaborative schemes of multi-agency crime prevention and community policing. 'Ethnic understanding', in such circumstances, can be an important tool in police attempts at community penetration, especially when combined with the division of inner-city populations into 'criminals' and 'victims' – a division made along racial, sexual and generational lines. The 'criminals' will require constant police surveillance and control, while the 'victims' will be the object of new police-led programmes of social support and intervention in the community.

THE USES OF 'VICTIMISATION'

It has been in the process of implementing 'corporate' policing initiatives that victimisation theory has found its most immediate applications in Britain during the past few years. In 1982, the government published the British Crime Survey,[10] the first national study of crime victimisation among the general population. Its conclusion that a large body of crime went unreported was seized upon in a subsequent Home Office circular[11] and by senior police spokesmen as demonstrating the need for greater local authority and public involvement in schemes of crime prevention and community policing. Meanwhile, the announcement by Sir Kenneth Newman of his corporate policing plan for London in 1983 led to a spate of surveys of victims conducted by the police. These, usually carried out on the basis of hastily and crudely drawn questionnaires, were apparently to be the first step in formulating district and neighbourhood policing strategies for the whole of the city. At the same time, surveys of victims were being promoted among inner-city local authorities by criminologists such as Jock Young and John Lea as part of the new 'realism' about 'law and order' that had emerged on the political left in Britain in the post-1981 period.

Critics of such surveys have argued that, even if carefully constructed and executed, they inevitably tend to exaggerate and distort the incidence of crime and its social significance.[12] For one thing, they usually start from a focus on vandalism, burglary and 'street' crime, and only belatedly, if at all, enquire into other types of crime (eg, corporate or bureaucratic crime, police harassment or brutality) or look into the wider social problems that have had an even more damaging impact on the community. Respondents, having had their perceptions directed in this manner, tend to over-report crimes of these types – for example, by conflating the time period in which they occurred. Thus, the result of these surveys is frequently to fuel fears and anxieties about crime among local people and given the effects of previous campaigns of criminalisation, these fears tend to be focused largely on the black community.*

Victim surveys are useful to the police, not only in planning but, even more, with legitimating their operations against 'high crime' areas and particular sections of the population. Moreover, they provide a type of market research for collaborative policing initiatives. In London, certainly, a survey has frequently been the prelude to the introduction of victim support groups and neighbourhood watch schemes. Victim support groups have, in fact, operated on a voluntary level for many years, but it is only recently that efforts have been made to expand them and to align them more closely with local police planning and operations – not least, through police membership of management committees. Similarly, neighbourhood watch schemes have been initiated on a wide scale throughout London and elsewhere as a means of increasing the flow of information on local areas and populations. By the police's own adminssion, neighbourhood watch has been most successful in prosperous, predominantly white areas, but has met considerable hostility amongst black and inner-city populations. They have continued to bear the brunt of the more militaristic aspects of 'corporate' policing, such as the operations of the new local riot squads and surveillance units set up to 'target' specific localities and groups.* Indeed, in such areas the police have become increasingly open in their attacks on independent community associations and groups which have been active in monitoring local police operations and their effectiveness in dealing with such problems as racist attacks.

The involvement of some Labour-controlled local councils in sponsorship of surveys of crime victims is one aspect of a gradual accommodation by the left with the police and their new 'corporate' policing strategy. Many of these councils were elected in 1981 on specific pledges to campaign for greater democratic control of the police and, in particular, an end to their harassment of the black community. In the period following the 1981 rebellions, a number of inner-city local authorities refused to co-operate with such initiatives as the setting up (along lines laid down by the Home Office) of local police-community consultative committees, which they saw as undemocratic, and with no real influence over police operations. At the same time, the Labour party generally took a public stance against government plans to extend police powers. Yet, partly as a result of the failure of the Labour party and Labour councils to align their constitutional opposition on these matters more closely with the popular protests of the black community, the government has secured massive new legal powers for the police. And many of their authoritarian practices have become yet more entrenched and are accepted, even on the left, as an almost inevitable part of urban policing. For example, only a few years ago, following the murder of an anti-racist teacher, Blair Peach, during a police Special Patrol Group operation to break up a demonstration in Southall in London against the National Front,[13] the left was united in its demand for the abolition of such specialist police units. Now, not only have Special Patrol Groups been retained but the police's public order capabilities have been greatly extended through widescale riot training and the establishment of additional, locally-based, riot squads.

These are now increasingly used in the everyday policing of black and inner city communities. In a similar fashion, although the 'sus' laws, used during the late 1960s and 1970s on a wide scale to criminalise Afro-Caribbean youth, have now nominally been repealed, the discriminatory policing practices that lay behind their enforcement have been re-incorporated into the work of new police surveillance units and their 'targeting' of black communities.

In the face of such political failure, some Labour-controlled local councils have retreated significantly from their principled demand for full democratic control over the police and from their anti-racist stand against oppressive policing of the black community. They are moving instead towards accepting more restricted forms of police accountability and consultation which involve, at best, limited bargaining with the police over *their* priorities in policing local areas. In this process, the victimisation of urban working-class communities in the face of rising crime (itself inevitable in the wake of monetarist policies) has provided a rationale for the political compromise that Labour politicians and councils have made over policing. What is left out of this left 'realism' about 'law and order', however, is any accurate evaluation either of the realities of central state power in Britain or of the ability of local authorities – given the vastly increased powers and autonomy granted to the police in recent years – actually to influence policing in their areas. But without such influence, the sponsorship by local authorities of victimisation theory and victim studies will only result in the hardline policing of the inner city gaining even greater political legitimacy – even as the Labour party and Labour councils are further compromised by their growing involvement in collaborative policing initiatives.

VICTIMS AND THE NEW RACISM

But if the police have gained the most immediate political benefit from the current emphasis on victimisation, perhaps more significant in the long run is the link between this new ideology and the notions, increasingly evident on both the right and the left in Britain, of a disintegration of urban social and cultural life, one element of which is the seemingly inevitable conflict between groups separated by racial and national differences. Peregrine Worsthorne has neatly captured the New Right vision of the 'urban jungle' in need of constant state vigilance and control: 'In many ways the jungle conditions in many of our inner cities require much the same qualities of policing that were demanded by colonial rule – coolness, self-confidence, courage, firmness and the capacity to overcome by personality rather than brute force[14].' Certainly, this attitude can be seen as underpinning current policing policies, with their combination of sophisticated public order control, careful news management and programmes of 'multi-agency' policing. It has also been reflected in much press reporting on the inner city since the 1981 rebellions, with its emphasis on the breakdown of community life, endemic crime and the victimisation (and even terrorisation) of the old, women and ordinary 'law-abiding' citizens.

But, in addition to the support it has had from the police, the press and monetarist sycophants, the idea of the urban jungle has also gained currency through the new sociology of victimisation and the 'social realists' of the left, whose work is nominally written out of sympathy for the working-class and poor residents of the inner city. A good example of this is to be found in Paul Harrison's book, *Inside the inner city: life under the cutting edge*,[15] based on Hackney in London. Harrison masks his views of the inner city behind a mass of data and personal testimonies; indeed, in this, his book recalls what Alvin Gouldner once referred to as the 'collector's aesthetic' of the sociology of deviance and its expression of 'the satisfaction of the Great White Hunter who has bravely risked the perils of the urban jungle to bring back an exotic specimen. . . . And like the zookeeper, he wishes to protect his collection: he does not want spectators to throw rocks at the animals behind bars. But neither is he eager to tear down the bars and let the animals go.'[16]

But whereas Gouldner could accuse the deviancy sociloogists of romanticism in their portrayal of working-class and deviant sub-cultures, Harrison is anti-romantic in his view of urban life, which he sees as 'nasty, brutish and short', a 'microcosm of deprivation' dominated by a dog-eat-dog ethos where racialism (but not institutional racism) and clan rule abound and the streets become a 'theatre of violence'. Interviews with the unemployed and poor are used to demonstrate the disinte-

* This theme of inter-racial conflict between Asians and Afro-Caribbeans was exploited to its fullest after the Handsworth uprising in September '85 which the press portrayed almost entirely in terms of Afro-Caribbean hostility and violence toward an Asian middle-class. Press statements to the contrary, put out by Asian and Afro-Caribbean organisations from Handsworth, were conveniently ignored by the press, as was the fact that a substantial number of Asian youth participated in the 'rioting'.

* A perfect example of how current policing strategies combine coercive and collaborative/intelligence-gathering elements has arisen with the Public Order Bill proposals to provide the police with a much wider set of legal sanctions to control and ban demonstrations. At the same time, a Central Intelligence Unit has been set up in Scotland Yard 'with a district network of officers and informants to gather information on political protest and tension in the community', including 'industrial disputes, marches, meetings' and 'tension indicators' such as 'complaints about police or hostility towards police activity, as well as political struggles between local groups'. The Unit is said to rely on officers working 'at street level, picking up low-level intelligence – scraps of conversation, local gossip, unusual incidents'. No doubt, much of this information will arise out of contacts between the police and local statutory and voluntary bodies under the aegis of programmes of 'multi-agency' policing.[9]

* Given the context in which crime victim surveys have been revived, both in the United States and Britain, the term frequently used to describe the large body of unreported crime revealed by these surveys – the 'dark figure of crime' – has obvious racist connotations.

* The implications of this 'corporate approach' have been seen most dramatically on the Broadwater Farm Estate, Tottenham. Since October '85, a military style police operation (with up to 250 police officers patrolling the estate at any one time) has been carried out. This operation has led to allegations of armed raids on people's homes, mass arrests, telephone tapping, interference with residents' mail, and the use of video equipment for surveillance.

gration of working-class culture, while racist statements by white working-class women are equated with those of black women expressing mistrust of whites, to signify the racial conflict inherent in inner-city life. Harrison also replicates the now familiar stereotype of black youth who, with their flash cars and elaborate lifestyles, are seen as displaying an envy of capitalist values which, impossible of pursuit by normal means, are distorted into a life of crime.

There is no place for community resistance in Harrison's portrayal of the inner city. Indeed, to sustain his picture of social and political disorganisation, protests on issues such as policing must be explained away – and Harrison does this by blaming the community for their own brutalisation at the hands of the police. Thus, in a similar vein to the Scarman Report, we are told that a complex mythology about police brutality has built up in areas such as Hackney, based on rumours and gossip – which of course means that the police are not only forced to arrive at incidents in greater numbers but have to use force to defend themselves – because black people, fearing something unpleasant is going to happen, resist police intervention. This dismissive view of institutional police racism and of black community resistance to it is also to be found in the work of the left 'realists' on 'law and order'. Jock Young and John Lea have written of autonomous black politics in Britain as a 'reflection of marginality and impotence rather than its overcoming',[17] while Young and Richard Kinsey have argued that police racism, far from being institutionalised in hardline policing practices towards the black community, is merely a 'cultural' phenomenon based on the traditional disdain of the 'respectable' working class, from which the police are drawn, toward the lumpen-proletariat.[18] In this way, police racism itself comes to be seen as merely another aspect of intra-class and inter-group cultural differences.

Certainly, in their ideological effects, there is a close parallel between these views and the new racism promulgated by the Tory right in Britain over recent years, in which explicit notions of racial superiority are set aside in favour of a 'common sense' theory of the 'naturalness' of ethnic exclusiveness based on immutable social and cultural differences between groups.[19] And it is this which explains the 'genuine fears' of the host community, not least its working-class elements, when it perceives itself threatened by the presence of another ethnic group – and when that group refuses to integrate, then their rejection by the host community and the hostility that it engenders is seen as inevitable. In the period since the 1981 rebellions, these notions, so long evident among theoreticians of the New Right and the anti-immigration lobby in Britain, have come to form the basis of a 'white backlash' in debates on policy in such fields as education, housing and 'law and order'.

For example, Ray Honeyford has written[20] of the perversion of the term 'racism' by a powerful race relations lobby, which applies it to obscure the fact that it is the 'dispossessed' whites of the inner city who, in the face of local authority policies on multi-culturalism, are the real victims of discrimination. In analysing the sources of white deprivation in education, Honeyford directs his wrath primarily at the Asian community, who attempt to impose 'a purdah mentality on school' and to exact advantages not afforded to 'black and white' children by asserting 'the values and attitudes of the Indian subcontinent within the framework of British school life and political privilege'. And, lest Honeyford be seen as holding favourable views about the West Indian community, he replicates Scarman's stereotypical assumption that the 'roots of black educational failure, are, in reality located in the West Indian family structure and values, and the work of misguided radical teachers whose motives are basically political'. Indeed, ideas of black political solidarity across ethnic lines – itself evident in community protest over Honeyford's continued employment as the head of a majority Asian school – are seen by him as based on a 'gross and offensive dichotomy (that) has an obvious purpose – the creation of an atmosphere of anti-white solidarity'.

Implicit in the whole of this new racist ideology is a (perverted) concept of victimisation, with the racist seen as the victim of the mere presence of black people and of their legitimate struggles against racism. And it is under just such a banner that fascist groups in many of Britain's inner cities have recently been successful in organising the white working class. In a recent national television programme, a white family, the first to be evicted by a local council for actively harassing Asian tenants in neighbouring flats, was portrayed almost as a prototypical white working class victim, while another group of white tenants organising a petition against having an Asian family moved on to their estate were specifically brought together to air their views to the camera. Even the programme's title – *Racial Outlaws*[21] – seemed designed to conjure up romantic notions of rebels against the oppressive use of state power.

As much as advocates of victim-oriented social programmes and research might shrink from the portrayal of racists as victims, there can be little doubt about the legitimation given to the police and their 'corporate' policing programmes by the view of the inner city as an urban jungle of crime and victimisation, of constant ethnic conflict and a breakdown in human values. In such a situation, the police can assume the role of the new 'caretaker' class, supplanting local political leadership and services, which in any event have been deprived of the resources for positive intervention, as the only 'civilising force' available to stand between the warring factions and to impose a new social order. If the left hopes to challenge the new social order being created out of monetarist policies, it will require more than an appeal to factions of the working class on the basis of their victimisation – or, for that matter, their ethnic identity and needs. And, in any event, such an appeal serves only to entrench more deeply the class, racial and sexual divisions in society while giving a fillip to both the new racism of the Tory right and the recruiting efforts of the fascists among the white working class of the inner cities.

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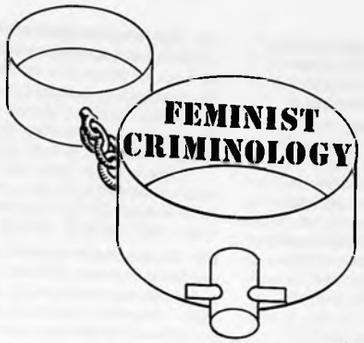

CRIME, CHROMOSOMES AND CONFORMITY: A Round Table Discussion

Frances Heidonsohn and Susan Edwards are feminist criminologists. Both have recently written books on women and the criminal justice system. Chris Tchaikovsky is a founder member of Women in Prison and co-author of Criminal Women.* Here Melissa Benn asked them a few searching questions about women and crime . . . . . .

MB: *In all your books there is criticism of certain theories of female crime – Lombroso and Ferrero are the old examples. But do you think as feminists you can, or should, construct any theory of female crime?*

FH: I will employ the classic, academic avoidence and say that I am more interested in the theory of female conformity than female crime. I don't think there are genetical or biological reasons why women should not be just as violent, just as criminal as men – although there are certain physical limitations, for example rape – but there is no inherent reason why women should not behave as criminally as men. It seems to me that the great paradox is that women are the more oppressed sex: they endure more poverty and yet they clearly commit very much less officially recorded crime. So what I have become increasingly interested in are the constraints that affect women's behaviour, what stops women committing crime rather than what makes them, because those women that do get involved in crime are a fairly special group. So it is from conformity I start, with all the various pressures in the home, socialising little girls, looking at school, looking at the media, all sorts of subtle things like fear of violence from the streets . . .

SE: Those earliest theorists that you mentioned, Lombroso and Ferrero, were absolutely convinced that women's involvement in crime is related to some basic instability, deficiency or some kind of biological crisis. We are still in that position now where although we think we have advanced, and are looking wider, those factors still come up . . . There is the other, most important question: the way in which the criminal justice system works with a notion of discretion, which means anything rules and anything is OK. So if we start looking at female offenders we are not only looking at the actual, real influences on their lives, like lack of opportunity, or more opportunity for particular kinds of crime, or pressures on women that result from economic circumstances, we are also looking at what the criminal justice system imposes upon certain categories of women which makes them the kind of visible population. So it is going to be very problematic all the way through, to say 'how can we evolve a theory of crime' given that the whole issue is flawed by what the personnel of the criminal justice system actually do. I mean I am no more or less an offender than the people in Holloway, because I could have committed certain infractions. But because I may be middle class, because I may speak differently, I may be less likely to be surveilled, charged and prosecuted.

CT: I don't know what 'criminality' means. I don't know how you would define that. I find it odd or inappropriate that because at some stage you have committed certain actions or taken part in a certain kind of behaviour you become a suitable subject for study. I don't know why criminology studies the people and doesn't concentrate more on what constitutes a crime. It seems those people who are always up for grabs are the weakest, poorest people. I heard the other day that in 1984 4000 million pounds was illegally defrauded in tax, resulting in only 4 immediate custodial sentences. Yet 200 million defrauded from social security lead to 404 immediate custodial sentences. To me those figures, which are staggering, make the whole notion of 'criminality' an uneasy one.

SE: I think we should be turning the tables, trying to look at what the criminal justice system is doing, as a bureaucracy, as an organisation. Rather than getting back to that very positivistic question 'what is intrinsic to the nature of female crime?' Theories of an intrinsic nature of female crime have created the very problems we face now. It would be the same if we were discussing women's mental health, we would not simply say 'why are more women mentally sick than men?' We'd look at why more women get defined that way.

CT: Taking up Frances's point about conformity, which I though crucial, I wondered if there isn't some kind of logical but ludicrous follow on from that, which is that if women are socialised in that particular way and commit less crime, should we be arguing that men be socialised equally as passively? That could be a problem.

FH: You are raising the problem of how academic findings are used; if people say things like, 'well women are conformists and commit less crime' is the practical solution to teach delinquent boys to knit? The idea being that they would not be so delinquent and you wouldn't get all those hassles . . .

CT: I brought that up because I wanted to make a point about Holloway. It was built as a hospital on the concept of 'treatment'. Many academics said it was wrong to psychiatrise prisons, and we'd accept that. But there is a dilemma isn't there? Take Professor Gibbon's famous 1967 statistics on one group of imprisoned women: 21% had major physical health problems, 20% had major mental health problems, 21% had attempted suicide at some time. My worry is that academics could go off in their rarified way saying 'treatment is wrong' without recognising the implications of that profile I've just given. Academics must think out the practical application of their theories.

FH: I think that it would be wrong to assume that all academic research is taken up equally by policy makers, that they are sitting there in the Home Office waiting to take books hot off the press and read all of them. A lot of the sort of research that people have used in the past has been the kind of thing that seems close to a particular view, and convenient as rationalisation.

SE: Yes, I would not be confident research is used that eagerly by policy makers. It is used very selectively. And it is ignored.

MB: *Okay, I want to turn now to another popular argument, the one that goes: women's liberation leads to an increase in women's crime. Of course the popular myth is predicated on a criticism of women's liberation, a belief that it's a Bad Thing. But as feminists do you see any connection between a growth in self definition among women, and crime as an expression of that growth in self definition?*

SE: Well, I hate the question. This whole notion that it is very peculiar and interesting that the idea of women's liberation contributed to female crime, is one that has been latched onto by most feminist criminologists. They feel they have got to address it because Adler and Simon addressed it in the States and everybody has had a go looking at the statistics . . . my view is that there really is no evidence for that kind of notion. Violent crime by women has not really increased. There has always been this kind of argument. You can find it in the 19th century, and at least certain sections of the media seem eager to feast on this idea that women are becoming more violent. However, there are perhaps ways in which womens' increasing self definition has been positive and I am thinking here particularly of the area of women involved in prostitution, that women involved in prostitution can now, with the assistance of some organisations like the ECP (English Collective of Prostitutes) say 'yes I am a prostitute and I do it to pay the bills'.

MB: *I find your criticism of the question unfair. The question was conscientiously put, and specifically refuted any sensationalism. There are obviously important questions to this debate; you have just raised some, and you address this issue specifically in your book.*

CT: We could be canny and throw it back at them, say: why are they looking at liberation and crime and not unemployment and crime and not homelessness and crime, and isn't that ridiculous? That's an obvious ploy by the popular press, the equation of liberation with more crime. But I do think it is quite a positive term myself. While I'm not advocating more crime, I like the idea of women not being subordinate. Saying 'I've had enough'. That's healthy.

FH: I would agree with some of what Sue said but I think there are differences and I think it is important to realise them. Women motivated by liberation, particularly middle class women who have probably had some real advantages in their careers, their educational opportunities, not a lot but some, are those who are least likely to be officially involved in crime anyway. Equally, the bulk of convicted offenders, who are mostly young girls, are those least touched by the women's movement, because they start their criminal careers fairly young, at the age of 14 or 15. It is very unlikely that they are going to be affected by the women's movement.

MB: *I agree that the first wave of feminism hit middle class women, but now that we are a generation on, don't you think it has permeated the lives of all women, of every class and life style?*

CT: I think it's in the classrooms. I mean look at the hair cuts of the kids, look at the skin girls and their bovver boots. It's certainly in the discos, and in the clubs.

SE: Can I just make something clear? I am *not* objecting to more women being – however you define it – rebellious, positive, assertive, which is otherwise often defined as being deviant. What I am objecting to is the ideology, the power that this message has had . . . the way it has been used to say that liberation will lead women into getting into all kinds of terrible things . . .

FH: It is unfortunate that it was a couple of feminists who inaugurated this idea, thinking it would be the vanguard of some kind of revolution. I think they saw Patty Hearst on every street . . . Freda Adler wrote this book which was published in 1975 in which she says things like 'the woman of America is deserting her kitchen and nurseries and is going out on the streets and firing guns at . . . ' It is very emotive stuff, in fact it is mad. Women putting this picture did a great disservice.

SE: It really has created a moral panic and that is my objection.

MB: *Can I now go on to differential sentencing? How would you explain the different sentences given to men and women for serious crimes like manslaughter? I'm thinking here of the recent case of Karen Tyler, sentenced to four years youth custody for killing her father in self defence, yet in the same week the papers reported the case of a retired Harrods confectionery manager who smothered his wife in the middle of the night and he got probation.*

SE: This raises the grave problem of the way the courts see self defence, and provocation. Often provocation is tied up with sexual things. If a man actually kills his wife and she has been seen to have had an affair, then of course he was provoked. But I don't know of any case at all where a woman has killed her husband because in her view she was provoked by *his* infidelities. Women are supposed to put up with this . . . Women who have killed are perceived as incredibly heinous whereas with men, well it is not exactly acceptable, but it is more likely to be exonerated. There is always some reason why a man should kill his wife.

FH: There is another problem that relates to women being smaller and weaker. Women who feel provoked to well beyond endurance may not actually respond and kill a man in a fight – they may wait, wait until he is asleep. That happened in the Maws sisters case. Now in that sort of situation, it is harder to prove it was provocation, that it was done in anger. The classic example is Ruth Ellis, the last woman to hang in Britain. She felt enormously abused and betrayed by her lover, but if she had stabbed him or clubbed him in a fight with something that would have been much easier to justify . . . it was the fact she waited and took aim . . .

SE: Yes, the law has enshrined certain very male notions about provocation, which go back several centuries, when men were in combat and there was no notion that a woman could kill. The three ingredients to a provocation defence are first, that the retaliation should be proportionate. So that if a man comes up to a man and pokes me in the eye and I stab him in the gut and he is killed, no way am I going to get away with a provocation defence because that's not proportionate. The second ingredient concerning the definition of what is provoking is left to the jurors. I mean if I am called a slut and I say 'my god that provoked me', well you know the courts will say; women have to put up with that. And the third ingredient is that it has to be in the heat of the moment, which is based on a very male notion of response. Any woman in her right mind is not going to retaliate in the heat of the moment because she is going to be killed. But it certainly doesn't mean that if she waits she is cold blooded, calculating and so on.

CT: That is why it is so important that we look at the criminal justice system because things we know intuitively are enshrined in law, the notion of women as cunning and plotting, with a secret private world where we're all suspicious. We're all out to get men, we're spiteful. Little boys aren't spiteful, they're aggressive and boisterous . . .

SE: There's another aspect. Women who can present themselves in court as very normal ordinary women, who weep or seem passive and remorseful, can somehow be treated better than women who seem strong. The woman in the Dingo baby case was a very good example, I forget her name. It appears she didn't cry and she didn't react and there is evidence too in smaller studies that the court is hardest in sentencing on women who seem unconventional. So it isn't just what their crimes are but how they have misbehaved as women. But of course for a woman to kill her lover or husband almost by definition takes her beyond what's normal, what's expected.

CT: Isn't it a lot to do with the property relations that exist under patriarchy? In one way it's acceptable for a woman to take her property, her baby, in infanticide. Less acceptable is for the woman to have a go at the husband. But in the Karen Tyler case, or the Maws sister case they killed the father. To kill the father, is to kill the arbiter,the 'head' of the family, the layer down of rules. To kill the father is equivalent to killing the judge. It's killing the patriarch.

MB: *Can I go on to crimes committed against women? A very simple question: do you think there should be a mandatory sentence for rape?*

SE: No! I have reasons for that. No, because unless you are battered to the point of near death, there is not going to be a conviction for rape. Jurors are very reluctant to convict unless there are all those ingredients of severe violence. If there was to be a mandatory sentence then jurors would be even less likely to convict. They would then weigh up in their minds 'seven years or ten years' and I think this would result at the end of the day in less justice for women who come before the court, less women reporting, less police taking cases . . .

CT: It would be inconsistent to say that mandatory prison sentences are OK for rapists and not OK for anybody else. Imprisonment is a form of punishment that is counter productive and actually damages people more. It is so stupid to take people out of the community for a few years, brutalise them and then pitch them back in where they are going to be, in my view, much more dangerous. But obviously the state has got to in some way ensure that rape like all violence against women is not legitimised, be it in advertising or in rape, all the way through. That said, I do feel that we have got to find out why people rape, I don't know how we are going to do that. I am not advocating therapy or whatever, but I do think that we have to to dismantle the punishment way of dealing with people, even though feminists have this immediate response to rape: send them to prison.

SE: Can I say 'Well done' for saying that? What amazes me is that some feminists and criminologists working in the field can be so far sighted in some areas but will refuse to address the question: why do men rape? Are they mad? Are they moronic? Or are they just trying it on? On the other hand we don't want to legitimate the already massive excuses that men put forward in mitigation to get themselves off like 'my wife was pregnant'. But I have a very real concern about, for example, what is going on in Wormwood Scrubs in terms of appalling therapy for all sex offenders, rapists and child abusers. Obnoxious as all those crimes are, the kind of therapy given to these people is again symptomatic of that notion we were discussing that there is something intrinsic, chromosomatic about offenders. I find that equally as frightening as the actual offences.

CT: That dreadful annex in the Scrubs. It is just horrible. There is such sadness, and a total identification with the authorities, the belief from those people in there that everything about them, their whole life, is bad, sick, immoral.

MB: *How much do you think that the involvement of more women in the criminal justice system, whether as police women, probation officers, magistrates, judges, is going to make any difference to some of the problems we have identified?*

FH: I think that women who come into the system come in on the system's terms. It is not going to change very much simply because – well we have had an enormous increase of women in the police. It may well be that it is easier to arrest women because we have got more women PC's in the station but I don't see how it is logically going to make the system better, and it might make it worse for women in the short term. For it is always within the existing system, and among forms of social control the criminal justice system is amongst the most formally structured in gender terms of any we have got. Adding in a few women does not make a lot of difference and there are already quite a lot of women there, as magistrates.

SE: Even if you have training programmes for the police to make them more aware of women, or domestic violence or rape, for example, they might learn all that up in Hendon police training college, but when they get back to their police station in central London they come up against this entrenched system. So even when we are talking about men and changing attitudes and drafting in a few women, women have said to me that they have had to conform to the system. That women circuit judge who retired recently, she gave an exclusive interview to the *Mail* or something, about the difficulties. I mean the whole judiciary is very much a man's club. It is difficult for men with left of centre attitudes to survive let alone women with anything other than conservative attitudes.

CT: I think one thing that could be done is to make Labour party people who become magistrates more accountable for their sentencing and remand practices. That could actually be done at constituency level, and would stop the propensity of these people to drift to the right.

MB: *Finally, there is general agreement that there is discrimination in the criminal justice system on a gender basis, but what would equal treatment with men* mean? *Should there be any recognition of biological difference when it comes to the criminal justice system? For instance, do you think that PMT or the menopause should ever be a mitigatory factor?*

FH: I think that the question of what justice means to women is a fascinating one although it may be a bit philosophical and obscure. Any criminal justice system we have or that anybody has or ever had has always been based on male models. Women are badly treated in a system that is designed to control particular groups of men. Very rarely have penal systems been constructed for women and when they have, say certain examples in 19th century America, it tends to see women as juvenile, less responsible. Apparently benign, but very paternalistic, it often ends up penalising women quite badly. So what does justice to women mean? Does it mean having some kind of separate system, does it mean having equal treatment with men? Women are poorer than men, they do on the whole have different responsibilities. In terms of what should be taken into account in the court, I am sure you should not just take account of hormonal conditions in women and ignore perhaps equivalent experiences of men.

SE: One way is to look at some of those clear instances of injustice and eradicate those. More women are remanded into custody than men, the system is more harsh on that level. I agree with Frances, one has to give some importance to the differing social responsibilities, in men and women. But then you get into the problem whereby, who is going to give that kind of importance? My research for '*Women on Trial*' showed that those women who were successful in their appeals against sentence were those who were good mothers. If the judges say, well she is a mother and she is working, then you get into what kind of mother? Is she a single parent? Is she a lesbian? Is she in a 'normal', middle class heterosexual relationship? Women who were single parents, women who were lesbians, did not win their appeals because they were the kind of women the system thought should be in prison anyway.

CT: It is a very tricky one I must say. It's a bit like the earlier debate, liberation equals crime. You talk about equal treatment between the genders and I think we have to look for equal justice, for classes, for people. We have to look at their social and economic circumstances. I feel very wobbly about anything biological brought in to say something about one's mental state. The dangers are obvious. If anyone was to use PMT or the menopause as a kind of defence for irrational behaviour we can see where that road leads . . .

SE: Can I just say something here about lawyers and the Bar Council which I think is a very important point . . . the way that some barristers behave in rape cases, domestic violence cases and in particular one rape case where the defending counsel kept saying 'I suggest to you, you danced, you kissed . . . ' 'No' 'I suggest to you' and so on. That should not be allowed, and if there was a feminist lawyer in the court it would not be allowed . . . and how are we going to get away from judges saying things like 'it is well known that women fantasise about sexual matters.? We have got so many examples, how are we going to get away from that anti-feminist slant and prejudice which influences these seemingly very factual decisions. I think there should be sex discrimination training for anybody who works in criminal justice, like judges and so on.

CT: I do think feminism is debunking both bad theories and bad practice, and our work is having an effect . . . all that stuff about the virgin/Madonna type woman being the only pure woman walking. All that is dying . . .

* Susan S M Edwards, '*Women on Trial*', Manchester University Press, 1984.

Frances Heidonsohn, '*Women and Crime*', Macmillan, 1985.

'*Criminal Women*', by Pat Carlen, Chris Tchaikovsky et al, Basil Blackwell, 1985.

FEMINISM, RAPE AND THE LAWS

Alison Young

> Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times along with the use of fire and the first crude stone axe. . .
> (Rape) is nothing more or less than a conscious process of intimidation by which *all men* keep *all women* in a state of fear.
> (S. Brownmiller, *Against Our Will*)

Susan Brownmiller is involved in carrying out an analysis of rape by means of a framework which re-writes history in terms of a misogyny which springs from inescapable biological characteristics: man is the natural predator and woman his natural prey. She examines the 'war' that is allegedly continuing between the sexes (and only *between*): her claim is that rape is an act which serves *all* men's interest and her demand is for rape to be placed within the context of modern criminal violence as a whole, not within the grip of ancient masculine mythologies so that the crime can be seen in its unique form as one where the intention is not simply to 'take' or 'steal' but also to degrade, hurt and humiliate.

This, she says, is the 'modern reality of rape' as defined in other terms: rape is always heterosexual, characterised by genital-genital copulation and punishable only in certain circumstances. The issues debated in a rape trial turn on the question of the victim's consent. This is related to the peculiar nature of sexual offences: it is accepted without question that a victim of a robbery or mugging need not prove that he or she resisted the attacker. It is never inferred that compliance with their assailant's demand constitutes a consent to the crime. Brownmiller feels this confusion derives from an underlying social and cultural assumption that it is 'naturally masculine' to move towards a goal with aggressive while the 'naturally feminine' role is submissive and passive.

Brownmiller's long polemic against the male myths surrounding the crime of rape advocates a number of policy alternatives to the current situation: all sexual acts forced on unwilling victims should be treated alike and the gravity of the offence should not be determined by the victim's gender. The standards of proof to be borne by a rape victim are discriminatory and uphold the old male preconceptions about the nature of a rape victim. Brownmiller points to the paradox that despite the fact that men rape women, a woman's ultimate security is presented as the protection of a man at all times: for Brownmiller the 'ultimate effect of rape. . . has been accomplished *even without the act*.' This notion that the *fear* of rape without any actual experience of it acts as a form of social control of women is a recurrent theme in much feminist writing on rape, but it is one which should be approached with caution as there are considerable problems inherent in its claims.

Brownmiller states at the outset that her analysis will be very wide-ranging, covering not only adult hererosexual rape but also homosexual and child rape. Yet despite her calls for a gender-neutral concept of rape she pays little or no attention to these other forms in her book. Although not legally recognised as rape does homosexual or child rape not involved imtimidation and fear? How could it act as a form of control in these circumstances? These questions are not addressed by Brownmiller, and this drastically limits her purportedly wide-ranging analysis to being another biologically deterministic account of male-female relations.

There have been methodological problems with this sort of biological analysis ever since both Lombroso and Freud failed to demonstrate that biology had anything to do with criminality. Brownmiller's thesis, despite its pretensions to radical feminism, relies on the traditional sex stereotyping deriving from the 19th century 'sciences' of anthropology, psychology and biology. The problem is that she accepts the stereotypical view of men, while rejecting that of women. Her basic position is that rape crimes stem from man's animalistic nature leads her to advocate a 'law-and-order' policy of reform. She calls for the harsh treatment of convicted rapists while choosing to ignore the questions of social and economic causes. As Allison Edwards says: 'Law and order solutions won't liberate women. Law and order solutions will just create a police state in which nobody will be free.'

Brownmiller's claim that men's physical superiority and control of the institutions of patriarchy lie at the root of the power to rape, is a popular theme in feminist writing, despite its obvious links with biological determinism and its avoidance of the issues of structural determination. Another strand of feminist thought is represented by the work of Clark and Lewis on this subject. In *Rape: the Price of Coercive Sexuality* (1977) they view sexual relations in general as inherently coercive: rape is merely the least acceptable form while others are tolerated.

Clark and Lewis use in their analysis of rape offences in Canada a theory of 'opportunity structure within an unequal market'. The modern offence of rape originates as a response to the problem of bride capture in the Middle Ages. The law did not outlaw this as a means of marriage but was designed to prevent the transfer of property through marriages so established. Therefore rape did not nullify a marriage but it did cancel a man's rights to the woman's property. Clark and Lewis identify the primary function of the rape laws as the denial of rights of ownership in property to men who were socially unacceptable to the woman's family. Its secondary function was to protect the fathers of virgin daughers (as virginity is valuable property in its own right). Therefore rape laws served a social purpose: the protection and preservation of patrimonial property. The authors extend this to the question of why some rape victims are seen as deserving of the crime: women who grant sexual access outside legally approved relationships are seen as 'common property'. Similarly a husband cannot rape his wife because he has obtained the legal rights to her sexuality.

The result of this is that we see how rape laws were never designed to protect women or their sexual autonomy. The systematic inequalities which led to the formulation and application of these laws are also the root cause of rape itself, state the authors.

> Sexual relationships are inextricably bound up with economic relationships of dependency and ownership and very often they involve some kind of trade-off, calculation or coercion,

while rape is the

> inescapable by-product of a system in which sexual relationships are also power relationships, in which female sexuality is a commodity and in which some men have no power except physical force.

Although the analysis of Clark and Lewis represents an advance on that of Brownmiller in that recognition is made of the question of the social construction of sexual roles, there are nevertheless some serious problems with this account and its underlying assumptions. If woman's sexuality is a commodity for which men must bargain on the market with whatever means they have at their disposal, then a man with little bargaining power (a working class man, according to this account) must turn to physically coercive means to gain access to a 'desirable' (ie a middle class) woman's sexuality. This does not sufficiently account for the peculiar nature of the crime of rape: it is not just a violent crime, for then the sexual aspect is unnecessary nor is it purely sexual: its intention is to degrade and humiliate through sexual means. Clark and Lewis do not give sufficient attention to the motives and consequences of the crime in reality – although their formulation appears to hold water in abstract terms, it falls apart when we consider that victims are not always physically attractive and economically viable, but can also be old women and 6 month old babies. There is also, of course, no recognition of homosexual rape: this cannot be squared with the analysis and is therefore ignored, as is marital rape. A husband has legitimate access to his wife's sexuality, so why is violence a necessary component?

For Clark and Lewis, rape is about the frustration of means of access to women and their account of this is limited by the primacy they give to the economic which leads to a form of class determination whereby they claim that working class men rape 'desirable' middle class women, as access to their coveted sexuality could not otherwise be achieved. Although it is always difficult to use the official statistics due to the 'dark figure' of unreported and unrecorded crime, it seems fairly clear that many rapes are committed where the rapist and his victim are from the same socio-economic background (and indeed often know each other). The economy of a society may indeed affect personal relationships, but there are other factors to be taken into account, including gender, race and religion.

Clark and Lewis also advocate a number of proposals to improve women's position in society. Their basic contention is that rape would not be a problem if everyone was sexually and reproductively autonomous, in law and in practice. This, however, puts too much faith in the ability of the law to sustain equal relations, for does the legal system not support racism and poverty? Despite men's apparently complete legal autonomy, they are still robbed, murdered and raped. Legal autonomy would not prevent either men or women being victimised in certain ways, and from that victimisation, to a greater or lesser extent, always comes fear.

Recent feminist analyses have been involved in attempts to 'demythologise' our modern misconceptions about rapists, the act and the victim. Although many acts of sexual coercion are not legally classified as rape, such as forcible sex between husband and wife, much that is goes unreported because of preconceptions about what is 'rape' and what is, for example, 'seduction'. There is an image of a 'true' rape and if the victim (or the police or courts) feels that a particular situation does not meet this predefined image, that situation is unlikely to become one of the official statistics: instead it is labelled and shelved in other ways, under 'seduction' or 'victim-precipitated'. These myths and preconceptions include the ideas that women enjoy it anyway, that a 'true' rapist is a 'maniac', that rape is caused by an uncontrollable sexual urge, that some women (especially prostitutes) deserve to be raped and that a woman's allegations should never be taken at face value as she will often lie and fabricate stories about innocent men.

Often we find that these misconceptions derive from the pseudo-scientific basis of the discourse of psychoanalysis, which many believe to have done considerable harm to the image of women we hold today. Helena Deutsch, for example, in *The Psychology of Women* (1944), described the sexual act as one of intrinsic violence in which women act out their deep need to be violated and shamed. But the female role in these masochistic fantasies, and indeed in the sexual act in general, is prescribed for them by men and defined in patriarchal, man-made language. The continuing influence of the psychoanalytic discourse today can be seen in the cases of *Morgan* (1975), *Cogan & Leak* (1975), and *Buttolph* 1974) where, while past sexual experience did not constitute the basis of cross-examination to undermine the complainant's credibility, imputations of masochism were made involving psychoanalytical preconceptions of female sexuality.

Modern feminist analyses of rape do much to dispel these myths and misconceptions and demonstrate instead that rape is a crime about the power that men can have over women. Yet we should not focus on the question of whether or not rape acts as a form of social control of *all* women but accept instead that it affects some women and its operationalisation as a concept and construct within law and legal practice produces the rapist and his victim. For other women (such as wives or young children), and for men, other forms of social control will be important, and we should look also to these as areas for our analysis. Perhaps fear of marital violence (sexual and other) can act as a control on wives: Sally Cline would say that this fear operationalises the 'male reflection mechanism' (in Cline, forthcoming).

The general discourse of sexuality today produces asymmetric sexual and power relations between men and women. To this end, the theories propounded in psychoanalytic thought has always been influential in the regulation of sexual (mis)behaviour. A 'science' was discovered and developed by the likes of Freud and Deutsch which presented a picture of a woman who is weak, submissive and masochistic, thereby excusing male dominance and violence. Unequal power relations are thus legitimated and normalised. The courtroom procedure in a rape trial patrols the extreme edge of the discourse of sexuality: coercive sexual relations *per se* are not being punished, it is only a particular means of achieving them that is sanctioned when a conviction is obtained. The complex system of filters (feelings of shame in the woman, fear of public humiliation, the 'trial' in the police station, the unique evidential requirements) ensures that most rapes do not result in a conviction.

The rape trial therefore wields a double-edged blade: in a very few cases a man will be convicted, in most a woman sufers for momentarily leaving her socially constructed role. It is the *tyranny* of the discourse of sexuality that we can 'see' no alternative sexual relations for men and women, so that ultimately our own sexualities become our prisons. Just as the rhetoric of criminological theory is framed in terms of certain structures (law-prisons-crime-criminals) and so on necessitates the retention of others (lawyers, criminologists, prisoners, criminals); so the rhetoric of male-female sexuality, framed in terms of love, sex, marriage and pleasure, will produce, prohibit and constrain forms of sexual behaviour, the boundaries of which are watched and guarded by the laws of rape and sexual offences.

No Holiday Camps

In 1978, when RAP published its first papers on intermediate treatment (IT), we recognised that it was already one of the most written about and conference-aired subjects in social work, although practice lagged way behind its apparent promise. This situation has not changed, but what is written about and discussed is infinitely more sophisticated, both politically and theoretically, than the early material, and *some* examples of practice have at least begun to fully demonstrate its radical potential. John Holt's perceptive booklet accepts and extends the abolitionist argument RAP developed in relation to IT eight years ago, in terms of more recent developments within the juvenile justice field itself, and as a short text on the terrain of current debate, as well as a guide to 'new directions', it could hardly be bettered. That is not to say it is beyond criticism but we will come to that later.

Holt argues that intermediate treatment, last offspring of welfare ideology and the social democratic consensus of the fifties and sixties, had from its inception in the CYPA 1969 a radical potential to replace the use of care and custody for significant proportions of juvenile offenders, but that its domination by a traditional social work ethos emphasising individual pathology and early intervention, crippled its initial impact and secured it firmly at the lenient end of what he calls the 'penal continuum', focused on the youngest; least delinquent and 'most deserving' young offenders. In this position it was ill-equipped to cope with the rise of law and order ideology, the concomitant of economic crisis which occurred throughout the seventies and, at least until the eruption of the Lancaster model, it actively colluded with the bifurcation of delinquents into 'the hard core' and 'the rest', a process which was set to exclude the former category from all consideration of non-custodial penalties. Holt however questions whether Lancaster itself, in saying (initially) 'IT for the hard core or for no-one' did not actually play into the dominant ideology and too readily accepted official definitions of serious crime. That it successfully demonstrated how serious offenders could be kept in the community, and exploded many myths about so-called preventive social work is not in doubt; that it unnecessarily disparaged 'social action' approaches within IT, which focused on the fact of widespread deprivation among both criminalised and 'ordinary' youth alike, particularly black youth, is also true, and Holt rightly wishes to retain elements of both approaches, as well as the civil liberty perspective emphasised in the justice model, but all within a more coherent political framework.

The practical and political directions which Holt favours for juvenile justice derive from a need to counter at source the authoritarian populism on whose back law and order rides, and he well recognises that both are easier said than done. Targetting on serious offenders, eschewing individualised approaches to treatment (especially compulsory treatment), fostering local participation and control over projects, tying into crime prevention and victim support programmes and above all developing reparation and community service schemes as part of a general 'atonement strategy' (the latter being a welcome development of a much neglected strand in Lancaster thinking) are the keystones of his practical approach. The essence of his political strategy is nothing less than a confrontation, from within the 'IT profession' with the tenets of law and order ideology itself, but how one is to accomplish this, other than in the mild (but still important) form of dialogue and challenge at local level, as practical initiatives are pushed forward, he does not say. Taking on the media, and the central state, seems a bit beyond the meagre resources of the IT profession, which in any case is not of one mind, and which in my view must never lose sight of the fact that its *primary* political obligation is on the streets, alongside young people. The rest, however desirable, is always extra, for the simple reason that radical talk is always more easily co-opted by the state than radical action, and IT practitioners who abandon youngsters for the higher calling of more explicitly political activity may end up by doing no more than broadening debate and promoting themselves, while ever larger numbers of youngsters are inducted into prison. Nonetheless I agree with Holt that, so long as it is done from a practitioner base and orchestrated through the existing web of pressure groups, the state's reliance on custody can be undermined, and in *Abolitionist No 19* I offered some suggestions as to how this might be started, through symbolic demonstrations outside penal institutions and specific challenges to groups like the Magistrates' Association.

Against the high level of support I have expressed for this book my criticisms are small-scale. To begin with, its double entendrish title misleads and does not do it justice, insofar as the book is not primarily about either Whitelaw's new-style glass houses, which were not to be like holiday camps, or the old-style recreationally based IT programmes, which bore a marked resemblance to them, although it necessarily touches on both. More substantively Holt too readily accepts David Thorpe's view that IT was the creation of the social work profession in 1968; in fact the Magistrates' Association was the greatest single influence on its formulation in *Children in Trouble*, which partly explains why their hostility towards its subsequent development in *all* its varied forms has been so acute – their baby grew up wrong. It is also untrue that IT was intended as a replacement for residential and custodial treatment; it was to co-exist with a reformed system of residential care and to incorporate transformed detention centres, which is not what the later notions of decarceration and abolition were about. IT has in fact been used most successfully to justify cutting expensive residential resources in local authorities, which most radical practitioners seem to regard as a reasonable second best, given its failure to make inroads into custodial populations. While it cannot be denied that in many cases the lost residential places were of abysmal quality, the question of whether certain types of residential care have anything at all to offer teenagers is too infrequently raised in radical circles. Yet parental abuse does not stop with five year olds, and family life (let alone community life) is not always all it is cracked up to be. The enforced intimacy of fostering is not an ideal or preferred solution for many older youngsters, and in contexts outside social work radicals are often to be found experimenting with forms of communal living. It can be done well, and insofar as Holt paints delinquent behaviour and motivation in fashionably over-rational terms, neglecting the pain which deprived environments can cause and the indiscriminate anger which they can generate, community-based approaches in themselves can never be enough for all – even if they are for most – delinquent youngsters. It is time that radical critiques of juvenile justice, even while they reach out to broader critiques of social and political organisation in general cease to rely so heavily on idealised notions of nuclear family life and individual rationality.

Mike Nellis

JOHN HOLT
NO HOLIDAY CAMPS: JUVENILE JUSTICE AND THE POLITICS OF LAW AND ORDER
Association for Juvenile Justice, 1985, £3.95
(Available from: AJJ, 39 Glebe Road, Groby, Leicester)

No Holiday Camps

REVIEWS

Melissa Benn and Ken Worpole,
Death in the City
Canary Press, 1985
Available from INQUEST price £2.50 inc. postage.

This very readable book deals with policing in London and specifically with police-related deaths.

The moving account of Stephen McCarthy's death clearly illustrates the failings of the present inquest system, whereby a coroner has overall authority with little regard for the feelings of next of kin. This was shown clearly by allowing the two arresting officers on the Stephen McCarthy case to remain in court all through the inquest while excluding the McCarthy witnesses until they were called.

A coroner, summing up the evidence in the address to the jury, can give an opinion as to what he or she thinks the verdict should be. Even if legally represented, next of kin have no such right. It is little wonder that families so often feel intimidated!

The account of suicides in police cells presents a frighteningly familiar set of circumstances in each case, of prisoners, usually young, being confined alone in a cell, hanging themselves, usually with an article of clothing. The point is shrewdly made that suicides in custody should not be considered only with regard to a person's psychological state; we should also look at the bureaucracy, secrecy and cruelty of the institutions in which people are confined.

The **Gun Law** chapter reveals to what extent the arming of the police in this country has already taken place, and contains an interesting table showing the issue of guns in various districts.

The interview given by Steven Waldorf, protagonist of the most well-known shooting incident of recent years, makes fascinating reading. What struck me most of all in this case was the inefficiency of the shooting! One detective fires six bullets into the car; another fires five more shots at Waldorf; the second detective closed in to within six feet of Waldorf's prostrate body and fired two shots at his head and then a third at his stomach. The first detective then proceeded to hit him over the head with his empty gun. And yet Waldorf survived! It would appear, fortunately for Waldorf, that 'excited' police are not good shots, but we cannot escape the fact that this growing practice of seemingly indiscriminate shooting in a public place is not likely to inspire confidence in the police force.

Death in the City also includes chapters on Stoke Newington Police Station, the growth of police car accidents and the problem of cell deaths related to drunkenness.

I was particularly impressed with the description of the inquest system, in the final chapter. The whole atmosphere of the coroner's court and the rituals associated with attendance there have been captured, as anyone who has been involved in an inquest will agree, I am sure. I would make this 'compulsory' reading for anyone likely to attend an inquest for the first time - painful though it may be - better by far than to face such situation in ingorance of what to expect.

This book, with its crisp, incisive style, is easy to read and thought provoking. The authors do not make any attempt to suggest any specific alternatives to some of the practices they critically reveal and I feel this is as it should be. The book reveals to me how present-day policing is gradually encroaching into our lives, with firearms used in the streets and in searching our homes, police cars travelling at speed and becoming a hazard to other drivers and pedestrians alike. If the fighting of crime is to encroach more and more into our lives, we need to ask ourselves, 'Is this what we want?'

Sheila Heather-Hayes

PUBLICATIONS

All prices include postage charge.

Doug Wakefield: A Thousand Days in Solitary £1.40
(PROP publication, 1980)
The story of Doug Wakefield, a life sentence prisoner, and his personal account of his ordeal in solitary confinement.

Outside Chance: The Story of the Newham Alternatives Project. Liz Dronfield (1980). £2.25
A report on a unique alternative to prison in East London, founded by RAP in 1974.

Parole Reviewed (1981). 75p
A response to the Home Office 'Review of Parole in England and Wales', arguing for the abolition of parole.

Out of Sight: RAP on Prisons (1981). 70p
Special issue of **Christian Action Journal.** Includes articles on parole, cell deaths, prison medicine, dangerous offenders, sex offenders.

The Prison Film. Mike Nellis and Chris Hale (1982). £1.40
A lively and fascinating analysis of a neglected film genre.

A Silent World: The Case for Accountability in the Prison System. RAP Policy Group (1982) 30p
A policy statement on making prisons accountable to the public they are supposed to serve.

Sentencing Rapists. Jill Box-Grainger (1982) £1.30
An analysis of 'who rapes whom, and why?', the effectiveness of current sentencing practice to deal with rape, and a discussion of feminist analyses of rape and their suggestions about what should be done with convicted rapists. Also recommendations for new principles and practice in the sentencing of rapists.

Contributions do not necessarily reflect the views of RAP or of the Editorial Group.

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ABOLITIONISTS STILL AVAILABLE

Abolitionist no. 8 (spring 1981) 70p
Sex offenders in prison; sex offenders and child victims; women's prisons; prostitution laws; deaths in prison; alternatives for drunkenness offenders.

Abolitionist no. 9 (autumn 1981) 70p
Special feature on radical probation work. Also a detailed report on the medical treatment of sex offenders.

Abolitionist no. 10 (Winter 1981) 80p
Includes articles on rape; segregation and restraints in prisons; psychiatric secure units.

Abolitionist no. 11 (spring 1982) 80p
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