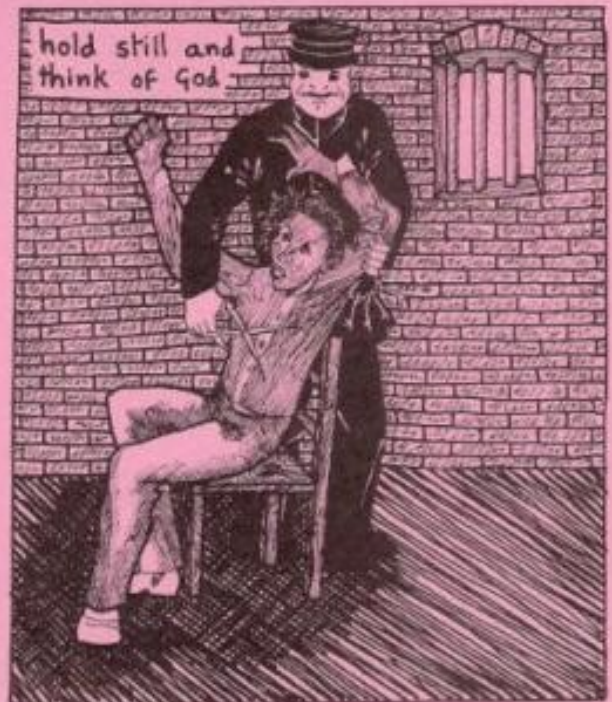
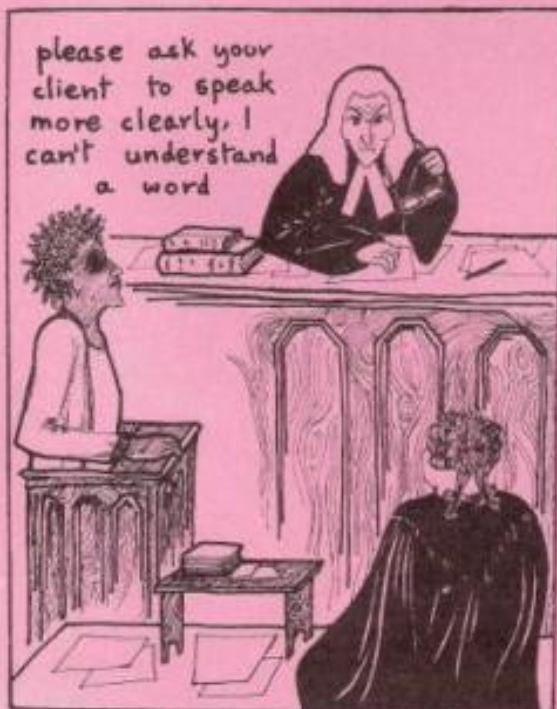
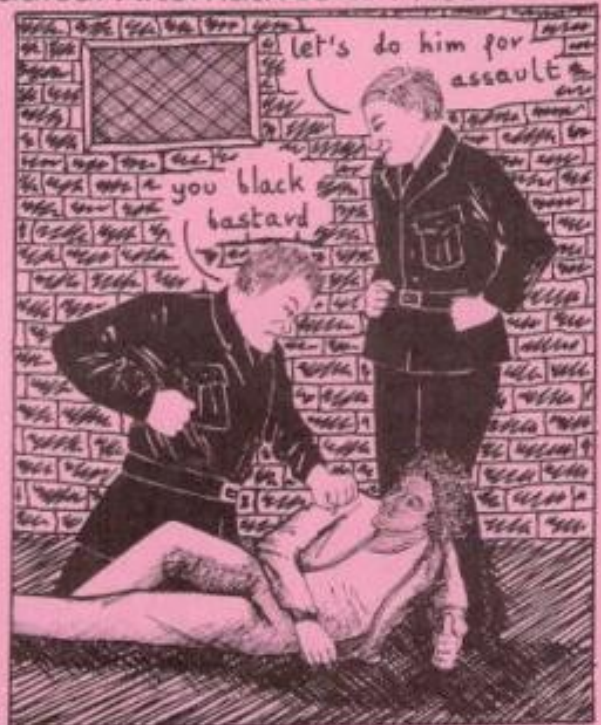


THE ABOLITIONIST

a quarterly journal from Radical Alternatives to Prison



Inside: Black people & the law / Women in prison / prison drugs etc

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EDITORIAL

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Yes, this is supposed to be a quarterly journal, and yes, it has been 6 months since the last issue. Three months ago, RAP's co-ordinator Jerry Westall had just left and we had almost no money, so we had to miss an issue. But any rumours that RAP is, or is about to become defunct are quite unfounded.

There should be a volunteer in the office most weekdays from about 11.30 - 5.30. The place is looking much nicer now, thanks largely to the efforts of the Anarcha-Feminists who share it with us. The next step is to recruit a part-time paid worker to organise campaigning and to make RAP's voice heard in the media once again.

SILLY WILLIE

The latest news on the penal system is that the prison population is hovering between 44 and 45 thousand, and that Willie Whitelaw has finally got around to announcing what he's going to do in response to the May Report. His advisers very carelessly allowed him to miss our copy-date, but here are some quick reactions to his main points:

(1) *'We have every sympathy with the May Committee's recommendation that the prison building programme should be increased.'*

This just shows what a disaster May was. The committee recommended building more prisons because it saw the present expansionist trend in the penal system as inevitable. Now its recommendation is being used to boost that trend! Plans are being made to start two new projects in the next two years, and still more in 1983. The more money is committed to providing more prison places, the less likely we are ever to get a coherent reductionist policy, even if the present government is kicked out in 1984. This is at least the worst news since the rebuilding of Holloway, and RAP must do everything in its power to oppose it.

(2) *'The government believe that the outside community must play an increasing part . . . in the treatment and containment of offenders.'*

Only two concrete proposals are mentioned under this heading. One is the provision of secure units for mentally disordered offenders. This has nothing to do with 'treatment in the community' - it is simply

RACIST POLICE, COURTS, PRISONS

Marcia Whittingham

2

Black People and the Agents of Control in Britain

It is now widely acknowledged that there is a disproportionate number of black people in British prisons. In Wandsworth, for example, 45% of the 1,500 inmates are black (we make up just 3% of the total population), and many of the prison officers are active National Front members. What is now apparent is that British institutions' racist assumptions that black people represent problems have, by virtue of the British economic system, created and perpetuated problems for black people. Economically and politically, black people represent one of the most disadvantaged groups in British society. We generally live in areas where there is squalid housing, a high rate of unemployment and poor educational facilities. The multiplicity of disadvantages suffered by black people is the testament of a society that depends on an underclass to perform its most menial and undervalued jobs.

The problem of homelessness amongst young black people has virtually reached epidemic proportions in our major cities. Many teenagers have been turned out of their homes by parents who no longer understand a child who will not abide by their rules. These teenagers are defiant against all forms of authority; many feel that their parents have accepted the role white society has allotted them - that of a menial. Many of the youth unemployed and homeless 'hang around' street corners and shopping centres. They have now become easy prey for the police who identify them as 'problems'. Two charges are used to arrest black people. One is 'being a suspected person' (Vagrancy Act 1824); most people arrested under this law are found guilty on the evidence of a policeman and sentenced in a magistrates' court. It was reported in the *Guardian* (2/4/79) that of 135 people arrested on 'sus', 80.7% were black. This conclusively demonstrates that the charge is used excessively against black people; also their average age is sixteen, and many still live at home. The second charge used against black people is conspiracy. This is a particularly heavy charge and often results in a prison sentence. In both of these charges, the police do not have to prove that a criminal act has actually been committed, and so openly racist police officers can use these two charges to harass and intimidate the black community. One young West Indian who was being arrested on his way home from school asked the arresting officer why he was being arrested and was promptly told: 'There are too many niggers in this country. I hate blacks.' (*Guardian* 2/4/79). It is easy to see that this type of mentality is only one step away from the 'unlawful killing' of David Oluwale by two police officers in 1972.

hanging around

I have personally been involved in a case of intimidation by the police of the Meadows police station in Nottingham. They arrested my fourteen-year-old brother, who was in my company at a local fair, on the pretext that a stallholder has reported him 'hanging around' his market stall. When my sister and I started to explain to the police that the only thing to do at a fair was to 'hang around' they promptly arrested my brother - almost breaking his arm off. My sister and I started to intervene and within seconds we were surrounded by four policemen with dogs.

One of them proceeded to intimidate my sister with his dog with the final result that the dog bit into my sister's skirt and tore it off. I repeatedly asked the police why my brother was being arrested, and requested that I as his older sister should be allowed to go with him to the police station, in view of his young age. My pleas were ignored by the police and in the end one of them ordered us to 'get in your wog waggon'. They took my brother off to the police station and we followed in our car. I got in touch with my mother and the local press. A local journalist phoned the police station, but they refused even to acknowledge that they had my brother in the cells. Some hours later, my brother was released - uncharged. The importance of this event is that whilst the police hauled my brother off to the police station, we were left totally powerless. The openly racist attitude of these police officers was highlighted by the fact that as one of them handcuffed my brother, he snarled: 'You blacks are like animals; you should be rounded up and shot'. Here we have the language of the National Front coming out of a police officer's mouth. What is even more appalling is the fact that the following day the National Front was going to hold a rally in the Market Square. The police were very jittery about this event and warned my brother not to take part in the counter-demonstration as he was now marked.



It is morally and politically indefensible that because an element of society is racist, we therefore have this reflected in the police force. We can surmise that the powers the police possess of arrest and intimidation will actually draw a sizeable group of racially prejudiced people into the force. This, I fear from personal experience with the police, is what has already happened. Many police officers actively seek to 'criminalise' young black people by constantly arresting them on 'Sus'.

swamping the prisons

The overwhelming evidence that Blair Peach was clubbed to death by a member of the SPG, and the DPP's decision not to prosecute, is in stark contrast to the fate of the Asians prosecuted at Barnet Magistrates Court who demonstrated against fascists marching through their area. The zeal of the police in prosecuting the Asians of Southall on the most contrived charges is matched only by the magistrates' anxiety to convict. Ken Worpole wrote in *New Society* (4/10/79) that the Asians being tried at Barnet had a conviction rate of 85% (compared with the usual conviction rate for such offences of 52%). Also, heavy fines and prison sentences were being imposed on people with no criminal record and on the most tenuous evidence. For example, a 14 year old boy was convicted at Barnet of carrying an offensive weapon (a piece of wood) on the evidence of one policeman against that of many witnesses, including a doctor, a lawyer and an ambulance driver who said he had been treating the boy for injuries at the time the police alleged they had arrested him. The power of the police to become judge and jury is demonstrated time and again when black people are tried on the evidence of the police in a magistrates court.



In his study of *Probation Practice and Racial minorities*, P D Whitehouse, a Senior Probation Officer for Birmingham North, has gathered conclusive evidence that magistrates and the court system operate unfairly when dealing with black people. In that area alone, several times more black people are sent to prison compared with white people of the same age convicted of similar crimes. Magistrates rarely remand black clients for social enquiry reports - hence many black youth arrive in prison without a previous attachment to a probation officer. The courts also accept recommendations for probation less often on black clients than on whites. In court, black people are often given insufficient opportunity to apply for legal aid or bail, or to prepare a defence. This evidence of a marked inequality of treatment by courts on racial grounds is another reason why a disproportionate number of black people are confined to penal institutions. The Southall cases have been well publicised; and my own experience and that of scores of other black people across Britain is proof that the racist nature of this society is reflected in black people's treatment at the hands of the police and judiciary. We are identified as 'problems' by this society;

as 'swamping' the nation, as M Thatcher puts it. Clearly, racists are given a mandate to pursue thuggish practices against black people when they hear such emotive words expressed by leading politicians.

turnkeys dread locks

Prison officers also exercise unbridled power over the treatment of black inmates. J Merritt recently wrote a two-part article for *Western Independent* in which he argued that violence against prisoners at Dartmoor is racially motivated. He also informed readers that a prison officers' National Front branch is active at Dartmoor prison, Strangeways, Pentonville and Wormwood Scrubs each have a large percentage of officers who are members of the NF. This situation is compounded by the Home Office's decision not to recognise Rastafarianism as a religion. In Circular 60/1976, it is stated that 'Rastafarianism does not qualify as a religious denomination for the purpose of Section 10 (5) of the Prison Act 1952.....(therefore).....no facilities such as access by visiting ministers.....or devotional books from public funds or acceptance of periodicals under SO4(A) will be afforded.'

It is particularly telling that the state took this decision at a time when the CRC was circulating an article on Rastafarianism amongst prison officers. This article highlighted the very candid libertarian aspects of Rastafarianism and argued that the movement attracted black youth in Britain who are 'disillusioned with life in Britain and seek Black identification'. The report says that many Rastafarians are 'deeply religious' - but it is obviously the libertarian aspects that have alarmed the Home Office. Rastafarians in Britain often represent the most politically aware and black conscious section of the West Indian community. The CRC article clearly states that Rastafarianism is 'aiming to improve the lot of black people'. The sense of identity and political purpose West Indians gain from the religion is something the Home Office has now sought to destroy by denying Rastafarians the right to practice their faith in prison.

dissident in rampton...

Steve Thompson, a Rastafarian in jail for a crime he consistently denies, was tranquillised and had his locks shaved off by prison officers at the time of the Gartree riots of 1977. Steve was used as an example by the prison officers to demonstrate the power they have over inmates. Steve's protests at having his locks cut off were interpreted by prison doctors as evidence of psychiatric problems, and Steve was moved to Rampton. The Black Prisoners' Welfare Scheme arranged to have Steve visited by an independent psychiatrist who reported him to be mentally sound.

Wadi Williams, author of the *Prisoners' Liberation Front Manifesto*, is now being sent to a top security prison after an alleged attack on a prison officer called Lyon. This officer took great delight in bragging about his NF membership and he verbally and physically abused Williams. However, at the court trial, when it was pointed out that Lyon victimised Williams, the judge intervened, saying that his court was not going to be used as a political platform. Incidentally, Williams was first put in prison for possession of cannabis; his sentence: six years! The parallel with George Jackson is glaring.



...fascists in pentonville

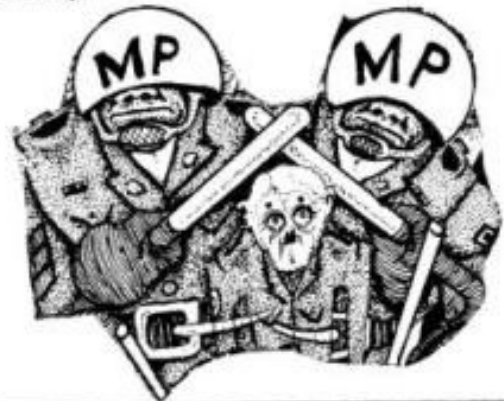
Searchlight of March 1980 reported on J Tyndall's estimation that 'we do have a larger than average number of supporters of the National Front among prison officers....the relationship between crime and race is obvious.' This statement mirrors ominously the trend set by the police and later picked up by the media, of stereotyping young West Indians as potential muggers. The media, the government and the police gave mugging top priority. This was reflected in the courts where sentences for mugging jumped from 3 months to 20 years; and South London with its high black population was virtually placed under curfew by the mobilisation of the Special Patrol Group in that area to 'combat mugging'. The state has once more sanctioned intimidation by its employees in its refusal to recognise Rastafarianism as a religion. The cutting off of locks by prison officers will continue to be used by them as a means of intimidation of the Rastafarian in prison and also to strip him of his identity, given the high value placed on not cutting one's hair in that religion.

brushes with the law

I therefore conclude from my evidence and experience that the confinement of a disproportionate number of black people in penal institutions is the end result of a society that is openly racist in the way it administers 'justice' to young black people. Oppressive housing conditions, joblessness and poor education are usually the lot of young black people in Britain. The chances of 'brushes' with the law increase immensely the lower down the social scale one goes. As in America, British prisons are populated chiefly by poor white working class and black people. The class nature of Britain, is, as I have argued, compounded by its racist nature.

The practice of racism against black people in British institutions is based largely on the assumption amongst administrators, teachers, the police, the courts, MPs etc etc that we represent a problem and/or a threat. These racist assumptions form the basis of interaction between British institutions and their employees, and the black community. Hence the judicial

system and its agents - police and prison officers - continually use repressive actions against black people to protect the interests of a racist society. One of these interests (as expressed by Whitelaw, Raison, Thatcher et al) is quite bluntly to restrict as many black people as possible from actually becoming visible on the streets, either through racist immigration control, or by a method of policing which bears most heavily on the black community.



The Roots of Evil

Cultivators of evil
Ancestors of crime,
Yes! that's what you are,
While you drink your rich wine,
Just have a look at the time.

Sitting there at ease,
Just planning to tease,
And when you act your thoughts,
All you do is provoke me to wrath

Under your instructions,
Your escorting bullies,
Put me behind bars,
And then you tell me
I am the one who studies wars

Criminologist: Yes! that's what you are

Legal professional criminals,
Your hate has no boundary,
Your wrongs have no end,
Your framing and lynching
A disgrace to my race

And within the power
You bestowed on yourself,
You disregard justice again and again.

Frederick Williams
Black poet from Hackney

GAOL SCORES

RAP's coveted **BALL AND CHAIN AWARD** for 1980 goes to Dorset Magistrates, who convincingly regained their position at the top of the **BRISTOL LEAGUE TABLE**, while their fierce rivals, Gloucestershire (last year's winners), were beaten into third place by Sussex. Devon & Cornwall were fourth again, and Gwent, as ever, came last. Isn't it about time the good justices of Gwent gave up sending people to prison altogether?

For the benefit of the uninitiated, the 'Ball and Chain Award' goes to the magistrates who send the highest proportion of male offenders over 21 to prison in a given year. The latest year for which figures are available is 1978. The table below shows that you are three to four times as likely to be sent to prison in Dorset as in Gwent. The tables have been published every year since 1972, and every year the same few police force districts have appeared at the top and at the bottom of the League.

What gives a bleak championship potential?

Partly it seems to be a matter of background. The consistently high scores achieved by certain rural counties – 'areas of rare natural beauty, forests and heaths, and practically no Labour MPs' – has led some commentators to suggest that imprisonment is above all a sport of the country gentry. What hunting is to the birds and shooting and fishing are to the birds and fishes, punishment is to the human race.

But, as with most sports, it helps if you have good local facilities. The areas marked with an asterisk in the table are those with one or more local prisons within their borders. These are prisons of reception to which newly convicted offenders can be sent, and where most prisoners convicted by magistrates' courts will serve out their sentences. The table shows that 17 out of the top 21 areas have a local prison, as against 4 of the bottom 22.

Of course, defenders of imprisonment object to the suggestion that it is a cruel sport. They maintain that it is a necessary and humane way of keeping down crime. To test this assertion, Bristol RAP calculated the rates

Courts of Justice
Chris Orr



of imprisonment and of recorded crime for each year over the period 1976-8. During those years recorded crime increased by 24.56% in the top 21 areas in the League, by 20.7% in the bottom 22, and by 31.64% in England and Wales overall. This indicates that high rates of imprisonment in a particular area have no effect on the increase in crime.

gwent's bottom again

If Gwent's performance in coming bottom of the League every single year shows a certain lack of spirit, they can at least claim to be acting in accordance with the current spirit of parsimony. If all the magistrates in the country reduced their levels of imprisonment to that of Gwent, 6,000 fewer people would go to prison each year, and the Exchequer would be saved at least £6 million — thus demonstrating that reduced public spending can directly increase individual liberty, as well as making money available for hospitals, schools, and missiles. Milton Friedman would be proud of them!

Unfortunately, RAP itself is short of funds, and this year we can only afford to present the winners with a pumpkin in place of the traditional brass ball. Our profound apologies the luminaries of Dorset. Maybe if they can reduce their rate of imprisonment by one, and persuade the Home Office to donate the money they save to us, we can do better next year.

WHAT SHOULD BE DONE?

Bristol RAP group believes that the administration of local justice is demonstrably inconsistent, unfair and unjust. And that it is basically ineffective in preventing crime. It suggests the setting up of a commission to find ways of reducing these inequalities in sentencing in magistrates courts. Some of the ways could be:

- * to progressively reduce the number of local prisons of reception
- * to charge local authorities for sentences of imprisonment imposed by local courts. There is no reason why the national Exchequer should subsidise the punitive leanings of rogue benches.
- * to remove altogether the power of imprisonment from the magistrate who would then commit men for sentencing to the Crown Court
- * to implement an imaginative programme of alternatives to prison, increase those already available, the expanded use of probation and CSOs, restitution, hostels and treatment facilities for alcoholics and mentally ill offenders
- * to remove certain 'crimes' such as prostitution and maintenance default from the possible penalty of prison.

ADULT MALE OFFENDERS CONVICTED OF INDICTABLE OFFENCES AND SENTENCES TO IMMEDIATE IMPRISONMENT IN MAGISTRATES COURTS (POLICE FORCE AREAS) IN ENGLAND AND WALES (1978)

SOURCE: Criminal Statistics for 1978

For further information, contact Jim Little (Bristol RAP), 70 Novers Park Road, Bristol 4. tel Bristol 667975

Area	%			
1 Dorset *	12.98	22 Wilts	7.54	National Average: 8.07%
2 Sussex *	12.21	23 Notts	7.46	
3 Gloucestershire *	12.11	24 W Mercia *	7.40	* local prison
4 Devon & Cornwall *	11.06	25 Derby	7.38	
5 Gt. Manchester *	9.85	26 Cheshire	6.98	
6 Lancs	9.85	27 Cumbria	6.91	
7 Avon & Somerset *	9.61	28 Essex	6.91	
8 N Yorks *	9.56	29 Lincoln *	6.61	
9 W Midlands *	9.42	30 D Powys	6.58	
10 W Yorks *	8.69	31 Humberside	6.48	
11 Suffolk	8.63	32 Cambs	6.40	
12 Surrey	8.62	33 N Wales	6.26	
13 Thames Valley *	8.43	34 Merseyside *	6.24	
14 Cleveland	8.37	35 Northumbria	6.19	
15 Bedford *	8.34	36 London City	6.17	
16 Norfolk *	8.33	37 Durham *	5.74	
17 Kent *	8.26	38 Staffs	5.71	
18 Metropolitan *	8.17	39 Herts	5.38	
19 Hants *	7.97	40 Northants	5.02	
20 Leicester *	7.90	41 S Yorks	4.71	
21 S Wales *	7.84	42 Warwick	4.44	
		43 Gwent	3.56	



THE HOME OFFICE INVESTIGATES

Home Office Research Study no. 56, *Sentencing Practice in Magistrates Courts*, by Roger Tarling (HMSO £2.25) confirms by elaborate statistical methods what Bristol League buffs have known for a long time: that individual magistrates' courts have consistent and widely differing sentencing patterns. Comparing particular courts rather than police districts, the researchers found an even wider range of variation than appears from RAP's table: the equivalent of 'League' scores for the thirty courts in the sample ranged from 3.1% to 19.1%. (The courts aren't identified, so we can't give any prizes, but the 'exceptional' court which discharged 31.3% of offenders — 13.3% more than any of the others — certainly deserves an honourable mention.

The most interesting finding emerged from interviews with magistrates and their clerks. It seems that while they are generally anxious to achieve consistency amongst the many different magistrates who sit in a particular court, they simply couldn't care less about differences between themselves and other benches.

None of the courts knew much about the sentencing practice of any others, even about those next to them, and they regarded such knowledge as irrelevant to their own decisions or problems. Rightly or wrongly, local conditions and patterns of crime are seen as peculiar to that locality, and sentencing policy as thus to be uniquely adapted accordingly. This conviction seems to ensure that very little emphasis is placed on action to achieve anything like a more uniform approach to sentencing even within a fairly small geographical area. (p.27)

However, a glance at our own table will confirm that strict and lenient benches are not scattered across the country at random. 'Hard' and 'soft' areas are readily identifiable, and if these characteristics are not the result of concerted policy or common tradition, some other factor must be at work.

As in most previous studies, it was found that variations in sentencing could be only partially accounted for by differences in the types of case appearing before the courts. There were spectacular variations in the way similar offences were dealt with: one court imprisoned 7% of burglars, another 47%. Crime rates were not related to the use of imprisonment: 'There was no evidence to support the notion that, for reasons of deterrence, severity in sentencing is a response to a crime problem.' (p.18) To be fair to Dorset magistrates, the study provides some support for their suggestion (See 'Jerry's Swan Song', below) that the percentage of defendants imprisoned relates to the 'filtering out' of less serious offenders by police cautioning. But it also points out that this is merely one of the factors affecting intake, and differences of intake by no means provide a complete explanation.

a question of class?

Tarling arrives at no positive conclusions concerning the causes of the variations, which is not surprising in view of the limited scope of his research. But there is no reason to suppose that the conclusions of Roger Hood's book, *Sentencing in Magistrates Courts*, published in 1962, do not still hold good. He found that 'the imprisonment policies of magistrates appear to be related to the characteristics of the area, the social characteristics of the bench, and its particular view of the crime problem' (p. 76); and more specifically, 'that middle-class magistrates dealing with working-class offenders, in relatively small and stable middle-class communities, tend to be relatively severe' (p. 120) (p. 120). It would not be difficult to apply that hypothesis to Dorset, Sussex and Gloucestershire.

JERRY'S SWAN SONG

The last day of January was a sad one for RAP, when Jerry Westall, our Co-ordinator, had to leave because we couldn't afford to go on paying him. One of Jerry's most valued contributions to RAP was his skill in dealing with the media. A few days before he left (January 28th) he was interviewed by Tim Hurst, of BBC 1's *South Today* programme, on the subject of the Hall and Chain Awards.

Here is a transcript of the interview.

TH: ...Mr. Westall, what is the point of producing tables like this? A lot of your critics on magistrates' benches in Dorset would say you're playing with statistics and once you do that you can make them prove anything.

JW: Well, statistics are evidence. And evidence is very useful in trying to work out exactly how policies are working. The Home Office itself provides these statistics we have to apply to get them but they're from the Home Office, simply to provide information about how the magistrates' sentences are working out in various parts of the country.

TH: What are you suggesting as an alternative?

JW: Alternatives to prison cover a wide category of areas and it depends what the offence is in the first place, but there are a number

of areas where people can be dealt with without a prison sentence and magistrates are very aware of these – Community Service Orders, deferred sentences...a number of categories where acts can be dealt with without a custodial sentence.

TH: You seem to be suggesting that virtually no-one should be sent to prison by a magistrates' court. Isn't that rather taking away the criminal's fear of deterrence?

JW: The point of a prison sentence according to the Prison Rules is to encourage a good and useful life. And our view, based again on statistics is that this is just not the case in the majority of instances. Two thirds of people under 21 who go to prison re-offend within two years of being released from prison. That seems to be fairly clear evidence that prison itself is not being effective in dealing with the problem.

TH: The point you've just raised there of people coming out of prison committing other offences within two years is also a point made by the magistrates of Dorset in their defence against your table. They say they've got local prisons in the area and it is an attractive place to live and people coming out of prison choose to settle there and then commit other offences, and they're more likely to be sent to prison for that reason.

JW: All you've got to do is compare this area of Dorset with other areas of Britain where there is a low sentencing policy like Gwent. I'm sure people settle in Gwent as well as in Dorset...It's quite clear that some areas are more keen on sending individuals to prison than others.

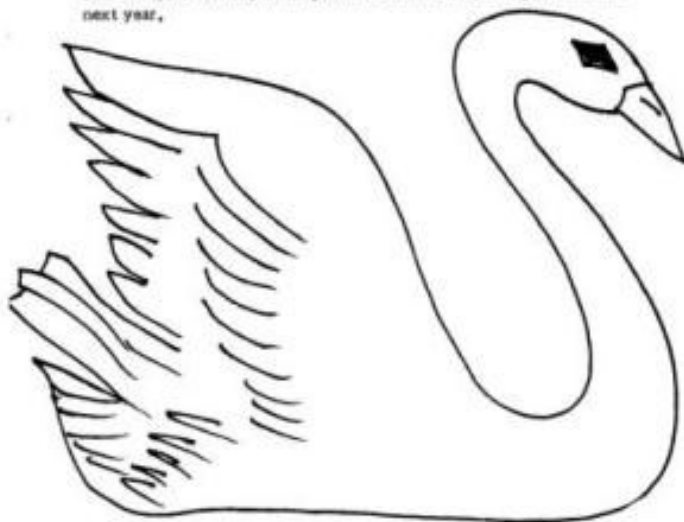
TH: What do you put that down to?

JW: We've looked at this over the years and it seems to be fairly clear that areas like Gloucestershire, Dorset, Sussex, which are fairly comfortable middle-class areas, are the ones where people are sent to prison most often, and there have been some political comments about the Conservative orientation of the magistrates. If you look at areas like Gwent or the North of England – Durham for instance – the custodial sentences are much lower – a third or a quarter of what they are in areas like Dorset.

TH: One of the important points made by the county...is that the police in Dorset are prepared to give cautions to petty first offenders more frequently than other counties...and therefore if a case does come to trial the offence is of a more serious nature and the offender is more likely to go to jail. That seems to be a pretty good explanation to me.

JW: I think if cautions are made that's good. Whether they're made in greater numbers in Dorset than elsewhere...I don't know the evidence for this, but I would have thought it would have been fairly unlikely to be drastically different from other areas of Britain.

TH: Well, Mr Westall, thank you....We'll see what the figures are like next year.



**NEW FROM
RAP!**

OUTSIDE CHANCE

The Story of the Newham Alternatives Project

By Liz Dronfield
Preface by Stan Cohen
RAP 1980

*Obtainable from: Mick Ryan, 33 St Mildred's Road, London SE 12.
Postage free for RAP members; non-members 25p.*

Here at last is the report on NAP's experimental period (1974-6). The book also includes most of the contents of the 'Rainbow Booklet' written by the two original RAP workers and first published in 1976.

NAP, and the recently-established Brighton Alternatives to Prison Project (BAPP), are at present the only projects associated with RAP which seek to provide a 'radical alternative to prison' within the existing criminal justice system – in NAP's case (until recently) by asking local courts to defer passing sentence on individuals who had been referred to NAP (usually by probation officers), in the hope that they would participate in the project and thereby gain some benefit which would justify a non-custodial sentence when they came back to court.

As Stan Cohen points out in his preface, NAP's position was inherently ambiguous: it had to work with the system while trying to work against it. Cohen is able to quote Mathiesen's *The Politics of Abolition* to the effect that ambiguity is the best policy, but the fact remains that it was never clear exactly what RAP was trying to achieve, and in consequence its success is very difficult to evaluate.

rigorous criteria

Cohen proposes three 'rigorous criteria' by which a project like NAP might be judged. These are criteria of acceptability in principle rather than of success in practice, and they are not very rigorously expressed.

Number one is: 'Does the alternative merely reproduce the old system in disguise?' If this means, as the discussion of it at first seems to indicate, 'Does it involve coercion?', the answer must inevitably be 'Yes': given law as we know it, an alternative to prison means an alternative form of coercion. But if the question is whether the project workers

were themselves the agents of state coercion, the answer is that they eschewed this role to such an extent that they almost destroyed NAP's viability as an 'alternative'. The courts required reports at the end of the period of deferment, and reports – partly written by the participants concerned – were provided; but because the threat of a bad report would have been coercive, they were *always* favourable. Since the Court of Appeal in *R v Gilby* said that a 'substantial' custodial sentence is inappropriate if the offender receives a 'not unfavourable' report, NAP's attitude virtually made nonsense of the ostensible reason for deferment, and it is understandable that *Gilby's* case was cited as a reason for reluctance to send people to NAP. NAP acted on the belief that imprisonment could never be justified for its clients, although in theory they were all people for whom it was *prima facie* the proper sentence. This shows just how precarious and ambivalent its relationship with the 'system' was.

As for the remaining criteria: the second - 'Does the new programme become a genuine alternative (to imprisonment) or does it merely supplement the existing system?' - is undoubtedly valid. But the third seems merely a restatement of one aspect of the same principle: 'The state should not be allowed to coerce groups into 'services' on the grounds of their alleged resemblance to those who break laws'.

putting a figure on it

The report includes several sets of figures which are presumably intended to provide the basis for a 'objective' evaluation, but though they are very carefully and clearly set out, I doubt whether they really tell us much.

Reconviction figures almost invariably point to the conclusion that nothing works very much better than anything else (or in other words that 'criminality' is not an individual condition which can be 'cured'), and NAP's are no exception. It's also worth bearing in mind that although they're expressed in tenths of a percent, they refer to just 37 people. But NAP can justifiably claim, on the basis of the case studies in the report, that many participants felt themselves to have benefitted in ways which had nothing to do with reconviction.

In an attempt to establish whether those who had their sentences 'deferred to NAP' would otherwise have gone to prison, the 82 people who were referred to NAP during the experimental period, and accepted as being at risk of going to prison, are divided into three groups – those whose sentences were deferred to NAP, those who were sent to prison, and those who received a non-custodial sentence – and the characteristics of the three groups are compared. This analysis does not show any very sharp contrasts between the three groups, which does seem to indicate that those accepted by NAP were at some risk of going to prison; but the slightly greater resemblance of the NAP participants to the imprisoned rather than to the non-custodial group (in terms of previous convictions, etc.) hardly justifies the conclusion that all 37 would have received custodial sentences if NAP had not intervened.



Another chapter is devoted to a comparison of the use of deferred sentences in Newham and Barking, the object being to show that NAP's presence led to a greater number of sentences being deferred. Again the results are inconclusive. In fact more sentences were deferred, proportionately, in Barking; but the report stresses that up to 1976 the use of deferred sentences in Newham increased from year to year, whereas in Barking there was a sharp fall between 1975 and '76; and this difference is attributed to NAP. Only in the next chapter is it mentioned that in 1976-7 the number of sentences deferred to NAP also fell sharply. (This however is blamed on 'obstruction' by probation officers rather than reluctance to defer on the part of JP's.) In any case, as the Bail and Chain awards yearly remind us, there are wide variations in sentencing policy between different magistrates' courts, and it is practically impossible to assess the importance of a single factor. It might have been more enlightening to consider how many participants had personal circumstances which might have justified a deferment had NAP not been available. Where clearly no such circumstances existed, credit could confidently have been given to NAP.

inside view

More impressive than all the figures are the case studies, the comments by participants (appropriately printed in bold type) and the original NAP workers' account of themselves in the 'Rainbow booklet'. These convey that workers and participants alike really did experience NAP as something radically different from other 'alternatives' and got something out of it which was no less real for bearing only remotely on the 'crime problem'. Unfortunately it also comes over that NAP failed to impress the majority of magistrates and probation officers. That is the magistrates' loss, for despite its unorthodoxy NAP had no less to offer 'society' than any other of the available 'disposals': it fulfilled the institutional imperative that 'something has to be done' at a comparatively very small cost in money and human suffering.

The book was completed too soon to be able to mention that, in response to the pathetically thin trickle of referrals in recent years, NAP is now seeking to broaden its criteria so as to offer a service to all those at risk of going to prison (eg defendants seeking bail, fine defaulters, those under a suspended sentence). This is an important development, for if NAP can win acceptance in such a wider role, the provision of an 'alternative to prison' may become no more than a subsidiary part of its efforts to give the potential victims of the prison system an 'outside chance'.

Tony Ward



We tried to break down barriers between participants & workers

alternatives: hardly given a chance

Rot Kane

'I'm sorry to have to tell you that he took his own life'.

Before starting to write Raymond's story, I phoned Broadmoor to find out what had happened to him. It seems that he himself solved the 'insoluble problem' which certain doctors said that he posed. 'Untreatable' in the opinion of one prison psychiatrist, he was driven to the ultimate treatment. An alternative might have worked with him, but the courts in their wisdom used the conventional institutions of control and treatment. Would Raymond be alive today if creative communities had been allowed to care for him? And how many others would not be buried in prison graveyards if we, the public, understood and cared about our social casualties? Our social system is killing people like Raymond all the time.....

Raymond was the sixth in a family of eleven children, with a deaf mother and a father who committed incest. He was put into 'care' at 15 months: 'in need of care and protection'. Sickly, sullen and unapproachable, he was at 4½ years nevertheless chosen out of twenty children for fostering by a respectable working class childless couple who would have adopted him, had the natural father not objected. The foster-mother's own instability was not noticed at the time. The new parents were possessive and over-protective, seeming to want a perfect child.

The infant teacher warned that a lot of patience would be needed with Raymond. Illness meant that he missed school often. He was 'too good for a child', his foster-mother said, seeming only half-alive, sometimes staying in bed all day - but occasionally he would come fully to life: when he selected a book for himself at the library, learnt to ride a bike, was taught early to drive a car, 'the only time he really felt happy'. He had one or two friends but was usually an onlooker on groups. At an early age he read books about human physiology, about the workings of the brain. He wrote stories, took piano lessons, and was interested in radio and crystal sets.

His mother thinks the trouble really started when he changed to secondary modern school. He truanted a lot and on the advice of the school doctor was referred to the local mental hospital, a large red-brick place 'extremely advanced in drug treatment', whose Superintendent regarded psychotherapy as a dirty word (according to a social worker) and who considered Raymond's mental 'illness' to originate 'in his genes'. He informed me that once Raymond lost his fear of you, he would 'take advantage' of you. At the age of 13 Raymond was given ECT - unsuccessfully. He spent long spells in the mental hospital where he was never violent but 'aloof and withdrawn' and 'very determined' about what he didn't want to do. Until then his behaviour had been regarded as a mere phase. It was now regarded as an object for physical treatment.

His mother's menopause came early and she suffered from depression and was also given ECT in the mental hospital. For some years Raymond and she seemed to take it in turns to enter hospital. She guiltily resented him for what he was doing to her although she desperately wanted to know how to handle him. He accused her of not really wanting him, just as his own parents had not either, and wondered why his own mother had not wanted him at all. He told her: 'You want me to be what I can't.' He stole from his father and was put for three months in a children's home.

He had a job in a bicycle workshop and did well, but was very withdrawn from the other workers. He committed several offences such as driving under age (he loved to drive fast) and shopbreaking, and

was sent to Approved School and disqualified from driving for five years. Meanwhile social workers had made twelve unsuccessful applications to adolescent psychiatric units. Kingsley Hall, Laing's 'asylum' in London, had no vacancy. The Approved School had noted him down as 'very quiet, lonely and nervous; withdrawn and unco-operative.' But his 'exceptional ability' in sculpting wood and clay emerged and was encouraged. He showed a little ability to mix - for instance, he showed his cine-films to the other boys. But official psychiatric reports were soon to categorise him as 'schizoid psychopath; hypersensitive and paranoid. Believes people talk, laugh about him, watch him. Impulsive and uninhibited. No real regard for anti-social acts. No moral sense. No insight into illness'. The staff recorded the 'determined pursuit of his own interests but lack of interest and enthusiasm for any others' and his 'extreme - seemingly deliberate - slowness to dress'.

After Approved School, he was arrested in 1968 for indecent assault on a boy and driving offences. His father would not have him home on bail because of the sexual offence. In prison he was depressed and attempted suicide. The chaplain wrote: 'He says that having received a Borstal sentence, it is apparent to him that it is inevitable that he will become a criminal and an outcast. Consequently life is not worth living. He has called attention to his needs and I do not think he will repeat this gesture. A sensitive boy who has been in a mental hospital'.

The Borstal Allocation wing at Wormwood Scrubs was the next port of call, but he was moved to the prison hospital when various 'symptoms' appeared such as wanting to fly and extreme, ambivalent feelings about his mother. For months he sat in the psychiatric ward while the doctors failed to decide his future. One recommended Feltham, the 'psychiatric' Borstal; another regarded him as quite unsuitable. He made another suicide attempt - a psychiatrist wrote: 'Has cut himself, non-fatally, to manipulate environment.' He was given drugs.

A positive feature for a while were bi-weekly art classes which Raymond enjoyed. These stopped when the Principal Medical Officer had the teacher dismissed. A few times he was moved by hospital officers from the ward to a 'single room' for offences such as pouring his medicine into an ashtray.



I met him about this time (1969); he was thin, pale, unhappy-looking, with stooping shoulders, and very self-conscious. He would sit in my office sometimes (I was a social worker in the hospital) and draw, seeming to find it very hard to talk, occasionally exchanging a small smile or even laughing. I learnt that the doctors were planning to return him to his original hospital, a prospect which Raymond hated. The hospital, too, was reluctant for him to go back, as it preferred well-behaved patients; but a prison psychiatrist believed he should be locked up in a hospital for an indefinite period, as otherwise he would continue breaking the law and would receive longer and longer prison sentences.

I offered to find an alternative to the mental hospital, since he would not be allowed to do what he wanted to do - go home. I visited his parents, various social workers who had known him, and the mental hospital, Ward 14, to which he would return, was full of elderly patients sitting around the walls, silent and apathetic, drugged in their armchairs; a huge area devoid of conversation. I managed to fix up for a Rudolph Steiner community to take him for a trial period, and a Richmond Fellowship house for a further trial period. Raymond had languished for eleven months in prison before he left for the first trial.

The human warmth, the charismatic personality of the director, the creative work, beautiful surroundings and caring lifestyle of the Steiner community seemed to benefit Raymond, for after a few days he looked healthier and was more communicative. He had been persuaded to go to group activities, he worked full-time and there seemed some prospect of his being able to stay. Since the director, who had related the most to him, was going on holiday, it was arranged for him to spend the second trial period in her absence, so he moved to the Richmond Fellowship, who provide houses for people who have been or would otherwise be in mental hospital.

There, too, he developed in ways which the penal institutions inhibited; he made friends with another resident who was an artist and 'responded to a limited degree' to the community. But one Saturday, when the house was quiet, he left the grounds and 'indecently assaulted' a young boy. The boy cried out but his mother, a nurse, understood and wanted no proceedings. However, pressure from other mothers in this 'respectable' neighbourhood meant that the police were brought in and Raymond again found himself in prison on remand.

Visiting any prisoner on remand is a strain, trying to communicate through a glass panel. It was almost hopeless when I saw Raymond; I tried getting an open visit but the officer would not bend the rules. We managed to exchange a few words; he was depressed. The surroundings only worsened the usual difficulties of conversing with Raymond.

That was hard, but my meeting with the Principal Medical Officer of the prison, who was required to write a psychiatric report for the court, was nightmarish. I presented myself only to tell what I knew of Raymond and to suggest that the court be asked to allow him to return to the Steiner community. This doctor entertained me for most of an hour with graphic details of sadistic crimes he had known of, and my efforts to turn the conversation back to Raymond were in vain. Eventually he acknowledged the problem of Raymond, but I got no sign that there would be a sympathetic report.

Despite the willingness of the Steiner community to have him back, 'in the hope that having more company and contacts here, this problem (of indecent assault) will tend to diminish', the court sent Raymond back to his mental hospital. Although the Superintendent did not want him back, Raymond worked in the grounds and paid his way.

He was again convicted for indecent assault and went to Broadmoor, where he killed himself in 1972.

TOO TOUGH TO HANDLE?

Andrew H. Vachss & Yitzhak Bakal, "The Life-Style Violent Juvenile" (Lexington Books, 1979: £16.50)

The closure in 1972 of the six juvenile training schools (the equivalent of borstals) in Massachusetts was followed almost at once by the opening of the first Secure Unit for boys considered too tough for the 'community corrections' system to handle. The authors, who have both been involved in the 'Massachusetts experiment', support the view that, while the great majority of young offenders ought not to be institutionalised, a few - 40 or 50 in a state of 6 million people - need to be locked up. Their joint work, which takes up less than half of the book, sets out a detailed proposal for a model 'secure treatment unit'. The rest of the book comprises a collection of interviews conducted by Vachss on the themes of juvenile justice, de-institutionalisation, conditions in prisons and training schools, and the alleged resurgence of violent gangs in American cities.

The typical 'life-style violent juvenile' is a member of such a gang, and can thus be seen as a distinctively American phenomenon. The authors concede that 'dangerousness' is not a quality that can be diagnosed or predicted; the primary criterion for admission to the proposed unit would be conviction of a violent crime - such as murder, rape, or a second or third armed robbery.

sales talk

It is admitted that the 'need' for incarceration is largely political. The numbers to whom it applies will vary with political pressures. But the authors advise that having once hit on a figure you build a single unit to hold exactly that number: the expense involved will be an obstacle to building another. 'Liberal' programmes are under fire politically, and the authors tend to fall back on a strictly economic defence of their position. 'Justice' and 'care' are reduced to commodities to be 'sold' to the 'criminal justice consumer' or the 'consumer of human services'.

The non-political arguments for the proposed treatment are not very convincing. It is asserted, without any theoretical discussion, that the 'acting-out' delinquent is covertly seeking to be controlled, and that the experience of control in an artificial environment will help him to control himself back on the street. The main therapeutic technique employed would be to reward 'good' behaviour with a roomier cell and more work.

Pirate's tale

Far more convincing is the indictment by the authors and by Vachss' convict interviewees of conditions in the juvenile prisons, where violence and homosexual rape are not occasional lapses of discipline, but the pecks in an inmate pecking-order, condoned by the staff as an instrument of control. The proposed unit is designed to minimise such behaviour, partly by architectural devices in the manner of Bentham's Panopticon, and partly by an heroic combination of vigilance, courage and restraint on the part of the staff.

Vachss' interviews are considerably more interesting than the main text. Pirate, the 16-year-old War Counsellor of a New York gang, gives a particularly vivid account of his world. Dr. Jerome Miller, who was directly responsible for closing the Massachusetts training schools, also has some notable things to say. For instance, he accepts the need for a secure unit, but apart from that would now advocate 'almost no group residential care' - thus coming a lot closer to complete de-institutionalisation than his original programme. And he anticipates that 'in the next decade or so, some governor is going to see the political advantage of suggesting the abolition of most prisons'.

But when we find one co-author being interviewed by the other, it becomes clear that the tape-recorder is being used to avoid the hard work of writing. The result is a badly-organised, over-long and very expensive book.

Tony Ward



LETTERS OF DARKNESS

In the last decade of the 19th century, a man left the shimmering world of high society and entered the fetid pit of prison. That man was Oscar Wilde, or convict C.33. While in prison he wrote two letters to the Daily Chronicle in an attempt to expose the conditions that prisoners lived in. Wilde brought to the subject the writer's vision and a genuine sympathy for his fellow prisoners; and his comments have a disturbing contemporary resonance to anyone who is familiar with present prison practices.

Wilde's first letter was provoked by the dismissal of warder Martin from Reading prison for giving a child prisoner some sweet biscuits against the prison rules. What is so perceptive in his account is his understanding that prison brutalizes everyone involved in it - the warders as well as the prisoners.

He argues that the prison system encourages the prison staff at all levels to make a fetish of prison regulations which become objects of irrational reverence:

'Ordinary cruelty is simply stupidity. It is the entire want of imagination. It is the result, in our days of stereotyped systems, of hard-and-fast rules and stupidity.'

Stan Cohen and Laurie Taylor in their book Prison Secrets, show very clearly that this situation still exists. Prison staff are given very little formal discretion because of the system of stratified rules - a system whereby one set of regulations has another set of regulations which specify how the first set of regulations should be interpreted and applied. Thus, on the few occasions when regulations are formally applied in good faith, they tend to be applied with maximum stupidity.

Wilde's second letter is an attempt to directly influence a bill for the reform of prisons that was passing through Parliament. In this letter he suggests a number of reforms that he considered urgent in 1897. They included: adequate education facilities, adequate facilities for visits and visitors, an end to stopping out, and an end to the censorship of prisoners' letters. These are still urgent in 1980.

We generally think of techniques of sensory deprivation as recent innovations; yet Wilde shows that these techniques existed in embryonic form in 19th century prison and were used as a deliberate policy.

Sleep deprivation, for example:

'The object of the plank bed is to produce insomnia. There is no other object in it, and it invariably succeeds. And even when one is subsequently allowed a hard mattress, as happens in the course of imprisonment, one still suffers insomnia'.

Wilde's letters cast considerable doubt upon the theory that prisons have become more humane since the 19th century. His letters, rather, lead to the conclusion that oppression has become more systematically organised. Wilde's prison letters are worth reading for their deep humanity, but they are disturbing reading, because the conditions that evoked his humanity have progressively been streamlined in the direction of inhumanity.

John Reddington

I know not whether Laws be right,
Or whether Laws be wrong;
All that we know who lie in gaol
Is that the wall is strong;
And that each day is like a year,
A year whose days are long.

This too I know - and wise it were
If each could know the same -
that every prison that men build
Is built with bricks of shame,
And bound with bars lest Christ should see
How men their brothers maim.

The vilest deeds like poison weeds,
Bloom well in prison air;
It is only what is good in Man
That wastes and withers there;
Pale Anguish Keeps the heavy gate,
And the Warder is despair.

And never a human voice comes near
To speak a gentle word;
And the eye that watches through the door
Is pitiless and hard;
And by all forgot, we rot and rot,
With soul and body marred.

from THE BALLAD OF READING GAOL by Wilde

DRUGS COMMONLY USED IN PSYCHIATRY

In our Summer issue last year, we published the first part of this list which will help prisoners and their families and friends. The first part of the table dealt with tranquilisers; in this part we deal with antidepressants.

It should be noted that the side-effects mentioned occur in some patients. Mild side effects are fairly common, but serious side effects are rare.

Official name	Trade name	Minor side effects	Serious side effects
ANTIDEPRESSANTS (Tricyclics)			
Amitriptyline Many different coloured tablets and capsules (depending on strength and manufacture) Syrup — pink	Tryptizol Saroten Domical Lentizol	Drop in blood pressure Palpitations Drowsiness Blurred vision Skin rashes Nausea, vomiting, giddiness Unsteady gait Lactation	Myocardial infarction Blood disorders Loss of sex drive
Protriptyline hydrochloride Salmon red or white tablets No syrup	Concordin	see: amitriptyline	see amitriptyline
Nortriptyline hydrochloride Yellow and white capsules Colourless liquid	Aventyl		see amitriptyline
Imipramine hydrochloride	Tofranil	Dry mouth Increasing heart rate Difficulty in focussing eyes Constipation Sweating, giddiness Skin rashes	Disturbance of sexual functions
ANTIDEPRESSANTS (tetracyclics)			
Mianserin hydrochloride Yellow tablets No syrup	Bolvidon Norval	Drowsiness	
ANTIDEPRESSANTS (Monoamineoxidase inhibitors)			
Phenelzine Orange sugar-coated tablets No syrup	Nardil	Dizziness Drowsiness Weakness Fatigue Dryness of mouth Constipation	Sexual disturbances including impotence Cerebral haemorrhage can occur
Tranylcypromine sulphate Geranium red tablets No syrup	Parnate	Headache Muscle twitching Sweating Blurring of vision Skin rashes Insomnia	Sexual disturbances including impotence Cerebral haemorrhage can occur
Lithium Carbonate White uncoated tablets No syrup	Camcolit	Nausea Loose stools Fine tremor of the hands Polyuria Polydipsia Weight gain Oedema	Coarse tremor of the hands Sluggishness Sleepiness Giddiness Difficulty in speaking Effect on thyroid gland Slowing up Feeling cold Gain in weight Apathy

Y (2)

a list of drugs used in psychiatry, and their side-effects. We hope to identify any drugs they may have been given in prison, as we cover anti-depressants, sedatives, and rigidity and tremor

in some cases only, and it would be unusual to experience many of these (with the exception of dependence on barbiturates) are rare,



...que, apathy, changes in ...
... the main mental side

SEDATIVES

Barbiturates

Amylobarbitone Tablets white	Amytal	Sleepiness Drunkenness	Drug dependence very likely
Amylobarbitone sodium Blue capsules White or blue tablets (depending on strength)	Sodium amytal	Difficulty walking Confusion Rashes Dizziness Vomiting	
Pentobarbitone sodium Yellow/white and yellow capsules (depending on strength)	Nembutal	As before	As before
Quinal Barbitone and Amylo Barbitone Orange and blue capsules	Tuinal	As before	As before
Butobarbitone Pink tablets	Soneryl	As before	As before
<i>Others</i>			
Nitrazepan White tablets or black and purple capsules No syrup	Mogadon	Morning drowsiness	Confusion after prolonged use
Triclofos sodium Blue tablets Orange coloured syrup	Trichloryl	Rashes Mild headache Gastro-intestinal disturbances	

RIGIDITY AND TREMOR CONTROLLERS

Benzhexol hydrochloride White tablets or aquamarine ovoid capsules No syrup	Artane	Dryness of mouth Blurring of vision Dizziness Mild nausea	Confusion
Orphenadrine hydrochloride Yellow sugar-coated tablets No syrup	Disipal	Dryness of mouth Blurring of vision	Retention of urine
Procyclidine hydrochloride White tablets No syrup	Kemadrin	Dryness of mouth Blurring of vision Giddiness	

THAT MAY REPORT: RHETORIC & REALITY

Steve Uglow

The Report of the Committee of Inquiry into the United Kingdom Prison Services

The committee under Mr Justice May (1) to report on the state of the prison services in this country was appointed by Merlyn Rees in the context of increasing militancy within the prisons, both by the prison officers and by the prisoners.

Yet the report gives one the curious sensation that prisoners' needs and aspirations are only marginally relevant. They are treated in the main as incidental to such issues as the pay, conditions and morale of prison officers and governors.

The politics and policies of the POA come under critical scrutiny. Particular disapproval is reserved (10.10) for the national executive's decision to allow branches the right to take local industrial action on local issues. But overall, little attention has been given to the control of the power exercised by the prison officers within and over the system. The impact on prisons of individual and organised attitudes and practices of officers has been ignored. (2)

Half of this report is spent discussing numerous aspects of the officer's job, the rest being mainly devoted to the history and organisation of the prison services. There are no discussions of the problems of violence, race, long sentences (3), increase in the numbers of young prisoners, or the use of drugs.

NO CONS' VIEWS

The committee visited 38 UK prisons. Yet there is no indication in the introduction to the report or in the list of those giving oral evidence that the committee sought the views of inmates themselves. Being a convict does not necessarily invalidate a person's powers of observation, reasoning and judgment.

The report opens with a detailed look at the numbers problem within British prisons. The increase is largely the product of an increasing number of offences being prosecuted, but also of the average length of sentence being increased by some 60% in the last 30 years (3.8). The committee supports the conclusions of the Report of the Advisory Council on the Penal System, *A Review of Maximum Penalties*, which suggested that a large number of the short and medium term sentences were longer than need be in the interests either of the offender or of society. (3.63) But this report, published in 1978, was received with great hostility by the press and law enforcement agencies, and is unlikely to be implemented.

Overcrowding exists - and the committee is pessimistic about the trends over the next few years. An interesting point is made that the nature of the inmate population has changed and is now more especially selected (3.17), consisting of more habitual criminals than of first offenders. It is difficult to take this point - there are probably fewer first timers, but even ten years ago the incidence of recidivists in the prison population was higher than 7 in 10 (4), so that any recent change is unlikely to have a significant effect on the quality of the inmate population.

FUTILITY

It might well be true that the problems of control within prisons have changed. But is this the result of some change in the nature of those being sent to prison, as the committee suggests? It can equally be argued that this is the result of the greater stress on security since the Mountbatten Report in 1966, with the consequent restriction that has been felt in all areas of prison life; and of the increasing length in sentences, inducing a sense of futility for prisoners and staff.

In its recommendations (3.31 - 3.68), the committee recognises that large numbers of inmates could be released with no threat to individual safety or public order. Less stress on custody for the mentally disordered, the drunks, the petty offenders, remand prisoners, fine and maintenance defaulters could reduce the daily population by 7,500 or 10,000, saving between £0.5 and £1m per week (6) - even if the extra supplementary benefit payments were taken into account.

The sentiments expressed at least are good. But the reality is something else. Where are the places for the mentally disordered? Where are the detoxification centres for the drunks? - there were only two set up after the 1972 Criminal Justice Act, and the future of one, the Leeds centre, seems very doubtful. Where are the new career opportunities for the petty offender who spends decades in prison, never trained, now untrainable and rapidly losing what social skills s/he possessed?

The report makes it clear that it is not difficult to get people out of prisons if the Home Office has the will. But some of these people will suffer problems which can only be resolved through public money. They cannot be thrown out into the cold economic world outside.

Would a better approach not have been to consider the criteria that should be satisfied BEFORE a person is committed to prison? It is curious that the committee should have considered in chapter 4 the objectives of prisons once they have safely incarcerated the inmates, but not the criteria on which that population should be chosen.

DANGER

One approach might be that the prosecution should show (beyond reasonable doubt?) that the 'public interest' demands imprisonment of the accused, i.e. that the accused presented a clear and immediate danger to the public which could only be averted by prison. Even a loosely interpreted formula like this would lead to a substantial drop in the average daily prison population.

'The point remains, however, that the existence of these possibilities (i.e. reduction of prison population) . . . cannot absolve society from the duty of continuing to support for the foreseeable future a substantial penal population' (3.72). In a sense, political realism breaks through here. Despite the practical alternatives to prison open to the Home Office, a significant shift of resources is so unlikely as to be discounted. There are suggestions for an increase in capital expenditure on prisons (6.102), for a new prison building programme (6.105), and for the modernisation of prisons below standard. It is recommended that only one prison - Dartmoor - be closed. It is hard to reconcile these recommendations with the plea for a reduction in population.

SEVERE CASE OF IDEALISM

The major discussion of these subjects is contained in chapter 4 - 12½ pages of text, or about 4.5% of the total report. In surveying the literature on the philosophy of punishment, one has some sympathy with the committee in seeking to write anything about the function of prison. They do not limit themselves to discussion of the sterile concepts of deterrence and rehabilitation, and there is recognition of the social science research which has demolished the myth of 'treatment and training'.

But while the treatment ideal is recognised as a fallacy, the fresh thinking that 'tends to concentrate on a prisoner's rights rather than his needs' is criticised (4.24). This 'justice model' fosters the idea of 'humane containment' (7), and argues that the prison regime should not affect the inmate's normal rights and freedoms to any greater extent than necessary (8). May's major criticism of this approach is that it is a means without an end, and can only result in turning the prisons into human warehouses.

This is a severe case of idealism on May's part, if he feels that prisons can serve any other function at present. Forty pages earlier, it is carefully explained that on the night of June 30th 1979, 17,023 males were in local prisons where the certified normal accommodation was 11,691; and that they would be spending 23 hours out of 24 in their cells. Perhaps a definition of 'warehouses' would help.

HOPEFUL?

In place of humane containment as a realistic and limited criterion for managing prisons, May presents a concept of 'positive' custody. This envisages prisons as 'hopeful and purposive' communities. May suggests a rewriting of Prison Rule 1:

The purpose of the detention of convicted prisoners shall be to keep them in custody which is both secure and yet positive, and to that end the behaviour of all the responsible authorities shall be such as to:-

- (a) create an environment which can assist them to respond and contribute to society as positively as possible;
- (b) preserve and promote their self-respect;
- (c) minimise, to the degree of security necessary in each particular case, the harmful effects of their removal from normal life;
- (d) prepare them for and assist them on discharge.

The committee felt that the rhetoric of treatment and training should be replaced (by other rhetoric?) but that the valuable things done in its name should be retained. They also thought it was necessary to go beyond 'humane containment' as prison staff cannot be asked to operate in a moral vacuum (4.28). Given the attitudes and practices towards inmates of individual prison officers and the POA, this latter statement defies all comment.

SAME OLD STUFF

The thought behind this recommendation scarcely seems removed from that behind the old Prison Rule 1 ('a good and useful life') - that is, that criminals are in some way maladjusted or sociopathic, and that the institution can effect a cure so that the convicted person is able to adjust his or her behaviour to some assumed consensual world outside the walls.

In the discussion of prison regimes, the committee presents us with few ideas on how this positive custody would work - except that the industrial and educational sides of prison should be expanded so that the inmate has a full working day and wages should be revised so as to bear some resemblance to the outside world (9): May is merely closing his eyes to the realities of everyday prison life if he thinks that the answer lies in these brief suggestions.

The Prison Medical Service is mentioned in one paragraph (5.49). This is the more extraordinary in the light of constant allegations not only about excessive use of barbiturates and tranquilisers by prison doctors (11), but the treatment of normal medical complaints as well.

MAY BE BLIND?

The major problem with prisons is what goes on inside the walls, and that is precisely what May does not seem to have found out. He has not described it if he has found out - and he certainly has not tried to do anything about it. The place to start is with an examination of the basic physical conditions under which prisoners live - numbers to a cell, sanitation, cleanliness, health and safety aspects of living and working quarters. May quotes from the European and UN Standard Minimum Rules. But apart from discussing overcrowding, and the remark that conditions in the worst prisons are 'very bad indeed', we are not given any idea as to how British prisons measure up to these criteria. (9) The constant complaints by prisoners about slopping out, food, inadequate washing facilities etc. are ignored.

Starting from such basics as these would be more useful than telling everyone to be 'helpful and purposive', and paying prison officers more to stay quiet.

ALL GUILTY!

The committee considered the role of the Board of Visitors. It decided the present situation should remain, with regard to both their disciplinary and inspectorial functions. They felt that recent decisions allowing for judicial review (14) would mean more effective control than had formerly been undertaken by the Home Office.

The extent to which such control is effective is suggested by a recent report by the National Prisoners' Movement PROP, concerning 21 cases adjudicated after a demonstration at Wormwood Scrubs which was broken up by the MUFTI squad. The Board of Visitors found all the prisoners guilty. The Governor heard 119 lesser charges, 98 men pleading guilty and the rest being found guilty.

The high conviction rate and severity of the sanctions imposed suggest that some form of public accountability must be considered. Surprisingly, May does not consider it, despite the enormous sentences that are handed out (in loss of remission) by Governors and Boards of Visitors. At Hull, for example, these amounted to over 100 years of the inmates' lives.

Possibly the most radical of the Committee's proposals is the suggestion that a new system of inspection for the prisons be created (5.62). It is recommended that this should be as distanced as possible from the Home Office and report directly to the Home Secretary. The suggestions that such an Inspectorate make unannounced visits to prisons and that its reports be published annually, make a welcome break in the wall of secrecy that surrounds prisons, and would be a small step to restoring some degree of accountability.

This was a great opportunity for a thorough review of the place of prisons in our society. Yet it was missed altogether. It is difficult to be confident that the most ephemeral changes will result from the Committee's deliberation - e.g. on reduction in the number of remand prisoners or an improvement in wage levels of prisoners. The basic structural problems, both theoretical and practical, will certainly remain.

Footnotes

1. Committee of Inquiry into the UK Prison Services (HMSO) Cmnd 7673. Chapter and paragraph references are to this document.
2. Among other matters, prison officers have supported the segregation 'control units' at Wakefield and the 'cages' in Porterfield, Inverness. They have opposed, for example, the progressive regime for long-termers at Barlinnie. This is a critical issue in the light of recent prosecutions of prison officers from Winson Green and Hull.
3. This is discussed as a problem of prison population, (3.8). The problems of policy and principle receive no attention, nor is any of the research on the topic mentioned, e.g. the discussion document by the Council of Europe, 'The Treatment of Long-Term Prisoners' (Strasbourg 1977).
4. See Box, S.: 'Deviance, Reality and Society' (1971) at pp. 228 - 9
5. This is defined as a prisoner whose escape would be highly dangerous to the public or police or to the security of the state.
6. The expenditure on law and order given in ch. 6 makes for some interesting, if rather simple, conclusions. The total prison budget in 1978 - 79 was £270m. (6.79) and leads one to the conclusion that it costs £130 per prisoner per week. The total law and order budget, including prisons, courts, police, suggests £750 as the cost of every case that is brought before a criminal court.
7. McConville, S.: 'Future Prospects of Imprisonment in Britain in The Use of Imprisonment' (1975) ed. McConville, S.
8. Cf. 1. 58 European Standard Minimum Rules for the Treatment of Prisoners (European Yearbook Vol XXI 1973 p. 323 at 341) '... the regime of the institution should seek to minimise any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.'
9. It can be argued that for the majority of prisoners, the British Government has been in breach of both the UN and the European Rules on the treatment of prisoners in this regard. For the relevant European Standard Minimum Rules, see r. 72.3 and r. 77.1.

10. See 'The Abolitionist' Summer 1979; Fitzgerald and Sim 'British Prisons' 1979 pp. 109 - 112; 'The Guardian' 7.12.79.

11. The treatment of John Stonehouse's heart condition was probably the most publicised recent example, but from my own conversations with ex-prisoners this does not seem to be exceptional. I have also been told that in Wandsworth at the present time, one waits 15 months for a dental appointment.

12. In *ex parte St Germain* / *ex parte Rosa* (1979), the Court of Appeal held that the disciplinary proceedings of Boards of Visitors are subject to judicial review (i.e. the Court can quash a decision arrived at in breach of the Prison Rules or 'natural justice'). The three judges expressed differing views as to whether this could apply to proceedings before a Governor. Cf. *ex parte Cotterill et al.*



HARASSMENT

Frederick Williams

One evening me a com from wok,
And a run fe ketch de bus,
Two police start fe run me dung,
Just fe show how me no have no luck,
Dem ketch me and start to mek a fus,
Say a long time dem a watch how me,
A heng, heng round de shop

Me say me? What? heng round shop?
From morning me da wok,
Me only jus stop,
An if onoo tink a lie ma a teil,
Go an go ask de manager

Dem insisted I was a potential tief,
And teck me to de station,
Anyway dem sen and call me relations,
Wen dem com it was a big relief,
Fe se som one me own color,
At least who woulda talk and laugh wid me

An me still lock up in a jail,
So till me people dem insist dat
Dem go a me wok to get som proof,
Tge police man dem nearly hit the roof,
Because dem feel dem was so sure,
That it is me dem did have dem eyes on,
Boy, I don't know what's rong,
With these babylon man,

Dem can't tell one black man from de other one

Anyway, when we reach me wok place,
Straight away de manager recognise me face,
And we go check me card fe se me dis clock out

So me gather strength and say to de coppers,
Leggo me onoo don't know wey onoo on about,
You want fe se dem face sa dem a apologise,
But when me look pon how
Me nearly face disgrace,
It mek me want fe kus and fight,
But wey de need, in a babylon fight,
If you right you rong,
And when you rong you double rong

So me a beg onoo teck heed,
Always have a good sleby,
Because even though you innocent,
Someone always a try,
Fe mek you bid freedom goodbye.

rap or tap?

Ian Cameron

This delayed concluding part to my review of *The Acceptable Pressure Group*—Mick Ryan's book about the way the 'penal establishment' discriminates against RAP while it greatly favours, because of its reformist stance, the Howard League—should be read in conjunction with what I have already written. In *Abolitionist* no. 1, I took a critical look at Ryan's treatment of the League, sketched in the book's political context and commented on its structure. In this issue I'll look at what Ryan has to say about RAP.

It is clear that Ryan's understanding and analysis of RAP has almost wholly been deduced from printed and written documents. On the basis of this material, plus a few interviews with one or two individuals, he has done a good job. But, it has to be said, what he has produced could have been greatly improved if he had been a RAP insider himself or if he had put effort into more fully canvassing RAP's active membership.

In the first part of my review I chided that the League, while it has done and continues to do good work with much effort, actually helps to bolster and continue those conservative, elitist and privileged traits which permeate the legal, penal and associated professions making up the 'penal establishment'. I made that criticism as a RAP member, as an ex-member of the Up Against the Law collective, as someone who had played a central role in the campaign to free George Davis and who had spent over a year afterwards as the full-time secretary of Justice against the Identification Laws (JAIL). JAIL tried to play an interventionist role between the accused, his or her solicitor and counsel. Often we were totally ignored or treated with disdain bordering on contempt. Many cases in which we took an interest concerned organised crime and/or professional criminals, and we soon learnt that although they didn't like injustice to be visited upon them, they didn't care much, once off the hook, about the shape of justice in general or the efforts of those trying to make changes for the better. I rode to and from courts with teams of alleged bank robbers, who moaned about a bit of 'verbal' (even when they were fighting charges of which they were guilty)—and who, in the next breath, ridiculed the police in their case and explained in detail how, if they were coppers, they would have organised the fit-up in a far more ruthless and determined way.

RAP is reformist!

Here we are dealing with part of that small percentage of criminals whom RAP, between the lines, and despite its professed radicalism, has to hint would need incarceration. This is not a matter, incidentally, that Ryan applies himself to. However, in July 1977 I took Mr Harry MacKenny (who since July last year has been publicised as BIG H the Underworld HIT MAN) along to a RAP working group meeting on the 'dangerous offender'. I am not suggesting that MacKenny is what is alleged to be, but I was aware at the time (as other RAP members present were not) that Harry wasn't the typical RAP enthusiast. It made me realise that RAP was reformist, and hadn't much to offer MacKenny. ('What do you think Society should do about people like you, Harry?') Future embarrassments were prevented by the simple fact that Harry never came again.

secret handbook

Ryan obviously couldn't cover everything that RAP has done or put its name to. Take *Prison Secrets*, written by academics Stan Cohen and Laurie Taylor and jointly published by RAP and NCCL in February 1978. Ryan might have faced a dilemma over this. Undoubtedly

it was a radical publication, making a very valuable critique of the methods and procedures by which the Prison Department grossly manipulates inmates, inmates' dependants, its own employees and the public in general—not least by means of the Official Secrets Act and the sanctions which can be visited upon those who offend against it. Cohen and Taylor were able to produce such a useful critique because they had access to many memoranda, Prison Department circulars, standing orders and instructions—and, to boot, at least one copy of the Prison Governors' Handbook.

On the day of publication Cohen was out of the country and Taylor presided at the London press conference. He duly stated the Prison Department on (among other things) the official secrecy issue. But, as he was not a little apprehensive that he might get nicked, the confidential prison documents that ought to be publicly available were salted away. From that day to this, despite repeated enquiries, copies of those documents have never been circulated to those who would find them of great value in dealing with their everyday work (as I would at Release), or to sharpen the edge of our general commitments. We have recently had Taylor writing in *New Society* (31/5/79) that he had agreed that, after use, he would burn the Prison Governors' Handbook and that this he had duly done in his garden in a kind of ceremony. So the popular legend goes; and a disgusting and suitably melodramatic one it is even if true—which is contrary to my information. There was no such puny radicalism in the George Davis campaign; and in fact nothing could better have served the cause of combatting official secrecy than the spectacle of Prof's Cohen and Taylor being carted off to jug. It would have been helpful, fraternal and truly democratic for that information to have done the rounds. It's sickening to have to make such a point.

not pigheaded

Ryan addresses himself to the confusion he felt between RAP's rhetoric and its actual practices. He sees a split in the membership between, on the one hand, hard-line radical 'abolitionists' who won't consider anything short of that aim (although in fact they have to), and on the other hand those who are humanitarian, reformist and politically naive. He has oversimplified the differences, although persons falling into these two stereotyped groups could well exist. I, for one, would like to see abolition and will help in whatever way seems practical to further that end. But I'm not pig-headed or naive enough to press for abolition to the exclusion of everything else or in the face of all experience.

Today, says Ryan, the penal reform lobby is far more competitive and complicated than in previous times. In the previous part of my review I pointed out that Ryan specifically raises fundamental and complex issues concerning the politics of day to day 'pressure-group' activity. And although Ryan is easily able to show that the penal establishment has been less than responsive—even obstructive at times—to RAP, there seems still to be some sense of mystery on his part about what is going on and how changes and policy decisions are made. He writes that today's Home Office is surrounded by 'so many permanent and ad hoc advisory committees that it is becoming difficult to say exactly what influences were decisive in helping to persuade the Home Secretary, and his advisers, to adopt one line rather than another.' He says also, in his earlier theoretical section, that with the growth of pressure group politics, we now have 'consensus' rather than 'class' politics. If 'class' politics have been displaced, he fails to develop any strategy relating to what might now be done; and if 'class' politics in any meaningful sense were what existed previously, he doesn't explain why they were ineffective or should not have been displaced. RAP has never solved these issues or explored them in any real way, but having raised the issues, Ryan might have been expected to go farther than he has.

doomed

This is not to suggest that Ryan doesn't give RAP strategy serious consideration, because he has a separate sub-section under that very heading. He reckons that, though doomed to failure from the start, RAP's efforts in the early 1970's to stop the Holloway Prison Rebuilding programme were still one of its most impressive campaigns. He commends RAP on various of the criticisms it made of Community Service Orders and the Younger Report, but he says that in making some of the 'tough decisions' it faced, RAP was 'sometimes unwise'. It isn't as clear as it might be which decisions he would place under that head.

He looks in some detail at the problematical discussions surrounding the setting-up of the Newham Alternatives Project (NAP), and says that useful and supportive dialogue with the Home Office in this connection only came about once the H.O. had 'cut through the NAP/RAP rhetoric'. Elsewhere he states that RAP could never hope to reach an advantageous relationship with the H.O. 'unless it was prepared to modify the nature of its political critique'. He also makes a passing suggestion that in accepting H.O. Voluntary Service Unit money, along with the trapping (so to speak) of a management committee (including a Howard League official) NAP has moved 'right' politically. Funding certainly can compromise a group, but this is not inevitable. It is a very complicated issue, needing detailed discussion rather than a passing anecdotal reference; but from my experience at Release (also funded by VSU) and from what I know of NAP, I would not agree with Ryan.

Readers who don't know much about RAP, or indeed about the League or the penal lobby in general, can learn quite a lot from this book, and can't fail to understand that a great many questions and answers have yet to be formulated. From inside the penal lobby—certainly from inside RAP—one can't help but feel a bit apprehensive about exactly what weight readers will attach to some of Ryan's findings. Here on the inside things seem much more complicated and unresolved than is made clear.



A REPLY TO IAN CAMERON AND OTHERS

Mick Ryan.

In recent editions of the *Abolitionist* both Martin Wright (Howard League) and Ian Cameron (Release) have commented at length on certain aspects of *The Acceptable Pressure Group* (Saxon House, 1978). Although this is not the place to reply to them in any great detail, I would like to make the following points:—

To start with Martin Wright and his attempt to 'put the record straight' over control units: I do not wish to swap details with the Howard League over its response to these units, though the details in this case are important; what I really want to stress is that even if Martin Wright opposed them his attempts at 'seeing the other person's point of view' did little to break down official resistance. To say—*The Times* 5/11/74—that the critics of control units had done 'less than justice' to the Prison Department, many of whose officials were themselves 'profoundly concerned' at being 'obliged' to introduce the units, is language which could just as easily have been used to support the official line as to oppose it. Wright's public statements clearly *did* blur the issue.

Ian Cameron complains that I have not said enough about other groups in the penal lobby; this is an opinion he shares with NACRO's

former director Nicholas Hinton (*Howard Journal* vol. XVIII no. 2), and also with J.E. Thomas, a former deputy prison governor (*Prison Service Journal*, no. 35). There is obviously something in this line of attack, in that the more fully the penal lobby is explored the better RAP's position in it can be situated. However, all these critics should be reminded that my intention was to write a case-study of the Howard League and RAP, and that intention was written into the sub-title. As a consequence I can hardly be blamed for keeping my coverage of other pressure-groups in the penal lobby to a minimum.

too crude

More importantly, Cameron claims that I only give one or two examples of the Howard League 'condemning' the Home Office 'outright', and that this shows I am wrong to argue against the widely-believed caricature of the League as being in the pocket of the Home Office. I simply disagree with Cameron over this, since while it is certainly true that the League rarely condemns the Home Office 'outright', it frequently disagrees with government policy and says so in public, and I don't think this adds up to being totally in the Home Office's pocket. The League simply isn't the complete Home Office stooge—if it were then we could have brushed it aside years ago. Of course the League and the Home Office share certain fundamental assumptions, which I have been at pains to stress, but such an agreement on basics hardly turns their relationship into a totally harmonious marriage. Such an analysis is much too crude.

Finally on the League, Cameron argues that it cannot be held solely responsible for the 'failure' of penal reform. He is right, of course, but then I never said that it should be. The issue is too complicated for that sort of explanation.

Turning to RAP, Cameron faults me for being too vague about the policy-making process. He seems to want to know at a very practical level how policy is made, rather as if I could produce a blueprint which students of the penal lobby could apply on each and every occasion. My reply to this request is that although it is certainly possible to make crucial generalisations about the policy-making process at the level of ideology, access and secrecy, there is no blueprint that can possibly be applied right across the board. It is, at the level Cameron seems to be interested in, the very particularity of the process which is striking.

confusion

On wider political issues I find Cameron very confused. At one point he seems to be complaining about the absence of a radical strategy when faced with 'consensus' politics. This is not an unreasonable complaint. However, if he wants to explore this argument then he might find that the terms of reference have moved on a frame: that is, a continuing social-democratic consensus under Margaret Thatcher is surely highly problematic, to say the least. And this is a problem for all radical strategists in the penal lobby, including me.

A constant theme running through Cameron's review is that I haven't got things quite right because I wasn't a participant in the events which I seek to analyse and explain. There is certainly something in this, and the force of his point comes out in the discussion of control units. Cameron was much concerned with this issue and his observations are convincing, the product of close involvement. However, the disadvantages of writing from the outside can be overstated, and involved academics can sometimes distort the picture too. To give just one example, it seems to me that Thomas Mathiesen's *The Politics of Abolition* could be, through the author's own involvement, somewhat misleading about the way radical groups faced up to their strategic choices in the seventies. In RAP certainly, and perhaps in PROP too, members have never really mapped out what path to take with any clarity at decisive moments of choice.

For much of the time there was strategic confusion and plain muddled thinking. In Norway, KROM didn't seem to face quite the same problems or confusions. There, the strategic edges appear to have been sharply drawn and the choices clear, and I can't help wondering whether this wasn't the way the involved Mathiesen saw things, rather than how most KROM members responded.

Perhaps the main point to stress in conclusion is that our various differences should not stop us from working together on RAP's main task—having helped to expose bourgeois penology for what it is, we now need to capture that ground for our own radical purposes. In the present political climate, that task is even more difficult than it was.

WOMEN IN

Saturday April 12th 1980 was Women in Prison Day - an event organised jointly by the two groups with which RAP now shares the basement office of Rising Free Bookshop: London Anarcha-Feminists, and East London Women Against Prison (ELWAP).

The conference was at Conway Hall and was well attended, marred only by one technical hitch, the failure of the video equipment.

Ruth Wajsbium of ELWAP began the proceedings with a talk which set the treatment of women in prison in its historical context, and included some detailed figures which we reproduce below.

Iris Mills, one of the anarchists acquitted in the 'Persons Unknown' trial, gave an account of her experiences as a remand prisoner in Brixton, and later in Holloway. Until she was granted bail, she was considered so 'dangerous' that it took seven women to guard her. When two other women were held in the otherwise all-male prison, only two of them were allowed out on exercise at a time; the three together, it seemed, would be too hot for the screws to handle.

There was lively discussion of lots of issues. The drugging of women prisoners aroused particular concern. One of the women present had been (as a prisoner) a medical orderly at Moor Court open prison, and described some of the abuses which are revealed in the latest issue of PROP magazine.

A member of the English Collective of Prostitutes read a statement attacking the laws on prostitution, which forbid them to communicate with potential clients except by telepathy, 'which in the present state of knowledge is impracticable', and virtually forces them to live alone - if they live with a man, he's living off immoral earnings; if they live with a woman, that's a brothel.

RAPE

The most controversial subject was the imprisonment of rapists. Some people argued that rape was the expression of a sexist society, and the punishment of individual men was irrelevant. Others felt that a rapist left at liberty was a threat to his victim, and that she might feel compelled to move to another area.

After lunch (and the failure of the video), the conference divided into two groups, one of which discussed the rape issue in more depth - but unfortunately there was not time for this group to report back. The other group discussed practical ways of helping prisoners, and Alan Leader of NAP described some projects in which he is involved - the Prisoners' Book Scheme, the monthly magazine *Breakout*, (which publishes material by prisoners), and the Pentonville Prisoners' Support Group. The development of groups 'attached' to particular prisons was felt to be promising, and several have indeed been set up since the conference.

In the evening, Clean Break (a women's theatre group formed in prison) performed a very funny one act play in which three terrorists hold a nun and a housewife hostage - or so it appears They answered questions about their work; and National Interest Folk Band followed with some well-chosen songs. (This band can be booked by phoning 01 555 5248). Finally, some working video equipment arrived, making it possible to see (but hardly to hear) a programme about women in Armagh jail.

That ended the Conway Hall proceedings. The last event of the day (for those without trains to catch) was a candlelight picket of Holloway prison, one of a number of such pickets organised by ELWAP over the last few months.

FACTS & FIGS

(Home Office Statistics 1978)

The ratio of men to women in prisons and in borstals: 9:1

in 1978, of 2,445 women in prison awaiting trial:

Found not guilty	4.7%	4.7%
Given non-custodial sentence	46.9%	
Given prison/borstal sentence	26.7%	
Verdict/sentence not known	21.7%	

in 1978, of 1,692 awaiting sentence:

Given non-custodial sentences	65.3%
Given custodial sentences	28.8%
Sentence not known	5.9%

This means that 58% of women in prison awaiting trial or sentence were either found Not Guilty, or set at liberty after spending a period of time in prison.

2,000 women were sentenced to prison and 332 sentenced to borstal.



'Oh no! Not Women's Lib!'

PRISON

The women inside in 1978 were convicted of:

Theft (mainly shoplifting and petty theft under £10)	1024
Fine defaulters	895
Prostitution-related offences (i.e. soliciting)	214
Fraud	178
Burglary	171
Wounding	164
Civil prisoners	82
Immigration Act (Illegal Entry etc)	80
Criminal damage	80
Handling stolen goods	62
Assault	57
Robbery	48
Arson	26
Other violence against the person	25
TDA	19
Homicide or attempted homicide	17
Forgery	17
Cruelty to children	13
Sexual offences not related to prostitution	10
Other motoring offences	7
Vagrancy Act	6
Murder	5
Drunkenness	2
Immigration Act offences (eg smuggling illegal immigrant)	2
Other offences	98
Drink/drugs and driving	3

TOTAL: 3305



Thus the top three offences were theft of some kind, prostitution and fine defaulting. The fourth offence, fraud, usually relates to Social Security.

MOTHER AND BABY UNITS

All the places in the mother and baby units (about 30 at any one time) were filled throughout 1978. Most of the children were born in prison.



DOUG WAKEFIELD

Doug Wakefield is a long-term prisoner in Long Lartin prison. In the past six years he has lived under normal prison routine for just 298 days. The rest of that time has been spent either in segregation (581 days) or in total isolation 1,313 days). He has also been moved 20 times from one prison to another. The table below gives details.

Officially the reason for this treatment is that Doug is 'a danger to himself, prison officers and other inmates'. But a group of his fellow-prisoners who smuggled a message out to Warwick RAP are 'convinced that the Prison Officers Association holds some kind of grudge against him, possibly connected with the Gartree riots'. The message also reported that Doug had spoken of going on hunger strike.

That message leads to the formation of *Friends of Doug Wakefield*, 'an ad hoc group who feel that Doug's treatment is immoral if not illegal and are prepared to publicise and fight for his cause by every legal means at our disposal.'

On May 11th ten people picketed the Home Office while twenty pickets were outside Long Lartin. John England of Warwick RAP reports that the Home Office picket got a good response, with many passers-by promising to write to MPs or newspapers. At Long Lartin an official prison visitor was very sympathetic and promised to investigate the case, and leaflets were handed out to other people visiting the prison. Doug heard about the picket and is now off hunger strike. But he is still held in isolation. Robert Kilroy-Silk has tabled a question on the subject in the House of Commons.

For further information, or if you can help, write to:

John England
Students Union
Warwick University
Coventry

FROM	TO	Days in normal prison routine	Days in segregation (s) Days in total isolation (i)
May 20 1974	Nov 1974	15	Leeds 170 s
Nov 1974	April 1975	145	Liverpool 8 i
April 1975	April 1975		Manchester 1 s
April 1975	April 1975	5	Wandsworth
April 1975	April 1975		Birmingham 1 s
April 1975	June 1975	35*	Long Lartin 20 i
June 1975	June 1975		Birmingham 10 s
June 1975	August 1975	30*	Long Lartin 20 i
August 75	August 75		Birmingham 15 s
August 75	Nov 1975		Wakefield 65 i
Nov 1975	April 1976		Leeds 160 i †
April 1976	August 76		Liverpool 125 i
August 76	Sept 1976	8*	Hull 20 i
Sept 1976	Oct 1976		Manchester 30 i
Oct 1976	April 1977		Durham 185 i
April 1977	August 77	60*	Wormwood
			Scrubs 60 i
August 77	Jan 1979		Parkhurst 384 s C Wing
			125 i
Jan 1979	April 1979		Winchester 90 i
April 1979	June 1979		Wormwood
			Scrubs 70 i
June 1979	May ? 1980		Long Lartin 335 i.....

* Denotes actual time on long-term prison wings (133 days). This is important in that all the judgments made of Doug's character are or were formed in this time.

† Includes 156 days in strong box.

Table to Show Doug Wakefield's Prison Moves 1974 - 1980

Special Offer to all our members! and non-members

Would you like to spend a day a week (or more or less) in the newly-painted RAP office?

By the time this magazine is printed, we will have appointed our new part-time campaigner. He or she will need a sturdy band of volunteers as a back-up to deal with

phone calls, letters, keep the office well-organised, type, stuff envelopes, plus all the other jobs - big and small - which our sort of pressure group thrives on.

If you would like to grab the chance of this unbeatable offer, rush your name, address, and phone number NOW to the RAP office, 182 Upper Street, London N.1.

23 CLASS AND JUSTICE

Book Reviews

Maureen Cain and Alan Hunt (eds): *Marx and Engels on Law*. Academic Press 1979, £4.75p

E.B. Pashukanis: *Law and Marxism - A General Theory*. Edited and Introduced by Chris Arthur. Ink Links 1978. (First published in USSR 1924).

Colin Sumner: *Reading Ideologies - an investigation into the Marxist Theory of Ideology and Law*. Academic Press 1979, £4.95p

There has recently been a remarkable spate of publications on the Marxist theory of law. The most important of these for readers interested in the penal system, *Capitalism and the Rule of Law*, is reviewed by John Lyons below. But the more general themes of the relationship of legal institutions to the economic and class structure of society, and their role in maintaining that structure, are also of evident interest to abolitionists.

Marx and Engels did not pursue legal theory as a separate activity, but as an integral part of their analysis of social structures. Consequently, their writings on law occur in scattered passages in numerous different texts. Cain and Hunt have performed an invaluable service by culling the collected works and presenting a representative selection of such passages in a single volume. The picture of law which emerges is a rather sketchy one, but it is a sketch far more subtly shaded than the caricatures which appear in some text books. Especially noteworthy are the discussion in Marx's *Grundrisse* of the idea of 'property' (which is at once a 'real economic relation' and a 'conscious relation - posited with regard to the individual by the community and proclaimed and guaranteed as law'), and Engels' remarks on the ways in which the law may be deflected from straightforwardly embodying the interests of the ruling class.

The most important attempt to develop a comprehensive Marxist theory of law was that undertaken by the Soviet jurist Pashukanis in 1924. His general theory was previously only available in what Paul Hirst has called an 'appalling' translation in an anthology of Soviet legal thought, so this new edition is very welcome.

Pashukanis is mainly concerned with the civil law of property and contract, but he maintains that the contract exemplifies the universal form of all law, and this leads him to develop an intriguing theory of crime and punishment.

Public and criminal law, though they share the form of private (property and contract) law, radically differ from it in content. The rights enshrined in private law are treated by Pashukanis as analogous to the exchange values of commodities: valid but 'fetters' reflections of real economic relations. The content of the criminal law, on the other hand, amounts to no more than 'organised class terror'.

Punishment is an act of class vengeance, or self-defence, dressed up as a transaction in which the offender pays the price for his transgression of another's right. The trial is a dramatic, ritualised bargaining session where that price is determined; the prosecutor or victim demands 'justice' - payment in full. The criminal pleads for 'mercy' - a discount. Pashukanis anticipates one of Foucault's explanations of the appropriateness of the prison to capitalism - it exemplifies the principle of wage labour: the measurement of exchanges by time.

It is an attractive analogy, but it leads to invidious consequences. All the elements of 'justice' in the criminal law are portrayed as 'irrational, mystical and absurd'; Pashukanis wholeheartedly embraces the medical-treatment model as representing the sole 'rational' function of punishment, and looks forward to the day when the lawyer's task will be taken over by psychiatrists. At the same time, he castigates the 'advanced' criminologists of the day for failing to realise that: 'The only way to dissipate these appearances which have become reality is by overcoming the corresponding (economic) relations in practice, that is by realising socialism through the revolutionary struggle of the proletariat'. Anyone who accepted his analysis would have to say the same thing about RAP.

Colin Sumner's book is mainly concerned with intricate problems in the theory of ideology, but it is worth mentioning as an example of Marxism which avoids both the one-dimensional 'economism' which he criticises in Pashukanis, and the 'mystification of common-sense' he detects in Althusser & Co. (Or at any rate contains a higher-than-average ratio of common-sense to mystification.) He is able, for example, to recognise the essentially moral nature of law, and to show that rights, responsibilities and so forth figure prominently in the legal vocabulary not just because they reflect fetishised social relations, but also because they're an indispensable part of any morality.

All we need now is a new morality.

Tony Ward

CAPITALISM AND THE RULE OF LAW
edited by Bob Fine, Richard Kinsey, John Lea, Sol Picciotto and Jock Young
Hutchinson 1979, £3.95 (paperback)

This book, produced jointly by the National Deviancy Conference and the Conference of Socialist Economists, is the result of a 'convergence of interests between Marxists working in a wide range of areas'. The common aim of all the writers is to bridge the Marxist focus on economic exploitation and the deviancy perspective concerned with social control.

The book also reflects the debates of the past few years on Marxist theory, and the problems of relating the new ideas which have been developed to the classical Marxist concept of the mode of production. Jock Young's paper attempts to put these developments into context.

The papers by John Lea and Dario Malossi both contain extensive criticisms of Foucault's book *Discipline and Punish - the Birth of the Prison*. In Foucault's work it is

apparent that modes of social control such as the prison have an independent history, and consequently it is often claimed that he is a non-Marxist, since Marxism involves the concept of economic determinism. Melossi and Lea attempt to evolve alternative theories appropriate to the problem of advanced capitalism and social institutions.

Perhaps the article of most interest to RAP members is Roger Matthews' *Decarceration and the Fiscal Crisis*. In this article the nature of the recent capitalist crisis is examined, and is shown to have had an impact on control mechanisms within the criminal justice system. Matthews examines Andrew Scull's work on decarceration, and also the changing nature of prisons and other forms of social control such as community care. Without doubt there has been a convergence of interest over a wide spectrum of political views on the subject of alternatives to prison in the past decade.

Matthews' thesis is that 'community care' is a complement to incarceration, rather than a cheaper substitute, as Scull maintains. It is true to say that economic considerations, and the development of welfare capitalism, have set alternatives to prison on the agenda for political debate.

However, juveniles have usually been the prime area of discussion, and other categories of offenders - such as violent criminals - have been excluded. Matthews argues that the alternative methods of control usually advocated by the decarceration movement depend upon the prison as a final resort; and that the exclusion of certain categories of offenders from consideration as to their suitability for an 'alternative' means that the growth of such methods actually reinforces the prison's existence.

The work of the National Deviancy Conference has been criticised both for its choice of subject matter, and for allegedly failing to construct any policy short of the overthrow of the capitalism system. Stan Cohen's article in *Deviant Imaginations* (ed. Downes and Rock) is lucid on this subject. In spite of these criticisms, which I do not have space to go into here, and although the book is difficult reading for those unfamiliar with Marxist theory, I would recommend it to RAP members. It does provide an alternative approach to the subject of law in society, and the radicalism of that approach is very apparent. All proceeds from the book will go towards establishing a new journal, *Studies in Class and Justice*.

John Lyons.



LIVING ON TAXPAYERS' MONEY

The pronouncement by Lord Justice Lawton - made while refusing leave to appeal to a man jailed for a year for a £700 Social Security fraud - that 'the only possible way of dealing with this class of offence is a loss of liberty' could have a dramatic effect on the prison population if magistrates and judges were to take him at his word.

In 1978-9 there were 29,147 prosecutions for benefit fraud, of which 98% led to conviction. Even if 'this class of case' means only those cases where the defendant was claiming benefit while working, that still includes 69% of convictions for Unemployment Benefit fraud, and 55% of those relating to Supplementary Benefit. (*The Leveler* March 1980). There is virtually no weeding out of minor cases by the exercise of official discretion: DHSS policy (in contrast to the Inland Revenue's) is to prosecute everyone they catch.

The figures rise year by year. Of course Reg Prentice's extra snoopers will be catching plenty more of the little varmint; but even without any increase, Lawton's dictum would affect around 18,000 people a year. Admittedly he did say that the sentences needn't be very long, so let's suppose that 1/3 of those people would be inside at any one time: that's 4,500, or about 10% of the present prison population.

That compares with a figure of 1,650 in prison (on June 30th 1978) for all forms of fraud and forgery.



more prison construction under another name. The other proposal is to provide 'simple overnight shelter for those who would otherwise be charged with offences of drunkenness'. We have yet to see what these places will be like, but anything is welcome which avoids the pointless use of the criminal law.

(3) Mr Whitelaw's words of wisdom on shorter sentences are a total cop-out. This is only to be expected of a law 'n' order government up against reality. He not only excludes violent crime, but restricts himself to 'less serious offences' - so all the really barbaric sentences will stay the same, or get even longer. He doesn't say (though he's hinted at it before) that petty property offenders shouldn't go to prison. He says their sentences should be 'shorter'. And he doesn't propose to do anything about it (cut the powers of magistrates, for example) - he just drops a mild hint about 'an increasing awareness among the judges'.

Presumably he's thinking of some of the things the new Chief Justice Lord Lane has been saying. But there's a long way to go from making a few of the right noises to a concerted policy to reduce the sentencing 'tariff' - and the likes of Lord Justice Lawton aren't likely to help much.

SENIOR 'SERVICE' ?

(4) Seven new posts are to be added to the upper echelons of the prison 'service' so as to strengthen its 'corporate sense'. The prisoner slopping out in the morning will be suffused with a healthy *esprit de corps* as his mind turns to the Regional Director, the two non-executive directors, and the Deputy Director General, all zealously watching over his welfare The MUFTI squad will wield its batons with renewed vigour. . . . It's wonderful what a little extra bureaucracy can achieve.

As for the new independent inspectorate, it is, as Steve Uglow says (page 15), a small step in the direction of greater accountability. But then weren't boards of visitors supposed to be 'independent'?

CODSWALLOP

(5) Mr Whitelaw will do all he can to help the members of the prison 'service' 'to maintain their high traditions and to develop new and constructive methods in the context of the concept of positive custody. . . . ' The most charitable interpretation of 'high traditions' is that it's a euphemism for long hours. 'Positive custody' is a phrase the May Committee arrived at by emptying the old Prison Rule One ('a good and useful life' and all that rubbish) of what little meaning it contained.

If the prisons are set a totally meaningless objective, it can't be proved that they're not achieving it. 'New and constructive methods' means more prison industry. That - particularly in these days of unemployment and union bashing - will be a purely reactionary step. We mustn't let any 'reformers' in or out of the prison 'service' get away with pretending otherwise.

To end on an uncontroversial note: we would like your contributions for the next issue of the Abolitionist. Not just articles: graphics, poems, stories, songs - anything of interest. Send them by July 12th 1980 if possible to:

Tony Ward
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Harlow
Essex CM17 OEY

RAP Editorial Collective

Who is to blame?

I remember your face
When you said goodbye and went
You were always a good man
With whom happy days I've spent
As usual I stood and stared
Just before you disappeared in the distance
You turned your head and waved
We shared that inevitable smile
I asked the dear lord to take care
I cared for our young ones
And sent them to school
They are growing up quickly
And they are no fool
They were grateful for much affection
You always gave
Our life as a quartet
Were a pleasure to live
You showed me your hands
They were clean
You went away to work
Then you came back again
I looked at your hands
They were covered with stains
Stains of Blood
Blood what's that on your hands
I looked in his face
We burst into tears
I fell in his arms
He said, where I come by the store
There is always a crowd calling me names
They said, go home you black bastard
They said, go or you will see
They have fun as they throw stones at me
Today as I was passing,
One man ran up to me and said
Your wife is a whore,
I felt no sore
I could take no more
He is injured, I know
But our story just show
How a man can get drawn
Into serious crimes
And these things happen
Many, many a times.

Frederick Williams

SIGNS OF THE CRIMES

Quotes from 'The Signs of Crime' - a Field Manual for Police' by David Powis (McGraw and Hill £4.50)
Foreword by Sir Robert Mark

'When you are driving through the typically lonely places frequented by homosexuals, and your lights pick out a motor car with apparently only one occupant and then, as you get nearer, another head suddenly appears, oral masturbation may be going on!

'Watch for the possession of "These are your rights" cards or pamphlets by loiterers generally Obviously they will be carried by persons who consider it at least possible that they will break the law and interrogated by police. Thus they are carried by male homosexuals, by industrial and other agitators, by 'Angry Brigade' inadequates and similar amateur criminals.'

'Be circumspect with intellectual malcontents; they can be bitchy and small-minded'.

'Watch out for the 'athlete' dressed in a tracksuit, running about residential streets, either at dusk or in the early morning. While one must not become morbidly suspicious, experience does indicate that there seems to be a correlation between such persons and homosexual nuisances'.....

etc etc etc

SPEAKERS

If you are a member of a political party, pressure group, institute, school, college, etc etc, and would like a speaker from RAP to come and give a talk, answer questions, and join in a discussion, then please contact the RAP office without delay! We have an experienced panel of speakers and the subjects of prison, crime, the law and so on can always be relied on to produce a heated discussion.

We ask for travelling expenses, plus a fee if possible - the fee can be waived or reduced if need be.

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He brings fuels, Spare parts, Fans
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There are moods for making hate
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To prove the guilt to sue*

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He comes to recharge pain
E.C.T. LEUCOTOMY, LARGACTIL.*

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by K. Portland Frank
Illustration from the Anti-Psychiatry Bibliography...