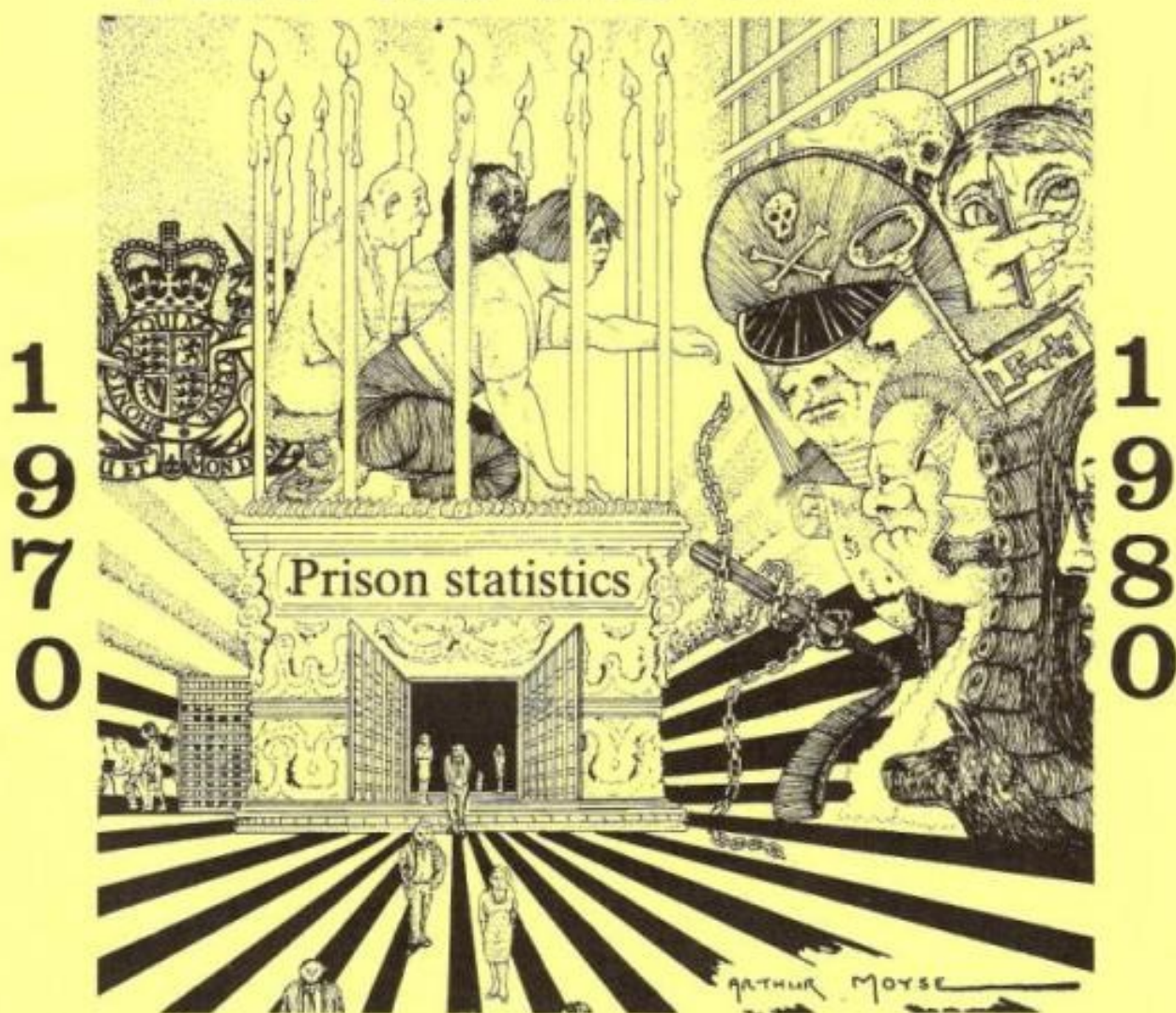


THE ABOLITIONIST

a quarterly journal from Radical Alternatives to Prison

Number 6 Autumn 1980

TEN YEARS OF RAP



INSIDE:

THE COURT OF APPEAL
CRIME AND ANARCHISM
TWO FACES OF WILLIE WHITELAW
PRISONERS AND THE 'REVOLUTIONARY LEFT'
PAROLE • DRUGGING • BOARDS OF VISITORS
'TOO MANY PRISONERS' - All-Party Parliamentary Report
BAPP - THE BRIGHTON ALTERNATIVES TO PRISON PROJECT

50p

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EDITORIAL

As RAP celebrates its 10th anniversary, we hope that in 1980 we'll be able to look back on this time as a real turning point in RAP's fortunes.

Certainly there's a new sense of optimism in the air. Our two new part-time paid workers, Tim Owen and Chris Wallace, have been with us since July, and are putting much of their energy into a campaign about the drugging of prisoners. You may already have seen their letters in *New Society* and the *New Statesman*.

We hope that no-one will misunderstand this as a reformist campaign. We do have information about certain abuses which we believe should be brought to light and should cease. But our primary object is to get across to the public what kind of a place a prison is. The use of the 'liquid cosh' points up the simple fact that prisons are about control and not rehabilitation; violence and not care.

There is, as ever, a fly in the ointment: the endless worry about money, to which Chris and Tim and all of us have to devote so much time which could otherwise be used for something more constructive. The penal system is now the subject of continuous debate - a debate in which terms like 'crisis', 'explosion', 'bursting point', 'scandal', 'against nature' have become commonplace. A debate in which RAP's message urgently needs to be heard. It seems inconceivable that RAP should go out of business at such a time. But it could happen if we don't get more financial support, as well as practical support, from our members.

Needless to say, the articles which follow express the views of contributors, not necessarily the RAP 'line'. This applies particularly to the question of 'dangerous' offenders. Two contributors in this issue argue that there are a few people who are such a threat to others that it is justifiable to imprison them. But there is another argument. This is that the risk that would result from releasing every prisoner (and we should perhaps add, every mental patient) would be minute compared with the risk we run by living with machines such as cars; and that a risk that is worth taking for the sake of 'efficiency' is worth taking for the sake of freedom. RAP's line on this question is that there isn't a line. There needs to be more discussion amongst our members. The Abolitionist can provide a forum for that discussion, and for many other issues. So think about what you read, and write to us about what you think.....

rap's ten year street ch



Compiled by Tessa Squires

year	EVENTS	PUBLICATIONS
1970	RAP launched (Oct.). The London 'Nucleus' grew out of the Prison Medical Reform Council (founded in 1943), which dissolved itself and transferred its assets to RAP.	
1971	RAP takes part in 'Man Alive' discussion on women in prison. The Holloway Campaign (against rebuilding the prison as a 'secure hospital') begins, with a conference at Kingsway Hall and an exhibition of cartoons at the Round House.	<i>The Case for Radical Alternatives to Prison*</i>
1972	RAP becomes a Christian Action project. Rally at Central Hall against Holloway (May). Bristol RAP launches its 'league' table of imprisonment rates in magistrates' courts.	<i>Alternatives to Holloway*</i>
1973	Excell House opened (hostel for ex-cons)	<i>Community Service in London (Steve Uglow)*</i> <i>Memorandum on Young Adult Offenders*</i> <i>Control Units and the Shape of Things to Come (Mike Fitzgerald)*</i> <i>Children Out of Trouble*</i> <i>Memorandum on the Children and Young Persons Act 1969 (25p)</i>
1974	NAP opened. Control Units Action Group set up (with Howard League, NCCL and other groups) Picket outside Scrubs (14th Dec.) to protest against the units.	
1975	CUAG virtually disintegrates after a row between RAP and the Howard League. Home Secretary announces that units will be 'discontinued', but will still be available for segregation under Rule 43.	<i>RAP Teaching Kit*</i> <i>Memorandum on Street Offences</i> <i>Community Service Orders - some further thoughts*</i>
1976	Excell House Closed	<i>The Newham Alternatives Project (reissued 1980) - of 'Outside Chance'</i>

1977	'Open Door' TV programme Medical Committee Against the Abuse of Prisoners by Drugging formed (with PROP, MIND, NCCL, SCODA and others).	<i>RAP Young Offenders Group Working Papers: Intermediate Treatment and Abolition: Is this 'A Future for Intermediate Treatment'?</i>
1978	End of funding by Christian Action, and onset of permanent financial crisis. RAP also loses its office in Eastbourne House, moves to Brackenbury Road.	<i>Prison Secrets (Stan Cohen & Laurie Taybr)</i> <i>RAP/NCCL £1.25</i> <i>RAP: What we Are, we Believe, we Do (free)</i>
1979	Moves again - to Upper Street. Financial position gets worse . . . will RAP survive? . . .	<i>Crime and Punishment: some thoughts on theories and policies (Stan Cohen)</i> We hope to reprint this in the near future - as soon as we can raise the money. <i>Notes on the Prison Film (Mike Nellis) 35p</i> <i>The Abolitionist nos. 1-4 (Back numbers 20p each, or 80p for 1-5)</i>
1980	Yes! (Touch wood . . .)	<i>Outside Chance: the story of the Newham Alternatives Project (Liz Dronfield) £2 (25p postage for non-members) from Mick Ryan, Dept. of Humanities, Thames Polytechnic, Wellington St. London SE 18</i>

*Out of Print.

* LOCAL RAP GROUPS

This article has concentrated on London RAP but local groups have been an important part of the story as well. Bristol RAP is definitely still extant - we've got a letter from Jim Little to prove it - and we suspect that there may be intelligent life in the Aberdeen area; but whatever happened to North Kent and West Yorkshire? Local groups were always left to do their own things and we in London don't know a great deal about what they got up to or what became of them. If you can shed some light on one of the unsolved riddles of modern history, please put it in writing; perhaps we could do a follow-up.

As readers of our recent Members' Newsletter will know, we're very interested in getting local groups off the ground again, and maybe linking them up in some sort of national organization. So if you've got the energy - your area needs you!

RAP WORKING GROUPS...

...have also come and gone. The most successful were the Women and Crime (originally the Holloway Campaign Group), which functioned from 1971-5, and the Young Offenders Group (c.1972-8). But other groups, on Property Offences (1972-5) and Dangerous Offenders (1977-8) 'fizzled out' without reaching any definite conclusions. The Dangerous Offenders Group looked at the wide variety of offences which can be regarded as 'dangerous', but it was unable to reach agreement on the question of how to deal with rapists, or to formulate a policy which did not involve some recourse to imprisonment.

Other groups have tackled practical matters such as fundraising, and we have recently set up a Finance Group. It is also hoped to set up a group to work on the case for a moratorium on prison construction.

Anger over sale of prison-made furniture

It was alarming that prisoners could manufacture furniture for the commercial market on a large scale at a time when the British furniture industry was experiencing its worst recession for 30 years. Mr James Kooyman, of the Furniture, Timber and Allied Trades Union, said when he successfully moved a composite motion.

That called for the production of articles by prisoners for sale outside the service to be undertaken only after close consultation between the unions representing the industries concerned, those representing workers in the prisons, and the Home Office.

While acknowledging their social obligation to provide a just and progressive system of rehabilitation for offenders, the motion said the encroachment by the prison service into an already depressed market of furniture and wood products further endangered the employment prospects of workers in these industries.

Mr Kooyman said on many occasions his union had been of assistance to the prison authorities in placing former prisoners in woodworking shops. His union's attitude changed when prisoners were employed at a maximum of £3 a week to produce articles of furniture for the commercial market and endangered the employment prospects of his union.

Hundreds of thousands of pounds had been invested in three prisons in Scotland on modern machinery to make furniture, such as bedroom units and three-piece suites. The official figure was that only £200,000 worth of furniture had been produced in Scotland for the commercial market in 1979. The real target was likely to be £500,000 a year.

A recent survey by furniture manufacturers showed that 10,000 of a total workforce of 70,000 had been made redundant in the first six months of this year. Half the total number of firms were operating short time working,

some as little as one day a week.

It was disconcerting that during the period when the Government had made available money to expand furniture making in prisons that money was not available to keep open furniture factories which employed disabled people.

Mr Kooyman said the prisoners' time could be spent learning the crafts. In spite of redundancies and closures, there were still shortages of skilled people in the industry.

Mr Ernest Manning, of the Institution of Professional Civil Servants, said the useful employment of prisoners was important in the process of rehabilitation and in equipping them for the outside world.

There must be a balanced programme which provided on one hand useful work for prisoners while on the other protecting the employment opportunities of those outside against unfair competition. That balance was particularly vital while they had appalling unemployment in the

ROOM WITH A VIEW

THE BRIGHTON ALTERNATIVES TO PRISON PROJECT

Jill Box-Grainger was one of the founders of the Brighton Alternatives to Prison Project. Now that she has taken up another job in London, we interviewed her to find out more about BAPP and get her thoughts of it in retrospect.....



The idea was first mooted in April 1979. I was a student at Sussex University and had got interested in prison matters. I knew the people at the Newham Alternatives Project and Alan from there suggested to us that we start a similar project in Brighton. So I called an Open Meeting in Brighton. Alan from NAP came along and explained how they worked there. We thought we might use NAP as a model, but this turned out not to be suitable for us. At the meeting there were about 25 people - CAB worker, two probation officer seniors, someone from the Jobcentre, social services people, students and so on.

It was a very problematic situation. There was an assumption that we would have a certain relationship with the probation service. There was a lot of friction with the probation officers.

Between July and October, we found premises and we had negotiations with the probation service. The Church Community Development Project in Brighton gave us a room rent-free; they also paid our phone bill. But we had to share this room with other groups, and it was only a temporary arrangement until we could find somewhere else.

In October we set up. There were four of us interested in doing the work - and none of us had prison experience. We built up a good relationship with a housing trust which ran a hostel for homeless men. In fact this hostel referred us our first person. (We never use a term like client or participant - we just say, 'Oh, someone phoned this morning about a guy who's coming to see us'.) We purposely wanted an informal atmosphere, and we intended to work with all sorts of problems.

Some of the things we have done - we had a judo class for a year. We had an employment consultant from Apex trust. We had a finance advice session. Literacy and numeracy classes. These services were not all used much. Not everyone who came was interested in this sort of thing, and some of the sessions were not very appropriate for the people who turned up at BAPP.

But we managed to find four local employers who were interested in us, and they promised to notify us when they had vacancies. And at the Jobcentre, we got on with the special needs officer - until this side of the Jobcentre was axed by the Tory Government in January 1980.

There were some good innovations. Firstly, a Gamblers Anonymous group was set up, and a Gam-Anon group for the families. This ex-prisoner turned up and he needed some moral support which we gave. He got the group going and we let him use our room. He is a very dynamic and charismatic guy, and got a strong group going.



Secondly, we got a relationship going with the duty solicitors at the local magistrates court. Normally, drunken offenders up in court for drunk and disorderly don't qualify for legal aid. If they get fined, they can't pay so they go to prison. We asked the solicitors to give advice, which they did, and some of them even defended one of our people for nothing. We fixed up the day before with the solicitors, told them who was appearing in court, so when our people went to court, a lawyer would already know about them. This worked out well. In Brighton, there were duty solicitors in court every day, but in other places, they are only there on certain days.

Our way of working? All the staff were totally voluntary. We ran the place as a collective, with everyone who had anything to do with the place welcome to join in decision-making. By March 1980 we had succeeded in reaching an understanding with the probation service. They acknowledged that BAPP might help certain people, and they would sometimes ask the court to pass an appropriate non-custodial sentence so that the person could come to BAPP.

I think it was an advantage that we didn't have a formal arrangement with the probation service, like NAP did. It meant we didn't depend on one source of referrals.

We went to court with 15 people, and none of these went to prison. One of them got a deferred sentence rather than prison, and he might well have gone to prison otherwise.

Probation defined those who were suitable for BAPP as people 'disaffected with the statutory services'. Of course, this often meant the people who were the 'hardest ones to crack' - the probation service wanted to hang on to people who were easier successes! We got on very well with some of the probation officers who would refer us several people.



Our philosophy? We wanted to put the emphasis on helping people sort out their life-styles in a way that caused the least damage to themselves and other people. We didn't go on any moral crusade. I'll give you a few case studies:

Rod - he was one of our earliest people. He had been out of prison for 1½ months when he met us. Out of the previous 15 years, he had been inside for 13 years. He was in his thirties. He had first committed armed robbery, but all his recent offences were petty. He knew no-one at all in Brighton, and his family had disowned him. He was referred to us by the homeless hostel. He had a low self-image and drink problems, and he felt very isolated. He had no idea how to live in the community. He had spent all his youth in prison. On two years probation then. He had gone through a bad patch and was thrown out of the hostel and slept out.

At BAPP he was helpful, then became destructive. He left the area, then came back. Eventually he deliberately tried to get himself back into prison. Now he has been sent to another hostel and given probation again. BAPP never rejected him, and this was very frightening for him. He managed to make friendships at BAPP for the first time in his life. We helped him to get probation instead of going back to prison, and in his turn he gave a lot to BAPP.

He felt that the only worthwhile thing he had ever done in his life was to write a book in prison. It was a novel and I think it was very well written and we tried to get it published for him.



Fred - he drifted up to us from the Day Centre downstairs. He was about 30. He had been in a lot of trouble with the law - probation, suspended sentences etc. He had been addicted to heroin, but now he took pills and drink. He had dealt in hard drugs. He too was very lonely in Brighton and knew nobody. He was very quiet and suicidal. He made 3 suicide attempts while we knew him. But he was also caring and energetic and very sharp. What he needed was a stable emotional relationship.

He became the strongest person at BAPP. He would bring youngsters to us who were in trouble. He got himself a job and came on BAPP outings. And then he got nicked but got a suspended sentence. He got a girlfriend and was happy with her. He still keeps in contact with us. He takes pills a bit but far less since he met his girlfriend because she is not on the drugs scene. I don't know if his success was all due to BAPP but it certainly helped him.

The people who come to BAPP say that the strongest thing there for them was the friendship. They mostly had had disastrous relationships and now they could make new and better ones.

A bit about the day to day work - we were open on 3 afternoons a week. Each day a different staff person was there - this was a good thing. Every week we had a meeting and things were decided by vote. But the person in charge of the office each day had the final

say if there was any dispute - this avoided problems. There was lots of consensus between everyone. The staff tended to be students or young teachers. In time, lots of problems developed between the staff. Two of them didn't want BAPP to deal with anyone with a record of violence. But they were opposed and they left. Then the balance changed and things took off better - there was more equal say - the guys started doing the rota. Then it was me and a friend of mine and ex-cons running the place.

We have been nearly offered £1,500 which would pay a part-time worker. Two of the guys are interested in taking the job. The guys are good at working there, but they feel the strain of it. They have a lot of strain in their lives anyway. They don't like the paperwork side of the place - the administration - typing, writing letters to prison welfare departments, handling money. I think there will always be a need for people like me to help with that side of it.

We wrote to every prison welfare department to ask if they knew anyone who was leaving prison to come to the Brighton area. A few of them replied and sent people - we were very surprised and pleased.

To get a bit of money which we needed for stamps and so on, we held a few Jumble sales, and had a stall at the university. This was our only income until March 1980. We managed to keep even in this way. Then we met a man from the Natwest bank by chance, and he liked us. He had a whipround at work and produced £50 for us. Then he got another £500 - this was an anonymous donation. We are now in touch with a Trust which is probably going to give us £1,500.

GAMES

Altogether we have had about 30 people, of whom 15 went to court and we went with them. Out of this 30, we had regular contact with about 20. They came for at least a month, and came every time we were open. It is easy to see our appeal. In Brighton accommodation is appalling. They have nowhere to go. We had a pool table which they liked to use. People sat around, drank loads of tea, and used the place like their own living room - phoning up for a job, or ringing their probation officer. It was completely unstructured. One bloke even did his washing there and hung it up to dry. It was only a medium-sized room.

We have got a second room as well now - this is essential. There are odd frictions, and also you need somewhere to talk privately.

There have been two women who came to us because of offences. We thought of having a wives group, but the women we knew were not very interested. The age group was between 14 (boys on IT) and 53. The average ages were 28 - 50.

What advice would we give to other people wanting to set up a project? Well, have a good look at your own area and see what the special needs are. And in particular, don't let yourself be bullshitted by what other people say - what I'm thinking of are the NUMBERS game and the PERMANENCY game. People tell you it's only worth doing if you get a lot of people coming to you. And if you stay open for at least 5 years.

But there's always the chance of packing up. That shouldn't matter. The only criterion is if people get something out of it, even if it's temporary. And they are individuals and the place is useful because it is small and they can be treated individually. This just can't happen if there is a mass of people. The logic of the statutory mind is insidious.

The political question comes up as well. Some people have told us that BAPP isn't political enough. Well, I think that the most politicising thing is the most personal thing. It is personal relationships that change people's lives. Just sitting and having a cup of tea with someone. If you take political action and get legislation passed which keeps whole categories of people out of prison, they are still lonely! It is not enough to act politically in the usual sense without thinking of the day to day relationships.

I have got a new job with the Apex Trust now. It's good to know when to quit, when you are running out of energy. You can't be frightened of saying that you feel like giving up and have no energy left at the moment.



With some people we didn't have much success. The place didn't suit them. Presumably those who stayed around were helped. There were two awkward guys in particular - one young one and one older man. They didn't want to go straight at all, and they formed an alliance and were aggressive, talking about the fiddles they were doing. They kept going on about it. But they were threatened by another guy and they never came back. BAPP dealt with them by getting rid of them, not by getting them to work through it. We have heard that the young guy is OK now, but the older one was pretty malicious. He would bleed people - he was loud and paranoid, slanderous - he really pissed on everyone. At first he was desperate and very excited about coming to BAPP, and he made some new friends. But people lost patience with him. It was hard for people trying to go straight to keep hearing about his fiddling.

Other social agencies? In a way we were outside of the police and prisons and probation. We didn't rely on anyone. When we saw someone in prison, we just used a Visiting Order like anyone else. We did try to get official recognition at Lewes prison. . . It was hard for us to visit people outside Sussex because we didn't have the fare money.

We became real friends with the guys. The staff saw them in their spare time. There were a few backlashes. My place was robbed three times by the same person. People had their tobacco nicked etc. As for drink, we started off with no policy. (In the Day Centre downstairs no drink is allowed and this helped us.) But one day one person became provocative. So at the meeting we made a policy about no drink. The guy turned up with a bottle and he had to leave. He came back later without it.

Very many of the guys have gambling problems. And drugs are very common - valium, pills of any sort. It's to do with loneliness. Brighton has nothing for them. I recently went away to another town, and when I got back to Brighton, I saw just how hollow it is. It is bright and sparkling, but the other side is grotty and run-down - it's a really divided town. The guys can't

get out of their position there. There's a very bad employment problem - seasonal work. And the accommodation - shitholes with 4 or 5 in a room and each one paying £22 per week to the hotel.

We showed at BAPP that you can do some useful work in keeping people out of prison with very little money and very little bureaucracy. It's a good sort of project to set up in any town, and people who want to start their own project are welcome to see us at Brighton.

Telephone no: Brighton 25998.



Room 1, The Institute, Central
Free Church, Queen's Square,
BRIGHTON BN1 5FD

Monday/Tuesday/Thursday 3-6pm

FROM OUR POSTBAG

A LETTER FROM BRISTOL

Dear friends,

Great joy to receive 'Abolitionist' no. 5 today. Marvellous to know you have all *[sic!]* rallied round and congratulations on a magnificent achievement. It really is a most impressive and useful issue.



Thank you very much too for featuring the 'Ball and Chain' award. We still get steady mileage out of it and the article may bring more. Two research Probation Officers wrote following my letter in the 'Guardian' on May 19th. The Press Release has been sent around the Gwent courts - at least one Justices' Clerk in Tredegar 'phoned to query some percentages. (He was including 17-21.)

I have a RAP talk lined up. Will keep in touch. Best wishes to all and love to the cause.

JIM LITTLE
70, Novers Park Road
Bristol BS 4 1RJ.



THE FIRST ABOLITIONIST

THE ORIGINAL ABOLITIONISTS were the eighteenth- and nineteenth- century campaigners against slavery, and it comes as no great surprise to discover that a group of them hit upon 'The Abolitionist' as a title for their journal. The paper was launched on August 4th, 1834, and the last issue appeared just nine months later, in May 1835. Appropriately, *The Abolitionist* was an organ of the radical wing of the anti-slavery movement, and its brief history suggests that the pressure-group politics of the 1830's were not all that different from those of today.

The Anti-Slavery Society, founded in 1823, was an early example of an 'acceptable pressure group'. Its approach was summed up by its full title: The Society for Mitigation & Gradual Abolition of Slavery Throughout the British Dominions. It was careful not to alarm conservative opinion by calling for the immediate overthrow of slavery, and relied heavily on its influence with the government and in parliament. As well as putting forward a plan for gradual emancipation, it sought to 'mitigate' the condition of slaves through reforms such as an end to the flogging of women — with limited success. Its leader, Fowell Buxton MP, was a prominent penal reformer, a brother-in-law of Elizabeth Fry and founder of the Society for the Reform of Prison Discipline. It resembled—ever so slightly—the modern Howard League

Extra-Parliamentary Tactics

In 1831 some of the Society's younger and more radical members formed a body known as the Agency Committee. They believed that it was necessary to appeal directly to the electorate, rather than to politicians. They hired lecturers who toured the country, encouraging the formation of local anti-slavery groups. As many as 1,200 such organizations were set up, and the lectures also raised enough money to enable the Committee to strike out on its own.

1832 was the year of Parliamentary reform; and in the ensuing election the Agency Society campaigned energetically. 'Sin will lie upon us,' declared one abolitionist, 'if we do not agitate, agitate, agitate. . . . The people must emancipate the slaves for the Government never will'.

But next year the government did introduce a bill to emancipate the slaves, though not in the most satisfactory way. The slaves were to serve their erstwhile masters for up to eleven years as unpaid 'apprentices' and the owners were to be handsomely compensated for the loss of their human property. Buxton and his followers accepted these terms; the Agency Society condemned them, but could do little to resist them.



19th century photograph from the anti-slavery collection at Wilberforce House

Partly inspired by the visit to England of the fiery American abolitionist, William Lloyd Garrison, the Agency Society decided to channel its energies into campaigning for an end to slavery throughout the world. It changed its name to The British and Foreign Society for the Universal Abolition of Negro Slavery & the Slave Trade, and the first issue of *The Abolitionist*, its monthly paper, appeared, aptly, three days after the Emancipation Act was passed.

The decision to concentrate on foreign — more particularly, American—slavery rather than on the inadequacies of 'emancipation' in the West Indies was an odd one, and must be held chiefly responsible for *The Abolitionist's* early demise. *The Abolitionist* accused the old Anti-Slavery Society of complacency — 'Success, though partial, seems to have produced its usual effect of languid torpor'— yet a faint note of complacency also marred the clarion-call of its first editorial:

The people of England stand on a proud eminence . . . They have purged themselves of the imputation of a crime, than which no greater can be perpetrated against human nature. . . . They can now consistently bring the moral influence with which they are invested, to bear on those actions which may still persist in perpetrating a similar crime, and demand in the name of . . . outraged humanity, the universal recognition of the rights of man.

BRICKBATS

When George Thompson, the Society's most prominent member, embarked with his friend Garrison on a speaking tour of the United States, he soon found that some foreigners were sadly unresponsive to the moral influence of the English — they threw bricks at him. After a particularly nasty riot in Boston, in the course of which Garrison was put in gaol for his own protection — a fate RAP speakers have so far escaped — Thompson returned to England. Meanwhile, as might have been predicted, reports were coming in from Jamaica of the scandalous mistreatment of their apprentices by the former slave-owners who were responsible for putting the legislation into effect.

Exactly what happened to the Universal Abolition Society in this crisis is not known. A change of direction was clearly called for, and Howard Temperly (on whose *British Anti-Slavery 1833-70* this article is based) suggests that the Society's 'tattered metropolitan organization' was simply unable to make the required decisions. In August 1835 a joint meeting was held with the Anti-Slavery Society to discuss the situation in the West Indies; and after that the Universal Abolition Society simply vanishes from history.

However, in 1838, after the apprenticeship system had finally been abandoned, a new society with much the same aims, and many of the same members, was set up, under the capable leadership of the Quaker philanthropist Joseph Sturge. That was the British and Foreign Anti-Slavery Society. It survives to this day, under the name of the Anti-Slavery Society for the Protection of Human Rights, and recently made the front pages with its report on child labour in Italy. Perhaps it might care to look into the forced labour in our own Prison Industries. Slavery isn't so far away as we like to think.



fun corner



WHEN DO YOU THINK THIS WAS WRITTEN?

"Britain has kings, but they are tyrants; she has judges, but they are wicked. They often plunder and terrorize the innocent; they defend and protect the guilty and thieving; they have many wives, whores and adulteresses; they constantly swear false oaths; they make vows, but almost at once tell lies; they wage wars - civil and unjust; they chase thieves energetically all over the country - but love and even reward the thieves who sit with them at table; they distribute alms profusely - but pile up an immense mountain of crime for all to see; they take their seats as judges - but rarely seek out the rules of right judgement; they despise the harmless and humble, but exalt to the stars, so far as they can, their military companions, bloody, proud and murderous men, adulterers and enemies of God - if chance, as they say, so allows: men who should have been rooted out vigorously, name and all; they keep many prisoners in their jails, who are more often loaded with chafing chains because of intrigue than because they deserve punishment. They hang around the altars swearing oaths - then shortly afterwards scorn them as though they were dirty stones."

High St. London E1. £0.20 (plus 10p postage). REWSNS
C/o Freedom Bookshop (in Angel Alley) 44B, Whitechapel
poster from Kropotkin's Light House Publications
by GILFILLAN YARVILLE - with suitable illustration - as a
- £-540 A.D. (from "THE RUIN OF BRITAIN")

(acknowledgements to
FREEDOM newspaper)



FROM SUPPORT TO RESISTANCE

IN THE LAST few years there has been constant discussion in the area of penal policy. We have all heard the cries about the crisis situation of 'our' penal system; many jails are severely overcrowded — there are now over 44,000 people in prison and recent estimates have forecast an increase of 15,000 by 1984. Many liberals waited for the May report to ease their troubled consciences, but going by previous form we should not have been too dismayed that it had nothing constructive to say: it was and is like putting a band-aid over a septic wound. We have all heard stories in the media: druggings, beatings, people held in isolation for over 1,000 days — not to mention the deaths of people held in police custody. If we really look at what is happening around us, we can see that our society is on the brink of becoming a reactionary, pro-fascist state, and prisons are the expression of a repressive and potentially fascist state machine.

Prison is one of the sharpest weapons the state possesses in its struggle to isolate and eventually crush the working class, and yet the so-called revolutionary left seem to have brushed the whole question under the carpet. Surely no revolutionary struggle can be complete if the machinery and instruments of repression are still in existence. As the capitalist state machine plunges deeper into chaos, the state will use its prisons in an effort to hold back the movement of the people in their struggle for liberty. Are we content, then, to allow the state to harrass and kidnap our brothers and sisters? The left have been talking of the emergence of a police state; but can a capitalist state be anything else?

RAP and PROP have done some excellent work, bringing publicity to the penal debate and to the prison struggle; but the debate is only as good as the actions that follow. As an ex-prisoner I know that many prisoners have little faith in the left, and some even feel that organizations like RAP and PROP just produce leaflets for liberals, and don't really care about them. Over the last ten years prisoners have often shown their revolutionary spirit by attacking the agents of state control, but they have had little support from so-called revolutionaries on the outside.

What are needed are actions that will show solidarity for our comrades in practical terms. There need to be certain levels of support and resistance, which can be put into action by those of us on the outside.

Phase One is the building of community support. A number of projects of this type are already getting off the ground.

PRISONERS' BOOK SCHEME. The aim of this scheme is to get publishers, bookshops and members of the public to donate books in first-class condition — and cash — so that books can be sent in to prisoners for free. There are more than 25 prisons without evening classes and the full-time 'college' at Wormwood Scrubs has been closed 'until further notice'. In Manchester the local authority is considering making the tutors at Strangeways Prison redundant. So there is, more than ever, a need for this kind of scheme — and for your books and your help.

The Bookscheme is split into two areas:—
Prisoners' Book Scheme
 Box 4, 42 Bath Street,
 Royal Leamington Spa, Warwickshire.

LOCAL PRISONERS' SUPPORT GROUPS. These aim to provide a network of support for prisoners. Most large towns and cities have a prison nearby, and the aim would be to get local people and ex-cons to form into a support group for prisoners in their area. The group will try and visit prisoners



write to them, send them books, and pass news and other material in and out; The group would also publish information about what happens inside; this could take the form of a newsletter given out to local people and visitors to the prisons: **Brixton, Holloway, Pentonville, Wandsworth, Long Lartin.** Get your friends to form a Support Group at your local jail!



BREAKOUT is a magazine written by and for prisoners, ex-cons and others who are up against the law. At the moment it is bi-monthly, and there have been five issues so far. It has articles on prisons, the courts, the police and other related subjects, as well as poetry, letters, crosswords, graphics and cartoons. It costs 25p a copy. Subscription rates are £1.50 a year for individuals, or £3 for organizations. **Breakout** needs committed people to help with layout, typing, distribution, etc. If you can help — or just want a subscription — write to:—

'Breakout—the Paper for Insiders'
Box 66, 182 Upper Street, London N1.

NB: Breakout is free to prisoners.



CAMPAIGN AGAINST PRINDUS: 'Prindus' is the trade name for Prison Industry. The campaign is against the commercial exploitation of the prison population. Prisoners are required to work if asked to do so, and refusal may result in the loss of remission. Prisoners earn about £1.20 for a twenty hour week, and there are over 18,000 in workshops. In the past prisoners have been used as blacklegs: in the national dock strike they were paid 2p a day to load and unload ships. Prisoners should be paid a decent wage, and should have the right to form a union. Some of the companies that use prisoners as cheap labour are: **Britains Toys, Nelson Labels, I.J.C. (picture frames), Invicta, Metal Box Company, Brian Mills Mail Order, Aranson Furniture, Empire Sores, Empire Products Ltd, Morris End, Lloyds Cartons, Nelson Labels, R.F. Fern Ltd., Ultra (Manchester).**

We are asking people to boycott these firms. We would also like to hear from prisoners about other companies that are doing the same, and we need help to produce stickers and leaflets. Please write to:—

Campaign against Prindus,
c/o 143, St Francis Tower,
Iris Way, London E4.

These schemes need to be complemented by other forms of solidarity action. **RAP** aims to abolish prisons, but until the working class have been shaken out of their slave mentality, the prison population will continue to swell.

Phase two is the building up of a **resistance network**, to help those who refuse to turn up on bail and those who manage to escape. Just imagine the effect on the State if all those on bail failed to turn up in court, or if those in open prisons or borstals legged it!

To give this kind of support there would need to be a network of 'safe houses'.

Here are some hints on the running of these havens: No one member of a 'resistance' group should know the locations of all the safe houses. No written material should be kept there. As far as possible there should be enough food, drink, etc. laid on to enable people to stay there for some days without going out. No meetings should be held at the houses. Those who do have to visit should look fairly conservative. Premises should be chosen which cannot easily be surrounded. There should be pre-arranged escape routes, and a simple signalling system to indicate whether the place is still safe.

Most of those on the run need alternative forms of identification. The most reliable method of obtaining identification is to steal it; but never use stolen credit-cards or cheques. Fake birth certificates are becoming difficult to obtain, but it is still possible to look up a death in old obituary columns and request a copy of the deceased person's death certificate. (Obviously, it's best to choose a person who was born within a few years of the person who needs the certificate.) With a birth certificate you can obtain a driver's license, a social security card and other forms of identification.

Of course, these are only thoughts—Heaven forbid that anybody should start doing such things! But this type of resistance is needed. So *get off your bums and do something!*

Alan



Futility

Radio 2 and brown paper waste
Khaki, white and blue
The buzz of needles sewing in haste
The clip of scissors too
Rolling backwards, forwards, backwards,
Laying out the yards
Spilling out on khaki blackboards
Coats in flatted shards.
Cut box sew and check
The process never ends—
Do they eat them at the Ministry of Defence?
Piles of coats and clockwork labour
Waste away within these walls.
A mind is bent, it sees no favour
And never struggles as it falls.

George Knight



JUSTICE, PAROLE & PROFESSOR MORRIS

THE CHARLES RICHARDSON case has prompted Terrence Morris, one of the best-known British Criminologists, to make what is in many ways a very trenchant call for the abolition of parole (*New Society*, 19/6/80). Quite rightly, he argues that both the closed nature of decision-making about parole, and the criteria used, are unjust. Some criteria relate to factors for which time will already have been added or subtracted at the sentencing stage; others grounds on which it is grossly unfair to deny a person liberty: 'Ought [a prisoner] to stay in jail because his wife is having an affair and there might be the risk of a punch-up?'

Unfortunately it turns out that Morris's critique of parole is also an apologia for judicial punishment, employing a version of the latest American weapon for the defence of Democracy, the 'Justice Model'*.

Justice must be related to what has been shown to have happened already At the sentencing stage, society (through the medium of the judiciary) attempts to set some penalty which . . . is publicly evaluated largely in terms of what is felt to be the offender's just deserts.

There are two simple objections to this. Firstly, the notion that a judge is merely a 'medium' for some metaphysical entity called 'Society' is a very powerful and useful myth, but certainly doesn't deserve to be paraded as a scientific truth. Secondly, the only yardstick by which the public can gauge the offender's 'just deserts' are the standards set up by the judges themselves, as filtered through the newspapers and other media. And judges are conspicuously unrepresentative of the public at large.

However, judges do make their decisions in open court, and are subject to various rules and procedural safeguards. That alone makes their decisions more acceptable than those of the Parole Board. If parole were recognised for what Morris rightly says it is – a re-sentencing exercise – and administered as befits a judicial decision, it might be equally acceptable. (Some of us would like to see the whole apparatus of the criminal law replaced by something different, but that's another question.) But if offenders were sentenced on a rational basis in the first place, it would only rarely be appropriate to re-sentence them.

This brings us to another of Morris's criticisms: justice, he maintains, looks only to the past: 'the idea that a person could be properly deprived of his liberty not on account of what he *has* done, but on account of what he *might* do, is offensive to the idea of justice as fairness'. And so it is, in most cases. But might there not be exceptional cases in which some person or group of people had such strong grounds to fear what a person might do that their interest in his/her

segregation might fairly be held to override his/her own interest in liberty? Is it not this, if anything, that justifies the involuntary confinement of some mad people? It is sometimes thought to be just to restrict a person's liberty so as to avoid a 'conflict of interest': a position in which s/he would be subject to temptations to which others would not be subject, though s/he *might* not give way to them. If a man has strangled a young girl for no other apparent reason than that he gains some sort of satisfaction from so doing, he might be thought to have an interest so violently at odds with those of young girls and their relatives that he should not be permitted to mix with them.

It is true that such a man would be judged on the basis of his ~~past~~ conduct – it would indeed be unjust to impute murderous propensities to someone who had never committed a murderous act – but the justification for his imprisonment would be the fear of what he might do, not some abstract notion of desert.

Thus, justice is not incompatible with the idea that people should be imprisoned solely in order to protect other people from them. Punishment and restraint are two different objectives, and if one can be pursued justly, so can the other. But imprisonment solely for the purpose restraint would only be just in exceptional cases. In still more exceptional cases, it might be justifiable to re-sentence an imprisoned person on the ground that the perceived danger had ceased to exist. This is not a matter of applying some statistical formula like the prediction scores churned out by the Home Office's computer. It is a matter of recognising that attitudes and values can change. (Morris calls this 'contrition'.) Some form of parole is not objectionable in principle. The present system is.

breakout

'BREAKOUT' is subtitled 'the paper for insiders', but there's plenty in it to interest those on the outside as well. Anything that reaches Breakout from the inside is printed, anonymously – for obvious reasons – and unedited, and much of it has a directness that more than makes up for any lack of 'polish'. The paper is produced on a shoestring that makes 'The Abolitionist' look opulent, but all things considered the standard of the last few issues has been remarkably high. Numbers 4 and 5 are especially recommended for anyone interested in prison industries. Maybe by the time you read this no. 6 will be available, up until now they've consistently put us to shame by coming out on schedule, but we understand that they're having fairly acute production problems and could use some help, especially with the typing. I'll just give you that address again:
Box 66, 182 Upper Street, London N1.

*Note by Mick Ryan: A number of RAP members have expressed an interest in formulations of a radical critique of the justice model. A useful starting point might be: Dean Clarke, 'Marxism, Justice and the Justice Model' in *Contemporary Crises*, 2, 27-62. [We have been promised an article on the subject for the next issue – ed.]

Prison drugs

At a London Policy Group meeting on July 17, it was decided that RAP would concentrate on a major campaign into the abuse of prisoners by drugging. Regular readers of 'The Abolitionist' will know that RAP has been closely involved in past attempts to expose the punitive nature of much prison medical care (See 'The Abolitionist' nos 1,2,3,5). As a member of the Medical Committee Against the Abuse of Prisoners by Drugging (MCAAPD), RAP helped to detail the widespread use of drugs in prison as tools of social control rather than as legitimate aids to medical treatment. Now RAP intends to make sure that the initial impetus of the Medical Committee's work is not lost.

The MCAAPD achieved a great deal in a short time and collected enough evidence to prove that medical abuses have become endemic to the prison system. Largely as a consequence of pressure from the Medical Committee, the recently published Prison Department Report for 1979 published the numbers of drugs dispensed by the Prison Medical Service in England and Wales last year. They reveal a frighteningly high annual dosage per man/woman of psychotropic drugs, hypnotic drugs and other drugs which affect the central nervous system. These dosages can not be explained by Home Office reassurances that drugs are only used to treat mentally unstable and emotionally disturbed prisoners.

The work of the Medical Committee was, however, severely hampered by the threat of a mass of libel suits emanating from aggrieved prison medical doctors. Individual members of the MCAAPD have in fact been successfully sued and the document containing the charges and evidence by the Medical Committee has never been published.

Acknowledging the drawbacks of such a centralised and formal committee (combining as it does a wide variety of groups not all of whom subscribe to RAP's analysis of the role of prisons in society), RAP intends to pursue its campaign free from formal links with other groups and individuals. But we are obviously keen to receive any information and evidence on the use of psychotropic and other drugs in prisons, as well as on other aspects of the Prison Medical Service. Already many former members of the Medical Committee have promised their full support and co-operation for the campaign. Any readers who think they have relevant information should contact the RAP office as soon as possible.



WILLIE'S WATCHDOGS

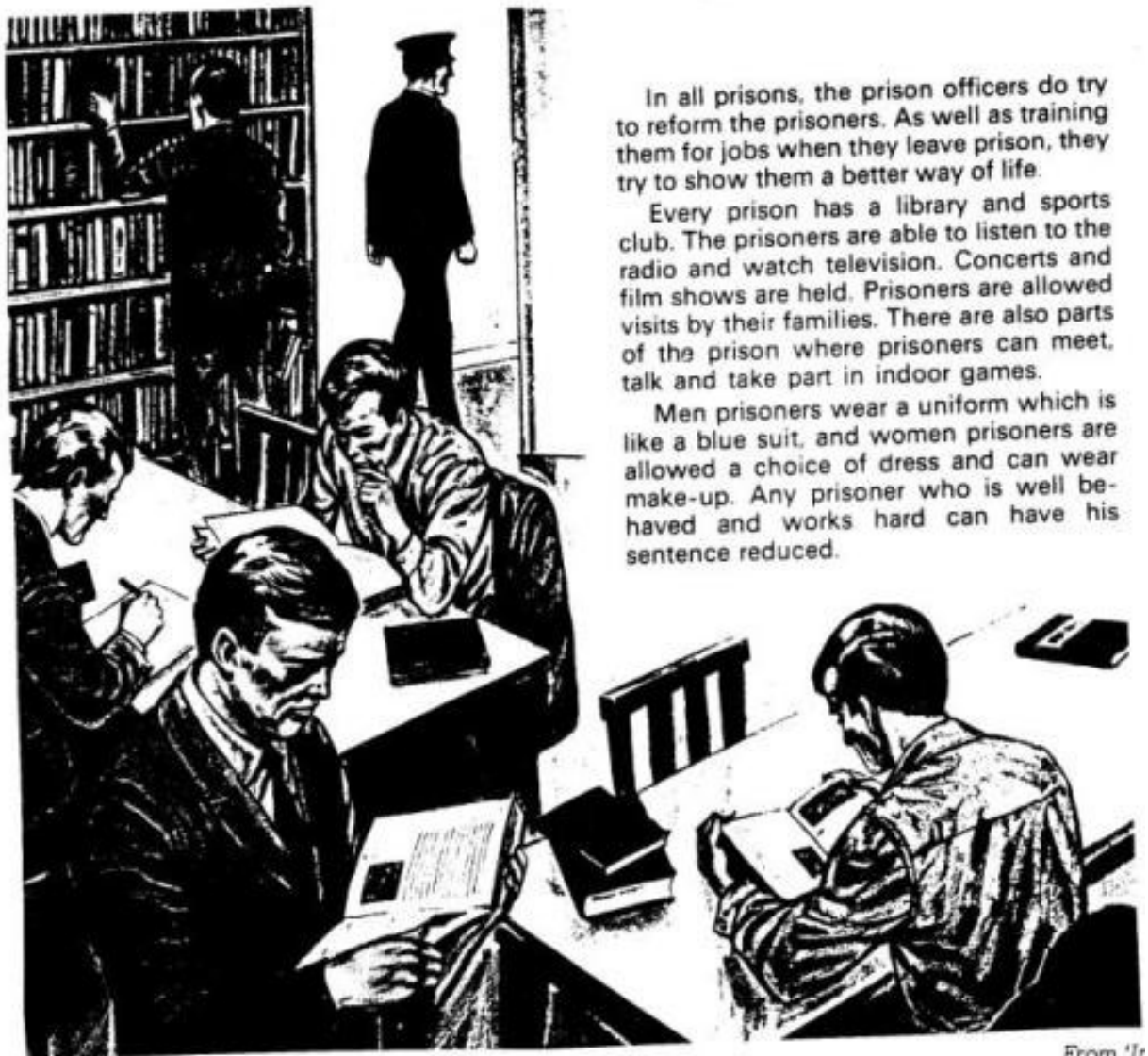
A scathing attack on the existing role of the Prison Boards of Visitors was recently made by a member of that illustrious group who is attempting to found a new, independent national association of board members. In an article in The Guardian (July 23) titled 'Prison Boards of Visitors - forever an insignificant Home Office cypher?' Margaret Watson, a member of Pentonville Prison's Board of Visitors, pointed to the contradictory roles of board members and painted a picture of a group of people who are 'seen to be entirely in the pocket of the Home Office'.

Ms Watson highlighted the crucial area of role conflict when she said that 'on the one hand, the board member acts as the public watchdog, protecting and upholding prisoner's rights; on the other he [sic] is meting out yet more time in prison for

the inmate. It is not surprising that few inmates have much confidence in the members' ability to be truly independent and fair in protecting prisoners' rights and assessing the running of the prison.' Quite so.

Anyone who thinks that the very existence of the Boards of Visitors demonstrates Home Office willingness to accept independent monitoring of the administration of British prisons should think again. As Margaret Watson points out, board members 'are completely dependent on the Prison Department in that, for example, they are serviced entirely by civil servants. The prison department arranges meeting, prepares agendas, provides information and the boards have no independent secretariat on whom they may call....members are isolated from one another, unable to exchange views and share experiences. They meet occasionally at courses organised by the Home Office.'

the JUNIOR



In all prisons, the prison officers do try to reform the prisoners. As well as training them for jobs when they leave prison, they try to show them a better way of life.

Every prison has a library and sports club. The prisoners are able to listen to the radio and watch television. Concerts and film shows are held. Prisoners are allowed visits by their families. There are also parts of the prison where prisoners can meet, talk and take part in indoor games.

Men prisoners wear a uniform which is like a blue suit, and women prisoners are allowed a choice of dress and can wear make-up. Any prisoner who is well behaved and works hard can have his sentence reduced.

From 'It'
(Schofie)

What did you learn in school today, dear little boy of mine?

*I learned that policemen are my friends,
I learned that justice never ends,
I learned that murderers die for their crimes,
Even if we make a mistake sometimes -
And that's what I learned in school today,
That's what I learned in school.*

-Tom Paxton.

*Here are all the captivities, the cells are as real,
but these are unlike the prisoners we know,
who are outraged or pining or wittily resigned
or just wish all away.*

For these dissent so little . . .

From 'Schoolchildren' (W.H. Auden.)

Abolitionist

15

Every effort is made to get the children to change their ways.



When men began to live together in groups there was a need for law and justice. The law is a set of rules which the community agrees to live by. If the community is to be peaceful then the law must be carried out fairly and justly and law-breakers must be caught and punished.

Today we depend on the police to arrest law-breakers and on the law-courts to punish them.

In spite of all these scientific aids which the policeman uses, he depends very much on the co-operation of the public. It is only with the help of the people that he is able to carry out his duties properly — to prevent crime and keep law and order.

story — *Law and Order*
© Simms Ltd (1971)

Thanks for all your cards. The range of subjects you write about is astounding and I enjoy answering them.

This week Rachel Rendall (7) of Trowbridge, Wilts, writes: "Don't you think that when people go to jail they shouldn't have TV sets, books, games and all the pleasure they could wish for? After all they go to jail to be punished."

This is one of many letters I received on the subject of prison sentences. The problem isn't as black and white as many of you suggest. It depends on whether you think the purpose of a prison sentence is to punish or to help criminals become better members of society. The biggest punishment is being shut away. The few concessions that prisoners are allowed may help towards their rehabilitation in society. I'm sending you a £5 book token, Rachel.

**THE
SUNDAY TIMES**
magazine

August 31, 1980

NO REAL THREAT TO SOCIETY

A review of 'Too Many Prisoners', a report by the Parliamentary All-Party Penal Affairs Group

HERE WE HAVE a professedly 'radical' report prepared by an all-party group of MPs and peers (not an official Committee) chaired by Robert Kilroy-Silk MP, who is also one of RAP's Sponsors. This is how they sum up 'the spirit of [their] recommendations.'

Our studies have convinced us that no lasting impression can be made upon this growing problem [overcrowding] without a radical change in approach and attitudes. Our approach is to reserve custody . . . to those who would represent a real danger to society . . . We believe it is vital . . . that remand in custody should be wholly exceptional; that a prison sentence should be imposed only when no other is possible; and that no prison sentence should be longer than is absolutely essential for the protection of society. [para. 194]

It is encouraging that politicians as diverse as Clive Soley, Janet Fookes and Lord Hunt can subscribe to such fine-sounding principles; but consensus has been achieved only by using the woolliest imaginable language. Does 'society' mean simply 'other people', or people, property, official secrecy and the moral fabric of the nation? What exactly is a 'real danger' as opposed to a mere 'nuisance', and how is one to know that only a sentence of precisely so many years will suffice to avert it? And what does it mean to speak of imprisonment as the only 'possible' sentence—as if locking people up were not always a matter of choice? These questions are nowhere examined.

ALTERNATIVE PRISONS

The first chapter of the report discusses 'Offenders for whom imprisonment is wrong in principle'. It is not thought necessary, apparently, to state the principle(s) in question, since 'those working in all parts of the penal system agree' that it is wrong to imprison mentally ill and disordered offenders; habitual drunken offenders; and drug dependents.

The Group finds it 'lamentable' that owing to the failure of the D.H.S.S. to 'live up to its proper responsibility' in implementing the Butler Report, some hundreds of men and women are detained in prison whose degree of 'mental disorder' would be sufficient to warrant their incarceration under the Mental Health Act. Regional Secure Units, had any been built, might or might not be less distressing places to be confined in than ordinary prisons; but there is little basic difference between a prison sentence and a hospital order, except that the latter places one almost totally at the mercy of executive

discretion. By the sleight-of-hand of placing the proposed units within the sphere of the Health Service, an increase in carceral capacity can be presented as a decrease in the number of prisoners.

For alcoholics, the report urges that more detoxification centres should be set up, and finds a possible source of finance in the £4 million lying dormant in the Licensing Compensation Funds. For drug users a range of residential and non-residential programmes is advocated but, sadly, no such convenient fund is available.

The one novel recommendation in this chapter is that 'governors should be empowered to apply for variation of a custodial sentence to a panel drawn from a standing committee of magistrates'. This is primarily intended for mentally disordered or addicted prisoners, but the Group sees 'no reason in principle why such variation of sentence should not occur also in the case of other petty persistent offenders'. An interesting division of opinion emerges here:—

While some members of our working party would be prepared to accept an increased degree of executive discretion for this purpose, we are persuaded that to be generally acceptable any such proposals would have to retain decision-making in a judicial setting. [para. 49]

Perhaps a similar disagreement explains why the same principle is not applied to that most notorious instance of executive discretion, parole.

NUISANCES

The next chapter concerns 'Other categories for whom imprisonment might be reduced without endangering the public'. Eight such categories are discussed (by no means an exhaustive list—what about domestic murderers, for instance?); the one that receives most attention is that of 'petty persistent offenders'.

'A "petty persistent offender" can be described as someone who is a nuisance rather than a danger to society' (para. 54). That is sufficient, following the approach set out in the conclusion, to disqualify him or her as a candidate for imprisonment; so since, elsewhere, the report states emphatically that 'persuasion and exhortation of sentencers' is not an effective way of reducing the prison population, it is a pity that it does not set a threshold of 'pettiness' (say a property

value of £100) below which imprisonment would not be available to the courts.

But the report proposes, not to curtail the powers of sentencers, but to increase them, by making more widely available such traditional 'alternatives' as attendance centres, community service, and compulsory attendance at day centres or employment schemes. This is expected to encourage greater use of non-custodial measures. The whole logic of this well-worn argument is that non-custodial measures are more attractive to courts if they



'Decisive action in the immediate future is essential if the tension in some of our prisons is not to explode into violence'

involve some degree of interference in the offender's life, however futile (it is surely absurd, in present circumstances, to try to coerce people into employment). A Home Office study (quoted at para. 66) shows the result: only 45-50% of C. S. O.'s, the researchers estimate, are made as an alternative to imprisonment. There is an eminently sensible recommendation (para. 72) that *'conditional discharges and binding over should be used more frequently and more repetitively for petty offenders'*. But will anyone take any notice?

It is notable how little reliance is placed on the idea that 'alternatives' do any good. All that is said in favour of C.S.O.'s is that they only cost £300-£350 a time and that 'about three quarters were completed satisfactorily'. Probation receives only a passing mention. Senior attendance centres (for males aged 17-20), which sound about as therapeutic as a kick in the groin, 'provide a cheap, simple and easily understood penalty without the undesirable side-effects of custody'. There is a certain refreshing realism about this, but also a distinct touch of the 'short sharp shock' mentality.

TIMID

The remainder of this chapter is rather a frustrating affair. There are some very welcome recommendations: *no custodial sentences for sleeping rough, begging or indecent exposure (paras. 113, 116); abolition of 'nus' without replacement (121); extension of the Bail Act to cover deportation proceedings (126)*. But time and again the report seems to be leading up to other, broader proposals for decriminalisation or decarceration, and then stops short.

The first disappointment concerns maintenance defaulters, of whom 2,564 were gaoled in 1978 (para. 74). The Report of the Finer Committee on One-parent Families (1974), which recommended that this measure be abolished, is quoted at length, but the All-Party Group makes *no recommendation* of its own.

Then come fine defaulters, who, as the report points out, account for nearly a quarter of receptions into custody (para. 84). The Payne Committee, whose report in 1969 led to the abolition of imprisonment for all forms of civil debt except maintenance default, proposed that an Enforcement Office be set up to take responsibility for civil debt collection; and

the Parliamentary Group adopts the proposal by the Advisory Council on the Penal System (A.C. P.S.) that this office should also deal with overdue fines. But *imprisonment would continue to be available 'for deliberate refusal to pay after the Enforcement Office has dealt with the case and on the application of the Enforcement Office' (para. 88)* Why should the Office, whose proposed powers would include levying execution on the defaulter's property, bankrupting him, and making an attachment of earnings order against his employer have this additional power in respect of one class of debts (mainly relatively small debts owed by relatively poor people) and no other? There is no good reason why imprisonment for fine default should not be abolished altogether.

To its credit, the report recommends that *soliciting should not be punishable by a prison sentence*, and accepts that the present state of the law is inequitable. But it goes on to endorse a recommendation by the Prison and Borstal Governor Governors that

A more equitable approach would be to prohibit all behaviour likely to cause offence and embarrassment to others. This would cover the more blatant and offensive forms of soliciting and also certain types of male behaviour towards women, e.g. kerb crawling. [para 103].

It would probably take some ingenuity to devise a way of soliciting so subdued and polite that no-one was likely to be embarrassed. Taken literally, the proposal is quite ludicrously broad: there are a million ways to cause offence and embarrassment to others! Why not just scrap the law on soliciting without replacement, as NACRO suggested?

On cannabis, the report quotes NAPO's evidence in favour of decriminalisation, and proposals by NACRO and the Howard League that possession for personal use should not be an imprisonable offence. Then, for no stated reason, it qualifies this modest proposal still further: *'custodial sentences should no longer be available for possession of small amounts of cannabis for personal use.'*

At the end of the chapter is an afterthought about 'Average' offenders: the 35% of the prison population 'whose offences cannot be described as petty and yet who represent *no real*

DAILY MIRROR, Wednesday, July 30, 1980

Sentence of the Court

1—SARAH PONSONBY, 36, came before magistrates at Malmesbury, Wilts, last week charged with drug offences. Police told the court that when they raided her farm near Bath they found 292 cannabis plants growing.

She told the court that she grew the plants for her own use. For growing them she was FINED £50.

P.S. Sarah Ponsonby is white. She is related to former Tory Minister, Lord Bessborough and is a friend of Mr Roddy Llewellyn, the night club artist.

Her farm has been visited often in the past by Mr Llewellyn and his royal girlfriends.

2—WINSTON JOSEPH, 23, came before Snaresbrook Crown Court, East London, on July 1, charged with a drug offence. Police told the court that when they raided his flat at Dalston, they found one cannabis plant growing.

Mr Joseph told the court he had been given the plant by a man in the park and that he used it for cooking. For growing the plant he was SENT TO PRISON FOR SIX MONTHS.

P.S. Mr Joseph is black. He is not related to any Tory Minister and has no royal girlfriends.

All-Party Report

danger to society' (para. 129) —And therefore ought not to be imprisoned? —Ah, well, not exactly, but—

within this group there are some who could receive a non-custodial penalty in cases where at first sight imprisonment may seem the appropriate option [para. 129].

A timid sort of 'radicalism' indeed!

WAITING TIME

The report expresses concern 'that a considerable number of defendants are remanded in custody who could be granted bail without endangering the public or disrupting the criminal justice process' and calls for 'an urgent review of the factors affecting time spent awaiting trial or sentence'. It also makes some fairly detailed recommendations, of which the most striking is that *The Home Office and the Lord Chancellor's Office should examine the most appropriate way in which the 110 day limit on custodial remands in Scotland could be adapted to the law of England and Wales* (para. 155). If they did examine it they'd probably come up with all sorts of reasons why it couldn't be done, but it looks like a good idea. (At present the average waiting time for a Crown Court trial is 121 days.)

'We cannot overstate the seriousness with which we view the present situation in our prisons: it is an affront to human dignity'

A SIGNIFICANT REDUCTION

'We are in no doubt that, in order to achieve a significant reduction in sentence lengths, the powers of the courts will must be restricted by legislation.' That, as Mr Whitelaw's response to the May Report showed, is something the government won't accept as long as it can possibly help it. Naturally it doesn't want the prisons to 'explode' as the report prophesies, but neither can it be seen to go 'soft'. It is disingenuous to quote (para. 6) Mr Whitelaw's speech about 'trivial and inadequate' offenders (who can conveniently be distinguished from genuinely 'anti-social' wrongdoers) as evidence that he is in sympathy with 'radical' reformism; and it is equally disingenuous to pretend that all the blame for the level of sentences can be laid on the judiciary, and none on politicians. Both play their part in fostering the 'public opinion' by which the length of sentences is justified.

For all that, the report is certainly right to call for legislation, and its specific proposals are an advance on the offerings of previous committees. They are based, with important modifications, on the two-tier structure proposed in the A.C.P.S. *Review of Maximum Penalties*. This posits a distinction between 'ordinary' offenders, to whom new, reduced, maximum penalties would apply, and 'exceptional' offenders who would be eligible for longer sentences. The differences between the two sets of proposals are: (1) the A.C.P.S. would set the ordinary maxima at a level which reflected *existing sentencing practice*, the Parliamentary Group 'somewhere below' that level; (2) the A.C.P.S. proposals would make 'exceptional' offenders liable to fixed-term sentences of *any length*; the Parliamentary Group advocates further maxima *varying with the offence, but in no case exceeding 10 or 12 years*. In view of the latter point, it is far from obvious why life imprisonment would, of course, remain available for certain offences.

The longer sentences would be available where, in the Advisory Council's words, 'the court is of the opinion that a custodial sentence is necessary for the protection of the public from serious harm' (quoted at para. 174). 'Serious harm' is defined as

... serious physical injury, serious psychological effects, exceptional personal hardship, or damage to the security of the State or the fabric of society (*loc. cit.*)

This is the nearest we ever get to a definition of the 'real danger to society' which is cited as the sole justification for imprisoning anyone at all. We are not told how to recognise a danger which, while less than 'serious', is sufficiently 'real' to justify the exceptional personal hardship of imprisonment. If protection of others from 'real danger' is seriously regarded as the sole legitimate function of imprisonment, then it seems indeed to follow (from weighing what is generally an extremely uncertain danger against severe and certain privations) that only in exceptional cases can imprisonment be justified.

If, on the other hand, the principle is not to be taken seriously, it would be better not to mention it. If the idea is put about that, in the new, streamlined penal system, people are only sent to prison if they are dangerous, they will be treated with great wariness when they get out: imprisonment will be even more stigmatising than it is at present, if that's possible. It also makes nonsense of the call for short sentences: someone who 'would represent a real danger' in January would still do so in May.

WHAT'S THE POINT?

In fact, the report evinces no coherent idea of what either prison or the alternatives to it are *for*. In this it reflects the bankruptcy of contemporary penology. Its proposals are no more than a pragmatic response to what is rightly seen as a parlous situation. If a sizeable faction in Parliament—including some pragmatic Tories — are prepared to press for these measures, that is a welcome development, if only for the embarrassment it will cause the government. Many of the report's recommendations point in the right direction. They go as far as an all-party group can be expected to go. But those on the Left should be ready to go further.

Instead of trying to create the appearance of a non-partisan, reformist consensus—a consensus, based on the absence of any meaningful principles—people like Mr Kilroy-Silk should be putting together a coherent *socialist* alternative to the law-and-order ideology which has served the Tories and their class so well.

The pointlessness of most prison sentences in utilitarian terms should be made the basis for an attack on the legitimacy of the penal system, not for a policy that bolsters up the system with equally pointless, and almost equally punitive, 'alternatives'. Before talking so glibly about the 'protection of society', they should consider what sort of a society it is that the prisons are protecting.



It is difficult, obviously, to get an education in a school that refuses to educate without requiring that its students submit simultaneously to custodial care, sterile competition and indoctrination.

—Ivan Illich (*Celebration of Awareness* p.1).

Jack in the box

When you're out of prison and you hit the street
 You smile at everybody you meet,
 It's crazy freedom as you tiptoe along
 Where every ear and shop is a song.
 The habits you've planted deep down in your brain
 Follow the rainwater down the drain
 You shrug off the shackles that tied up your mind
 And relax the watch you kept from behind.
 Is this really the same, the place you once knew,
 The world where love and flowers once grew?
 Or is there a part of me back in that hole-
 Gaoling my feelin and gripping my soul?
 When you kick the jailhouse and head for home
 Why did you stop and search for a comb?
 Cos your haircut won't dig that groom
 It's in your head, that lightening gloom-
 The madness is fading, the colours are bright
 And everything's bathed in freedom's light,
 And you aren't worrying, the pressure has eased.
 How long it's been since you felt so pleased!
 When you're out of prison and you hit the street
 You smile at everyone you meet
 You're in love with the world and everything's fine
 You're so bloody glad you've finished your 'time'.

George Knight



BLUE

Plastic men in paper hats circle round like biped bats
 In and out of tiled rooms, weaving multi-shadowed looms
 Bearing blue and blue-and-white that disappears in free daylight
 A skin cast off for older skin; they know that now they must begin
 Brighter days sit clear ahead waiting for the risen dead
 Woken from a sleepless dream of days and nights forever green
 Sleepworkeatssleepeatworkworksleep
 And then.....
 I walk upon a golden street, feel the stone beneath my feet
 Hold my hope close to my breast-it stood the most astringent test.

George Knight

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 contact the RAP office without delay. We have an experienced panel of speakers and the subject of prisons, 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 towards RAP's work - the fee can be waived or reduced if necessary.

We can bring RAP literature with us to give away and sell.

READERS who thought that the portrayal of the Police on the front cover of our last issue was a bit overdrawn might care to consider the case of Mr Roger Daly, who was awarded £3,270 damages against the Metropolitan Police by a High Court jury. Mr Daly, who is Black, was assaulted several times by five policemen and then prosecuted, unsuccessfully, for assaulting them. He was stripped and locked in a cell, where a policeman threw him peanuts (monkey food - get it?) - the only food he was given. What had he done? 'The police... said they had reasonable grounds to believe that Mr Daly, who was carrying a white plastic bag containing a clothes brush and shoe polish he had just bought, might be in possession of stolen goods.' (Times 23/7/80)
 The bill for this piece of self-indulgence was:

Malicious prosecution:	
general damages:	£1,000
punitive damages:	£ 500
Assault:	£ 25
Interest:	£ 475
	<hr/>
	£4,250

'but what do you do with...?'

.....a question often asked about a few famous criminals - the gang leaders, multiple murderers, child killers. The media make these people out as fiends who share no feelings with the rest of us. The more sophisticated truth is not so sensational - therefore not so profitable to print. Many people seem fascinated by stories of sadistic crime; others make capital by exploiting this fascination, perpetuating it. Hence the difficulty of rational discussion.

Much of what is said and written is muddled, and seems to regard these offenders now as bad, now as mad, as responsible or not responsible for their acts. This dual classification is suited to our system of punishment. If a culprit is said to be responsible, then he 'deserves' a long prison sentence. If not responsible, he is fit for 'treatment' in a closed institution. But who can decide if another's act results from a freely-made decision?

It is more useful to consider people who are dangerous to others in terms of four rather overlapping groups. First, there are those who kill - once. Most of these people could safely be put on probation - many have never been to court before this crime, usually the result of jealousy or anger and murder of a lover or spouse, sometimes in part provoked by the victim. Instead of the now-mandatory life sentence for murder which results in average stretches inside of about 10 years, an alternative might be some combination of social support in the community and psychotherapy. The first could help the person establish a new life, if necessary in another area. The second could help the person deal with guilt feelings which might lead otherwise to suicide. (One-third of murders are followed by the murderer's suicide.) Therapy could also help with personality problems which might have caused the crime, such as the inability to express anger in small doses, or obsessive jealousy. It might be possible to enlist in this task the help of other people who had had the same problems.

The increase in the number of therapists needed for this could be funded by savings on prison expenditure. A life sentence (10 years at about £200 per week) costs at the minimum £10 4,000 per prisoner, more than enough to provide realistic help outside prison for several years.

the professionals

Professional criminals who have decided on crime as their career, who are mentally stable and often very intelligent, who may enjoy their lives and regard prison terms with resignation - these form our second group. Although they may prefer to steal without violence, some are prepared to wound or kill if 'necessary'. The Great Train Robbers are a famous example. Their behaviour is understandable by capitalist norms - get as much as you can in the shortest time. Yet the same people might have

a more progressive contribution to make instead. (One train robber has been described by a writer on penology as one of the most intelligent men he has ever met.) Evidence from the USA has shown that given the chance, some 'hardened' criminals might want to become talented social administrators.

The American New Careers scheme is now well known in this country for its employment of hundreds of thousands of ghetto people in the human services. A related experiment was set up in Vacaville jail in 1965 with 18 young prisoners well on the way to a life time inside, most with a history of deprivation and no chance to use their talents in a socially useful way (however you define 'socially useful'.) Over four months, small groups studied sociology, social problems, research techniques, improved their literacy, and on release got jobs as programme development assistants, helping New Careers by researching ways of expanding the movement and selling the idea.

After five years, twelve had remained in this work in highly paid admin. jobs with responsibility for the ghetto areas which they knew well. Only one had returned to jail. This is a dramatic result. It could be criticised for absorbing potential revolutionaries into capitalism. Nevertheless, New Careers increases choice and skills and contains more possibilities for social change than straight crime can ever do.



So chances for the professional criminal can at least be offered. (Think of Jimmy Boyle's achievements.) If he has no wish to take them, he could be told to pay back stolen goods and make reparation in the

cases of injury. If he has been dangerous to life more than once, there might be a case for locking him up, especially if he has no interest in changing. This applies to the other two groups in our discussion - those who are unstable and commit violent crimes because of this (many of those in the 'special hospitals') and those who are both professional criminals and severely unstable:

special hospitals indeed!

Broadmoor, Rampton, Moss Side and so on house a few thousand people who hover between the status of prisoner and mental patient. Their 'nurses' belong in fact to the Prison Officers Association. But some people have called Broadmoor, for one, even worse than a prison. Many patients in these overcrowded and understaffed places become seriously institutionalised, staying longer than they need, with very few after-care facilities prepared to take them. When a mistake is made in release (as with Graham Young who poisoned several people), the hysterical reaction led by the press causes a tightening up of release conditions, which worsens the overcrowding.

Yet not all of those in special hospitals need maximum security. They might need an emotionally secure home with chances for self-expression and expert staff of a strong but sympathetic kind - given these things, they would cease to become a constant danger. For the few who are unpredictably violent in a serious way, we could learn from the Rudolph Steiner villages for adults with mental disabilities. About eight adults live in each house with two house-parents. About twelve houses plus a community centre constitute each village. Everyone works, goods of high quality are sold and the village farm produces food. In institutions these villagers would atrophy and become helpless; in the village optimum conditions, they develop their personalities, know that they are paying their way and enjoy a rich community life. (See the case of Raymond in the last issue of this magazine.)

* * * * *

Chronically and seriously dangerous offenders could also live in small villages - but secure ones. Although some sort of wall/moat is necessary, the emphases would be on security of relationships and growth, rather than on lock and keys. Work would be creative, villagers could train in new skills and explore their talents. Most people do not realise their potential by half and people who have committed violent crimes are no exception. Some could excel at a particular skill, giving them status and attention and satisfaction. These villages should spare no expense or effort to enable each person to develop in his or her own way. This might go some way at least to compensate for the need to lock them up, and would symbolically acknowledge that violent crimes have something to do with the previous treatment by 'society', with various forms of deprivation of which the offender was a victim. It might also be one of the most effective healing methods.

It is important for village life to be arranged to maximise the villager's capacity to choose how he acts through an understanding of his behaviour and its causes; so in addition to first class education, job training and a rich (optional) community life, there would be voluntary therapy sessions for groups, individuals and families.

Decisions about release would not rest with a director but with a consensus of staff and villagers, including the villager him/herself. This would help avoid the mistakes of judgment when top staff who do not know a patient well make the decision rather than the people he spends every day with. It also assumes an atmosphere of honesty and co-operation in spite of the feelings of resentment which confinement is bound to create. The resentment could be minimised by good staff (as we have seen at Barlinnie Special Unit.) For this, the chance of real responsibility and initiative are just as important as good salaries, and staff would have to relate as equally as possible with the villagers, preferably having special interests which they could share or teach. Who would these people be? We suggest recruitment not only of the normal social services types, but also of 'ordinary people' who have enough patience, understanding and an interest in developing themselves. There would need to be an attempt at a libertarian attitude - i.e. at the ability to let other people be without imposing rules and judgments in a hierarchical way.

These 'ordinary people' might be recruited from workers and ex-workers such as bus conductors, shop assistants, retired people, factory workers, unemployed people - the only qualifications being those of personality. We are at present caught up in conventions and limitations, e.g. that people without 'qualifications' cannot have jobs in human services, or that 50 is too old to train in a new job. Some lateral thinking is needed to solve the problems of seriously violent offenders.

Ros Kane

and the truth shall set you free...?



According to the recent White Paper 'The Reduction of Pressure on the Prison System', the Fifteenth Report of the House of Commons Expenditure Committee, published in July 1978, and the Report of the May Enquiry into the United Kingdom Prison Service, published in October 1979, constitute together 'the most comprehensive analysis of prison affairs since the Second World War, and place in sombre perspective the long accumulating problems and pressures facing the prison service.'

The Expenditure Committee's report was concerned primarily with overcrowding in English prisons and its original recommendations received considerable publicity. At a recent NACRO Conference convened on July 15 to discuss the government's official response to it, the atmosphere was far from sombre and the outcome a good deal more positive than is usually the case at gatherings of this kind. Many of the speakers, however, including the Home Secretary himself, seriously underestimated the chances of improving the penal system at the present time. Although many of the ideas put forward at the Conference are worthwhile in themselves they have arrived a decade too late to be of any real use.

Mrs Janet Fookes MP, the Chairperson of the Expenditure Committee, expressed her own view of the Government's response as 'strong on sympathy, but weak on action'. She criticised their somewhat cautious and pedantic attitude towards her recommendation that existing alternatives like Community Service Orders, Detoxification Centres and Day Training Centres be expanded, their rejection of the idea of day fines and the partially suspended sentence, and their tendency to pay lip service only to the idea of shorter sentences, the most crucial component of any strategy to reduce overcrowding. She acknowledged that building more prisons would also solve overcrowding but, apart from the high cost involved, she had reservations about a policy of this kind and apparently accepts the idea, fashionable in America, that the capacity of the system is the main determinant of the prison population. Professor Nigel Walker, the Conference Chairman, argued against this view, saying that there was no evidence for it in this country.

tinkerers

The Conference was unanimous in its belief that the judiciary have a central role to play in shortening sentences, but controversy developed about the means required to convince them of this. Mr Whitelaw does not favour legislation to compel a reduction in sentence length, claiming that this would set an unhealthy precedent for parliamentary interference in judicial affairs. He prefers persuasion-what Mrs Fookes calls 'pious exhortation'- and hopes that the Lord Chief Justice, once he is acquainted with the grim facts of overcrowding, will take his own initiatives in this respect.

Clive Soley MP, pointed out that Judges have not taken an active interest in prison conditions for over twenty years, and that it would be a mistake to expect a change of heart from them now. He and several others, insisted that legislation was necessary to alter judicial attitudes.

Some statistics were introduced into the debate at this point. Both Professor Walker and the Home Secretary suggested that a reduction of just one week on all custodial sentences passed by the Courts would significantly diminish the prison population in any one year. A NAPO representative was very critical of this kind of tinkering and argued that longer, non-custodial sentences were preferable to very short spells in prison, which offer no meaningful protection to society and which are utterly devoid of reformatory potential.

The Probation Service in general received high praise from Mr Whitelaw and he appears to regard them as the base from which most other alternatives to prison will spring, excluding the secure facilities for the mentally disordered offender and the 'wet shelters' for alcoholics. He envisages a switch of emphasis from aftercare duties back to the original concept of supervision in the community, an aspect of probation which has recently been on the decline. He also remarked upon a decline in the reputation of the Probation Service, which he did not profess to understand, and which he hoped would soon be reversed. This seemed to be a veiled reference to the political outspokenness of the London Branch of NAPO, but no discussion took place about it.

ten years too late

Expediency rules, but if the Tory law and order philosophy is to retain its credibility Mr Whitelaw cannot afford to admit that there is no connection between the crime rate and the numbers of people imprisoned.

A Labour MP, Mr Peter Hardy, who was also a member of the Expenditure Committee drew attention to the likelihood of great increases in crime, particularly among young people, as a result of rising unemployment. He failed to underline the futility, and indeed the injustice of any penal response to this kind of crime wave or to make the more general point that the incidence of crime is related far less to the work of the criminal justice system than is commonly thought, and far more to the nature of urban and industrial life.

But he did at least remind the conference that the present economic climate is not conducive to prison reform and he went on to point out that there are also certain cultural factors in Britain which minimise the impact of enlightened penal ideas, and which possibly explain why this country has the second highest rate of imprisonment in Europe. There are examples abroad of prisons which have been very successful in reforming offenders but the relatively luxurious conditions which prevail in them would be unacceptable to both the public and the policy-makers in Britain, who insist upon a measure of austerity in their goals, however damaging it may be to the chances of rehabilitation.

Taken together, these economic and cultural factors will undermine the optimism of many of the delegates at the NACRO conference, who were undoubtedly impressed by the range of technical proposals for reducing overcrowding and by the amount of energy which has been spent on publicising them. Despite the government's feeble response to some of the Expenditure Committee's recommendations, more support for the idea of shorter sentences was given than ever before, even though the means to secure them were not guaranteed. Ten or fifteen years ago it might all have made a difference, because the many practical suggestions would then have complemented the genuine idealism about alternatives which developed briefly within the Labour Party. If the present recommendations had been implemented then, the various prison crises of the late seventies could have been forestalled and the prison population reduced. It is now too late to take action of this kind and the Expenditure Committee's report is destined to gather dust on the Home Office shelves, alongside the many other reports on British prisons which, over the years, have continually discovered truths which only rarely set people free.

Mike Nellis.



ADJUSTING THE SCALES

THE BEGUM BASHIR BIBI, a Kenyan-Indian widow, lived in her brother-in-law's household in Thornton Heath. Like the good Muslim she was, she did whatever he told her: which included unwrapping the packages of cannabis which came through the post from time to time. Despite a social inquiry report which stated that she would be 'totally unable to cope with a period of imprisonment', her obedience was rewarded with a sentence of 3 years; her brother-in-law got 3½.

Her appeal against this sentence was the occasion for an important statement by the Chief Justice, Lord Lane (sitting with Lords Justice Lawton and Shaw) which indicates just how far the Court of Appeal is prepared to modify its policies in response to the 'pious exhortations' of those concerned about the state of the prisons.

Because of overcrowding, said Lord Lane, it was important that where a custodial sentence was 'necessary', it should be

as short as possible, consistent only with the duty to protect the interests of the public and to punish and deter the criminal. Many cases could be dealt with equally justly and effectively by a sentence of 6 or 9 months' imprisonment as by one of 18 months or 3 years. [For example, the] less serious types of factory or shop-breaking, the minor cases of sexual indecency, the more petty fraud... the fringe participant in more serious crime.

But he also referred to

certain offences for which, generally speaking, only the medium or long term sentence would be appropriate. For example, most robberies; most offences involving serious violence; use of a weapon to wound; burglary of private dwelling-houses; active large-scale trafficking in dangerous drugs.

FIXING THE PRICE.

These remarks have to be seen against the background of the sentencing 'tariff'. Some of the Court's decisions include pronouncements that for a certain type of offence a certain 'range' or 'bracket' of sentences is appropriate, except where the offender's circumstances are deemed to merit an 'individualised' sentence such as probation, or special leniency. For example, the 'tariff' sentence for Mrs Bibi's offence was laid down in clear terms in *R. v. Griffin* (1975):

Sentences for evading the prohibition on the importation of dangerous drugs range from 3 to 5 years unless there are wholly exceptional circumstances.

On appeal a sentence which exceeds the upper limit of the 'range' will usually be reduced, while one within the range will be upheld. If the judge opts for a sentence below the 'tariff' level there is nothing the prosecution can do about it.

The 'tariff' marks the Court's estimate of the relative seriousness of different types of offence. 'Tariff' sentences are usually justified on the grounds of deterrence or denunciation (to mark the abhorrence with which the public regards this kind of behaviour etc.); the simple retributivism we find in this case (a duty to punish the offender) is rarer, but may be coming back into fashion.

In this case the court, instead of cutting the tariff across the board, is keeping the basic structure intact but moving a few non-violent and comparatively minor offences down to a lower 'bracket'. In this way it is able both to make a limited saving in the use of imprisonment, and to reinforce its denunciation of crimes it considers especially deplorable by treating them with *relatively* greater severity.

This clarifies the Court's decision in *R. v. Upton* (24/4/80). The appellant had been convicted of pilfering £5 of goods from the supermarket where he worked, and was originally sentenced to 6 months' imprisonment. Lord Lane said that

it was necessary to appreciate that petty offenders should not be allowed (!) to take up what had become valuable (!!) space in prison. If there was really no alternative, as the court believed in the present case there was not (!!) to an immediate prison sentence, then it should be as short as possible.

The sentence was reduced to 2 months — a mere three hours for every pennyworth stolen.

THE RIGHT LINE

The Court's approach is also consistent with that of the Tory Party, as set out in the 1979 Manifesto:

For violent offenders and thugs really tough sentences are essential. But in other cases long prison terms are not always the best deterrent. (p.19)

Mr Whitelaw has never wavered from that position. In the parliamentary debate on the May Report (1/8/80) he quoted both *Upton's* case and the Manifesto, and added:

I hope that we in this House can get it across to the general public that although longer sentences are inevitable for the protection of the public in crimes of violence and terrorism, there are many other offenders who could benefit from shorter sentences. We must try to get that distinction across to people. (H.C. Debates col. 1908)

The Manifesto also brings out the ideological context of this policy. The quoted passage comes from the chapter on 'The Rule of Law' which also covers immigration, Northern Ireland and the supposed usurpation of Parliamentary sovereignty by pickets. The theme is that 'The most disturbing threat to our freedom and security is the growing disrespect for the rule of law.'

'Violent criminals and thugs' are regarded as threatening by most people — as are the other categories singled out by the Chief Justice, domestic burglars and drug dealers — but what makes them especially useful as bogeys is that they can be classed — with the aid of such sophistries as 'intimidation by sheer weight of numbers' — with other enemies of the Rule of Law like pickets and the I.R.A.

The current revival of Law-&Order is not simply a naive attempt to combat 'crime' in general by the same methods that have failed in the past. It is an effort to unite the 'great commonsense majority' against a 'small minority' whose violence and lawlessness is seen as a threat to 'society' as a whole — in other words, to gain acceptance for greater state repression. It is fully consistent with this outlook to set the 'thugs' apart from 'ordinary' offenders by reducing some sentences while maintaining a stance of inexorable severity towards the 'hard core'. In France a bill is going through the National Assembly which as well as abrogating various civil liberties will increase sentences for violent offenders and recidivists; but that more straightforward option isn't available here, for obvious reasons.

As for Mrs Bibi — her sentence was reduced to 6 months. Her brother-in-law's, on the other hand, 'was certainly not too long' — an example of the sharper distinctions between sheep and goats drawn under the new policy. The judges who declared that her crime 'unquestionably deserved an immediate prison sentence' could hardly be accused of going soft.

BOOKS



1000 DAYS ALONE

A Thousand Days of Solitary by Doug Wakefield
(published by PROP)

In 1975, the Home Office officially announced the end of their short lived Control Unit regime. At the time, many saw this announcement as a significant victory over state repression, and an indication that even the Prison Department had to take account of public opinion sometimes. Now, 5 years later, Doug Wakefield's testimony direct from solitary confinement in Long Lartin prison places the Control Unit regime in its proper perspective. For, as the introduction to Wakefield's statement, published by PROP, points out, 'there already was away from the spotlights, a widespread use of solitary confinement offering an even greater range of sensory deprivations for periods which were subject only to the rubber stamping of compliant members of the Prison Board of Visitors-in fact for limitless periods'.

Since being imprisoned for life in 1974 for the murder of his uncle, Doug Wakefield has been shuttled in and out of the segregation units of 12 different prisons. He has been forcibly detained for over 1200 days in various forms of solitary confinement under Rule 43 (which empowers a Prison Governor to segregate a prisoner without time limit, providing a member of the local Prison Board of Visitors reviews and renews the segregation order every 28 days.) The periods of isolation have ranged from 7-500 days.

At one point Wakefield was placed in the 'Strong Box' of Leeds prison for 156 days while awaiting trial for the attempted murder of a prison guard. The strong box amounts to a cell within the segregation unit sealed off from the other cells. It is soundproof, windowless and stripped bare of furniture save for a bed which consists of a series of boards encased within the cold concrete floor. While he was detained there, Wakefield was not allowed to have his radio, nor any books or newspapers. He was allowed no visitors and was not allowed to see any other prisoners let alone talk to them. He was given no work to do. Wakefield says that 'after only a short time under these conditions I began to feel quite disoriented from the world both in time and space and my senses became very dull and sluggish, forcing upon me an apathetic outlook and attitude to such a degree that I actually began to feel a strange sense of security within the strong box confines.' 46 British prisons are known to have strong boxes.

At his trial on the attempted murder charge, he was found guilty, sentenced to a further five years imprisonment and then taken to Liverpool prison where he was placed in solitary confinement for another four months under Rule 43.

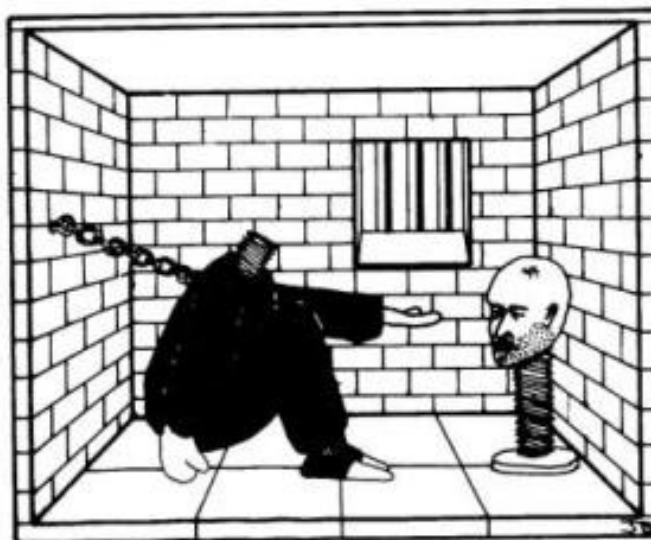
Doug Wakefield's testimony is a journey through the Kafkaesque world of the Prison Department where Prison Rules are not really rules at all and where, in an innovative departure in New-speak, 'segregated from association' means something quite different from solitary confinement. The Michael Williams High Court action mounted by NCCL, has already demonstrated the Houdini-like qualities of the Home Office. In Williams' case, while the Court accepted that the Home Office had contravened its own prison rules (particularly by disregarding the provision in Rule 43 that any transfer to a Control Unit must be reported to and sanctioned by a member of the Board of Visitors) it ultimately found in favour of the defendant (the HO) on the grounds that the prison rules were not mandatory but regulatory.

The Michael Williams case proved that even when they break their own rules, the Prison Department still wins. Doug Wakefield's experience shows that the Prison Department doesn't even have to break the rules to get what it wants. The Home Office, for its part, denies all knowledge of solitary confinement in British prisons and in a Commons reply to Robert Kilroy-Silk on the subject of Doug Wakefield stated 'there is no such thing as solitary confinement. Mr Wakefield has been segregated from association with other prisoners under Rule 43 in the interests of good order since September 1978.'

The point of Wakefield's experience is that Rule 43 can amount to the same thing as solitary confinement. Nowhere in his statement does Wakefield suggest that any Prison Governor has broken Rule 43. As long as Boards of Visitors remain compliant, Governors have carte blanche to place in solitary confinement (or if you prefer, segregate from association) any prisoners they wish and it's all legal.

At the present time Doug Wakefield has been in solitary confinement in Long Lartin prison for over 673 days. His appeal is an urgent one for, as he says, 'if this statement fails to draw support, I'm as good as dead.'

Tim Owen.



WORLD OF A DIFFERENCE

A World Without Prisons, by Calvert R. Dodge
(Lexington Books, 1, Westmead, Farnborough Hants
1980, £11.95)

The Failure of Imprisonment, by Roman Tomasic and
Ian Dobinson (Allen & Unwin 1980. £10.95)

The Struggle to be Human: Crime, Criminology and
Anarchism, by Larry Tift and Dennis Sullivan
(Cienfuegos Press 1980)

THESE THREE very different books illustrate the range of opinion that exists among abolitionists; indeed, apart from a desire for abolition they have almost nothing in common.

Dr Dodge's idea of a world without prisons is a world of community service and halfway houses. He has already edited a book called *A Nation Without Prisons* — referring to the USA — and here he reports on a penological Grand Tour in search of ideas which might be imported to reduce that nation's present appalling prison population. He takes the simple view that any alternative whatsoever is 'progressive' and a Good Thing; he even approves of the Australian 'weekend detention' scheme, even though he quotes evidence that many who receive such sentences would not otherwise have gone to prison. Jerry Bergman contributes a chapter in which he tries desperately to defend 'community corrections' against the mass of evidence that with rare exceptions they just don't 'work', on the assumption that such criticism is inherently reactionary and lends support to 'law 'n' order' policies. He seems quite unaware of any radical critique of 'community' programmes, even of the mild variety put forward by Edwin Schur in *Radical Non-Intervention*.



On social and political questions Dodge is frightfully muddled. He finds society pervaded by anomie and disorder which 'cannot yet be comprehended or dealt with in any realistic manner', but still thinks it possible and desirable for 'society's deviants' to be 'resocialized'. He speaks of a 'transition period' to 'some new order' but he has no idea what this new order might be or whether it should be helped on its way.

This is a useful book to refer to for information on the Swedish, Dutch, Danish and various other penal systems — though it would be unwise to place too much reliance on an author who describes the English-and-Welsh system as if the Children and Young Persons Act 1969 were fully in force. (The chapter on England & Wales is mainly devoted to 12 NACRO projects, of which just one — the Hammersmith Teenage Project — functions partly as an alternative to imprisonment . . . for the young people Dodge imagines have been removed from the penal system.)

And other countries' alternatives are pretty much of a muchness. The only one which I thought might be worth a closer look is Saskatchewan's Mediation Diversion Programme; but even this is hedged about with restrictions and qualifications which seem designed to reinforce the idea that trial and punishment are the normal way to deal with conflict. Why is it not permitted to settle any case involving violence, for instance? *The Failure of Imprisonment* is a better book in every respect (the prose is at least competent, for a start). It documents the failure, not only of imprisonment, but of prison reform and community corrections as well. It also goes beyond reconvic-

tion figures to attack the punitive and coercive nature of 'community corrections', their dependence on the prisons, their evasion of basic social problems; it even goes so far as to equate prison labour with slavery. None of this is original — it's what RAP has been saying for years — but it's supported at every point by a mass of research from Australia, Britain and North America. There's an especially valuable discussion of 'the dangerousness of dangerousness' which ought to make us a little ashamed of our failure to dispose of the positivistic assumption that some unknown percentage of prisoners can be identified as 'violently dangerous'.

But in other ways the book is a disappointment — partly to be explained, perhaps, by the fact that much of the material was originally prepared for a Royal Commission. Having disposed of the traditional theories of punishment, the authors adopt in their stead the idea that the aim of punishment is 'the reconciliation of the offender and the community'. I fail to see why reconciliation should involve punishment, or what conflict there would be between most offenders and 'community' if they weren't publicly scapegoated in courts of law. Tomasic and Dobinson don't ask themselves Michel Foucault's question, *What is served by the failure of the prison?* and so they can see no reason why an enlightened government shouldn't replace it by something more 'uplifting and socially cohesive'. Just what this something would be is not made clear. The authors appear to favour some combination of probation (which they see as a relatively humane form of control and punishment) with fines and restitution — nothing very uplifting about that! The ultimate sanction would presumably be some form of confiscation — which, to be tolerable, would require the elimination of poverty. The socially cohesive alternatives would be non-coercive — an optional extra — but then why should they be limited to 'offenders' or have any connection with the penal system at all?



None of these criticisms could be made of *The Struggle to be Human*. Tift and Sullivan denounce the liberal criminology which, like the two previous books, takes the state for granted as a 'grand mystifier'. They make the point that although in terms of rehabilitation and deterrence the penal system evidently fails, it never fails to 'produce a pool of deviants for processing'; and they analyse with great clarity some of the ways in which this processing serves to deflect any challenge to the power and values of the ruling elite. This part of the book draws on the the American sociology of deviance which the authors formerly practised; they even find useful insights in the work of the notoriously conservative Talcott Parsons. Community corrections they dismiss as a complete sham: 'People can't be integrated into a "community" that doesn't exist!'

This part of *The Struggle to be Human* shows very well how an understanding of crime and deviance can contribute to our understanding of the state and of social life. But Tift and Sullivan insist that such an analysis has to be complemented by a general social philosophy which sets it in the context of a view of human nature (which as Anarchists they hold to be 'naturally good') and the 'search for meaning of love and harm in the cosmos'. Merely to demystify the present order, as other, Marxist-orientated criminologists have done, they see as a negative and destructive attitude which leads to a destructive and authoritarian politics.

I wasn't convinced by this argument: I don't see how, say,

Taylor, Walton and Young's *The New Criminology* can be called 'authoritarian', and I think it is possible to do good radical criminology without discoursing on the vast range of subjects which Tift and Sullivan attempt to cover in one fairly short book. But it is a remarkably good attempt; lucid and readable, and with only one or two lapses into pretentious drivel (e.g. the bit about a 'non-linear conception of time').

I don't think, however, that the synthesis succeeds. It's particularly disappointing that in discussing how 'the wish to be free' can be translated into action, the authors fail either to apply their own insights into deviance and its containment, or to make any proposals specifically relevant to the field of 'criminal justice'. Equating 'social revolution' with 'spiritual rejuvenation', they reject both violence and politics (as ordinarily understood) in favour of creating 'edenistic communities'— oases of freedom which, they believe, can flourish *alongside* the state. But how are these communities supposed to succeed where other deviant groups — for this is what they are — have failed? It would be quite possible that to argue that a non-violent, cohesive but not inward-looking group would be particularly difficult for the state to cope with by the 'insulating mechanisms' which the authors describe; but this avenue is not explored. It would also be possible to apply to Tift and Sullivan the converse of their objection to Marx: that they, and anarchists in general, offer the conditions of liberation without the preconditions.

In short, *The Struggle to be Human* failed to convert me to anarchism, but it did get me interested. Uncommonly stimulating, and a pleasure to read — but the devil of a struggle to review.

Tony Ward.



JP SAUCE

JPS WANT LABOUR CAMPS

The Magistrates' Association has struck a fine blow for the Campaign to Scapegoat the Unemployed. In a memorandum published in July, they call for 'work-shy' unemployed offenders to be sent to 'work camps' in the country. These 'could prove more punitive than a prison sentence'. Too right!



On a more reasonable note, they acknowledge that there is disquiet about the lack of uniformity in sentencing in Magistrates' courts (could the Ball and Chain Awards be having an impact?) and suggest that guidelines could be drawn up for offences such as shop-lifting and drug abuse (especially cannabis).

RAP's draft guideline (3 words) is available from the office.



★ RAP AGM ★

SATURDAY NOV. 8th 1980

CONWAY HALL, RED LION SQ. LONDON WC1
all welcome! 10am-5pm



Send NOW - before you put the kettle on - for your form to RAP 182 Upper Street, London N.1.

On a last note, if you would like to forgo the price of a packet of fags every week to help keep RAP alive, please respond to our Wages Fund appeal. We have found by hard experience that one worker at RAP is not on. There is too much to do, and the difficulty of such a campaign calls for at least two workers to support each other. When we got two very tempting candidates for the part-time job, we decided to take on both of them, paying one £25 a week from our grants, and the other £25 a week from donations by our members and others. We have personally approached several members and the response has been terrific. We have now decided to ask our membership as a whole to join this fund, whereby you guarantee a minimum of 50p a week by Bankers Order - more if you can. We therefore need a total of 50 members for the fund to work adequately. We have special forms for this, and will rush you one if you let us know. Those of us on the RAP Policy Group who have joined are finding it quite painless and are pleased that our humble efforts are so far providing us with our two keen energetic staff. Please join us so that they can continue their work.

MEMBERSHIP

Please enrol me as a member of RAP.

Name

Address

Tel: day..... evening

I enclose: £5 - one year's membership including free copies of 'The Abolitionist'
£3 - for those with low income

Free for prisoners
Please send me a Bankers Order form

I would like to help RAP in the following ways:

- fund-raising
- public speaking
- helping with this magazine
- office work
- other

STOPPRESSSTOPPRESSSTOPPRESSSTOPPRESS

On 19th August, and for several days thereafter, Wormwood Scrubs was once again closed to ancillary staff while prison officers conducted a cell by cell search for "weapons". It was subsequently announced that a "toy pistol" had been found and, still later a "shotgun cartridge". Radio reports later elaborated this to "guns and ammunition", which is presumably the image that the prison authorities wished to conjure up when they made the first ludicrous announcements.

Pistols—even real ones—and shotgun cartridges don't exactly go together, and the whole episode underlines the contempt in which the authorities hold the press of this country, which can be relied upon to weave a story out of any silliness provided that it is sensational enough.

The situation was brought to light in a press statement issued by PROP on 20th August: "Yesterday, educational and other outside staff were placed on stand down while prison officers moved in to search different parts of the prison for 'weapons'. The searches are continuing. There have been considerable movements of Wormwood Scrubs' prisoners to other prisons. Many more are imminent. Prisoners complain of systematic brutality and constant provocation from prison officers turning up for duty smelling of alcohol and clearly looking for a fight. They are threatening to avenge their fellow Hull prison officers convictions on charges of conspiring to assault prisoners— upheld by the Appeal Court only a couple of weeks ago" (It must be remembered that the Hull riot of 1976 was on August 31 and that last years MUPTI assault on Scrubs prisoners, also on the 31st, was proclaimed by many of the attacking prison officers as revenge for the original convictions.)

The Home Office reacted by admitting that some prisoners had been moved but that "wholesale transfers" were not planned. Within hours of that denial appearing in 'The Times', a hundred more prisoners were on the move, as was mentioned in 'Thames at Six' the same evening. You can't get much more wholesale than that!

And a Home Office spokesman, briefing a local newspaper a few days after the event, tried to lay responsibility for the intensive search on "PROP's gun scam". In fact it was the weapon search

itself that prompted the PROP statement.

The second part of PROP's statement concerned a major reorganisation at the prison, the details of which had been kept even from many of the staff who would be affected by them. The Home Office was forced to concede that almost every word of the information was correct— that B Wing (the borstal and young prisoners' wing) is to close so as to take the overflow of remand prisoners from Brixton, also to provide extra accommodation; that the prison hospital is to be closed for redevelopment and the psychiatric annexe— one of the few purposeful and positive features of the Scrubs— shut down.

At the very moment that the Home Office was admitting to these drastic changes, the new Wormwood Scrubs governor, Mr McCarthy, was writing a letter to 'The Guardian' protesting at charges of prison secrecy in a new book 'The Frontiers of Secrecy' by David Leigh. Yet it was no thanks to the governor nor to the Home Office, that the announcements, affecting a great many people, were belatedly made. If the Home Office is ever to convince anyone that it now believes in openness and public information, then it had better start by volunteering information BEFORE and not AFTER it has been forced out by PROP, RAP or other organisations committed to searching out the truth.

Geoff Coggan.

