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the Howard League for Penal Reform

Early Career Academics Network Bulletin

February 2016 – Issue 28

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ECAN Facebook Group



The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

News

The Howard League is 150!

The world's oldest penal reform charity is starting a busy programme of events throughout the year to celebrate.

Since beginning life as the Howard Association in 1866, the charity has led a host of successful campaigns including: drives to abolish the death penalty and corporal punishment; to set up the probation service; and, more recently, to repeal the criminal courts charge and overturn restrictions on sending books to prisoners.



Bust of John Howard at Shrewsbury Prison

These achievements and current campaigns will be promoted in a Howard League exhibition in the House of Commons from Monday 29 February to Friday 4 March.

Celebrities including actor Emily Mortimer, historian Bettany Hughes and journalist Donal McIntyre have agreed to 'donate their birthdays' to the Howard League, asking friends to make donations to the charity instead of giving presents. Many Howard League members are also donating their birthdays (contact [Catryn Yousefi](#) to learn more).

Other events include:

- [Justice and Penal Reform](#) – international conference in Oxford from 16th March
- The Howard League's journal, founded in 1921, is to be relaunched with a new title – *The Howard Journal of Crime and Justice* – and with Professor Ian Loader of Oxford University as Editor.
- Fundraising challenge events, offering places in the Virgin Money London Marathon as well as the Vitality Brighton Half Marathon, the Great North Run and the Royal Parks Foundation Half Marathon.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "The achievements of the Howard League over 150 years show the importance of civil society in a democracy. We can lead change, we can improve lives."

Prison reform moves up Prime Minister's agenda

David Cameron has [spoken about prison reform](#); a subject which most prime ministers have shied away from. While the Howard League is pleased that space has been opened up for some rational, and perhaps, radical thinking there is much work to be done. As Frances Crook commented: "Prison reform, however, is the tip of the iceberg. Improved education and increased autonomy for governors will not work if there are people crammed into filthy institutions with no staff to open the cell doors. We need action now to tackle sentence inflation and the profligate use of prison. Then the Prime Minister's vision can become a reality."

Deaths in prison

Sadly, the beginning of 2016 has seen a host of news relating to high number of deaths, particularly self-inflicted deaths in prisons in England and Wales.

The Howard League revealed that 89 people took their own lives in prisons during 2015. While a further eight prisoners were killed in apparent homicides during the year – the highest number in a single year since current recording practices began in 1978. In total, [Ministry of Justice figures](#) reveal that a total of 257 people died in prisons in England and Wales last year.

Deaths by suicide have risen by 46 per cent in the last three years, at a time when prisons across England and Wales have struggled to cope with growing numbers of prisoners, chronic overcrowding and deep staff cuts.

More recently the [Prisons and Probation Ombudsman](#) (16th February) reported on the lessons arising from investigations into self-inflicted deaths in custody within one month of arriving in prison. Of the 132 cases reviewed, 40 had died within this time period. Frances Crook, Chief Executive of the Howard League for Penal Reform, said: “It is well known that people entering an institution are particularly vulnerable. It is therefore concerning that recommendations have to be repeated because they have not been acted on. Meanwhile, people are dying.”

The Howard League and Centre for Mental Health are working together on a joint programme on preventing

people from dying by suicide in prison which has led to the publication of research showing that the financial cost of suicide in prison is up to £300m a year to the taxpayer. [The cost of prison suicide](#), is the first publication of its kind to examine the financial impact that a prisoner’s death by suicide can have on public services in England and Wales. It sets out how the response to a death in custody puts pressure on numerous services – including the prisons themselves, police and local authorities – and shows how that money could be better spent on measures to prevent people taking their own lives in the first place. Commenting, Frances Crook, said “... greater investment in suicide prevention would make financial sense, generating savings for public services that would benefit everyone.”



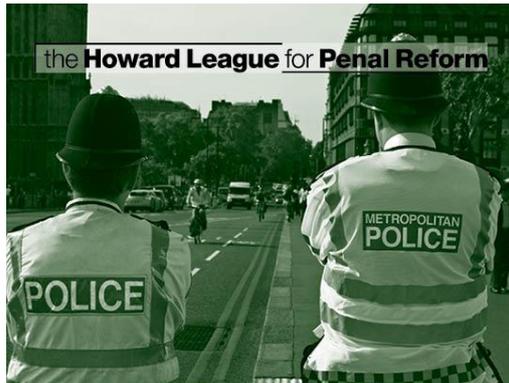
the Howard League for Penal Reform

Key points

- The impact of a suicide in prison is profound for the family, for prisoners, for prison staff and for all those who knew the individual who died. The emotional costs include pain, grief and lost quality of life
- The average cost of a suicide in prison is not known but is likely to be substantially higher than the average cost of a suicide in the general population
- There were 95 suicides in prison in the 12 months to September 2015. It is estimated that the cost of these suicides is at least £160m and could be as high as £300m
- The average cost of a suicide in the general population has been estimated as £1.67m per completed suicide
- The financial impact of prison suicide is substantial and will include staffing costs
- A prison suicide impacts on the financial resources of other services including the police, local authorities and the National Health Service
- Investing in suicide prevention has been shown to reduce deaths and bring about substantial cost savings in the long term.

Overhaul of police bail needed

Police bail powers should be radically overhauled as their current use is neither proportionate nor necessary and often punishes innocent people. This is the message Professor Ed Cape puts forward in our pamphlet [What if police bail were abolished?](#)



What if police bail was abolished?

What if...? Series of challenging pamphlets



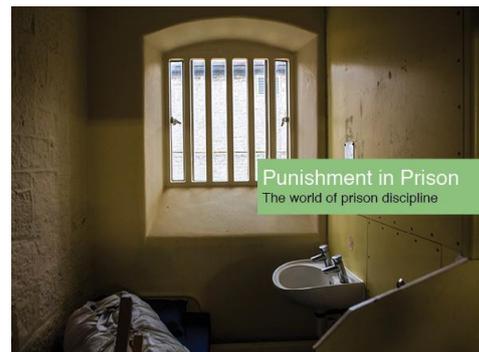
In the pamphlet he writes that a person can be placed on police bail having been arrested “on the basis of little or no credible information” and in circumstances “where they are arrested despite the fact that they are willing to co-operate with the investigation”. Personal testimonies are used to show how being subjected to a long period on bail can have a massive detrimental impact on a person’s physical and mental wellbeing, as well as putting stress on their families.

The pamphlet was been published as MPs and peers prepare to consider new legislative proposals

on police bail in the Police and Crime Bill.

Rising levels of punishment in prison revealed

A Howard League report showed that almost 160,000 days – or 438 years – of additional imprisonment were imposed on prisoners found to have broken prison rules last year. [Punishment in Prison: The world of prison discipline](#) shows how prison adjudications cost between £400,000 and £500,000 a year in total. These adjudications mainly deal with disobedience, disrespect or property offences, which increase as prisons lose control under pressure of overcrowding and staff cuts.



the Howard League for Penal Reform

Key points

- Prisons operate disciplinary hearings called adjudications where allegations of rule breaking are tried
- The majority of adjudications concern disobedience, disrespect, or property offences, all of which increase as prisons lose control under pressure of overcrowding and staff cuts
- A prisoner found guilty at an adjudication can face a variety of punishments from loss of canteen to solitary confinement and extra days of imprisonment
- Almost 160,000 extra days, or 438 years, of imprisonment were imposed in 2014 as a result of adjudications
- The number of additional days imposed on children has doubled since 2012, even though the number of children in prison has halved
- Since 2010 the number of adjudications where extra days could be imposed has increased by 47 per cent. The running cost of these hearings is significant, at around £400,000 – £500,000 per year
- Adjudications are not sufficiently flexible to deal sensitively with the needs of vulnerable children, mentally ill and self-harming people, who may face trial and sentence without any legal representation. The process and punishments often make their problems worse
- Two prisoners breaking the same rule can get different punishments depending on whether they are on remand or sentenced, and what category of sentence they have received.
- Two children breaking the same rule can get different punishments depending on what type of institution they are detained in.

A prisoner found guilty at adjudication can face punishments ranging from loss of canteen to solitary confinement and extra days of imprisonment. The analysis shows that the number of adjudications where extra days could be imposed has increased by 47 per cent since 2010. While the

number of extra days imposed on children has almost doubled in two years – from 1,383 in 2012 to 2,683 in 2014 – even though the number of children in prison has almost halved.

The rise in the number of adjudications has come at a time when prisons across England and Wales are struggling to overcome problems caused by a growing prisoner population, chronic overcrowding and cuts of almost 40 per cent to frontline staffing.

Violence and self-injury in prisons are at their highest levels in a decade. In addition, there have been eight suspected homicides during 2015 – the highest number in a calendar year since current recording practices began in 1978.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: “This bureaucratic, costly and time-consuming system of punishments then further feeds pressure on the prisons, creating a vicious cycle of troubled prisons and troubling prisoners.”

Features

The Penal Reform League and its feminist roots

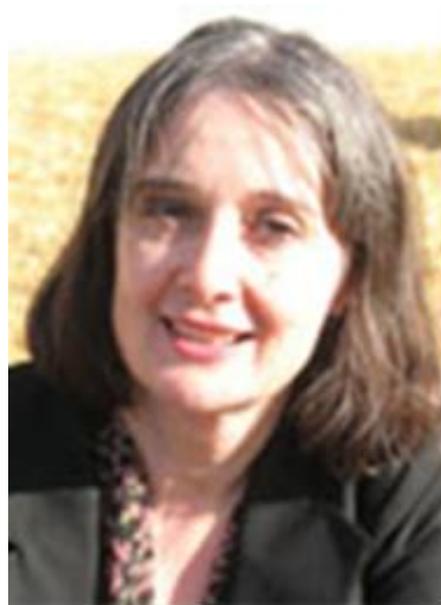
Anne Logan

The history of penal reform pressure groups in this country goes back to the early 19th century and the formation of the Society for Diffusion of Knowledge upon the Punishment of Death and the Improvement of Prison Discipline (SDK, active c.1808-28). Out of this grew the Society for the Abolition of Capital Punishment (founded 1846) which itself gave way to the Howard Association (HA), formed in 1866.

But a new century saw the formation of a fresh body, forged in the light of a novel set of circumstances. This was the Penal Reform League (PRL), which was established in 1907 as a direct result of the treatment of militant suffragettes. This article explores the genesis of the PRL, its development during the years of suffrage militancy prior to the First World War, and its later merger with the Howard Association. It argues that throughout this time the women's movement was a strong influence upon the League's character and development.

Beginnings

The launch of militant suffragism is usually dated to 1903, when a new group, the Women's Social and Political Union (WSPU), was established in Manchester by a group headed by members of the Pankhurst family. But it was not until 1905 that the first 'suffragettes' were sentenced to prison (Purvis, 1995). By 1906 the WSPU had



shifted its centre of operations to London and was attracting many new members. In October a group of women were arrested and imprisoned following a demonstration at the House of Commons. Among them was Mrs Annie Cobden-Sanderson, daughter of the famous free-trade campaigner, Richard Cobden. She was a long-time supporter of women's suffrage, a member of the Independent Labour Party, and (according to George Bernard Shaw in *The Times*) *'one of the nicest women in England'*. As her husband told *The Times*, upon entering Holloway Prison Annie (then aged fifty-three) was *'stripped of all her things save her wedding ring and redressed in the clothing of the prison'* and issued with a number rather than a name. A vegetarian, she was fed only dry

bread and potatoes, washed down with either tea or cocoa, and spent 23 hours a day alone in her cell. She was given mailbags to sew and was not only refused writing materials but also was allowed to receive merely a single, solitary letter during her entire sentence.

This - albeit relatively brief - spell in jail turned Annie Cobden-Sanderson into a convinced prison reformer. Although the suffrage prisoners were soon given extra privileges, she refused them when possible out of sympathy for what she called her 'less fortunate sisters'. As soon as she was released from *'that appalling Bastille'* of Holloway she pledged that women would end the 'stupid system' of prison administration as soon as they had the vote (Times 1906). In addition to penning letters to The Times advocating prison reform, she also spoke about the issue on public platforms, most memorably in early 1907 at the Sesame Club (a literary and educational venue open to men and women). It was this meeting which resulted in the formation of the PRL.



John Howard

The new League's honorary secretary was Arthur St John, who had also given a recent speech on prison reform at a vegetarian restaurant and had corresponded with Cobden-Sanderson. According to an early recorder of this history, the HA was at that time 'a stronghold of conservative male opinion, hand-in-glove with the Home Office' (Gardner, 1930). Clearly there was room for a more radical, alternative, campaigning group, better in tune with the rising tide of feminist protest. St John himself was a former soldier who turned to journalism and became interested in penal reform. Gordon Rose (1955) described him as 'a *rather impractical but sincere reformer, in the humanist tradition of anti-blood sports, anti-cruelty to animals and to criminals*'. St John's successor, the more business-like Margery Fry, called him 'a *ginger-and-pepper little sentimentalist*' (Logan, forthcoming).

The PRL's work

Interestingly, Rose's (1961) account of the PRL's early work almost totally neglects the feminist input: indeed, he incorrectly claims that '[a]lthough St John seems to have been inspired by the experiences of the suffragettes, [the PRL] does not seem to have maintained much connection with the movement for women's votes'. While this may have been true of St John, it does not apply to the PRL as a whole. Vice-presidents included the Metropolitan magistrate, Cecil Chapman, who risked his job by expressing open support for women's suffrage, and Lord Lytton, president of the Men's League for Women's Suffrage; not to mention the latter's sister, Lady Constance, a WSPU activist who

endured several jail sentences herself. The PRL was also backed by Willoughby Dickinson, a Liberal MP, notable for the promotion of suffrage bills in parliament.

Moreover, active PRL members included Gertrude Eaton (1861-39), a singer and musician who was not only an executive member of the PRL but also of the Women's Tax Resistance League (WTRL), a suffragette body which sought to encourage members from withholding tax payments until women received the vote (Annie Cobden-Sanderson was another WTRL supporter). Eaton remained on the League executive committee after the merger with the Howard Association, and was remarkable for her tenacity in working for a decade from 1925 to persuade the League of Nations to engage with the issue of prison conditions across the world. This task was later taken on by Margery Fry, and ultimately resulted in the United Nations' adoption of Standard Minimum Rules for the Treatment of Prisoners in 1955 (Logan, 2016).

As the example of Gertrude Eaton illustrates, feminist activists and their (largely progressive, Liberal) male allies in the PRL did not confine themselves to questions arising directly from the suffrage agitation or merely to campaigns regarding the conditions for women prisoners. Under St John's leadership the League promoted the use of probation – an issue on which it saw eye-to-eye with the Howard Association – and expressed approval of such 'penal-welfare' policies as the Borstal system. But the issues that members championed were largely ones dear to the hearts of women's

movement activists. Prominent among these in the early days of the PRL was the championing of juvenile courts to handle the cases of young offenders, which I have argued was actually a feminist issue (Logan, 2008). These courts had been introduced by the 1908 Children Act, but the PRL and women's organisations wanted there to be suitable, specially selected justices – including women – appointed to them. At that point women were altogether excluded from the magistracy. Moreover, the League worked closely with women's societies: both St John and Chapman took part in a conference held in 1912 on 'the Social Evil' (by which was meant prostitution and the so-called 'white slave trade') organised by a group of women's rescue organisations and religious societies (Logan, 2008).

The PRL continued to make direct comments about the treatment of suffragettes until the cessation of militancy at the start of the First World War. In 1911, it called for an official inquiry into the reported ill-treatment of suffrage demonstrators by police officers outside parliament on 18th November 1910 (the so-called 'Black Friday, recently dramatised in the film *Suffragette*). The League made repeated protests about the 'abominable outrage' of forcible feeding of hunger-striking prisoners and criticised the so-called 'cat and mouse' legislation, whereby hunger-strikers were released and then re-arrested once they had regained some physical strength. The PRL's recommendation was that hunger-strikers should be released unconditionally (PRL, 1911).

But the League did not forget the 'ordinary' woman caught up in the criminal justice system and in 1913 it was announced that a PRL sub-committee was examining the treatment of women under arrest. Feminists particularly desired female leadership in the prison system since even the women's jails in England were run by men. Although a woman inspector of prisons was appointed in 1907, as Mrs Cobden-Sanderson pointed out, inspectors had no power to change things: what was required, she argued was a woman on the Prison Commission. This was not achieved until 1937.

A major limitation for the PRL was its lack of money. In 1914 there was an appeal for funds published in *The Times*, but it seems that Rose's (1961: 87) conclusion that there was 'an almost complete cessation in the activities' of the PRL during the early part of the First World War is correct. The League experienced a revival in 1917 when it took up the issue of the alleged increase in juvenile crime during the War. On this project PRL members worked closely with Cecil Leeson, a probation officer who had taken over as secretary of the HA the previous year. Leeson's pamphlet, *The Child and the War* soon became the most-quoted publication on the subject.

The stage was set for a merger between these two small and somewhat ineffectual campaign groups, a move which was to build a much stronger organisation.

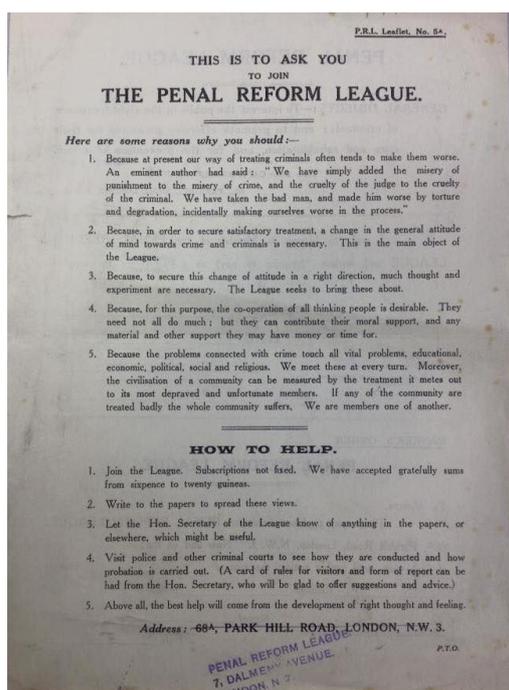
New secretary and merger

In 1918, Arthur St John decided to stand down as secretary. A member of the League's executive, Dorothy Scott (niece of the renowned *Manchester Guardian* editor, C.P. Scott) had an old school friend called Margery Fry, who agreed to take on the job.

Fry was not – as was sometimes mistakenly claimed – a descendent of the iconic nineteenth century prison reformer, Elizabeth Fry (although I have recently discovered that Margery's great-grandfather, Luke Howard was a committee member of the SDK in 1817). Before she took on the PRL job Margery Fry had no personal connection whatever with prison reform: her pre-1914 career was in university education and during the war she ran a refugee relief operation in Eastern France. She was a convinced supporter of women's suffrage, but strictly of the non-militant variety, having briefly served on the executive of the National Union of Women's Suffrage Societies. However, her interest in criminal justice was piqued by the plight of imprisoned conscientious objectors – including family friends – during the First World War, and in early 1918 it was even suggested (probably by the PRL) that she be appointed a prison inspector. In essence, Fry was on the look-out for a meaningful job, and it was the PRL one which came her way. Fortunately, given the parlous state of the League's finances, she had enough personal wealth not to require a salary. Nevertheless, Fry feared whether she would be able to do the job proficiently: she told one friend that she had to 'mug up' the subject of prison reform 'fiercely

before I can even pretend to know about it' (Fry, 1919).

After a frustratingly long hand-over period Fry took command of the League. One of her first acts was to appeal for supporters and money: clearly the PRL was still in financial difficulty. She also quickly opened merger talks with the HA. In July 1920 she was one of the first women to be appointed to the magistracy. Soon after Fry and Leeson wrote jointly to all the newly-created women justices to promote their two societies 'which are working in close co-operation, and will probably shortly be definitely united' (Fry and Leeson, 1920).



PRL recruitment leaflet, 1910s

At the same time the pair planned the establishment of a body to bring magistrates together and act as a means of dissemination of the modern penal practices (such as the probation system) which were so dear to reformers. Officially

devised 'to promote the efficiency of the work of magistrates and the diminution of crime', the Magistrates Association (MA) was launched in the autumn of 1920 (Times, 1920). Leeson became its Secretary, leaving Fry in sole charge of the newly-merged Howard League for Penal Reform (HLPR). For a while the HLPR funded part of Leeson's salary, but Fry's post remained an honorary, unpaid one. In its early years the MA, like the PRL and the HLPR, contained a remarkably high proportion of women among its activists, especially given the small number of women magistrates at that stage (Logan, 2008).

Conclusion

Following the merger, Margery Fry built the HLPR into an extraordinarily professional pressure group by tirelessly raising the public profile of prison reform as well as working behind the scenes with politicians, civil servants and members of the Prison Commission. Although she stepped down as secretary in 1927, Fry continued consistently to champion progressive ideas and policies and remained a force within the HLPR until her death. Even in the last months of her life she continued campaigning, promoting the idea of criminal injuries compensation from her hospital bed at the age of eighty-three.

Gradually the HLPR became 'the acceptable pressure group', a paradigm of successful, 'insider' lobbying and networking (Ryan, 1978). But it can be argued that the feminist legacy of the PRL lived on in its successor. As already mentioned, PRL activists remained

involved in the executive of the merged organisation during its early years. In particular, suffrage/feminist personnel continued to be prominent not least because Fry was succeeded as secretary by another extremely able woman, Cicely Craven. Like Fry, she kept the HLPR close to the contemporary women's movement. Only after Craven's retirement in the late 1940s (and Fry's death in 1958) was the League to drift away from its connections with women's organisations. Moreover the executive committee minutes demonstrate that women made up a high proportion – sometimes a majority - of attendees at meetings in the 1930s and 40s. The campaigning energy of a generation of women's suffrage activists clearly contributed a great deal to the success of the early HLPR as well as ensuring that the needs of women offenders were kept on the agenda, alongside concern for human rights in general (Logan, 2008; 2016).

About the Author

Anne Logan is Senior Lecturer in the School of Social Policy, Sociology and Social Research at the University of Kent. In 2002 she was awarded a PhD for a thesis on the first women magistrates. She is the author of *Feminism and Criminal Justice: a Historical Perspective* (2008) and numerous other items on the histories of both the women's movement and penal reform campaigns. She is currently writing a biography of Margery Fry.

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Co-producing desistance from crime: The role of social cooperative structures of employment

Beth Weaver

Introduction

Prison numbers have risen across the UK over the last decade despite a reduction in crime rates. Yet, prison is costly and, by its nature, poorly positioned to support desistance and social integration (MoJ 2010a). Each prison place costs an average of £39,573 in England and Wales (MoJ 2011) and £32,146 in Scotland (Scottish Prison Service 2011) and exerts enduring effects on the social opportunities that enable desistance, and its maintenance, such as employment (Trebilcock 2011). The austerity programme has added impetus to arguments towards reconfiguring criminal justice if only to reduce the costs of re-offending, estimated at between £9.5Bn and £13Bn per year (MoJ 2010b).

UK penal policy tends to focus its efforts more on encouraging employability rather than enabling employment, yet most prisoners want to work and see this as critical to supporting their efforts to desist (MoJ 2012). Audit Scotland (2011) estimated that helping one former prisoner into employment for five years would yield a net saving of £1Mn. Desistance research also recognises a significant relationship between participation in employment, the accumulation of human and social capital and desistance (Barry 2006; Savolainen 2009; Uggen et al 2004), and the importance of citizenship and reciprocal relationships (Maruna and LeBel 2009; Uggen et al 2004; Weaver 2015).

This research study, [*Co-producing Desistance*](#), examines the ways in which social cooperative structures of employment, as an example of co-production, can support social integration and desistance. Social cooperatives which encourage prisoner rehabilitation have gained ascendancy in Europe and North America, but have yet to be properly explored in the UK. This project uses more established social cooperatives in Italy and in Sweden to inform emerging allied structures of employment in the justice system in the UK.

Italian social cooperatives have a longer history than their counterparts in Sweden and are more embedded in the country's infrastructure. Indeed the expansion of these structures in Italy, enabled by legal recognition and favourable financial measures, provide a useful source of learning for the UK in an economic and political climate of a declining welfare state, insufficient work programmes in prison and a lack of employment on release.

Co-production and social cooperatives

Studies of desistance argue for innovative and sustainable means of supporting the development of human and social capital, and for the reconceptualisation of the role of service users, families and communities in rehabilitation (Armstrong and Weaver 2013; Weaver 2015). The policy discourse promoting the involvement of ex/offenders, volunteers and community groups in justice

services (MoJ, 2008a, 2008b, 2009, 2010) is consistent not only with desistance research but with concepts of co-production, an approach to governance 'that emphasizes greater citizen engagement in and co-production of public services and greater third sector provision of the same' (Pestoff 2012: 365).

However, there has been little consideration of what role social cooperatives might play in penal policy agendas in the UK (Weaver and Nicholson 2012). The report, *Reducing Re-offending Through Social Enterprise*, conflates social cooperatives and the wider social enterprise sector as 'independent businesses that trade for a social purpose' (NOMS 2009: 17), which obfuscates the critical 'ownership' feature of social cooperatives where service users, providers and, sometimes, the wider community co-own and co-produce multi-stakeholder social cooperatives, whereas social enterprises are owned by their employees. The social enterprise model of the NOMS report does not distinguish between these democratic structures and global corporations (like Kalyx) which are motivated by private investment concerns rather than the resettlement of prisoners.

Through-the-prison-gate social cooperatives provide continued access to paid employment and resettlement services for their members both in prison and in the community. As the process of desistance extends beyond the practices and proclivities of the justice sector, supporting resettlement and desistance requires collaborative multi-sectorial

approaches (Weaver 2011, 2014, 2015).

Social cooperatives provide a structure through which to deliver these collaborative responses, based on the values of self-responsibility, mutual-aid, democracy, equality and solidarity (Majee and Hoyt 2010) and can circumnavigate some of the systemic obstacles to employment, such as criminal records and employer discrimination (McEvoy 2008) that people with convictions routinely encounter. As part of a cooperative, former and serving prisoners and professionals can potentially 'co-produce' the social supports and associated relational or public goods (Donati 2011, 2013) that can assist social integration and desistance. They have the potential to support integration, citizenship and reciprocal relationships (Magee and Hoyt 2010, 2011), the very factors that are suppressed by the repetitive routine and minimally stimulating environment of prison and its aftermath (Armstrong and Weaver 2013). However, not only are social cooperatives a rarity in the justice system in the UK, but their potential has never been explored. Indeed, social cooperatives, comprising an equal partnership of professionals, ex/offenders and community members, arguably pose particular conceptual and practical challenges in a penal context that has traditionally been the sole domain of professional actors and where service provision is framed by legal statute, risk and compulsion: dynamics which will be investigated further in this project as it progresses.

This paper discusses the very early findings of this ongoing research which is funded through the ESRC's Future Research Leaders scheme and runs from January 2015-2018. I am going to very briefly report on the first phase of this work undertaken in northern Italy in June this year, and I will make occasional reference to my very recent fieldwork, completed in October, in Sweden, with the caveat that I am in the early stages of data analysis.

One of the key questions underpinning this research is 'how and why does work matter – and what does it mean to 'matter'?' The idea for the study was to get at the complicated, whole-greater-than-parts qualities of how work can give us a sense of identity, place, belonging and hope. While there is no systematic evidence identifying a relationship between having a job and giving up crime, I think it is safe to argue that employment itself does not produce desistance in a deterministic sense and may, in and of itself, not play a causal role. Instead, what emerges as significant in enabling or reinforcing efforts to desist are the meaning and outcomes of the nature and/or quality of the work or simply participation in employment and how these experiences influence an individual's self-concept and social identity – as well as how they interact with a person's priorities, goals and relational concerns (Weaver, 2015).

While current penal policy in the UK recognizes the significance of employment-as-occupation-of-time in their focus on 'working prisons' (MoJ 2010), the aim is to enforce tough and rigorous punishments, to instil both discipline and a work ethic

among the prison population. Unlike Italian prisoners¹, prisoners who work in prison in the UK do not receive the national minimum wage (around £6.15 an hour for older adults); rather, they average 30p an hour.² While on release, former prisoners in the UK receive some financial assistance from the State, upon release they are also mandated to engage in more unpaid work programmes for which there are substantial financial sanctions for failure to comply. However there is little evidence to date that these programmes actually lead to participation in employment. Just 12% of people leaving prison and referred to the work programme have found a job which they have held for six months or more (DWP 2015). Of these, one in five has subsequently gone back to Job Centre Plus. It is true that some social enterprises operate within the criminal justice system in the UK; however, they tend to be focused on encouraging employability and training rather than offering employment.³

If we accept that there is a substantive and substantial difference between participation in employability programmes and participation in paid employment, then it seems timely to investigate alternative strategies for supporting access to meaningful work. At present, there are no social cooperatives oriented to providing paid work and facilitating integration into 'mainstream' work for those with criminal convictions in the UK, either within prison or on release. This research intends to use the learning from Italy and Sweden to inform the development of such structures in the UK.

Research questions

The aim of the research is to examine the ways in which social cooperative structures of employment can support social integration and desistance from crime. The research questions are as follows:

1. What kind of legislative and policy contexts enable the development and implementation of social cooperatives?
2. What factors enable or constrain different types of social cooperative in facilitating the social integration and desistance of their members?
3. How can social cooperatives inform and influence criminal justice and wider policy and practice, and influence new ways of working to promote social integration and desistance?

Methods

This study is primarily qualitative though a range of quantitative data has been gathered (still to be analysed) to illuminate the size, scope, productivity and outcomes of the participating cooperatives. Considerable time was also spent in and around the cooperatives in Italy and Sweden – watching, listening and feeling what was happening.

While this paper is based on early findings from three Italian cooperatives, the next step is to continue this analysis and to analyse the data from interviews with a range of cooperatives, under one consortia, in Sweden (n =24 interviews) before taking the learning to the UK context (n= 50 interviews) in order to explore and inform related and emerging structures in the UK (see www.coproducingdesistance.org.uk) In Italy, in June 2015, I interviewed 40 people of which 22 were workers

who were also prisoners or former prisoners (hereafter workers/worker participants) and 18 who were professional employees engaged by the cooperatives.

Of the worker participants:

- 8 worked inside the prison
- 8 were on an alternative sanction (which means they worked out-with the prison but returned to the prison at the end of the working day) and
- 6 were former prisoners who were no longer involved in the criminal justice system but who still worked for the cooperative.

In terms of demographics:

- 6 worker participants were female and 16 male
- 78% (n=16) were of Italian origin, one person was of Roma origin, two people were Romanian, one person was Tunisian, another was Columbian and another was Dominican
- The average age of the worker participants was 41. The youngest was 22 and the eldest 65.

Some participants (n=4) declined to discuss their criminal histories but of the others:

- 8 participants were serving their first prison sentence
- 5 participants were serving their second prison sentence, and
- a further 5 participants had served multiple periods of imprisonment.

Offence types varied and the offences for which they were serving a sentence for included robbery (n=5), drug related offending (n=7), homicide (n=6), violence (other) (n=2), property offences (n=1).

The age of the sample is interesting. In desistance terms, this age range is one in which desistance is more

or less expected; the relationship between age and crime, while not without its critics, does show that, for many (and for various reasons), advancing age is accompanied by a reduction in offending. In employment terms however, and leaving to one side the challenges surrounding youth unemployment, many former prisoners are entering the formal labour market in their thirties and forties with a criminal record and low skills – and this necessarily brings distinct challenges. Yet, beyond giving up crime (desistance), employment is an important indicator of and pathway to social integration (Ager and Strang 2004). Indeed, it has been suggested that participation in and commitment to employment (and other constructive and civic-minded activities) might serve as important signals of desistance (Bushway and Apel, 2012).

Early findings: A brief insight

The Cultural Significance of Work and Cooperation

One of the distinctive contributions that social cooperatives make is to provide paid employment (as well as social support and practical assistance) for those disadvantaged in the labour market and that includes prisoners and former prisoners – those in custody, on partial release (i.e. semi-liberty) and post release. ‘Social solidarity co-operatives’, as they were first known, became institutionalised *after their emergence* by Law 381/1991; in this regard there exists something of a culture of cooperation and indeed, cooperatives are part of the fabric of Italian economic life.

This law distinguishes two types of social co-operatives: those

supplying social services (A-type), and those integrating disadvantaged people into work (B-type). Prisoners and former prisoners are classified, alongside others, as persons disadvantaged in the labour market and so, in the cooperative, no distinction is made between people with or without convictions in this regard. ‘Disadvantaged’ people must comprise at least 30% of all employees (while there are no such requirements in Sweden, the cooperatives I studied were primarily comprised of disadvantaged persons from a range of diverse backgrounds). In Italy, the other 70% of employees come from a range of professional backgrounds as is required to run a given cooperative i.e. an agricultural specialist, an accountant and so on. They are independent from prisons and probation services and the underpinning rationale is not about criminal justice and reducing reoffending – but about social justice and solidarity.

The law in Italy conceptualises social co-operatives as collective organisations that invest in and engage the local community and represent the interests of different groups of stakeholders; so there is a strong co-productive element to cooperatives – public authorities, private business, social firms, and civil society organisations not only co-produce the cooperative process, but its culture and its outcomes. Indeed, social cooperatives are shaped and influenced, to a large extent, by their social networks and the culture in which they are embedded. As Borzaga and Depredi observe,

Network relationships and external ties can influence the internal equilibrium of the [co-operative],

because internal norms develop in connection with the social values prevalent in the community
(Borzaga and Depredi forthcoming)

In terms of social values, the people I spoke to cited work, home and family as the 'social values prevalent in the[ir] community'. These were, in their view, the integral ingredients of social integration of a 'normal life', consistent with social/cultural norms, as these two professional participants express:

'Work' with 'family life' and 'house' – this is a cultural norm of this area. These are the three values that have been chosen by the coop to respect the community culture
(Professional_9)

Work is much more important even than the value placed on family and the home because article 1 of our constitutional law said that our republic is based on work
(Professional_12)

The significance of work was echoed by professional and worker participants in the Swedish cooperatives but, as in the UK, there is no specific legislation underpinning social cooperatives in Sweden, and thus they remain unregulated. There are no tax reductions either. In Sweden, the social cooperatives can, however, draw on government subsidised salaries to support the generation of and opportunities for work; there is no such equivalent benefit in the UK. It is clear then that different economic and social policy contexts can be more or less enabling or constraining and this is an area that this study will further investigate.

What it means to work: workers' views

Instrumental incentives and outcomes

While the significance of work, family and the home is a cultural norm in northern Italy, it also reflects, at least partly, the social welfare⁴ and penal context. In addition to opportunities to undertake paid work in prison, prisoners can be released for rehabilitative purposes, which includes participation in work, on 'semi-liberty' (semiliberta) (day release) under article 48-51 of Law no. 354/1975; they can also be released on 'Outside Work' (lavoro all'esterno), Article 54 of the same law. Obtaining an income and participating in work-as-occupation, as something to fill time, was the initial instrumental incentive and identified outcome – particularly for people in prison in closed conditions.

The relational context and outcomes of work

For others (as the quotes below indicate) their motivations for continuing their employment with the cooperative and the perceived outcomes or benefits were expanded, over time, to include more personal and relational concerns. Personal outcomes included the acquisition, development or maintenance of work skills and a sense of accomplishment. The relational aspects included the relational context of work as well as the relational outcomes that participation in work and in specific work contexts heralded.

To be working alongside others is really important and working together makes you feel connected to something. Before I felt so

isolated. There is a sense of togetherness among the women working in here

(Worker, Female, Age 32_6)

...providing a job is not the only thing but through work, we put the person at the centre of our relations inside the co-op. The social relationships within the cooperative and the feelings that develop among people who belong to the coop are the most important part of the rehabilitative journey

(Professional_1)

A symbolic or communicative aspect to work

What also emerged was a symbolic or communicative aspect to work, in terms of what it signifies to and about oneself:

I had the need to show myself that I was able to work and so it is that I am

(Worker, Male, Age 33_18)

But it is more often about what it signifies to others:

To show that I am able to change my behaviour and that I can behave responsibly and reliably...It shows that when I am released, I can be trusted, I am reliable

(Worker, Male, Age 45_4)

I have to show to my family that I am a different person and I have noticed that they are looking at me with different eyes

(Worker, Male, Age 43_10)

The negative aspects attributed to employment in a social cooperative related to the level of pay, although this varies between cooperatives. Some, for example, mirror that of the private sector; for others it can be 200 euros less per month. Overall self-reported job satisfaction

was high. While I have yet to undertake a full analysis of the data from the Swedish cooperatives, the preliminary analysis indicates that there are strong parallels emerging.

What it feels like to work for a social cooperative

In prison, people wanted to work for the social cooperative because this was the only significant opportunity to participate in work. For these participants, having a job and getting an income to save for release were the principal incentives. Prison-based social cooperatives operate in a secondary setting, with all the constraints that operating in a secure environment bring with it. For some, particularly those working in prison, the cooperative context of their work was of no consequence. I discovered significant differences in experiences of cooperation between those working for a social cooperative in prison and those working for a social cooperative in the community. It is not only more difficult to experience the cooperative culture in a 'secondary' and secure environment where there is limited or no interaction with others outside the prison and no engagement with the wider environment in which cooperatives otherwise operate, but the working hours (and therefore income), levels of productivity and access to the relational outcomes referred to before are significantly curtailed. The [cooperative values](#) of self-help, self-responsibility, democracy, equality, equity and solidarity and the ethical values of honesty, openness, social responsibility and caring for others shape the cooperative culture and, importantly, how it is experienced. Although the concept of responsibility emerged

across participants' accounts, in the main, the idea of 'responsibility' as a *value* - rather than as an instrumental and narrowly conceived connection to one's offence, as in the UK for example, was more frequently expressed by those working outside of the prison (on day release or post-release), and by former prisoners and by professional employees. What emerged strongly was a culture of solidarity, 'of inclusion', which, as the woman speaking the second quote below expresses very clearly, means sharing a common or mutual responsibility through reciprocity which implies interdependence.

The ethics of the co-op is one of inclusion; it is to move toward, to develop, active citizenship. It is a way of acting – or being'

(Professional_2)

*In the cooperative, we all have to cooperate with each other and so the way we relate to and interact with each other is different – the whole experience is different. **It is a matter of responsibility.** We are all part of something that together is collectively owned. A boss [in a private firm] can instruct you to do something but, whatever way, the final product belongs to him or to her. You produce it for them. It is not yours. In a co-op the final product is yours, so you are invested in the whole process. **A cooperative depends on cooperation.** It cannot function any other way so unlike the private sector, **there is a chain of responsibility rather than a chain of command...**so, if I make a mistake, there is no sanction or punishment – we work together, all of us, to find the solution.*

(Worker, Female, Age 40_5)

The cultural and relational environment of a social cooperative appears to be as significant as the opportunity for paid work in supporting desistance and integration. Indeed, in Sweden in particular, the cultural and relational environment generated the resources through which desistance, recovery and integration were enabled.

The role of the cooperative in supporting social integration

The people I spoke to said that being integrated meant not feeling or being seen to be different in the sense of feeling stigmatised and marginalised. People felt 'socially integrated' when they had work and were a part of a family, community and/or social network. 'Normal' meant 'being' and 'doing' in the same way as others around them – but it also meant feeling no worse, or better, than anyone else, but both capable and allowed to do anything anyone else would want – to work, be in company, earn a living.

Working for the coop has given me a sense of what it is to be normal and to take responsibility... [it] has taught me how to live normally, within the rhythm of life

(Worker, Male, Age 35_11)

I feel that I am well accepted by people for what I am, as a normal person and not as a former prisoner. This is a very important element to improve your self-confidence... people from the area, not only from the coop, treat me as a normal person

(Worker, Male, Age 46_20)

In terms of public attitudes, participants – professionals and workers – acknowledged and recognised the stigma attached to

prisoners and former prisoners in Italy, as indeed there is in the UK, and, in terms of supporting reintegration, this can be a considerable challenge. However, the different cooperatives engaged with and invested (differently and to different degrees) in the local communities in which they are embedded.

Various strategies for enhancing community cooperation and support include: holding social events for workers, professionals and members of the community, which are aimed at breaking down barriers and stereotypes; developing community facing features to the cooperatives in order to be community-inclusive i.e. running a café or shop; engaging in and/running charitable initiatives and services that benefit local people; providing social services to meet local unmet need; and providing – and generating - work for people from the community. More often than not, the ‘professional’ people who worked for the cooperative came from the local community.

The social cooperatives I sampled are all affiliated to or provide NGO facilities (as well as Type A cooperatives). The NGOs serve three aims: a) they provide support to prisoners, former prisoners and their families; b) they provide support to and invest in their communities; c) they offer the opportunity to workers and members to volunteer as a means of providing structure, reinforcing cooperative values, developing new social relationships and supporting social or community integration. There exists, then, a strong relationship between cooperative and community which is carefully

maintained by the cooperatives – but the impact on public attitudes towards these social cooperatives and those working for them is local, rather than political or widespread.

As previously noted, work and family were, almost without exception, proposed as key indicators of integration – the spaces or social spheres from which one feels variously included or excluded and which are often threatened, if not damaged, by lengthy and frequent periods of imprisonment. As such, the social cooperatives also provide support to the families of imprisoned workers; some facilitate family mediation, for example, and most create the space for family contact to occur in more natural and private environments. They also provide work within the co-operative as well as supporting access to ‘mainstream’ employment, drawing on their network of professional relationships. However, what seems to be emerging as equally significant to participating in work for its own sake is the re-socialising experience that the cooperatives afford, in terms of supporting people to acclimatise to a life on the outside, in a safe and protected space. In this regard, worker participants referred to the opportunities that the co-operative offered in terms of learning new or remembering old norms of interaction – a process of readjustment and re-socialisation, a means of (re)building a life and opportunities to (re)learn how to interact differently than the relational norms to which they had grown accustomed to after years in prison.

Work is central to re-socialisation into the outside world and this means that you need this re-education of the outside world while you are in prison...I mean in terms

of being in the world and building a life

(Worker, Female, Aged 41_7)

You need to pass through the co-op to start being reintegrated into society. The co-op is the right mechanism for coming out of prison because you need to start down a different path ... [it] helps you learn how to cope with the demands of work...and how to manage social relationships.

(Worker, Male, Aged 43_10)

The most important fact is the capacity to feel, to be part of a group, a sort of family. In this way they start to rebuild or build positive relationships

(Professional_2)

The recidivism question

Do social cooperative structures of employment reduce re-offending? According to Ann Hoyt (2010) the average recidivism rate of prisoners involved in prison co-operatives has been 1 to 5 percent; Pellerossi (2015) cites statistics from the Ministry of Justice which place the average recidivism rate among former prisoners at 80%. By contrast, Pellerossi estimated that the recidivism rate for those employed by social cooperatives was less than 10%. However, one of the major difficulties encountered by research on re-offending in Italy more broadly lies in the absence of reliable mechanisms for monitoring people after their release from prison; they do not measure recidivism rates per se. Moreover, the cooperatives do not collect data on people's criminal histories – they don't even ask about them – nor do they maintain follow up data on the people that formerly worked with and for them. The Swedish cooperatives do not collect follow up

or outcome data either. However, there was consensus, informed by experience, that recidivism rates were low.

In [our] experience, the recidivism rate is very low: 2-3%

(Professional_4)

I don't have a percentage in my mind but it is well known that the employment opportunities provided by the cooperative help to stop recidivism

(Professional_6)

We don't have an absolute percentage ... we can see that of the people we work with in the cooperative, 70% of people don't commit crime again, while the percentage is the other way round in the case of people that aren't involved in the coop

(Professional_8)

I am still analysing the data and exploring potential reasons for this substantially lower rate of post-release recidivism. However, the absence of a pre-occupation with measuring recidivism perhaps reveals a commitment to a way of 'doing' services that is inherently more inclusionary and empowering than much of what we see in UK prisons and criminal justice services. It is a belief (whether substantiated or not) that the manner-of-relating has material consequences, and this manner of relating is about solidarity and subsidiarity. Subsidiarity is a way to supply the means or a way to move resources to support the other without making him or her passive or dependent but in such a way that it allows and assists the other to do what must be done in accordance with his or her personal priorities.

Concluding comments

So what do social cooperatives achieve that employment in other structures doesn't? What is the value added? It provides a route into employment, in the first instance and it can help overcome the stigma of a criminal record and discrimination in the labour market by providing access to work for some of those who are disadvantaged in this arena and supporting integration into 'mainstream' work.

Social cooperatives provide a protected environment that puts people before profit. In this vein, the cooperative culture, the relational environment, is as important as the provision of paid work in contributing to the outcomes. Moreover, people can work at their own pace and their needs as a person, rather than the needs of the employer, are prioritised. They provide holistic and individualised resettlement support for both former/prisoners and their family – people also receive a range of supports from financial assistance, family mediation, access to legal support and so on. Working for a cooperative is more than just doing a job. The networked and cooperative culture and practice provides a range of concrete opportunities for social integration. They are embedded in and inclusive of their community – they create opportunities for social participation.

Admittedly, this project is in its early stages, but cooperatives provide a structure through which to deliver collaborative responses, based on the values of self-responsibility, mutual-aid, democracy, equality and solidarity. As part of a cooperative, former and serving prisoners and professionals can potentially 'co-produce' the social supports and

associated relational or public goods that can assist social integration and desistance. Beyond contemporary concerns with risk and recidivism, the integration of marginalised persons, the provision of opportunities to engage in [active] citizenship and the maintenance or emergence of significant and reciprocal relationships is at the centre of social cooperative principles and practices.

If we, in the UK, are serious about supporting social integration and desistance, we also need to develop collaborative approaches that engage constructively with and invest in the communities that we are trying to support integration to - but those approaches need to be grounded in particular values, principles and practices if they are to generate the experiences and achieve the kinds of outcomes here. I would suggest that work, family and home are as significant here as they are in Italy. I would suggest that, with the will, we can create the conditions and contexts in and through which we might better support desistance and social integration. I would also suggest that we get more realistic about what does support desistance and integration and that we get more courageous about the creating the conditions that can enable it.

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End notes

¹ The Smuraglia Law (n.193/2000) recognised prisoners and former prisoners as a new category in article 4 of Law 381/1991 and provided that imprisoned employees receive a wage not inferior to two thirds of that stated for the same job by the national contract. Some of this salary is used to pay for food in prison and fines. The law, revised in 2013-14, also increased fiscal incentives for the cooperatives employing prisoners in the form of tax credits and as much as a 95% reduction of social security and national insurance contributions. Much of the

prison population is without work however, of over 52,000 prisoners, (<http://www.prisonstudies.org/country/italy>), only 1 in 5 has access to work (Marietti, 2015).

² The Prison Service Order 4460 states that prisoners are not entitled to the minimum wage. The minimum rate is £4.00 per week although the average wage is £9.60 for a 32 hour week.

³ A recent exception was the self-employment programme or 'enterprise' pilots which provided support for prisoners pending release to start their own business. The evaluation (published by the Department for Business Innovation and Skills, 2015) identified little evidence, however, showing how programme objectives, which included the reduction of re-offending are or would be achieved.

⁴ To qualify for ordinary benefit (indennita ordinaria) you must have worked for at least a year and contributed for at least the previous two years. Benefits are calculated as a percentage of one's recent wage and are available for up to six months.

About the author

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Anita Dockley, the Howard League's Research Director is a member of the advisory group for the research she describes in this article.

Transforming identities through higher education

David Honeywell

Introduction

This article offers a summary of my current PhD findings of ex-prisoners in higher education. It explores changing identities and how they were able to use education as a way of re-evaluating their sense of self. It has a doubled sided approach in that as an ex-prisoner turned academic conducting the study, it also reflects on my experience as an insider researching participants with shared life experiences as myself, and how the study impacted on my own sense of self.

The increasing demand of prisoners and ex-prisoners wanting to enter higher education was highlighted by the British Convict Criminology Organisation in 2012 when they published their article *British Convict Criminology: Developing critical insider perspectives on prison* in the Inside Time newspaper (Aresti, Darke and Earle 2012). More recently this can be seen further by the increasing collaborations between prisons and universities implementing programmes such as Inside-Out (Durham University, 2015) and Learning Together (Armstrong and Ludlow, 2016, forthcoming), whereby prisoners study alongside university students.

There are many reasons why prisoners and ex-prisoners take this leap into higher education such as desires to improve their career opportunities or to use their insider knowledge for the benefit of criminological research. Whatever



their motivations, this study has shown that education has been a major factor in helping those selected for my study transform their lives and develop new identities. For many ex-prisoners, reintegrating back into society involves the most challenging and emotional experiences where they encounter continual stigmatisation and rejection, yet despite this, many still manage to successfully overcome these hurdles achieving academic success. Those who integrated within the university culture such as by living in halls of residence and developing new circles of friends, developed strong bonds that enabled them to completely form new lifestyles.

The research experience from an insider perspective

Using social media and making links with prisoner reform charities and organisations such as the Howard League of Penal Reform,

Prisoner's Education Trust, Prison Reform Trust, The Lord Longford Trust, Convict Criminology Organisation and Clinks, I sent out flyers and background literature about the study I wanted to conduct in the hope that volunteers would come forward. Because criminality is male dominated I was surprised by the level of response I received from female ex-prisoners volunteering to take part in the study. Before I even started my interviews, my research took on a whole new dimension where I could now examine gender comparisons.

I conducted 24 semi-structured interviews in total with a 50/50 mix of males and females from various backgrounds, age ranges, locations and lived realities before and following their time in prison.



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From the outset I began to realise how much I had underestimated the affects these interviews would have on me. I had followed the ethical protocol of offering all my participants details of counselling services they could access if they felt the need as many of their stories were very traumatic and emotionally difficult for them to revisit. But I hadn't prepared myself for what would become a very

traumatic period of soul searching and emotional struggle for myself during the research process. In hindsight it seems obvious that if a researcher conducts a qualitative study with individuals who have many shared experiences as themselves, they will encounter the same emotions. What I hadn't prepared for was the intensity of these emotions and the impact they would have on me. I already had strong links with my participants because of our shared lived experiences and it soon became clear that because of my insider experience they were willing to be more open with me. Several admitted that had I not been a former prisoner they would not have even taken part in the study whereas some told me they felt they could be more open because they knew I would understand where they were coming from.

I had set out to examine how academic life had helped transform ex-prisoners identities and enable them to re-evaluate their sense of selves but it seemed I was still travelling the same journey alongside them. My PhD study was helping me transform my own identity as an academic. Each life story opened up old wounds for us both. I struggled for many weeks afterwards unable to analyse the transcripts and though this may have been a traumatic time for us all, sharing our experiences with one another had been an important process.

New identities

Higher education helped the majority of my participants successfully forge new identities and sense of self which had enabled most of them to be more

productive and contributing to society. Those who choose a pathway of higher education often find the transition from their former identities of offenders to be illuminating but not without barriers, and for some education can even be a curse (Douglass, 1902). For some, learning made them more aware of their dysfunctional pasts which until then had seemed normal. The breakdown of their family relationships during childhood and dysfunctional relationships later in life were central to the start of their offending. Many of the problems stemmed from their parents' own personal issues which for some has led to history repeating itself thus creating the same fractured bonds with their children. Others experienced lack of support and guidance from their schools that often failed to set boundaries and excluded those with behavioural problems (Graham, 2015). Some of the participants were discriminated against by schools during their childhoods and again by universities and colleges as adults.



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This is ironic considering that while they attempted to turn their lives around through education, they were met by discriminatory

procedures from the very industry that rejected them in the first place. This highlights the relationship between authority and freedom, oppression and social change with regards educational systems and political motives of discriminatory barriers for ex-prisoners (Pike, 2014).

Despite the opportunities and liberation education can offer (Freire 1970), the participants decline into criminality during their youth could not have been prevented by educational opportunities alone. The same can be said during their individual trajectories into adulthood, where education alone was not enough to transform their criminal identities to non-criminal identities. This was also as a consequence of difficult relationships and weak social bonds (Sherman, 1993), but whereas during their early childhood experiences parental and school bonds were the main issues, during their adult lives, it was mainly because of weak societal bonds. The stigmatisation and rejection by society including employers, universities and those in positions of authority created enormous barriers and made their re-integration much more difficult (Pike, 2014). All had later made amends or at least strengthened their family relationships even where sexual offending had been the cause of family breakdowns. Social bonds were the strongest factor in both the destruction and reconstruction of their identities. For some, this deconstruction took place during childhood and for others during adulthood. Some had bad experiences throughout their whole lives and continue to do so. This supports Steph Lawler's claim

that identity is formed and enacted through relationships. It is not something that is self-constructed and residing somewhere inside the individual (Lawler, 2014).

Making amends later in life with loved ones helped some form stronger relationships while for others it was forming new relationships within the community that helped them change their lives. The academic community offered strong ties for most and for some so did the employment sector. While forming stronger ties which ultimately led to more stability than they had ever experienced, education offered opportunities and enlightenment though as mentioned earlier was not without strains. For many such strains could have resulted in re-offending, but hope (Maruna, 2001), gave them the strength and determination to overcome these barriers. Such was the impact of developing new student identities for each one (Pike, 2013; Bilby, 2013; Meek, 2013), it gave them the determination to succeed. For those who were initially met with discriminatory application procedures from universities, in all cases this was eventually overcome but not without demeaning experiences initially.

Embracing student identities

Consistent with Pike's (2014) study on *prisoners in higher level learning*, the majority of prisoner learners had initially developed and embraced their student identity whilst holding high hopes (Burnett and Maruna, 2004) for a better future, (Farrall and Calverly, 2006). And though Pike's initial findings suggests higher level learning provides a resilience factor which

helps ex-prisoners cope with mounting barriers, later findings showed that those practical barriers became too overwhelming. In this study all had succeeded but the sampling was different to Pike's because for this study, the participants were selected because they had already succeeded in gaining entry into university.



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Similar findings of the impact of student and other identities were evident in a 2013 study conducted by the Prisoners Education Trust called *Fit for Release*. While prisoners who took part in a Football Foundation 'Positive Pathways' project developed new 'pro-social' identities as 'students', 'coaches' and 'trainers' that enabled them to proudly wear identifiable red sports kits (Meek et al, 2012). For the prisoner learner, the student identity makes a significant difference, but as we can see, other strong identities such as being a coach and trainer can be equally as powerful. It can take many years to re-establish an identity that will enable the ex-prisoner to fully re-integrate back into society and re-evaluate their sense of self. It seems it is just a case of adopting identities that fulfils their aspirations (Sampson and Laub, 2003). Similar findings

about the importance of prisoner/student identity can be seen in Bilby et al (2013) where prisoners saw studying art as something to help manage their sense of self identity.

A major difference in comparison to previous studies was that a small proportion of the participants had already embraced a student identity while studying at university before being sent to prison which gave them a privileged identity while serving their sentences. They were held in high regard whereby the prison education departments made use of their academic skills as mentors and teaching assistants. In terms of identities, this clearly gave them a sense of importance during their incarceration which would later be in the balance once they were released. Quite often while in prison a prisoner can feel important, but once released lose this sense of identity completely.

Conclusion

Identities are continually changing within us all particularly during the adolescent years when we transform from childhood to adulthood (Lawler, 2014). For some of the men and women interviewed for this study, any chance of their identities following this natural transition was torn apart by their dysfunctional upbringing. When many young people depend on their parents to support them during this most emotionally charged and confusing period of their lives, these people were unable to do this because for some, their parents were also their abusers. But for the majority of the sample, their childhood experiences consisted of happy

memories which were in complete contrast to the expected findings that the majority would have come from dysfunctional backgrounds (Social Exclusion Unit, 2002). However, even those from good family backgrounds experienced problems outside the home such as bad schooling experiences including a lack of support from teachers to being bullied by other children and in some cases even teachers. Whether individuals came from happy or unhappy backgrounds, most of them excelled at school suggesting that their abilities were inherent and that social factors spoiled their early education. Despite this, however, this study shows that due to these inherent academic abilities, they were able to re-invent their identities through higher education later in life despite many difficult barriers.

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About the author

David Honeywell is currently a PhD student at York University. After completing a Master's degree in 2003 he worked as a freelance journalist and writer. He was a columnist for UNLOCK (the National Organisation of Reformed Offenders). In 2011 he began touring the university circuit as a guest lecturer talking about my personal experiences of prison and my journey to desistance: which informed his PhD study. In 2012, he published his autobiography, *Never Ending Circles*.

Guilty My Lord: A new perspective on youth offender panels

Tereza Harvey

After studying the principles of restorative justice as part of my undergraduate work, I wanted to find a way to apply its revolutionary approach to justice within the existing criminal justice system here in the UK. I therefore trained as a Youth Offender Panel (YOP) member, hoping that this new initiative in the justice system would enable me to facilitate restorative meetings between young offenders and the victims of their crimes. My time as a panel member has been fascinating in so many ways, one of which is that it has helped me see that the core processes of restorative justice are not quite as unique as I first thought. I discovered that there are many similarities between the process of YOPs and the religious sacrament of reconciliation, more popularly known as 'confession'. Therefore, as part of my postgraduate work, I decided to compare these two approaches to reconciliation.

This process has enabled me to think through the way we deal with young people during the process of YOPs, and more generally in the youth justice system in the UK. To my surprise, confession has much to teach us.

Youth Offending Panels and restorative justice: A quick overview

First, some background. Advocates of restorative justice claim that the harm caused by criminal offences can be repaired through a process of mediation between the victim



and offender. This process of mediation is an attempt to restore broken relationships, reintegrate the person who has offended back into the community, and prevent re-offending with respect to law. The Youth Justice and Criminal Evidence Act (1999) attempted to integrate these principles into law through the creation of YOPs as part of Referral Orders (ROs). The aim was to move “away from an exclusionary punitive justice and towards an inclusionary restorative justice capable of recognizing the social context in which crime occurs” (Muncie 2000:14). The then government helpfully summarised its vision in the “3-Rs”:

- i. Restoration through an offender apologising and making amends to the victim;
- ii. Reintegration of the offender as a law-abiding citizen; and

- iii. Responsibility taken by the offender for their previous behaviour.

(Home Office, 1997:31-2 and Newburn, 2007:748)

With the “3-Rs” guiding the creation of ROs and YOPs, it was hoped that all stakeholders – i.e. the young offender, victim and the community – would play a part in the process (Marshall, 1996). Since 1999, ROs and YOPs have therefore been used when sentencing young people who have pleaded guilty to a first imprisonable offence (Newburn et al, 2002). They can be set for a period of 3 to 12 months proportionate to the seriousness of the offence (Referral Order Guidance, 2012).

What happens in practice follows this rough script. The young person is first assessed by the Youth Offending Team (YOT). Soon after he or she attends a first YOP, during which the young person is asked to describe the offence and their part in it. The YOP members then explore the young person’s understanding of the wrongdoing and the impact it had on themselves and others. A contract is then formed between the young person and the YOP, which can vary greatly in content, though typically includes a commitment to avoid re-offending, with supplementary tasks such as writing a letter of apology to the victim, completing reparation work, and attendance at various workshops, as well as regular appointments with an allocated YOT worker. The YOP and the young person then meet regularly, usually in three-monthly intervals, to monitor progress, and, finally,

they meet again at the end of the order.

Providing that the young person has completed all elements of the contract, the conviction is then declared “spent” by the YOP members. This means that the offence does not lead to a criminal record, only having to be declared in certain circumstances by the young person. Therefore, as YOP members, we often stress to the young people that the RO is a genuine second chance – offering them an opportunity to learn about the consequences of their behaviour, address a wider spectrum of underlying issues – such as school attendance, family relationships or mental health problems – whilst also being able to repair some of the harm that they’ve caused. From my experience, ROs are a very good thing.

But how can we maximize the positive effect that the YOP process can have on young offenders? In an attempt to answer this complex question, I have studied the religious model of reconciliation – ‘confession’ – and used it as a tool for further analysis of the YOP process.

The religious model of reconciliation: The confession
The practice of confession is part of the life of many Christian communities today. It plays a prominent role in a number of denominations, for instance in Orthodox and Roman Catholic churches (Forest, 2002). The key participants in the process are the ‘sinner’ (as offender) and God (as victim). The encounter between offender and victim is mediated by a priest – the confessor – who

represents the church community and pronounces God's forgiveness over the sinner. The purpose of making the confession is that the sinner, by revealing their offence to the priest, acknowledges before a witness their wrongdoing and resolves to change. This leads to reconciliation, culminating in the act of forgiveness, known as 'absolution' (Gunstone, 1966:35 and Ross, 1974). In sum, the reconciliation of the sinner with both God and the community is the intended goal of this process.

Advocates of the religious model of reconciliation therefore make a number of similar claims to those who advocate the practice of restorative justice. I was therefore interested in exploring this model to see if it mirrored the work of the YOP in the criminal justice system. The many similarities staggered me, most notably the way the four key steps of the religious model – contrition, confession, penance and absolution – reflect some of the steps of our work as YOPs:

- i. **Contrition:** The honest and thorough conscience searching at the centre of the religious model is also a key element in our work with a young person, as she or he is guided by the YOT and YOP members to understand and recognise the wrong they have done.
- ii. **Confession:** The act of spoken confession to the mediating priest closely corresponds to the guilty plea that a young person offers at the onset of the RO process, as well as the way an explicit apology and signification of remorse to the victim is also sought, typically in a form of a written letter of apology.

- iii. **Penance:** The act of penance, which is symbolic, practical and devotional work consequent to confession, for example having to repay stolen money, is mirrored by the reparation work that the young person is ordered to carry out as part of the RO.
- iv. **Absolution:** The whole process of reconciliation within the religious model culminates in a clear pronouncement of absolution by the priest, a powerful sign of forgiveness and an invitation to re-join the Church community. This, in my view, bears close resemblance to the effect of a 'spent' conviction, which is declared by the YOP members at the end of a successful RO. Or indeed, in a less formal manner, as praise expressed by the YOP for the young person's successful attainments during the RO and acknowledgment of their positive behaviour and attitudes, evident for example by their improved relationships with their families, or the YOP members – as representatives of their local community.

However, with these similarities noted, the religious model also offers us criteria with which to judge the adequacy of the restorative process within the ROs. Having worked with many young people over the past few years, I've become increasingly aware of a number of areas that require further development:

Firstly, the issue of remorse: how can we really assess whether the young person has taken responsibility for their actions? A formal assessment may have been completed with their youth worker

and we ask them during the YOP about the feeling of remorse, but is enough time spent exploring this complex emotion? Is it even fair that we expect this from the young people, many of whom are either very young and/or battle serious of other complex social, behaviour, educational and emotional issues?

Secondly, throughout my time as a YOP member, I have encountered victims only twice. This is clearly suggestive of a wide-spread issue – victims rarely participate in YOPs. This fact does not sit well against the original intention of ROs and the restorative justice ideal. In the religious model, God – the victim, so to speak – is ever present. Therefore is the participation of the victim is crucial if the YOP process is to achieve its ends? If so, what can be done to encourage more victims to take part?

Thirdly, not much thought is given to the nature of the reparation work: it is simply ‘just done’ on the most conveniently available project. But does this detract from its potential benefits? How meaningful is the act of reparation if the particular form it takes is unconsidered? Surely, there must be a way for it to be improved so that the young people develop through it, rather than simply perceive it negatively as an unhelpful punitive element in the process? The tasks should be directly vocational, and include the possibility of victim input.

And last, but not least: the question of forgiveness at the end of YOP. Forgiveness is the pinnacle of the religious model, but, in ROs, without the victims present (and hence unable to express forgiveness directly), can the young

people be truly forgiven? Or are they left only with the feeling that they ‘got away with it’? There must be a way to celebrate the completion of the RO, marking its end in a tangible way so that the young people get a true sense of closure, and are free to begin afresh.

However, three major issues complicate the way forward:

- i. the nature of the young people receiving ROs
- ii. absence of victims from the process, and
- iii. wider issues in the community.

The young people YOPs work with have complex needs and are often extremely vulnerable. It is therefore often unrealistic to expect them to understand the consequences of their behaviour and feel remorse. Therefore most of the YOT’s work centres on practical and psychological support. Whilst it is positive that young people’s needs are addressed, I question the place of ROs within the justice system. As a court disposal, it can propel the young people into the criminal justice system instead of diverting them away. In my view, ROs would be better positioned as a pre-court disposal.

The absence of victims is a serious shortcoming that affects the meaningfulness of the whole process of YOPs. Without victims expressing their point of view, it is difficult for the young person to understand the impact of their behaviour. Also, without victims’ input, reparation is disconnected from the offence and becomes less meaningful. The biggest drawback, however, is that the victims lose the opportunity to extend forgiveness. Forgiveness would benefit both the

victim and the young person. The absence of victims, therefore, jeopardises the restorative nature of the whole process of ROs.

During my work as YOP member I have encountered many young people who seemingly 'just don't care'. They are unaccountable, and it is therefore very hard to engage them in the process. The truth, however, lies deep behind the disinterested faces of those young people. Family breakdown, lack of positive role models and goals, loss of normalising rules in general society – they have been let down by their immediate communities and society in general. Instead of being supported in more appropriate settings, they ended up in the criminal justice system. It is not only the young people but also society that needs to be held to account.

I continue to work as a YOP member, keen as ever, in the belief that ROs and YOPs represent a positive development within the youth justice system. They have introduced the principles of restorative justice – principles that have been shown to reduce re-offending amongst young people – but without the changes outlined above, ROs are at risk of remaining somewhat tokenistic. Given the potential benefits they can offer young people, victims, and the community, ROs should be further developed. If they were, there is every chance they will last for as long as the religious model has, which as a model of reconciliation offers a relevant and current insight into our modern practice of youth offending work.

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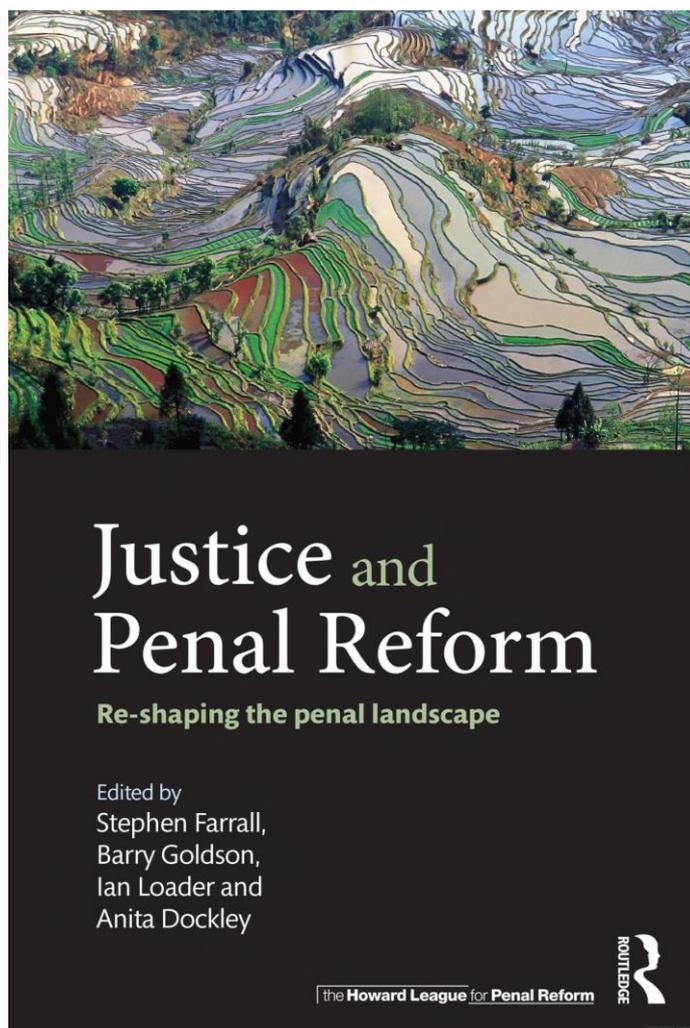
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About the author

The article is based on Tereza Harvey's dissertation for a MA in Criminology at King's College London. She volunteers as a Youth Offending Panel member in South London. Tereza's dissertation was shortlisted for the Howard League's Sunley Prize 2015.



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In the aftermath of the financial crisis of 2008, Western societies entered a climate of austerity which has limited the penal expansion experienced in the US, UK and elsewhere over recent decades. These altered conditions have led to introspection and new thinking on punishment even among those on the political right who were previously champions of the punitive turn. This volume brings together a group of international leading scholars with a shared interest in using this opportunity to encourage new avenues of reform in the penal sphere.

Justice is a famously contested concept and this book takes a deliberately capacious approach to the question of how justice can be mobilised to inform new reform agendas. Some of the contributors revisit an antique question in penal theory and reconsider the question of what fair or just punishment should look like today. Others seek to make gender central to understanding of crime and punishment, or actively reflect on the part that related concepts such as human rights, legitimacy and trust can and should play in thinking about the creation of more just crime control arrangements.

Faced with the expansive penal developments of recent decades, much research and commentary about crime control has been gloom-laden and dystopian. By contrast, this

volume seeks to contribute to a more constructive sensibility in the social analysis of penalty: one that is worldly, hopeful and actively engaged in thinking about how to create more just penal arrangements.

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– Todd R. Clear, Distinguished Professor, School of Criminal Justice, Rutgers University-Newark, USA

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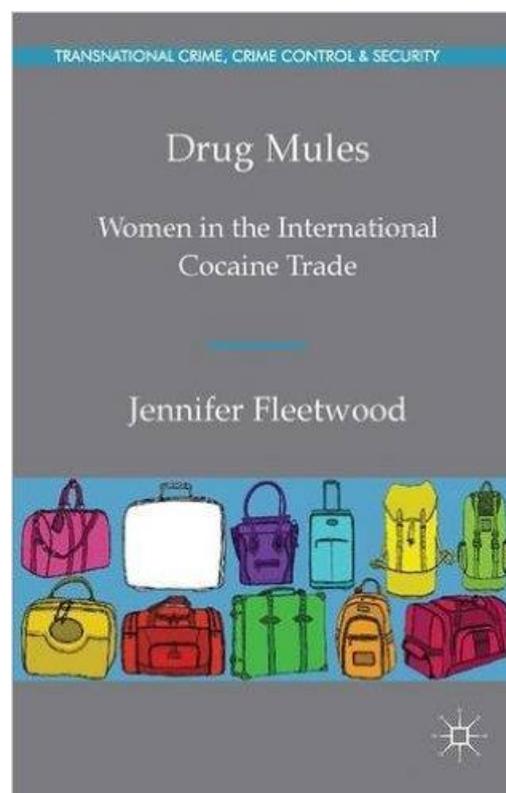
Book review

Drug Mules: Women in the International Cocaine Trade **Dr. Jennifer Fleetwood**

Palgrave Macmillan UK, 2014

Drug Mules is part of Palgrave Macmillan's series of 12 books on Transnational Crime, Crime Control and Security and as such is essential reading for academics and non-academics who are keen to understand or expand their knowledge of the phenomenology of female drug mules in the international cocaine trade.

Jennifer Fleetwood defines a drug mule as someone who carries drugs across international borders for someone else. She explains her objective: "This book explores how and why women become involved in trafficking, and whether their participation can be understood as the result of poverty, social structural disadvantage and victimization, or agency and choice." (Fleetwood, 2014, p. 5) The interdisciplinary nature of the work weaves traditional concepts and theories from criminology, penology, and gender studies with contemporary issues such as global crime and transnational law enforcement. The book examines the social relationships (e.g. love in Chapter 4) between the mules and others in the cocaine trade. This part of the research offers the potential for the application of network analysis to deconstruct organised crime in the way that the structure and activities of human traffickers have been identified and their role as agents documented (Campana, 2016).



The titles of her chapters are tantalizing: they promise to unravel what it means to be a drug mule highlighting issues such as mafias at one end of the spectrum to what individual drug mules talk about. The understanding of the meanings that mules give to their involvement in drug trafficking is embedded in the sociological theory of symbolic interactionism. The fieldwork allowed Jennifer Fleetwood to interview thirty-seven women serving sentences for drug trafficking in an Ecuadorian prison. They were interviewed using ethnomethodology. There were also interviews and discussions with recruiters and managers of drug mules as well as with male prisoners.

The book is written in a user friendly style and shares her experiences of being a researcher in a prison. She is refreshingly

reflexive in her approach and offers both a critique and justification of her work in the style of action researchers. Her exposé sheds light on unknown and underexplored aspects of trafficking and her data might also assist stakeholders in finding solutions to reduce the tide of people who are willing to be drug traffickers, even where the death penalty is imposed upon conviction as in Malaysia (Hood, 2013).

The book concludes that rather than binaries of agency, victimisation and gender in the assumed roles and functions of drug mules, the relationships of mules to others in their network and the decision to participate in the cocaine trade is multidimensional and very complex. And, the process is dynamic rather than static; for example, a few of the women had roles of recruiter and/or minder at different points in time. The reasons why people become drug traffickers have been reported elsewhere; for example, Dorado (2005) interviewed Colombian women drug couriers imprisoned in Europe. This contribution, however, looks at the extent to which gendered and general stereotypes of drug mules match reality or the voice of the drug mules on topics that are important to them.

The narratives of the Ecuadorian female prisoners recorded by Fleetwood – such as poverty, money and motherhood – are consistent with my data from female prisoners in Barbados. The majority were incarcerated for periods from 2–10 years for drug trafficking and some were mules. The convicted female traffickers were primarily from the Anglophone

Caribbean but a few were from North American and Europe. A sample of male prisoners were also considered, half of whom were convicted for various offences including drug trafficking. Fleetwood's statement that, "...the crime of carrying drugs across borders for others cannot be considered particularly 'female'." (Fleetwood, 2014, p. 6) is aligned to this data from Barbados. It is likely that more drug couriers/mules evade detection than those who are detected and convicted so that the proportion of female to male drug mules remains unknown. The Barbados prisoners were psychometrically profiled to examine the role that psychopathic personality traits (e.g. social influence, self-centred impulsivity, blame externalisation, stress immunity), empathy (or lack of it) and current depressed mood that may have affected the offending behaviour. The aim was to assess the prospects for rehabilitation versus recidivism. The need for money or thrill seeking might motivate some but not all. I believe that identifying the role of personality traits is as important as isolating the social system variables that explain why persons becoming drug mules.

The book examines how, or if, female drug mules were disadvantaged by their gender (Fleetwood, 2014, p. 5). I believe a fuller understanding of this sample may be achieved through a content analysis of the sentencing transcripts in order to understand how the court viewed the role of victimisation, gender, coercion and agency as mitigation or aggravating factors when sentencing each of the 37 women. Judicial remarks

may go some way to explaining Ecuadorian sentencing principles for drug trafficking. For instance, was the court aiming for general and individual deterrence or rehabilitation when punishing these women? Was a zero tolerance approach displayed during sentencing by the imposition of the maximum length of imprisonment available, whatever the quantity or monetary value of the drugs trafficked? What messages is the Court sending to the international community (and potential drug mules) with regards to the Ecuador's treatment of traffickers? The work of Shute, Hood and Seemungal (2005) suggests that by merging the observations and written notes of the court proceedings with the follow up interviews during incarceration has the advantage of offering extra information to a study's key questions. It also allows some verification of the accuracy of the narratives of respondents. These questions do not detract from the major contribution of Fleetwood's book. Instead, it stimulates the reader to reflect upon the implications of the author's discussion and to move the debate forward.

Dr Fleetwood is a lecturer in criminology at the University of Leicester and the joint winner of the British Society of Criminology Book Award 2015.

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Review by ECAN member, Dr Florence Seemungal

Event Review: Old News, New Media

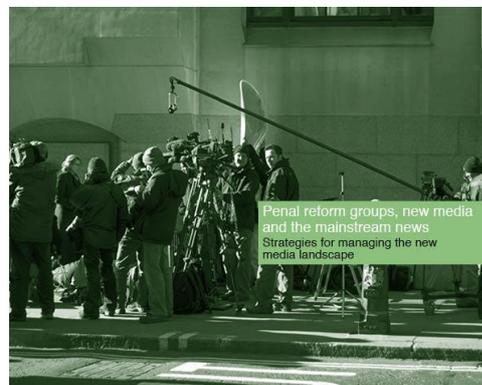


Danny Shaw, Niall Couper and Marianne Colbran

In January we held an event to discuss the relationship between special interest NGOs, like the Howard League, and the developing media environment. Dr Marianne Colbran led a panel discussion at the LSE based on her research, [Penal reform groups, new media and the mainstream news: Strategies for managing the new media landscape](#). She was joined by Danny Shaw, BBC home affairs correspondent and Alan White, from BuzzFeed from the media perspective and Niall Couper, Amnesty UK, and the Howard League’s Andrew Neilson to bring the special interest group perspective. It was described by a media consultant who attended as *relevant, lively, informative and thought-provoking*. You can [listen to the debate](#) and see what you think.



Andrew Neilson and Alan White



Penal reform groups, new media and the mainstream news
Strategies for managing the new media landscape

the Howard League for Penal Reform

Key points

- A lack of public knowledge about crime, justice, punishment and the ways in which some sections of the news media shape public opinion about prisons and prisoners is a significant issue for non-governmental organisations (NGOs) and special interest groups concerned with penal policy and penal reform
- For such groups to work successfully with the mainstream media, it is important to understand how the media work and to develop strategies to obtain coverage without distorting key messages
- Obstacles to improved coverage include:
 - lack of resources: smaller organisations do not always have the resources to do in-depth public relations (PR) work
 - mistrust of the media: Press officers at NGOs and special interest groups are concerned that case studies supplied to the media may be sensationalised and distorted
 - unrealistic expectations on the part of NGOs and special interest groups of the role of the media: material has to be made 'newsworthy' and packaged to appeal to the outlet's specific audience demographic
- This report identifies a number of strategies that could be adopted to achieve improved coverage via mainstream and new media and suggests alternative forms of media that could be used to engage with targeted audiences.

Dr Marianne Colbran was the second Howard League post-doctoral fellow at Oxford University. She is now is a Visiting Fellow at the Mannheim Centre, LSE and Research Associate at the Centre for Criminology, Oxford. She also works as an academic consultant for Fremantle Media UK's drama department.

Guidelines for submissions

Style

Text should be readable and interesting. It should, as far as possible, be jargon-free, with minimal use of references. Of course, non-racist and non-sexist language is expected. References should be put at the end of the article. We reserve the right to edit where necessary.

Illustrations

We always welcome photographs, graphic or illustrations to accompany your article.

Authorship

Please append your name to the end of the article, together with your job description and any other relevant information (eg other voluntary roles, or publications etc).

Publication

Even where articles have been commissioned by the Howard League for Penal Reform, we cannot guarantee publication. An article may be held over until the next issue.

Format

Please send your submission by email to anita.dockley@howardleague.org.

Please note

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.