

THE
ABOLITIONIST

The Magazine of Radical Alternatives to Prison



ABUSE

£1.50

incorporating Inquest PROP Women In Prison

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

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

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

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

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

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

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

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

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

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

We would like to apologise to our readers for the long delay since the appearance of the last *Abolitionist*. This was partly because we ran out of money earlier in the year, and partly because, even when we had scraped together enough money to produce another issue, we were short of people to do the work. (There was also a long chapter of accidents of the sort that always happen - only worse.)

We have since had a very kind offer of assistance in producing the next issue, and we are confident that this one will not, as we feared at one time, be the last. Nevertheless, we still do urgently need more people to get actively involved in RAP - not only in the *Abolitionist*, but in reviving some of the working groups which were among the most productive of RAP's activities in the past.

So please write to RAP at the address below, or phone Tony Ward on (01) 802 7430. Articles for the next issue will also be more than welcome; please send them by the end of March 1988.

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DISABUSING a d u i t s

DISABUSING ADULTS

As a result of RAP's chronic lack of both financial and human resources, this issue has been at least nine months in gestation, and since we first decided to look at the issue of child abuse, a great many people have had the same idea. Few of them, unfortunately, can be said to have added greatly to our understanding of the subject.

The three articles that follow look at child abuse from three contrasted points of view. The first is a discussion among five women who, though not unanimous in everything, share a feminist perspective. The second, by Tom Woodhouse, a criminologist researching 'sexual contacts between children and adults', questions some of the assumptions underlying the current debate, including the view that any kind of sexual contact between an adult and a child must invariably be harmful. The third reminds us of the grim plight of sex offenders in prison.

The question raised by all three articles, though we cannot pretend that any of them resolve it, is what should be the role of criminalisation and imprisonment in dealing with child abuse. The case for imprisonment appears straightforward. It separates the abuser from his (very rarely her) victim, and does so at the abuser's rather than the victim's expense; and it recognises the seriousness of the crime of child abuse by treating it in the same way that other serious crimes are treated in our society.

But this case is open to question on two counts. Firstly, removing a man from the home is not at all the same thing as putting him in prison. It could also be done through civil proceedings, by injunction. Because the standard of proof in civil proceedings is lower than in criminal ones, this could be less painful for the child as well as for the adult, and from a civil liberties point of view is certainly no worse than the existing use of civil proceedings to take children into care. Such injunctions would need to be more strictly enforced than they often are in cases of violence against women. But it seems unlikely that the police would lightly dismiss the prevention of child abuse as 'rubbish' work. On the contrary, it is one of the crimes they regard so seriously that they sometimes take it upon themselves to dish out extra-judicial 'punishment' to the offender.

This brings us to our second point. Unlike some rapes, child abuse is not something which the population at large fails to take seriously as a crime. Ideas about children bringing it upon themselves, or men not being able to help it, may be prevalent in the rarefied world of therapists and 'victimologists', but they hardly represent

the mainstream of public opinion. The popular perception of child sexual abuse is that it is something so monstrously evil that it cannot possibly be as widespread among 'normal' men as we are beginning to discover it is. We can draw an analogy with so-called 'collusion' in incest by the victim's mother: society, in a sense, 'colludes' with child abuse, not by condoning it, but by refusing to accept that it is going on.

There is no need, then, to use the criminal law to reinforce the public's perception that child sexual abuse is a serious crime. But so long as we have a system of criminal law at all, there is no reason to regard it as anything other than a crime, and in some cases (bearing in mind Woodhouse's point that only a minority of 'abusive acts' involve physical contact) a very serious one. So long as it is a crime, there must a place for punishment; but the abstract and intangible benefits of punishment (maintaining the integrity of the legal order, or whatever) must be outweighed in some cases by the distress that would be caused to the child.

There are always ironies in trying to deal with violence by more violence. Mary McLeod suggests in our round-table discussion that child sexual abuse is the result of men who are unable to feel dominant in relation to other men taking it out on people more vulnerable than themselves: 'It's really the picture of the school bully'. And the picture, too, of the persecution of offenders against children by other prisoners.

Another irony is that much of the non-sexual abuse of children is simply punishment that gets out of hand. In the Scandinavian countries the spanking of children is illegal, and there is some evidence that this has had at least a slight effect on parental violence. The moral we would draw is not that we should punish the punishers, but that the interests of children might best be served by moving towards a less punitive culture.

And what of therapy? Keep trying, by all means, but for the moment we must be sceptical about the chances of success - especially, but not only, in a prison environment. Perhaps - to take up a point of Esther Saraga's - there would be a better chance of developing therapies that work if more were known about non-abusing men. Do most men find children (some children, in some situations) attractive? If they do, can this be simply equated with wanting to have sex with them? And if so, why don't they? It is perhaps the desire to avoid questions like these which makes rational public discussion of the subject so difficult.



CHILD ABUSE

The issue of child sexual abuse has recently hit the headlines, particularly following events in Cleveland where Doctors Higgs and Wyatt diagnosed child sexual abuse on a massive scale. However, much of the reporting on Cleveland, and on child abuse in general, has served only to confuse and mystify rather than inform.

For this reason, The Abolitionist decided to host a debate between various feminists expert in the child care child sexual abuse field – to ask them their views on both the real causes and the proper responses to child sexual abuse.

*Those taking part are **Liz Woodcraft**, barrister (chairing); **Margaret Boushell**, Principal Assistant (Children and Families) Islington Social Services; **Mary MacCleod** and **Esther Saraga**, both from the Polytechnic of North London, Child Abuse Studies Unit; **Joa Luke**, a social worker with Islington.*

‘... prisons are not for us an acceptable alternative, but given that we are living in the society that we live in where prison is seen as the appropriate sentence for various crimes, then we want this offence to be seen as just as serious...’

LW: Can you each start by saying what your involvement with the subject of child abuse is. **Mary?**

MM: I've been teaching at the PNL for eight years. Before that I was a social worker in Scotland, specialising in child care work. Seven years ago, Esther Saraga and I began, at the PNL, to develop some teaching on sexuality. From that came a joint interest in child sexual abuse, in producing training materials, in taking study leave to do some exploration in the field, to see what was going on – what was being done by various agencies etc. And from that came the development of the Child Abuse Studies Unit.

LW: Margaret?

MB: At the moment I work for Islington Social Services around the area of children, and obviously we get involved with a lot of cases of sexual and physical abuse. I was a senior social worker for ten years before that. My involvement in policy work around sexual abuse cases started about three and a half years ago. About half a dozen of us got together to try and provide the borough with some coherent guidelines for sexual abuse cases.

LW: Which you have just produced?

MB: Yes, we have just produced written policy guidelines for workers in this area.

LW: Esther?

ES: Well, as Mary said, child sexual abuse has become a bigger

‘... these are normal men. They're the ones we pay bus fares to, buy things from in shops.’

‘... that whole description of men as out of control is very insulting to men in general, don't you think?’

and bigger part of our work in PNL, and of greater concern. A lot of social work students were suspecting child sexual abuse in cases referred to them on placement, and we were very concerned about this. We were also concerned at the general approach that was being taken in cases of this kind. During our study leave we had found that all over the country there were individual workers and groups who were trying to do something different, at the grass roots. This led us to organise a conference which was held last April. The response to that was enormous. Plus, the response to setting up our Child Abuse Studies Unit has been huge.

LW: Joan?

JL: I'm a social worker in Islington and with Margaret, and a couple of other women, I became involved in a working group in the department that became aware of the increasing levels of sexual abuse and of not really knowing how to respond or what to do. As part of that working group, we got interested in training within the department, which was how we got involved with Mary and Esther who were at that time developing a training package. Really, I suppose my interest is that I carry child sexual abuse cases on my caseload.

LW: Jo, you've talked about increasing referrals, and Esther you've talked about training social workers who were going out and beginning to find cases. Is it the case, to sound simplistic, that there has been an increase in sexual abuse of children? Or that there's now a new climate in which to discuss it?

ES: On one level it's impossible to say but I think that what's happened to us must have happened to other people, which is that as you become more aware and able to handle it, more people refer either themselves or other people to you.

JL: And people just start to tell you things. For instance, during that conference in April, we went into the pub next door and I'd been in there less than five minutes, and both the women behind the bar asked us 'what's been going on?' and when I mentioned a child sexual abuse conference they both of them disclosed to me sexual abuse in their own childhood. That is quite a common experience for me.

MB: I think one of the positive things about recent cases that have hit the headlines has been more awareness – people feel they have permission to speak now. It's been really noticeable in Islington. Time was when teenage girls were coming into care, running away from home, with family conflict, all those issues but sexual abuse was never mentioned. Now, a lot of girls come into care and they feel they can say something about sexual abuse.

JL: And there's heightened awareness among workers. It's less likely now that workers don't hear children. They're more likely to follow it up.

MP: One of the most powerful things around that is the feeling now that children don't lie, actually. Children may not name the correct abuser or the details may be muddled, but they don't lie about whether they've been abused or not.

MM: Yes, sexual abuse was usually understood as a fantasy or something that children made up, rather than something that happened to children and that has now changed.

ES: But I think there's a worrying aspect to this. It's like you mustn't give children sex education, you mustn't tell them about these things, because if you destroy the innocence, if they know about these things, then when they report them, then people will say, 'oh but you've been told...' That can contribute to this notion that children should not know about sex.

LW: So now everyone knows about it, is talking about it, and everyone is supporting the children. So what do we think about Cleveland? Suddenly, there are loads of children being whisked off into hospital care, subjected to horrible continual examination, by doctors in the middle of the night. Isn't that a direct result of the media taking on board sexual abuse, making it flavour of the month? I mean, what we're hearing about from the inquiry that's going on, it sounds like some people have been terribly *enthusiastic* about it all.

MM: I don't think we'll ever know whether the children who were diagnosed by Higgs and Wyatt *were* sexually abused because the decision about whether they were or weren't is now within the legal system and the legal system is often unable to establish the truth in these kinds of cases.

LW: But, just on that, we've heard terrible things. We've heard that a doctor asked for a whole school of children to be examined...

MM: I'm not necessarily defending – because I don't know enough about it actually – the diagnosis of the doctors in Cleveland – but what I do know is that we can't assume that these children weren't abused because the courts have decided that they can be returned to their parents. One of the things that worries me about the whole business of Cleveland is that it appears diagnoses were made on children without really hearing what the children had to say, and the most staggering thing about the whole business is that we haven't heard at all what the children have to say.

JL: I'm not sure that's true, that diagnoses were made without listening to the children. I think the media have not reported it. Their whole coverage was incredibly distorted. What we're seeing in terms of feedback from the inquiry is that social workers and medics behaved professionally and well within the confines of what was going on, although perhaps a little bit vigorously. But I think it's quite clear that what they're

saying is that it wasn't medical evidence alone that substantiated the claim that sexual abuse had occurred, but that there was lots of inter-agency input into those diagnoses over and above the medical.

But the other crucial thing to me about Cleveland is that *both* parents were immediately seen as being parents who abuse, rather than there being made this clear distinction between the abusing and non-abusing family – which we do in the Islington policy. For instance, if it's the father in the family, then we say: 'well, that family can exist as a unit without the abuser'. So we aim to remove the abuser although we can't always because there aren't the methods. Well, there are but they're not widely used. I think what happened in Cleveland was a kind of panic response, which social work is very prone to, which is the NSPCC line, which is 'help us protect the children!' Which is to remove them from the abusing environment rather than looking forward and saying there are other things.

ES: Yes, I think it's important that in all the comment on Cleveland there was total confusion between the issue of whether the children were abused or not and the issue of how to intervene. I feel it's too early to judge Cleveland but from what I have read, it sounds as if what happened to some of the children in hospital was very unpleasant and may have made it incredibly hard for the children to disclose what happened to them.

The fear is that a lot of the children who were abused and sent home will never dare tell anyone again. This is just an aside, but I was very struck by what a social worker in a London borough was telling me of adolescent girls at school who were put in touch with social workers and they've written essays about 'my friend so and so' without actually saying it's them. But they have agreed to meet with the social worker to talk, and particularly to talk about their 'friend' and one of the things they've said is that 'my friend's waiting to see what happens in Cleveland, to see who wins, the parents or the children.'

I'd also like to mention a report in the *Guardian* about an inspectorate that looked at the procedures used in Cleveland, suggesting that part of their policy seemed to be that in order to facilitate disclosure you remove a child from anybody who's a potential abuser or potential colluder, which is the part we really disagree with, because if you extended that, even if the abuser was someone outside the family, a lodger or a grandparent, or something, you might still have seen the parents as colluding.

LW: You mean you're critical of this notion that once someone has been identified as 'colluding' then that makes them part of the abusing circle and therefore the child has to be removed, from the colluder as well as the abuser?

ES: Yes, that's right.

MM: This whole notion of collusion is very suspect. It comes from the 'family dysfunction model'.

LW: Meaning?

MB: That abuse occurs because there's something wrong with the roles in a family, that because something is wrong with the roles in that family, that the man has had in some way to push towards the child and abuse her/him, or the child has been forced to take the role of the mother...

LW: Let's talk about that, then, what we might call the standard approach to the causes of sexual abuse. Is it as you have just explained Margaret? That the father has not received his marital rights and therefore he's turned to the child?

ES: That's not where it starts from. It starts from the family, and that idea that sexual abuse is a symptom of something wrong with the family... they talk about the incestuous family system... the NSPCC even talks about the 'sexually abused' family. There's this idea that there are different family patterns, different ways that families go wrong, and sexual abuse is sometimes even seen as a *solution* to this. What they often say is that sexual abuse is a way of *preventing* family break up... the man going outside the family...

MB: Yes, a way of maintaining equilibrium.

ES: But, in practice, what it always comes down to, is that the person who's actually caused all this is the mother, because she's gone out to work, been detached, or is not sexually available, been depressed, been abused in her own childhood and is therefore incapable of being a proper mother or wife. . .

MB: And if it's not her, it's *his* mother!

JL: Yes, this is the orthodox view, from places like Great Ormond Street, the Tavistock, the NSPCC, the National Childrens Home. And what none of this does is challenge any ideas of the social construction of masculinity, power relationships within the family, within society. . .

MB: Yes, and no-one points out that 97% of abusers are men.

LW: Of little girls?

MM: Well of little girls and boys. But mostly girls.

ES: Within the family it is overwhelmingly girls. Boys are relatively at more risk *outside* the family. What's also interesting is that when the orthodoxy, the child psychologists and social workers, are talking about sexual abuse, they always talk about the gender of the abused, but they never, never talk about the gender of the abuser. . . they don't deny it, but they just don't think of it as a significant thing to look at.

LW: Okay, let me ask you all now: what is the *radical* social work approach to these problems?

MB: I think it would start from the premises of basic child care practice, that it is important for a child to be within a familiar environment, not necessarily a family environment, and that the person who has done wrong is the abuser, *not* the child, *not* the other carer, and I think the approach is that you look to these familiar adults to see how they can protect the child. . . and to do that you try and build a relationship of trust between say, yourself and the mother. I've seen in Islington how women in the extended family, and particularly grandmothers, are doing so much to protect their children in their families.

LW: What do you say about colluding?

MB: Yes colluding does happen. . . we can't say it doesn't, but it depends how you explain that, and it depends how you see the role of women in the family. . . what power role they have in the family, with or without the man, what particular options they have, what stresses they are under. . . and also you have to deal with the shock, to realise just how extremely difficult it must be to hear that the person you've been living with has been doing this.

JL: The basic idea about collusion is the assumption that the mother knows and often you find that the mother doesn't know, or doesn't even suspect. Why should she? I mean she's got to go out and do the shopping and leave the kids with her husband or whoever. You know, why should she think it's going to happen? You often hear a woman say, 'Would I leave my kids with a man who's going to do THAT?' And the impact of the news is very similar to the news of a death, depending on how close the person who had died is, again it depends on how close the abuser is to the family or to the mother.

I think the radical bit in what we're saying is that it's about removing the abuser, rather than about removing the child from this 'abusing' family. It's the abuser who had betrayed, abused the whole family.

MB: Just going back to the issue of trusting the man that you live with, I think that can be a bit of a Catch 22. . . because I don't think a lot of the women particularly trust the men they live with in general terms. . . they may think they are self centred and irresponsible but that's a very different thing from thinking that he's going to go and abuse his own children.

MM: And in relation to the women, people never talk about what the family is, what it means. It's the very place where we come from. It's our whole identity. We can't leave it very easily, and there seems to be a different standard for women in this situation. There is some idea that these women should be able to leave the family. While for many of us, we're dissatisfied, but we can't. . .

LW: Are you saying, here, that the orthodox view is that the mother should have known and should have taken the children out of the family and gone?

MM: Yes, it's funny that the anger against women is much greater than that against the man. You know, *how could a woman even stay with a man like that?*

ES: I agree with what's been said but I'm not happy with the use of the term 'collusion'. I think it's more important to try and understand why women sometimes deny what's happening or refuse to see it or fail to act.

LW: Okay we've got this problem, we have a family, we have a child who's just disclosed. What should social workers do, what should society do?

MM: Certainly, get the man out, if we're talking about the man being within in the family. Now I know people have complicated feelings about this, and very often it's said that the children feel very guilty on top of the guilt they already feel because their father has been taken away from them into prison. . . I think what people never recognise is that children have ambivalent feelings, that they think, 'I hate this man, I want to kill him!' and at the same time, they think, 'I love him, he's my Dad, he's doing this because he wants me!' And, you know, that kind of *confusion* is there, so that in taking the man away, you're not necessarily making things worse for the child. So I'm saying there are really good reasons for talking to the child and saying 'What your father did to you was absolutely wrong, he knew he was wrong, he shouldn't have done it, and when people do wrong things like that in this society, then they get punished.' It's perfectly reasonable to say that. More than that I'm not able to say.

MB: I think that's the right place to start. You know, all the research on abusers shows that it cuts across class, and race and other indicators like stress and even mental health. The typical abuser is the typical man, which isn't to say every man is an abuser. But society has got to make decisions about what is acceptable and unacceptable behaviour. This is a crime against those people who are least able to protect themselves.

But this is where it gets complicated. For it would be okay if you were able to say, 'Okay you are going to get punished, and during this period we will re-train you so that you will no longer be an abuser', but unfortunately the state of the art is such that we don't know how to do that.

ES: I'm very sympathetic to what Margaret and Mary have said. At one level I feel that the way the legal and prison system is organised certain kinds of abuser — although abusers come from all sections of society — are discriminated against, on grounds of race and class. And yet on the other hand what worries me is that there is a lot of 'orthodoxy' about not being punitive. It's like this approach is considered appropriate to someone who has sexually abused their children but not appropriate to someone who has robbed a bank! So there is this idea that sexual offences, and particularly sexual offences against your own children, incestuous sexual offences, are actually about not being able to help yourself, which is absurd. That doesn't apply to adult rape of a stranger.

Obviously I'd be in favour of therapy, if we could find ways of making it work. You know, it gets posed in Britain as therapy versus prison, and actually in the States, they are much more linked as far as I understand it.

LW: I think it would be possible in this country to say that your sentence was deferred for six months and during that time the court wants to see that you have taken part in a therapeutic/treatment period before finally sentencing you, possibly to probation, or probation could be ordered with a condition of treatment. If you did not undergo such treatment it would be open to the court to sentence you to imprisonment.

JL: The thing that troubles me around this whole discussion is the assumption that there's something pathologically wrong with the sexual abuser of children and actually what we know is that these are normal men. They're the ones we pay bus fares to, buy things from in shops. That's part of the shock value when disclosures are made.

LW: Yes, as feminists we accept that men are doing this because of the position of men in our society. But that doesn't get away from the problem, what do we say should *happen*? Are we going to say, yes we're looking for a political response, a political answer which of course we all are, but in the short term, we've got to help the individual child, the individual family?

I think the point that you made Esther is valid, that on all levels prisons are not for us an acceptable alternative, but given that we are living in the society that we live in where prison is seen as the appropriate sentence for various crimes, then we want this offence to be seen as just as serious, if not more so, and therefore for this purpose alone, we want to use the standard that society imposes.

ES: It seems to me that it would be possible to have custodial sentences in therapeutic communities, rather than putting a sexual offender in prison where nothing happens. I don't see why it shouldn't be possible to have places that were particularly trying to deal with that sort of offence but they were locked up as well. Also, the type of therapy would have to be completely different.

LW: Let's talk about therapy. What kind is on offer now?

MM: Well, I don't know an enormous amount about it, but I know there are a range of things... there's the Portman clinic in London which specialises in offering psychotherapy to sexual offenders. What they actually say is, is if you're not going to say lock 'em up and throw away the key, you might as well do psychotherapy. But they're not very confident. They say it's only with the most intense psychotherapy over a number of years that they can be sure that people aren't abusing. Their confidence goes immediately when people aren't in therapy. So it's as if while they are carefully being held within this therapeutic relationship they might be okay yet they aren't very confident about long term prognosis, if you like.

Then there is family therapy, which as we have already said, is largely 'Well, how are we going to change this family so that the man's needs are serviced – so perhaps he won't abuse.'

And then there's behaviour therapy which as far as I understand it is where they really work hard at trying to change the object of the man's desire from the child to some woman and that of course appalls me more than anything. Because I've seen on television this man in behaviour therapy and there are lots of pictures of naked women up round the walls to stimulate him into being interested in women.

What none of these approaches do is to say 'Why do you think you are so driven? Why do you think you have to fuck somebody that you want to fuck all the time? Why do you assume that that's the way that you are sexual?' And none of them challenge that.

LW: But therapy is always like that... it never tells people what to do...

ES: Well, I think in this case it has to be judgmental. It has to say that what you have done is wrong and it has to accept that most child sexual abusers *do* have some control over their behaviour.

LW: But here we are saying to men 'you've got to change your whole notion of sexuality' when society in a way accepts that men do find little girls attractive – there's make up for children, children are used as sexual objects in advertising and so on – but then when some men obviously overstep the mark, we slap them on the wrist, and say 'oh no, no, no, no... you're bad'.

ES: The thing is, very little research has been done on abusers, but even less has been done on non-abusing men. No one has done research sufficiently on the nature of masculine sexuality... on which bits are held in common, and on how men perceive their sexuality. No one is looking for instance, at whether all men *do* find children attractive. Do they? I don't know. And if they do, do most of them control themselves?

Something which seems to be peculiar to men, as opposed to women, which is this idea that if you feel it, you've got to act on it. Whereas I think all of us feel all sorts of desires, sexual, lust, anger, I'm sure we all have lots of fantasies but this doesn't mean we feel out of control and we have to follow this desire, act it out.

It's just the same with the physical aspects of male sexuality that I was taught. You know, 'don't lead them on because they get to a point where they can't control themselves...' 'A man will always try you'. And that whole notion of being a prick teaser with a man...

MB: What goes through my head is the similarity and difference between the way society treats girls and women as sexual objects and the way that society sees drink and alcohol and treatment for alcoholics. With drink problems, despite drink being pushed on television as glamorous, sexually attractive etc, even though there is a strong body of opinion that believes alcoholics cannot help their state, the treatment is saying you *can* stop it. And this approach says: 'You, and only you, are responsible for taking that drink.'

MM: I was at a conference run by Great Ormond Street and a video was shown... and in it, the father who had sexually abused the girl (who is now 13) was talking to Bentovim, about how his 13 year old daughter comes into the room in a nightdress... and Bentovim, doesn't say, you know, 'For Christ's sake, pull *yourself* together'. He says to the man, 'Tell her, "Leave the room at once!"' In other words, 'Get out of here or else I'll...' you know, the assumption that a man is not responsible for his actions.

LW: And yet that the child is. There's this paradox isn't there, of children on the one hand being terribly innocent and vulnerable and on the other hand being provocative, sexual, all of that?

ES: Yes, that whole description of men as out of control is very insulting to men in general don't you think? Another example I've heard of from Bentovim is about a man whose five year old daughter is at a party, and they're playing party games and the man was hiding in the place with his five year old girl, and Bentovim said 'he *found* himself touching her genitals.' That's pathetic!

LW: Okay, we've all agreed that in general the man should be removed. But what do we do in the long term... with that family?

ES: Well, I think the thing is, none of us do have the answer. As we've said, within the current system, it has to be treated as a very serious crime. But the most important thing is that what we do has to be derived from all the things we've been saying, that this is not a poor pathetic man, we have to look at this whole thing in terms of the construction of male sexuality. I mean I'm very happy about attempts by anyone who's committed serious crimes to find ways to help them not to do it again... for the sake of that man, but primarily for the sake of the children, and for the protection of other children too.

MM: We've talked a great deal of child sexual abuse as a sexual event but it's also more than that, it's also an abuse of power. One of the reasons why it happens is that men feel sexually inadequate in some way, less powerful than men are supposed to be, and for men feeling powerful and feeling sexual are very mixed up together. So, it's wanting to feel powerful and big that the desire to do this comes from; and one of the things that I think has not been terribly much said is, who is it that men want to feel dominant in relation to? Well, they're dominant anyway in relation to women and children so it must be *other* men. So, perhaps, in therapy, we should be looking at how abusers relate to other men, to their father, to their brothers, to the kids they were at school with. And one of the things that is really interesting about the picture you get in clinical journals about these so called 'pathetic' men is that those treating/writing about them don't seem to have any notion that it's possible to be pathetic in the face of authority and yet brutal with people who are more vulnerable and smaller than you. It's really the picture of the school bully.

Finally, I'd like to say that in all this talk about the man and what should happen to the man, we haven't actually said something important and obvious. Which is, that if there *are* resources – of which there aren't a great deal – they should be spent on child and adult survivors, and the mothers of children who've been abused.

MB: Yes, that's very important. We must give those women and children the confidence and strength to come to terms with the past as well as to deal with the future.

AFTER CLEVELAND

Tom Woodhouse

The Cleveland scandal broke in June of this year. It initially seemed merely another cynical media manipulation of our emotions. Not content to swamp us with real life tragedies of sexual abuse swathed in sentimentality we were also to be exhorted to anger against the now favourite bogey-men, the social workers (doctors in tow). A conspiracy theorist might be tempted to reveal a sub-text of Thatcherite criticism of social democratic (read Labour and Wet Tory) legacies of the sixties. For child sexual abuse read the flowering of seeds sown by the sexual permissiveness of the sixties. For the social worker read the Thought Police of the nanny state established by post-war social democratic governments. Add in xenophobia (after all child sexual abuse was discovered in America) and one has an easy explanation for both the present scandal and the current preoccupation with child sexual abuse.

I give this conspiracy theory interpretation because, rather shamefacedly, I partly believe it and because it was my initial reaction to the Cleveland affair. Now that the first press exposures have grown into a full scale scandal it seems more important to address some of the issues of child sexual abuse which have been raised by these events but which are unlikely to be addressed by the Committee of Enquiry. We seem now to have moved to a stage when we can only discuss the politics or the micro-politics of child abuse management rather than child sexual abuse itself.

For me the main issues are: definitions of child sexual abuse; the prevalence of child sexual abuse, the effects on the child; the medicalisation and criminalisation of child sexual abuse, the difference between incest and child sexual abuse; and the problem of the abuser. I will try to indicate how these issues are all interlinked and any attempt at solution to the problem must consider them all.

The core issue, of course, has to be the effects on the child. And this is where the problem starts because we don't know very much about the effects of sexual abuse on children, either in the short-term or long-term. Most people have a culturally specific revulsion to sexual activity between adults and young people, though not so strong when the adult is female and the young person is a male adolescent. This leads us to assume that child/adult sexual activity must be extremely damaging. What we know is that before the 1970s, when victim studies used clinically-based samples, a vast array of psychological and psychiatric disorders were associated with child sexual abuse. Since then prevalence studies of non-clinical samples have discovered that child sexual abuse does not always have a negative effect. Fritz (1981), for example, reports that 77% of molested girls either overcome negative consequences or developed no subsequent problems sexual or otherwise. Sexual abuse is even viewed positively by some victims, particularly boys, whether the abuser is male or female. There is no indication that the type of sexual activity will produce a negative reaction; sexual intercourse is not more likely to be traumatic than genital fondling, for example (Constantine 1983). Again age is not necessarily a precondition for a negative reaction, younger children are not necessarily more badly affected (Finkelhor, Tsai). In my own, ongoing work, adult men who had been abused as children were less condemnatory of sexual abuse than those who had had no experience of sexual abuse.

It seems a little unwise for me to begin a discussion about child sexual abuse with the idea that it may not always be harmful; especially in the current climate. Child sexual abuse very often is harmful to children, particularly, and this is often the case, when it is combined with abuses of neglect, unemployment, poverty and so on. But if a system is to be built to support the needs of the child it has to reflect the actual circumstances and feelings of the child. It is not always appropriate to place children where we know there is a high risk of damage because sexual abuse has occurred in the past, for example.

Prevalence studies since the 1970s have confused the issues

of child sexual abuse further. In the context of popular revulsion against child/adult sexual contact and professional opinion of the extreme harm done by child/adult sexual contact, prevalence studies have tended to fuel the fires of panic. These studies, using general population samples, show that child sexual abuse is common. Estimates vary but a frequency of one fifth of girls experiencing some form of sexual abuse is not unusual. These figures have been used uncritically, without regard to the types of behaviour they describe. Generally speaking the majority of abusive acts reported in prevalence studies are either non-contact verbal or non-contact exhibitionist. A 1985 survey in England (Baker and Duncan 1985), and one of the most quoted, found 51% of the experiences reported involved no physical contact and 5% involved intercourse with a prevalence of 12% for girls. Even so these figures of sexual abuse involving physical contact do constitute a serious problem.

Most sexual abuse which comes into the public domain and about which most concern is expressed is intra-familial sexual abuse, more commonly called incest. It is important to distinguish incest from other types of sexual abuse because of the particular vulnerability of the child within the family and this is also true of sexual abuse which occurs in state care institutions. The child is not only more vulnerable to exploitation by siblings or sexually abusive parents but is also more vulnerable, after disclosure, to misguided but well intentioned state intervention.

We know very little about the incestuous adult, male or female, though women especially appear very rarely in the literature. What we do know comes from studies of those who have been apprehended, probably the most extreme examples. Since child sexual abuse and incest in particular are largely unreported crimes there has been little opportunity to study the average incestuous parent. The adult has been largely ignored in the current debate. Feminist analysis tends (not always) to see the adult as expressing a pathological sexuality (male sexuality) while, traditionally, child care professionals have tended to view the perpetrator as either individually pathological or as a member of a pathological family unit. More attention needs to be paid to the adult if only to help the child. We have few, if any, viable alternatives for the child outside the family and without greater knowledge of the adult's role we cannot hope to transform the abusive situation while acknowledging the child's right to demand a family life.

The Cleveland scandal has partly arisen because of our uncritical acceptance of the medicalisation and criminalisation of child sexual abuse. Neither the prosecution of the adult nor the abuse of children by doctors in search of evidence against the adult benefits the child, though some would argue that a mark of society's condemnation is important to the incest survivor. In some cases, and there were examples in Cleveland, after multiple medical examination and cross examination by police it is clear that some children may be more harmed by the methods of investigation than the abuse itself. These methods are likely to improve and have done so in some areas, the London Borough of Haringey, for example. But where the prosecution of the offender remains a primary concern the needs of the child can all too easily be ignored.

Incarceration of the adult seems to be one of the few treatments available and may even increase the danger to other children by fixating the adult on a particular interest in children. The child after medical examination and examination by the justice system has often to bear the responsibility and guilt of dividing the family. We have no immediate solutions but while we blame paediatricians and social workers rather than consider the general issues of sexual abuse, and particularly the continued criminalisation of child sexual abuse and its attendant medicalisation, there seem few possibilities for improvement.

Tom Woodhouse

Nonces

Long before the Cleveland child abuse cases hit the headlines it had been decided to focus this issue of THE ABOLITIONIST on the subject. PROP's own contribution concerns the treatment of 'sex offenders' in prisons - treatment very largely instigated by their fellow prisoners. It is ten years since the then PROP JOURNAL carried an article on this unsavoury side of prison culture. Nothing has altered since, and to a large extent this contribution is a recasting of that article.

On that occasion we had just given evidence in the High Court to support a prisoner's claim for damages after injuries received at Walton prison. The prisoner concerned had been attacked in the lavatory recess and his claim against the Home Office was based on their failure to safeguard him against attack. PROP gave evidence on several counts - firstly that the risk to such offenders is a real one of which the authorities are well aware, and secondly that the lavatory recess is the most common location for such attacks, and that there were therefore known risks against which the Home Office had failed to take adequate precautions.

It was a difficult case for us to support because of the likelihood that it would be misconstrued as 'PROP defending nonces'. We were in fact doing no such thing. It was the Home Office alone that was the defendant, and our appearance was for the prosecution. Nevertheless, we believe that it is necessary for PROP to have an attitude on this difficult and contentious subject, and to make that attitude known.

We believe that violence against the person is a perversion of the human spirit. We do not see that a motivation of sexual gratification rather than, say, monetary gain, makes it either more or less to be deplored, though there is a natural revulsion at the use of physical force against a weaker person, which is the category in which most rape and all violent offences against children fall.

PRISONERS THE SAME AS OTHER PEOPLE

The attitude of prisoners to offences against children is not, as was suggested in the Court, something peculiar to prisoners. It is the same response that can be seen outside the courts at which such cases are tried, and the venom begins long before any guilty verdict. Prisoners' gut reactions, in other words, are the same as anyone else's.

THE DANGERS OF INTOLERANCE

Where prisoners do differ is in their vulnerability. Much of PROP's work, and the work of lawyers associated with us, has been concerned in defending prisoners against these abuses - by prison officers, prison doctors, or by institutional procedures themselves. It is this which makes it vital that prisoners should recognise a solidarity amongst themselves and not divide, nor allow themselves to be divided, into antagonistic groupings.

Like every other section of our competitive society, prisoners erect their own status divisions. Among the aristocrats are to be found the banks robbers and master safe-blowers. Near the bottom the 'gas meter bandits', and below the floor and beneath contempt are hidden the sex offenders.

Prisoners draw varying lines between what is considered acceptable and what is not. Some will draw the line at child abuse, others will extend it to adult rape. But drawing lines at all is a dangerous exercise, especially for those prisoners who draw the fiercest lines of all - the prisoners who are themselves in for violent offences, though not sexual ones.

The voting public draws lines that are rather different. However much they may condemn offences against children, their most meaningful dividing line, very eloquently put in the letter which follows this article, is the one that separates violent from non-violent offences.

At a time when PROP, like other penal reform groups, is trying to get people to reassess the whole question of violence in society, it becomes extremely difficult to do so when prisoners themselves display a total intolerance towards a particular category of prisoner. Those who enjoy baiting 'the nonces' should not be surprised if they in turn find themselves on the wrong side of the line of other people's tolerance.

We accept that there are outrages so horrific that one can scarcely consider them with a calm mind - but they by no means all involve children. In such cases life imprisonment usually means imprisonment for life or for a very long time, and we believe that society will need to develop its understanding a great deal before it can be otherwise. And when that day comes we expect that there will be far fewer cases to consider anyway because we shall have built a society in which kinder influences will be at work in shaping our attitudes towards one another than are present in society today.

But having said this we cannot accept without protest what is happening today, when prisoners, sentenced by the courts, are given a second sentence by those around them and forced to skulk in hiding for year after year.

LOSS OF LIBERTY IS THE PUNISHMENT

One of the arguments that prisoners habitually use when they protest against prison conditions or staff behaviour is that 'prisoners are sent to prison as punishment and not for punishment'. In other words, loss of liberty is the intended punishment, and the prison authorities ought not to heap further suffering on top of that. It is a very important principle, which is enshrined (at any rate in theory) in most prison rules and international treaties on imprisonment. Prisoners themselves discount it at their peril.

HOW 'NONCES' ARE TREATED

Readers fortunate enough not to have seen prison life for themselves will want to know what does happen to prisoners whose offences put them at risk. First it should be made clear that most of the offences and most of the offenders are not violent, whereas the treatment meted out to them most certainly is. This is in no way to condone the abuse of children, which remains abuse, whether violent or not. But it is an important point to make because it underlines the very unequal situation which then develops. Some might say 'Rough justice!' to that - but rough justice is the most dangerous of all games for prisoners to play.

One section of prison rule 43 permits prisoners to opt for segregation from the general prison population. Many such prisoners do so and are then housed in separate cells, separate wings or separate prisons, with some attempt being made in the latter cases to offer a reasonably normal prison regime. Others prefer to take their chances on normal location and try to keep the nature of their offences secret from fellow prisoners. It is a dangerous subterfuge which can be blown at any time by a tip-off from a prison officer. Then the very fact that a prisoner has tried to conceal his sentence leads everyone to assume the worst. The consequences can range from kickings and beatings to spittle, urine or powdered glass in the food, or boiling water or fat thrown in the face.

WORK AND PAROLE

Even the segregated prisoner (other than in a special prison) is not really safe, particularly with regard to the adulteration of food. Although he will work and exercise apart from other prisoners, he still has to get to and from his place of work. His work, anyway, is liable to provoke further resentment because it will most likely involve working alongside prison officers in one way or another - a situation necessitated by the threats of the fellow prisoners who will nevertheless then condemn him for it.

Further resentment is caused by the mythology that 'nonces' are favourites for parole. The mysteries and illogicalities of the parole system are such that one can use individual cases to 'prove' absolutely anything, but there is no real evidence from anywhere to support such a myth. It would scarcely amount to an injustice anyway; more of a compensation for a sentence made more objectionable than intended.

FROM SEXUAL DISTURBANCE TOO?

We would like to see that model tried by prisoners themselves - and tried with that other category of prisoners of whom we have been speaking. What it requires is for a group of prisoners in one corner of one prison to say to their rule 43 fellow prisoners, 'Come up, we are all in this together!'

Just as violent prisoners have shown us all the way forward from violence, so too might we be helped towards an understanding of the sexual disturbance within society by those most severely disturbed.

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The letter referred to in the article above was sent to us by a supporter of long standing and undoubtedly commitment to the cause of prisoners' rights. It was written in response to a Channel 4 programme in which PROP was deeply involved. It demonstrates, far more clearly than we could do, how the painstaking work of promoting the arguments for prisoners' rights is being crippled by those prisoners who deny the same right to others.

Although this was written nearly five years ago, we cannot think of a more relevant or adequate contribution to the main topic of this issue of THE ABOLITIONIST.

Dear PROP,

In watching the Channel 4 series on prisons recently, I was struck by the extent to which the case which PROP has been expounding steadily for many years has become, if not acceptable, at least arguable to the point of being taken seriously. This was especially so in the programme that highlighted the abuse which followed the Hull prison riot, the controversy over drugs, and the authorities' attempted concealment of the facts surrounding the MUFTI riot squads.

PROP'S own contribution was excellent but even more striking was the degree to which its patiently argued case over many years has infiltrated the attitudes of others. This is the true sign of a successful pressure group. Keep up the good work!

However, the last programme [which in fact did not involve PROP at all] was a serious let down and made me, a woman who supports the issue of prisoners' rights and accepts that our prison system is a disgrace, almost want to give up with disgust at the pathetic macho posturings of a succession of ex-prisoners, including one who, in his own book, had actually boasted that his hobby inside prison was making life a misery for sex offenders.

Nobody needs to persuade me, as a woman, of the obscenity of attacks on women and children. Least of all do I want to be lectured by people themselves convicted of violent crime. Violence is NOT acceptable when employed against men, merely becoming unacceptable when used on women and children. Violence is about power and intimidation and, by definition, is used against physically weaker people.

The macho male personality lies at the root of personal violence. It is a trait with obvious sexual undertones - a discomforting thought for the violent prisoner and maybe the reason for his psychopathic hate of that category of violent offender who confirms this connection by having used his power in an overtly sexual manner.

The violent 'normal' prisoner likes to think he is a cut above the violent sex offender. He isn't. He is the same breed and there exists no moral dividing line, only a series of gradations, between one sort of thug and another. The only valid division amongst prisoners is the one which separates the violent from the NON-violent offender. The rest is hypocrisy.

PROP needs to think out its attitude very carefully on this issue if you are not to alienate people like me who are fundamentally on your side. You can forget the law and order lobby: they will not support you anyway. You cannot afford to forget the liberally minded people who are prepared to look dispassionately at the problems of violence, INCLUDING sexual violence and to consider the negative effects of the prison system on all of them.

If the case of the violent offender and his rehabilitation to society is to be argued in a serious manner, then prisoners must not insult our intelligence by implying that if my father is battered that is OK, but if my daughter is battered it must be the work of some evil monster.

Christine P.

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PROP will welcome correspondence on the issues raised by Christine. For ourselves, although we accept the main thrust of her argument which, in effect, is the old saying, 'People in glass houses shouldn't throw stones', we feel that the letter overlooks the fact that sexism is not just an attitude by men towards women but is also a form of conditioning whereby a sexist society lays roles on men too.

INQUEST

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CLOSING THE RANKS? The death of Mrs Roseann McGee

If there is one species of witness more irritating than the professional liar, it is the less-than-gifted amateur. The performance of certain Romford Police officers at the five-day inquest into the death of Mrs McGee was profoundly irritating. Even without the computer which would have been needed to survey the myriad contradictory police accounts of her death, it was evident to everyone in court that not all the police officers *could* have been telling the truth.

Though inept, the attempted cover-up remains inexcusable. The family of Roseann McGee are entitled to hope that it will not, in the end, be excused. What was being covered up was no mere peccadillo or minor breach of the Police and Criminal Evidence Act, but a lack of common humanity.

Ex probationary PC Cady Wilkinson told the inquest of a conversation between the Custody Officer and his relief which went as follows:

Sgt Denham: 'Rose McGee looks rough; she should see a doctor.'

Sgt Rodman: 'Fuck her. I'm going to have my grub.'

Earlier, said Mr Wilkinson, Sgt Rodman had told Mrs McGee she would be held in custody over the weekend and her kids taken into care.

Roseann McGee and another woman had been arrested on suspicion of shoplifting at Marks & Spencer's. While being 'processed' by Sgt Rodman she apparently gave a false name. When this was discovered she was 'processed' again.

On neither occasion was her handbag properly searched. As a result Mrs McGee was able to take sufficient paracetamol tablets, as she believed (and told her family) to 'blank herself out for the weekend'. When this ultimately became known, sufficient remained of the optimum time for the successful administration of the antidote. This precious time was wasted in unnecessary tests by staff at Oldchurch Hospital. The antidote is a harmless substance. No real explanation was forthcoming as to why it could not have been given in time.

The failure of the Health Authority to be represented at the inquest was incomprehensible. It enabled counsel for the police to say, in effect: 'when our learned friend (for the family) says there was lack of care by *our* clients he is, of course, quite, quite wrong; when he alleges it against the hospital we must concede that he has a point!' Yet to throw to the wolves the most junior hospital doctor available will by no means suffice. There remains the question put by the jury to another officer, Sgt Vinlee: '*Do all police sergeants show an equal lack of concern for their prisoners?*'

Take, for example, the question of the pill container. This quite large item, purchased across a chemist's counter and date stamped the day of Mrs McGee's arrest, was missed altogether by Sgt Rodman. He claimed to have seen another of a different colour and empty - which he considered 'rubbish' and handed back to the prisoner. The real box was missed altogether by all those who guarded

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Mrs McGee throughout the night, who moved her from one cell to another and who knew from the first police surgeon to have seen her that she had been until a few weeks previously a heroin user.

When WPC Anne Rodman, who is married to Sgt Rodman and based at Haring Magistrates' Court, came in with the duty solicitor, they found Roseann McGee virtually unrousable, and called a doctor.

Who found the container? Mrs Rodman maintains that she gave it to the doctor. Not so, insists the doctor: I found it on a shelf in the charge room, behind a sheet of glass. If the doctor is right the cover-up process had already begun.

Much of the police evidence at Mrs Gee's inquest was so unworthy of the occasion that we wondered whether it had been prepared for a different inquest. Clearly the WPCs who had sat by Mrs McGee's hospital bed had envisaged a scenario in which the prisoner would have (a) taken the tablets before her arrest and (b) done so with suicidal intent. Pathological evidence blew away possibility (a). So implausible was the notion of suicide that the coroner did not even put it to the jury. Nor did any counsel suggest that he should.

One of the high points of this festival of terminological inexactitude was reached when Mrs Rodman (who up to then had impressed as a caring and relatively truthful witness) related how Roseann had told her that Sgt Rodman had searched her bag in a way quite different both to the method he actually used and the one he said be used.

After such a performance everyone looked to the coroner, Dr Price, who had conducted the inquest in a fair and competent manner, to redeem the situation in his summing up. Unfortunately he did not. The legal argument centred on the case of *Hicks*, the leading case on verdicts of lack of care. Lord Justice Croom Johnson's judgement is clear enough about the availability of such verdicts where people who are ill do not receive proper medical attention, but is much harder to follow when it comes to cases where the fatal condition is caused by an accident, or by the deceased's own act. Though he does not rule such verdicts out, his lordship's 'common sense' indicates that if the death is caused by an accident it is unlikely in the extreme that it will also have been caused by lack of care.' Our common sense, applied to cases like Mrs McGee's, indicates no such thing. The coroner's common sense prompted him to read out two apparently conflicting passages from his lordship's judgement, and leave their interpretation to the common sense of the jury. We could make little sense of this part of the summing up, and the jury, we suspect, made even less. Their 9-2 majority verdict of misadventure left at least one Scottish family unconvinced of the superior efficacy of the English system of investigation or even of its impartiality. Let us hope that in this case justice, if not common sense, will ultimately prevail.

THE ANNUAL GENERAL MEETING of INQUEST was held on Saturday 21st November at the University of London Union. The afternoon session was a well-attended and lively discussion, with Maasi Clarke - to whom we apologise for earlier misspelling his name - of the newly-formed African-Caribbean Prisoners Support Group, Kathryn Chadwick, co-author of *In the Arms of the Law*, and Josie Taylor of VICTIM, the campaign to stop people being killed by speeding police cars. Earlier a new Executive Committee was elected, comprising **Alistair Brinkley, Geoff Coggan, Pat Ducatt, Sheila Heather-Hayes, Anthony Jones, Ellen Koretz Whitton, Don Monteith, Tony Paul, Alison Pringle, Errol Reid, Caroline Ricketts, Celia Stubbs** and one delegate each from **The Justice for Tunay Campaign, VICTIM and Women in Prison**.

Dave Leadbetter and Tony Ward remain ex officio members.

Several members have enquired about *The People's Account*, the video that was shown at the AGM. It is available for hire from **Ceddo Film and Video Workshop, South Tottenham Education and Training Centre, Braemar Road, London N15**

ANTHONY MAHONEY

Readers will be familiar with our criticism of the (soon-to-be-changed) personnel of Southwark Coroners Court. We have now to report a case in which the Assistant Deputy Coroner, Dr Sir Montague Levine, got the law on lack of care more or less right. the jury seemed to have little difficulty in finding that Anthony Mahoney died of 'natural causes aggravated by lack of care'.

Having been arrested following some reportedly bizarre behaviour, involving taking a bath in someone else's house and alleged nudity in the street, Mr Mahoney was taken, not to hospital, but to Kennington Police Station, where he was charged with indecent exposure. At Horseferry Road Magistrates Court the following morning the duty solicitor was asked to see a prisoner who was 'causing difficulties'. The difficulties consisted of an apparent refusal to wear anything besides a tee-shirt. The prisoner was agitated and undergoing 'strong restraint'. The court was cleared before the obviously disturbed prisoner was brought in. Answering the Bench, Mr Mahoney said that he wanted to go to hospital. Instead, Anthony Mahoney was remanded in custody for seven days for 'mental and physical' reports.

'Where', Sir Montague asked the duty solicitor, 'did you think he would be taken?'

'To Brixton.'

'Would you be surprised to learn that he was kept in police custody for the first seven days?'

'I would be disgusted, not surprised'.

Mr Owen, for the family, asked why he would be disgusted.

'Because he needed urgent medical treatment', the solicitor replied.

When eventually taken to Brixton, Mr Mahoney received neither urgent medical treatment nor even proper physical examination.

Dr Archibald Alexander was the first to see Anthony at Brixton. He it was who made such a great contribution to racial harmony by remarking: 'When I heard the name Mahoney I anticipated a big drunken Irishman, but he turned out to be a small, unkempt negro.'

Dr Alexander performed no physical tests and prescribed no medication for the mental condition. He sent Mr Mahoney off to a single cell in the hospital wing. There he was seen the next day by his 'allocated' M.O., Dr de Zulueta, Senior Medical Officer.

Fortunately, perhaps, we are not in a position to assess Dr Zulueta's bedside manner. We can only hope that it is more reassuring than her courtroom manner. She could not tell, even approximately, how long her visit to Mr Mahoney took because she was 'not a clock watcher'. She could not carry out a physical examination 'against his will' because of concern for his welfare. That very same concern (she insisted) led her to order him detained (regardless of his will) in a strip cell, tastefully furnished with chamber pot, mattress and two blankets.

There, Dr Zulueta visited Mr Mahoney again, this time accompanied by a forensic psychiatrist, Dr Joseph.

Although Dr Joseph noticed that Mr Mahoney's extremities were cold and that the prisoner was 'grossly' or 'chronically' undernourished, and he as a psychiatrist assumed that a full medical examination had been carried out, none in fact was. When Anthony Mahoney died of viral pneumonia in the night, he still had not been physically examined. Observation at 15 minute intervals through a perspex slot which - as Sir Montague was quick to point out - enabled the patrolling officer to see only the prisoner's legs, could never be an adequate substitute.

The 'lack of care' verdict - like the forthcoming changes in the Southwark coronership - comes not a moment too soon. Brixton prison is beginning to regain its unenviable reputation for avoidable fatality.

BOOKS

Phil Scraton and Kathryn Chadwick,

In the Arms of the Law: Coroners' Inquests and Deaths in Custody,
Pluto Press, 1987, £4.95 (paperback).

Institute of Race Relations,

Policing Against Black People. IRR, 2-6 Leeke Street WC1, £3.95

Phil Scraton and Kathryn Chadwick's long-awaited book (Phil was already working on it, with Melissa Benn, when INQUEST was launched in 1981) is essential reading for anyone interested in coroners' inquests and deaths in custody. It focusses on some of the most controversial inquests of the last ten years, such as those on Blair Peach, Jimmy Kelly and Helen Smith, and on the inadequacies in the coroners' system which these cases revealed.

The book is admirably successful in avoiding the pitfalls of undue 'academism' on the one hand, and crude oversimplification on the other. It is a model of the kind of criminology that is both intellectually solid and politically useful. Much of its analysis has already been taken up by INQUEST (of which Phil is a founder-member) and their book in turn draws on the work of INQUEST, Women in Prison, and *The Abolitionist*, as well as the authors' own extensive researches. In one respect it breaks important new ground, providing what to my knowledge is the first detailed and critical study of the Scottish equivalent of inquests, Fatal Accident Inquiries.

My only serious reservation concerns the authors' proposal that in controversial cases the inquest should be replaced by a public inquiry conducted by a judge. This would remove most of the remaining role of the coroner's jury, and to that extent it seems to me to be a regressive step. One has only to recall how that most able and liberal of British judges, Lord Scarman, contrived to justify the policing of the 1974 Red Lion Square demonstration in which Kevin Gately was killed, to get a foretaste of what such inquiries would be like.

However, Scraton and Chadwick's proposals for the actual conduct of inquests move entirely in the right direction: that of strengthening the jury by helping it reach a genuinely independent view of the evidence, and giving it power to make recommendations, including a recommendation for a further public inquiry. Let us hope that its publication will bring these reforms one step nearer to implementation.

Equally essential reading is *Policing Against Black People*, the I.R.R.'s exhaustive catalogue of police violence, heavy-handedness, arbitrary arrests and general lack of respect for the rights of black people, particularly in those neighbourhoods which are 'targetted' for heavy policing. It refers, naturally, to many deaths in custody, but it sets them in the wider context of the black experience of policing, which gives rise to the indignation for which these deaths are often the focus. It rightly concludes that 'to allow the corruption of racism to continue to poison police-community relations would be to undermine the basis of the democratic political order itself.'

Tony Ward

INQUEST is an advice service and pressure group concerned with coroners' inquests and deaths in custody. It is financially assisted by the London Boroughs Grants Scheme. Membership costs £6 per year for individuals, (£2 unwaged), £10 for organizations; £20 for institutions (e.g. trades unions and public bodies). Free membership is available to the families whose case we take up, and to serving prisoners.

PRISON ...NEWS SECTION

women in prison

UPDATE

H WING

Little has changed on H Wing during the past nine months. Thirty six women are still being held for years in maximum security conditions, although only three are of Category A status. All the women have to endure an impoverished regime, with no full-time education. The reason given by P4 division at the Home Office is, that if women are withdrawn from full-time study, the viability of the workshop would be assessed (machine sewing prison overalls and NATO uniforms).

There is still only half an hour outside exercise a day. Gym sessions only take place during work hours, so if the women miss work they lose pay. We have received several reports of lack of association and longer lock up periods and of racism by officers on the wing and of an increased tension and difficulties. Christine Crawley MEP visited the wing at the request of WIP, as did Anne Mathews, chair of Southwark Council at the request of Irish Prisoners Appeal. Changes initiated by the Close H Wing Campaign now seem to be happening. The group have hope of positive progress before the next issue of *The Abolitionist*.

Extract from a letter from a women on H Wing.

The lack of fresh air and daylight, and the artificial light, mean most women have found that their eyesight has suffered since they came here. Restrictions of space; we are never off this wing for anything other than the dentist; everything is on here too, ie Church, gym, workshop. There is not enough physical exercise. We get the absolute minimum, lack of vitamins in the food. It is all very starchy and consequently quite fattening. Skin problems and period problems. Most women seem to have bad period problems here, worse than they had before. Sanitary conditions, the over-flowing of sluices etc, which we are then asked to clear up, in most cases without disinfectant. Usually these floods occur in the 'flat' where we eat our meals. We have pottys and jugs of water to use in our cells, which is also unhygienic, the water is often stone cold in the mornings and that can't be healthy to wash in. Lots of women suffer from constipation or piles. Many women get bouts of depression and extreme boredom.

KNOWN DEATHS OF WOMEN IN CUSTODY

1974	Cummings P	Holloway
1975/76/77	No names – 5 women	
1978	Young	Styal
1978	Haqikramul	Styal
1978	Zsigmond M	Durham
1980	Poole	Low Newton
1981	Lapas Y	Holloway
1981	Potter J	Holloway
1982	Scott C	Holloway
1983	Marsh J	Styal
1984	Lucas W	Holloway
1985	Hewer S	Pucklehurst
1985	Sancto M	Holloway
1986	Dyson R	Risley
1986	Thomas P	Risley
1987	Moghal A	Holloway
1987	Bergman A	Risley
1987	Allen S	Holloway

Women in Special Hospitals

WISH is keeping busy – full report in next issue.

A . I . D . S

AIDS

WIP and NCCL have met with the Terence Higgins Trust to discuss the problems of the treatment of body positive prisoners and prisoners with AIDS. The particular problems are AIDS testing, segregation, counselling, confidentiality and consent in a prison setting.

The Home office working party on AIDS in prisons has not addressed the problems of self-mutilation, crown immunity, integral sanitation or the lack of accountability of the Prison Medical Service.

There is a great deal more to be said and done regarding AIDS in prison, WIP has already spoken to the *Observer*; this should lead to other platforms where the importance of this issue can be raised.

PO Box 201 Manchester M60 1UP
Workers tel no 061 228 2144

14th August, 1987

Women in Prison
25 Horsell Road,
London N5 1XL.

Dear Sisters,

Manchester Aidsline offer telephone advice and works in close co-operation with Body Positive North West. Both organisations are concerned about the care women who are seropositive are receiving in prisons. We have heard anecdotally that they are being segregated and some women especially drug users, are being treated on admission. We are also concerned at the quality of 'counselling' especially of drug users who are pregnant. We feel that these women are being pressed into terminations before they have had time to come to terms with all the implications. Although we can understand the concerns of their caring agencies we do feel that sometimes the needs and concerns of the counsellor are taking precedence over the needs and concerns of the women.

If you have any information which would be useful we would be delighted if you could share it with us.

We have a Women and Aids group within Aidsline and I am sure they would like to have contact with you.

Kind regards,
Yours sincerely,
Vicki Whelan
Co-Ordinator
CC
Maura Noon, Convenor, Women and Aids Group.

CAUSE FOR CONCERN

Shirley Allen

Shirley Allen died on Sunday August 1st 1987.

Shirley was initially arrested for drunkenness and theft. When she appeared in court the magistrate, concluding that Shirley was ill, remanded her in custody to Holloway for medical and psychiatric reports. But despite the order of the court she was not sent there. For a week she was incarcerated in a police cell. When she appeared, remanded on both charges, the magistrate was horrified and made a complaint to the Home Office. He insisted that she be sent at Holloway. Shirley was admitted to Holloway on July 28th 1987.

The inquest was held at St Pancras Coroners on 13th October 1987. Mrs Allen, Shirley's mother attended but did not wish representation. Mr Baker, who was Shirley's solicitor was refused the right of audience by the coroner, that is he was unable to question and of the evidence presented, or give evidence himself. Shirley was examined by a pathologist and was found to have died from cancer of the heart.

Several questions remain unanswered even after the inquest:

Where did Shirley die? In prison or at the hospital?

Why was the prison wing cleaner who first noted Shirley's difficulty in breathing not asked to give evidence?

Did Shirley's treatment in the police station — where she was remanded to Holloway for medical reports — aggravate her death?

No mention was made at any stage of the inquest — even in the beginning before equipment was available — of mouth to mouth resuscitation. Because no one was able to ask questions we don't know if 'artificial respiration' (which was mentioned) meant this or more old fashioned methods. Did Holloway staff do all they could to save her?

INQUEST VERDICT: death by natural causes.

Audrey Bergeman died Thursday July 23rd 1987. The inquest has not yet been held.

Audrey was remanded to Risley on a charge of handling stolen goods on July 20th. She was found hanging in her cell on July 23rd.

Akhtar Moghul, a 47 year old woman from Pakistan, died in Holloway prison on 27 January 1987, awaiting trial for allegedly smuggling heroin into Britain. She spoke no English and died

only three months after being arrested at Heathrow. In spite of Akthar's serious heart condition it took one month for Heathrow police to forward her medical records to Holloway. At the inquest into her death in April no valid reason was given as to why the records did not accompany her to Holloway. During the inquest which lasted from 9th to 25th April, 16 witnesses gave evidence; only two were not working for Holloway prison. Evidence at the inquest confirmed not only the lack of medical care provided by the prison medical service but also the widespread racism of the prison authorities. Akthar's continual pleas for medical treatment were played down and even ignored during her imprisonment, denying her not only vital medical attention, but also respect and credibility.

The following issues, highlighted at the inquest by Akthar's counsel, seriously reflect on the treatment of Black women in prison.

Firstly, it was established that there had been a delay of five to seven minutes in opening the cell door, in order to attend Akthar. Had there been no delay she might have been alive today, a point acknowledged by the coroner. Holloway prison said that Akthar's situation and medical state was not one of dire emergency and, therefore, the normal procedure had to be followed. That is, no cell occupied by more than one prisoner can be opened immediately, unless there is more than one prison officer present. Akthar had complained about bad chest pains on numerous occasions. She was examined by the prison doctors who attributed these pains to the stress of her impending trial, in spite of her well known heart condition.

Instead of recognising Akthar's 'aggressive' behaviour as a symptom of her heart condition a week before her death she was put in 'strips'; a cell stripped of all furniture, used as a form of punishment for 'violent' prisoners.

The inquest jury, predominantly Black, judged that these factors contributed to the death of Akthar Mogul and reached an unanimous verdict of 'death by natural causes aggravated by lack of care.'

For further information you can contact the Asian women in prison group on 01-961 5701.

Helen Moore

Helen Moore

■ WHO GUARDS THE GUARDS?

NEWHALL

Dear Prue,

Thank you for your letter of September 23rd. I was hoping to come to the AGM last week, in which case I could perhaps have talked to you about Newhall Prison, but I didn't make it, so am writing instead, to answer some of your questions.

With regard to male officers at this prison — there were three or possibly four, on duty during the five days I was there and they were around most of the time, but there were many

more women officers. One of the male officers was also the PE instructor. As far as I could tell they conducted themselves in a perfectly reasonable way and were not obtrusive. I don't think they were in charge more than the women officers.

However, many women were not happy with the presence of male officers on the wings where women sleep, as they are standing around while people are washing and slopping out. I certainly didn't like it either! One woman said that, while washing, she looked in the mirror and saw a male officer watching her. The other thing is that when male officers came

to unlock the cells, they can look through the spyhole and possibly see women in the state of undress.

I'm not suggesting they necessarily want to do this, but it is not conducive to a feeling of confidence and relaxation to know that they might.

I cannot see any valid reason for the presence of male officers in women's prisons — certainly at Newhall there were quite enough women officers on duty and sometimes there would be several sitting around — they didn't seem short-staffed there.

Sorry I can't tell you anything else and I've done all my prison sentences for the time being; but perhaps next year I'll get a chance to see if Newhall has either improved or changed for the worse!

I look forward to your next Newsletter.
With best wishes, Leah (October 5th)

Who Guards the Guards?

WIP is opposed to the introduction of male officers into women's prisons. We would like to hear the experiences, good or bad, of other prisoners and ex-prisoners.

Here are 6 statements made to WIP by women who were inside when the first male officers were drafted into Holloway and New Hall.

EXTRACT FROM STATEMENT TAKEN FROM DEBBIE — RECENTLY RELEASED FROM YOUTH CUSTODY, HOLLOWAY

"I heard them outside the door, I knew they were coming to take me down the block. I picked up the chair and threw it at the closed door. Mr. — (Senior Officer in charge of the wing) opened the door, stuck his head around and said, "Throw that chair at me and I'll break your fucking neck." (. . . Those were his actual words? Yes. I'll never forget them . . .)

"I lobbed the chair at him. A male officer in front and at least four female screws came in behind him. They carried me through A5 and B5. Two were holding my wrists and one holding my head back by my hair. One screw (female) kept digging me in my side and making sarky comments and saying "come on you bitch". I started fighting because they were trying to lift me off the floor by my hair. Then Mr. — came from B5. He got his arm around my throat, I couldn't breathe, my eyes felt they were popping out. They got me down to the block, in a cell. They held me face down on the floor, one of the men had his foot on my head. They were discussing me, they asked: "do you want her stripped?" The women ripped off my clothes, my overalls and a tee shirt my Mum had given me. I didn't care about the overalls being ripped, they were prison issue, but my Mum gave me the tee shirt. They stripped everything off; no they didn't, they left my knickers on. The two men were inside the cell all the time. They didn't leave while I was stripped, they just stood inside the door and watched.

When I went back to the wing three days later the girls asked me what was wrong with my eyes. There's no mirrors on the block so I hadn't seen them. It must have been that Mr. — choking me like that made my eyes swell up and go red . . ."

Statement taken by Chris Tchaikovsky. 10th November 1987.

STATEMENT OF LORNA, YELLOW GATE, GREENHAM COMMON, NEWBURY, BERKSHIRE.

1. I am a resident at Greenham Common, where I am on the electoral register. I have a number of convictions relating to my peace campaigning activities which are to the best of my recollection as follows: 1984 I spent two periods on remand in HMP Holloway on criminal damage charges. I was again in Holloway in 1986, in April on remand for criminal damage, and in September I served 7 days in default of an £80 fine for criminal damage.

2. In 1987 I have spent two periods in Holloway (10 March to 17 March, and 11-16 April 1987). On both these occasions I was held on ---- Wing and for the first time in my experience there was a male prison officer in charge of the wing. I attach

accounts written by myself and Jane — regarding our experiences with this male officer.

3. This officer was — who I would estimate is about 40-55 years old. He was the senior officer on the wing; there were a number of female officers also on the wing. I found his presence on the wing objectionable in principle and in practice. Through his position he has access both visually and with keys to all the cells. Although in the dormitory and double cells the lavatory is separated from view by a door, in single cells this is not the case and the inspection/observation slit in the door looks directly onto the area in which the lavatory is situated. Although there is a curtain around the lavatory, the observation slit is within the area of the curtain.

4. — always made a great deal of physical contact with the women on the wing. This varied from putting his arm around your shoulder to having 'fights', especially with the wing cleaners. Although these were ostensibly meant to be in jest, they were very physical and really quite rough. It may have been that the women concerned quite enjoyed this, but I found it objectionable in a male officer. I, with several other women, found that the only way to avoid having physical contact with him was to be extremely distant and to speak to him only when unavoidable; it was only this way we could indicate that we did not want any physical contact. He would, nonetheless, stand in a narrow doorway so that I had to squeeze past him, and he would make no attempt to move out of the way. Again, there was an occasion when he wanted to shut a door and I was in the way. Instead of asking me to move, he physically put his arm around me to move me.

5. I did not have direct experience of observation by — while I was using the lavatory. However, on one occasion a female officer came to unlock me while I was using the lavatory. Although I could hear her approach because her keys were jangling, I was only just able to dress myself before she opened my cell door — which is directly adjacent to where the lavatory is situated in the single cells. I was in fact only unlocked by — on one occasion; but he is in fact out on the wing as much as any other officer. It is not the case that because he is the senior officer on the wing he has significantly different duties which keep him in the wing office and away from the cells.

6. I know on one occasion he unlocked a dormitory of four women, including my friend Hazel from Greenham, for exercise. Hazel was in bed at the time and was therefore unable to get up until he had moved away to unlock the next cell.

7. Hazel and Jane are both women who have had similar experiences in Holloway and who would give details.

WHO GUARDS THE GUARDS?

A couple of months ago, I was in Holloway prison for a couple of weeks. I have been in prison before, but this time was different — there were male prison officers there. There was one on my wing, he was the officer in charge.

For me, this was an extra punishment, and an extra threat to hang over my head if I didn't behave in the way required. The threat is a clear one — sexual abuse. No, I'm not saying that this was ever used explicitly against me, it really doesn't have to be, the threat is there all the same. This man had the ability to enter my cell whenever he liked, to watch me whenever he liked, any requests I had to make had to be made to him. He really enjoyed his job. He enjoyed watching women, he enjoyed putting his arm around them and pretending to fight with them, he enjoyed embarrassing them, he enjoyed constant sexual innuendo — and he had complete power and we were at his mercy.

If you didn't like this, if you didn't enjoy being touched by him, it was impossible *not* to show it. This desire not to have physical contact with male warders meant that they had an extra hold over you (in the same way that dependence on tobacco gives the prison officers an extra hold over you) was something they can threaten you with. Even if it was possible to find male prison officers who did not use their sex

as a tool against you, it would not matter. Their very existence in prison makes the threat ever present — the threat of being degraded, humiliated or physically abused.

Jane
June 1987

HOLLOWAY

... There was a male screw on... called... He was apparently the most senior screw on the wing. I personally found it horrible having him on the wing, for a number of reasons. Like, I didn't know where the sanitary towels were so I went to the office and it was *him* I had to ask. It didn't bother me but I know it would bother some women. I heard one women wanted to speak to a female screw instead of him (I don't know what about) and he did the I'm-a-father-I've-seen-it-all-before routine. A couple of times it was him who unlocked us from our cells, for our cell it was alright — we had a door on our toilet — but for those tiny cells with just a tatty curtain (or no curtain at all) it would be perfectly possible for a male screw to surprise you on the loo. And Mr... was particularly horrible — he was all over alot of the women prisoners (and a few of the women officers) all the time. Arms round the shoulders, cuddles and real physical horse-play tickling and slapping and pushing around — all of it very matey matey. And 'funny' commenting all the time, like we came in

from exercise and the two female screws came to search us and he stood and watched, saying something like 'Come on girls and have your little bodies felt all over'. And on association once I saw him standing with his foot in the door leading into the bath and shower room (the woman was inside trying to shut the door) exchanging 'funny' comments with her. I don't know how she felt about it but I felt furious....

Extract from a letter sent to us from a women who had been released from Holloway earlier this year.

HOLLOWAY

For me, one of the worst things was the amount of power this man had over women who are in a pretty powerless position to begin with. Even if the male PO on my wing had been the most sensitive, caring, unthreatening man in the world, it would still have been his decision, entirely at his whim, whether he wielded his power over us with this sexual aggressiveness or not. Being dealt with and physically handled by women POs is worlds apart from having to deal with or be touched against your will by a man who is in a much stronger position than you.... For me it is another strain, another pressure, an extra punishment, that I find totally unacceptable, which puts a whole new aspect on surviving in Holloway.

Letter received June 1987

DANGERS of being a woman

On the dangers of being a woman in which Melissa Benn and Chris Tchaikovsky take issue with myths concerning both the criminal woman and the criminal man.

A masked man stands high up on a roof. Defiant, he wields a hammer over the head of a captive prison officer. A woman sits alone in a cell, her body hunched, her face turned away from the camera lens. These contrasting images of criminal man and woman — one from the Peterhead prison hostage-taking in October this year, the other from an article on women in prison in the national press that same week — do more than describe a reality. They also re-create, for a millionth time, that old polarisation between 'true' male and 'true' female. The one: bold, defiant, angry and dangerous if provoked. The other: bowed, subdued and ultimately, isolated.

Throughout the process of criminalisation — from the commission of crime through arrest and trial, to imprisonment — we see such distorted and often contradictory, notions of a proper femininity and proper masculinity at work. The effect on the criminal woman is insidious. Generally, non-existent in the public imagination she will suddenly emerge; a cold and calculating icon or a helpless, hopeless victim.

Worse, her crime is seen to speak of something wrong with her very being, her transgression of a true womanhood. The trouble is that that same true womanhood can look dangerously like a condition of dependent and unbreakable passivity.

So who is the criminal woman and what crimes does she commit? The criminal woman has too often been forgotten by Left and Right alike. Both have come to represent the essential problem of crime as one of men's crimes versus woman's victimisation. Thus, a form of conservative chivalry meshes with the eager and only slightly guilty efforts of a new left anti-sexism. Both seek protection of women as a priority. What follows from that is the disappearance of both male victim (for most crimes are committed against men) and criminal woman (for women do commit crime).

Woman commit almost every kind of crime: they just don't commit very much of it. Their crimes are mainly economic, and fall in the category of 'fraud and theft'. But as the home

office don't distinguish between one type of crime and another within this category, we have no way of telling how much women's crime is from need (ie, social security fraud) and how much from 'want' (ie, cheque card fraud). And women commit very little violent crime, although the figures are rising (and particularly among young women). Finally, despite the fact that the crime of 'rape' is considered technically impossible for women, overall very few women are in prison for any kind of sexual assault.

Why do women commit so much less crime than men? Why, when women are so much poorer than men by any of the economic indices available (wages, ownership of capital and receipt of social security benefits) should they steal so much less than men? Why, too, should they commit so little violence? Moreover, theories akin to the 'cycle of deprivation' would suggest that those who are most deprived or abused are those most likely to be the abusers in later life. Not so with women and sexual abuse.

One part of the answer must lie in the psychic meaning of social femininity. The more crippling definition of femininity means to be acquiescent rather than active, to give rather than to take, to *not* do rather than to do, or to do wrong. And it means to be increasingly conceiving of yourself in these terms: as held in, belonging as someone else as much if not more than to yourself, in being willing to make do rather than make change. This is a tricky argument. For in another way, the absence of women from crime is exemplary. The positive sides of the socially induced femininity we're talking about involve women in greater awareness and respect of other people's bodily and spiritual integrity and make them, however reluctantly, the bearers and maintainers of much of social life. Most women wouldn't even contemplate an act like burglary which, however casual and opportunist a crime it may be, can have a devastating effect on those so invaded.

This said, we want to turn the argument around a little, and

suggest that women's lack of presence in the crime figures is representative of women's lack of presence in other spheres – for example, in paid and legal employment, in politics and in finance. Take the qualities needed to be a professional criminal, an area where women figure very little. Crimes like fraud or bank robbery require the taking of initiative, forward planning, a willingness to take huge risks, an ability to manage people, as well as a fast and confident execution of the deed/s. These are all learned skills. And they are skills more easily learned and more easily used by men. Just as they are in the *outside* world.

So, just as women don't tend to be professional criminals so they are not, on the whole, top level managers, or directors of companies, or top politicians, or top police officers for that matter. Where women appear, if at all, in professional crime is in the supportive role: as the mink swathed girlfriend or the stoic wife, *a la* Rose Davis. Remember the 'Free George Davis' campaign, run so effectively by his wife Rose Davis? It ended on an ironic note when Davis was freed and almost immediately became involved in a bank robbery on the Holloway Road leading to his imprisonment. The position of someone like Rose Davis is a role we can easily see mirrored by the glam secretary or loyal wife in the lives of powerful men in the 'straight' world.

Much of this is to do with the image of crime that we cull from both the fictional and the real crime story. Hollywood has a lot to answer for. Men like James Cagney, Humphrey Bogart and, to a lesser extent, George Raft are men who represent masculinity at its most flawed and yet its most powerful, and even more paradoxically, its most understandable. For just as social femininity finds its purest expression in women's abstention from crime, so social masculinity finds its purest, and most heroic, expression in men's involvement in crime. Whatever James Cagney was doing – running illegal gambling clubs, shooting up the police or other villains, climbing to the top of a power plant and shouting, 'I'm on top on the world ma!' or grinding half a grapefruit in some troublesome woman's face – we knew we were supposed to love him. And we did. In comparison, women are strictly accessories after the fact. They look beautiful or they are always going in and out of prison with messages. Mostly, they sit next door 'fixing' their hair while their men get on with the business.

And not much has changed. Arthur Daley, – *Minder's* petty crookster – is still essentially lovable in the way only male criminals are allowed to be. And the women now? When *Widows* (the tv series about four women who committed a bank robbery) was on, there was a lot of talk about how it was supposed to represent a break with the past; How it heralded the new age in which, 'sisters are doing it for themselves'. What was never pointed out was how Dolly and the girls committed the crime according to a plan left to them by Dolly's (supposedly) dead husband. So it was precisely the opposite. They were following instructions.

The criminal woman in real life is just as hard done by. In recent years, we have seen several male 'criminals' achieve almost cult status – John McVicar, Jimmy Boyle, Jack Henry, Abbott and Gary Gilmour (the latter two have been written about by Norman Mailer, a macho writer if ever there was one). These are men whose violence and resistance, whose pain and talent has been rendered visible through words. Their acts have been explained to us, and through explication comes expiation. They have been subject to a form of collective forgiveness, so that while there may still be talk of the social and economic factors that led to their crime, there is no talk of pure evil.

It is simply not so with women. No-one has written about any criminal women at such length or with such love. (A start has been made with *Criminal Women*, a collection of short autobiographies of women in crime, a result of the growth in political campaigning by female ex-prisoners, allied to a growth in feminist criminology). With the exception of women involved in political and/or terrorist crimes (such as Ulrike Meinhof and Leila Khaled) women involved in violence elicit no admiration.

Myra Hindley, the Moors killer, is the most obvious example. Over 20 years after her crime, Hindley is still described in terms of 'pure evil' when even the most cursory consideration indicates a woman who has struggled as much if not more than any man to come to terms with what she has done. and

to find forgiveness: in God, and in her own self. (She has even initiated communication with the relatives of her victims). Of course, Hindley, by doing harm to children, broke the taboo-within-the-taboo of female crime. In a big splash story on October 12, the *Daily Mirror* described her as a 'disgrace to all womankind'. The message is clear: by her crime Myra Hindley has become exiled from femininity just as surely as she has been exiled from forgiveness. And which is worse?

Let us now turn to an argument – an amalgam of the traditional and the tabloid – that points the finger at feminism for the phenomenon of women's lawbreaking, and recent increases in that lawbreaking. This argument has been a testy one within feminist criminology ever since an American academic, Freda Alder, sought to explain Patty Hearst's involvement with the Symbionese Liberation Army, and the phenomenon of women's terrorism in general, in terms of feminism's breakaway from the kitchen sink. This testiness is understandable, for such arguments are a way of getting at sexism, rather than at understanding what really causes women's crime.

But, in our view, feminism has little or nothing to do with women's crime. For a start, crime is primarily about money, about the material not the ideological. Women don't commit crime to prove a point about femininity *per se*.

Secondly, although feminism as an ideology represents a challenge to the existing order, feminists themselves tend not to. And particularly not now, in the 1980s, where feminism has on the one hand the bloodstream of the main body politic. The retreating side of feminism is expressed in varying forms of cultural politics, and in a concern with what it means to have, and to combat, a feminine identity. On the other hand, it is a testament to feminism's very success that some strands have become absorbed into mainstream political thinking. Related to this, many feminists of the 1980s now cultivate their own kind of Glenys Kinnock/Joan Ruddock socially responsible feminine feminism – they're learning how to apply eye make-up more skilfully, they're dressing nicely, and they're doing their lobbying through the accepted channels. All of which is fine. It's just not criminal, or anything to do with the criminal.

Thirdly, crime among women is mainly a non-middle class activity, and it involves more young women than older women. These women have been far more influenced by the music and fashion revolution in punk, than they have by feminism. In fact, through a process of guilt-by-association, feminism is for them tainted with the mark of hippiedom, which is what punk set out to reject. Young women like this – and you can see them in the more divey clubs of the big city – are concerned not with feminism but with being different from their mothers. They wear Doctor Marten's shoes, have mohican hair cuts, dress in leather and chains, and trail mean and moody expressions after them wherever they go. Their denial of their femininity is not about being like men: it's about refusing to be 'proper' women.

It is precisely this kind of denial of the feminine that is punished by the law and its officers. Any women who commits a crime – and is caught – must pass before an array of mainly male officials, from the police through to barristers, judges and magistrates, probation officers and social workers who will judge whether or not she is 'the appropriate woman'. A series of discrete but inarticulate questions will be asked. What does she look like? How does she live? What sort of mother is she?

But the judgement of the 'appropriate woman' also depends upon a complex yet contradictory set of dependencies which women are assumed to have on men, and *vice versa*. 'Real' femininity means two things. It means, on the one hand, that woman must be more than man. Woman must embrace and support man, so that man can be dependent. This is the side of woman that is expected to hold the family together. On the other hand, femininity also means being *less* than man, meaning woman needs man's protection; she must be 'childlike, incapable, fragile and capricious'¹. Here, then, in these two sets of expectations fulfilled, lies the 'appropriate' woman. Any woman who breaches either, or both, or these kinds of dependence – a lesbian, a Black single parent, a prostitute – will be a prime target for hostility and adverse judgement. And state

racism is so acute that it compounds and further distorts the state's judgement of Black and Asian women.

Such notions also operate in relation to women who have had crimes committed *against* them. Feminism has documented, and argued effectively against, attitudes that make a woman alleging rape vulnerable to speculation about her own culpability, in relation to her lifestyle, sex and social life. It has long been known that the virginal or respectable woman has far more chance of being believed in allegations of assault than the non-respectable woman. Even in murder cases, such as the Yorkshire Ripper murders – where prostitutes were considered somehow lesser victims than say, student Jacqueline Hill – or in the 1982 murder of feminist Mary Bristow in Winchester, the lives of the women slain were somehow at issue.

It goes further than that. Take the Jeffrey Archer case, for example, in which neither of the female protagonists had committed any crime, or had any crime committed against them. And yet the libel trial was all about them. Why? Precisely because it was about a battle to the death – or the nearest half-million pounds, at least – for the victory of appropriate over inappropriate femininity.

Mary Archer exactly represents both 'good' types of dependence described above. She is a good ('attractive' and 'fragrant') wife who acknowledges her duty to satisfy her husband sexually ('we have a full life') as well as a good mother. Her role as the underpinner of the family was exemplified by her daily appearance at the trial, her support of her husband through a difficult time. Yet she was also shown, in her breaking down at an early stage of the trial, to be dependent on her husband, to need him to lean on, to be exactly: 'childlike' and 'fragile'. Monica Coghlan could not have been more different. On the one hand, she was a single parent, with no man to support, and no family to uphold. It was just she and her son, whom she supported herself by working as a relatively well paid prostitute. An attractive and stylish woman, Monica Coghlan was portrayed as a slut by the press. For the outcome of the Archer case *had* to be the vanquishing of the self-reliant poor woman by the well-heeled 'appropriate' woman.

What does an understanding of the nature of women's crime mean for the Left's thinking? And how does this relate to our discussion about the appropriate woman? Let's talk about prisons for a second. There are currently around 1,700 women in prison, situated in 11 prisons throughout the country, compared to 47,000 men. Historically, there have been significant differences in men and women's imprisonment. But these differences are decreasing as, under Thatcherism, prisons becoming simply places of containment not 'cure'. The home office, for example, have now quietly dropped their approach to women as 'sick', the attitude which dominated much 20th century official thinking on women and prison.

But there are still stark differences between men and women in prison, particularly in the responses that women have developed to incarceration. While we would reject the over-simplified picture of men as defiant and women as depressed that we touched on earlier, it is true that women turn their frustration and anger inwards. Self-mutilation is now a major problem among women prisoners. Self-mutilation involves anything from slicing a cut in a forearm, to putting out an eye. Home office figures show that while less than one out of every 100 men mutilate themselves in prison, the same figure for women is *one in six*. A Left prison programme would have to both tackle the particular discrimination against women in the prison system – and the criminal justice system as a whole – as well as make more general reforms. These would include: abolition of home office control of the prisons, the lifting of crown immunity in prisons (whereby prisons are currently exempt from checks on their fire and kitchen arrangements) and the integration of the prison medical service into the national health service.

But the Left are so far from power at this moment that it seems futile to go into policy details, important as these are. Instead, we would want to end by making three general points about the kind of arguments the Left should be making, particularly in response to Right initiatives. Firstly, it is clear

that the Left must challenge those traditional male/female images in crime that we have talked about. Women must not be solely referred to in terms of their victimisation – such stereotypes as the pensioner who lives in fear of mugging, or the mum-of-two who's too scared to get out to her evening class. Of course, many women are afraid of crime. But there are always ways of talking about this that appeal to women's strengths and not only reinforce their perceived weaknesses. There must be a recognition that women also commit crime, and that they often have rational and concretely economic reasons for so doing. In other words, the argument must be made that women's crime, just like men's involve the commission of an act, or series of acts, and is *not* symptomatic of a state of being. Thus, in terms of punishment we must not allow ideas of an appropriate femininity to seep into our thinking as the Right is so happy to let it do into theirs.

This relates to our second point which concerns the Right's ideas about crime. The right has been so successful on crime precisely at the point where it has abandoned interest in the causes of crime, and talked about crime exclusively in terms of personal morality on the one hand, it is suggested that some people have propensity to commit crime – a propensity that in Tory eyes is intimately tied up with race and class. On the other hand, the Right argues that crime is a matter of individual choice, that people can decide whether to do right or wrong. This clearly appeals to people's basic belief that individuals have – and should have – some control over their own actions. So issues of choice and a not very sophisticated biology get muddled up.

While the Left would reject most of this, it no longer holds to some of its more passionate arguments of the last decade or two, which revolved around the belief that crime is an often rational and understandable response to social and economic deprivation. As part of a rejection of this 'understanding' attitude to crime, new realist criminology now argues that crime is – after unemployment – the major problem for the working class, and that the Left must therefore pay attention to it.

Of course, the Left must address the desire people have to live in a safe environment. But new realism, like some new rightism, has a too easy feel about it politically. As we argued above, it can encourage courtship of the very idea of 'victimisation'. It can seem like a cheap wooing of the voter on the basis of their fear, which then over-emphasises the role of the state – ie, the police and imprisonment – in their protection.

It also makes for too sharp a distinction between 'victim' and 'offender'. We would like to talk, here, about a woman we both know. Julie B is 23; she is at this very minute awaiting sentence in Holloway Prison on charges of theft. Julie B was raped at 15 at which time her emotional and physical maturation stopped still. She committed her crime – the theft of £20 and an act of arson in the hostel in which she lives – on the afternoon after the morning that a group therapy class came near to unearthing the story of that traumatic rape. In her distress, Julie stole £20 from an old age pensioner she had been shopping for every week for several weeks. Consumed with her distress that she might be thought a thief, Julie B set fire to her room at the hostel. Who, in this instance, is the victim and who, offender?

But if the Left must keep arguing over the causes of crime, this cannot be done in either a Dickensian or a romantic crime-as-rebellion sense. Far more imaginative and moral would be for the Left to cite the causes and consequences of crime in the context of a wider argument about the kind of society we now live. This requires a two pronged approach. On the one hand, it involves recognition of positive aspects of the consumer culture in which we live, recognition that people's liking of nice things is not anti-socialist, and that the concept of ownership is part of the concept of belonging which is part of the concept of control of one's own life which should, in turn, be intrinsic to any socialism worth its name.

On the other hand, the Left should be making a fundamental attack, and not a partial accommodation with, that most overpowering aspect of Thatcherite morality; the stress placed on winning above all else, the idea that acquisition (of money, of status or of property) is the overriding point of life. It is this which leads to the deep envy and materialism that under-

pins the particular Thatcherite view of consumerism, and it is a view which encourages (and ironically almost sanctions) crime out of greed as much as crime out of need.

But the final point is this: those men *and* women then driven to crime fall victim to the essential divisions that follow on logically from Thatcherite 'winnerism' – the division of society into winners, would-be winners, and the never-will-wins that shore up the rest of society by encouraging us in our sense of material and moral superiority. The Left can't abandon them in its own search to win, or it abandons a core part of the very conception of socialism itself, and will itself be the loser.

1 From the introduction by Pat Carlen and Anne Worrall to *Gender, Crime & Justice*, Open University Press, 1987.

Campaign for Women in Prison Managerial Committee 1987

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REVIEWS

IMPROPER WOMEN

Melissa Benn

Barney Bardsley
Flowers in Hell: An Investigation into Women and Crime
Pandora, £5.95

Allison Morris
Women, Crime and Criminal Justice
Basil Blackwell, £25 & £7.95

Barney Bardsley's book represents the best of a tradition of feminist journalism – one that goes back to the *Time and Tide* journal of the suffrage era – welded to the politics of the 'new' radical feminism of the 1970s. Central to this strand of feminism is a wilful refusal by writer or activist to deny her own subjectivity, to separate herself from other women, to assume an authorial (but unacknowledged) 'I' dissecting an observed and distant 'them'.

Such refusals are particularly crucial to any book on criminal women, where the temptation to create a distance is more than ever strong. They also have important implications for the answers to the double-headed question: why do women commit crime? and less crime than men?

These are the two main questions raised in Allison Morris' book, where she treats them in a bibliographical rather than theoretical way, giving a thorough review of the literature on crime and criminals that, while rightly critical of the brutal biologisms of some traditional criminology and of the *History Man* complacencies of the new left (idealist *and* realist) contains far too little argument of her own, let alone passion.

Barney Bardsley, however, is always right there in her writing – chatting, really – and always deliberating on the wider question of what it is to find a true 'self' as a woman in this world. So that when she, rather schematically, gives five reasons why women commit crime she is also talking about women's rebellions and survivals in *general*. Women commit crime, she says, for money, from anger, for success, for kicks and out of need. And she articulates her own attempts to balance explanations based on necessity (i.e. women are poor/desperate) with a too easily romantic view of crime. There may be something exciting, exemplary even, about a woman who uses her brain, her imagination and sheer nerve to steal from the big banks through cheque fraud rather than live off some man, but there is nothing typical about this kind of women's crime.

Barney Bardsley does not limit her explanations to that of women's motivation alone. She is also keenly aware of the state power, and state racism in particular, that mediates a woman's actions and the consequences for those actions. Factors such as race, education, literacy and articulacy – as much as class origin alone – and the extent to which a woman conforms to notions of appropriate womanhood will greatly influence, if not decide, the outcome of her entanglement with law. Such notions of the 'appropriate woman', the pressures of feminine conformity – these ideas are at the heart of any meaningful understanding of women's crime and criminalisation.

Criminology study after study continues to show how much the police, the courts and the prisons exercise discretion according to bland and rigid masculine prejudice. It is the (mostly male) representatives of those establishments who use their power to decide whether the women before them live and love and talk and respond to them as a woman 'should'. And the exercise of this discretion also acts as an informal process of policing of the boundaries of a proper femininity which affects all of us. Which might, in turn, explain why women do commit so much less crime than men, and are less stroppy once in prison. For the older I get the more I realise just how hard it is for women to *keep on* breaching the ideologies of an accepted femininity – which, like so much ideology, is everywhere and yet strangely nowhere: in the downturned eye, in the disappointed expectation of someone you actually love, as much as in the abstraction of the book or the coldness of the courtroom.

The increased hedging that can come for women as they get older might also explain why some of the most fearsome and violent of criminal women are young: wildly active and reactive before the timidities of age and varying forms of learned helplessness set in.

As Allison Morris points out, these arguments about femininity/conformity provide an explanation, too, of women's *victimisation* in crime: the idea that only bad girls get raped, that women collude in all sorts of violence against them through stepping outside the invisible but definitely marked boundary lines of that proper femaleness I talked about above. Such arguments are now dangerously influencing much of the debate about women's safety, and their need to be 'good' in keeping it that way, as well as continuing to feed into the debate on women who commit crimes, and their badness in getting that way.

Review reprinted from the *New Statesman*, 9.10.87

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

1. Improved safety conditions, particularly in Holloway Prison where women have been burned to death in their cells
2. The introduction of a range of facilities (e.g. more visits, including family and conjugal visits in relaxed surroundings, more association with other prisoners, fewer petty rules) aimed both at reducing tension and, subsequently, the number of drugs prescribed for behaviour and mood control rather than the benefit of prisoners.
3. Improved, non-discriminatory and non-paternalistic education, job-related training, leisure and work facilities.
4. Improved training and supervision of prison officers, aimed at reducing their present discriminatory practices against women from ethnic minorities and lesbian, disabled or mentally or emotionally disturbed women.
5. A mandatory and non-discriminatory income entitlement to meet the basic needs of women prisoners.
6. Improvement of the existing child-care facilities in prisons together with the introduction of a whole new range of child-care facilities for mothers receiving a custodial sentence (e.g. new centres specially for mothers and children contacts with local nurseries and parents' groups).
7. Improved medical facilities in general and specialised facilities for women during pregnancy, childbirth and menstruation.
8. Dismantling of the punitive disciplinary structure coupled with the development of official recognition of prisoner participation in the organisation of the prison.
9. Non-discriminatory sentencing of women.
10. Unrestricted access to the Boards of Visitors for representatives from women's organisations, community, ethnic minority and other minority (e.g. lesbian) organisations.

Women in Prison – campaigning for ALL prisoners demands:

11. Democratic control of the criminal justice and penal systems with suspension of Official Secrets Act restrictions on the availability of information about prisons, public accountability of the Home Office Prison Department for its administration of the prisons, public inquiries replacing Home Office internal inquiries into the deaths of prisoners, injuries and complaints in general together with Legal Aid to enable prisoners' families to be represented at any such inquiry
12. Reduction in the length of prison sentences
13. Replacement of the parole system with the introduction of half-remission on all sentences. Access to a sentence review panel after serving seven years of a life sentence.
14. Increased funding for non-custodial alternatives to prisons (e.g. community service facilities, sheltered housing, alcohol recovery units) together with greater use of the existing sentencing alternatives (e.g. deferred sentence, community service order, probation with a condition of psychiatric treatment etc), with the aim of removing from prisons all who are there primarily because of drunkenness, drug dependency, mental, emotional or sexual problems, homelessness or inability to pay a fine.
15. Abolition of the censorship of prisoners' mail
16. Abolition of the Prison Medical Service and its replacement by normal National Health Service provision coupled with abolition of the present system whereby prison officers vet and have the power to refuse prisoners' requests to see a doctor
17. Provision of a law library in prisons so that prisoners may have access to information about their legal rights in relation to DHSS entitlement, employment, housing, marriage and divorce, child-custody, court proceedings, debt, prison rules etc.
18. Improved living and sanitary conditions together with a mandatory income entitlement to meet basic needs
19. Non-discretionary rights to call witnesses and to full legal representation of prisoners at Visiting (internal) Court proceedings together with the abolition of the charge of 'making false and malicious allegations against an officer'
20. A review of the existing methods of the recruitment and training of prison discipline staff

**Campaign for Women in Prison
Members 25.3.86**

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INDIVIDUAL MEMBERSHIP

I wish to join the Campaign for Women in Prison
I enclose £5 for membership (£5) and £5 as a donation towards the Campaign's running costs

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

Name (block caps)

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AFFILIATION OF ORGANISATION

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I enclose £10 affiliation fee

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

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PRIVATE PRISONS

BY APPOINTMENT



TO H.M. THE QUEEN

Purveyors of Incarceration, Solitary Confinement and Body Belts

The campaign for privatised prisons has focussed on the urgent need for new prisons and put forward the argument that private contracts offer the most efficient, most economical, and the quickest means of meeting this need. The model, as is so often the case with penal policies, is an American one - a fact which, of itself, should be sufficient to counsel extreme caution, especially at a time when the shambles of the parole system (another transatlantic import) is engaging the thoughts of a parliamentary committee.

THE CONSORTIUM

The closeness of the American connection is underlined by the make-up of the new 'Private Prisons Consortium', a joint venture between Sir Robert McAlpine & Sons, John Mowlem & Co, and the Corrections Corporation of America. Political support seems to be coming from the more yuppie breed of Tory MPs, with little concern for their Party's traditional reverence for the 'majesty of the law'. It is this latter consideration which really places the idea of prison privatisation far outside the arguments which have surrounded all privatisations to date.

Prisoners, from the moment of their apprehension by the law, are confronted by the imagery of the Crown - on the helmet of the arresting policeman, on the Royal Coat of Arms above the entrance to the police station, at the entrance to the court trying them, and, most magnificently of all, above and behind the judge or magistrate sentencing them. The same Royal Coat of Arms is resplendent on, above or beside the great prison gates which close behind them, and for the whole of their sentence they are guarded by warders wearing crowns somewhere on their uniforms.

We are not here suggesting that prisoners themselves give a toss about such dressing up. The imagery is a great deal more dear to its upholders than it is intimidating to those subjected to it. Where there is intimidation and a policeman or a prison officer is putting the boot in, the question of what he is displaying at the other end of his body is not uppermost in the mind of the victim.

PRISONS: 'BY APPOINTMENT'

It is difficult to see how prison privatisation, in whatever form, can retain these emblems - unless, that is, the buildings and uniforms are to be emblazoned with the sort of Royal Warrant printed on the labels of marmalade pots: 'By appointment, purveyor of punishment to Her Majesty The Queen.' Of all governments, a Tory one is surely the least likely to abandon the panoply in which 'law and order' is dressed.

This is why PROP continues to question the need for any new prison building, rather than become embroiled in arguments as to whether private prisons are better able to fill what we see as a non-existent gap. Unless the 'need' itself is not merely

addressed but given priority, one could well win the privatisation argument, only to find the prison estate continuing to expand by traditional means. Far from winning a debate, the real debate would not even have been joined.

While we are probably correct in discounting the threat of privately managed prisons, except possibly for the remand sector, the same cannot be said for prison services. Prison construction and prison catering are two obvious candidates, but we cannot see that either raises any issue worth arguing about, nor can we see prisoners being either better or worse off for having their food dished up by Sir Charles Forte in one of his more downmarket moods.

THE REAL THREAT

The real threat, and a truly serious one, concerns the proposals for 'electronic tagging'. At its simplest this means the fixing of a bracelet on the wrist of a person on remand - as an alternative to a remand in custody. Again at this simplest level, the local police would have a list of all those thus tagged, and their conditions of 'bail'. The conditions might range from complete house arrests at one extreme to house curfews which would allow them out during working hours. Telephoned spot checks could be made by the police who would require the receivers of the calls to identify themselves with the beeper signals attached to their bracelets.

Yes, it could and has been argued that this would be a humane alternative to remanding someone in custody. PROP's point is that 'humane alternatives', introduced in the name of penal reform, invariably finish up as additional repressive measures rather than alternatives to anything. In the context of remand, we would see electronic tagging becoming the alternative to remand on bail, not custodial remand.

HIGH TECH TRACKING

Privatisation, apart from the profit element in the supply of bracelets, is involved in the proposal that the monitoring of such a scheme could be contracted to a private security firm instead of being handled by the police. From this has sprung the still more ambitious proposal for physically tracking persons on computerised monitoring screens which would display a map of the area and sound an automatic alarm at any divergence from the set programme.

BEWARE THE REFORMERS!

The implications go far beyond tagging as an alternative to remands in custody and have already been put forward as an alternative to imprisonment itself. A considerable lobby has been organised to press for such a scheme to be adopted, and no effort has been spared in the attempt to present it as a reform measure.

The suggestion is that it could solve the problem of our overcrowded prisons by providing a means of early release while retaining control. Several individuals with credibility in the field of penal reform have been quoted in support, and one ex-prisoner in the 'media's favourite ex-con' category has stated that prisoners would jump at the chance of such a release. We are quite sure that some of them would (though there are plenty who won't enter even the present parole lottery, let alone think of walking around tagged). But this is not really the point anyway, nor is it likely to be what is on offer. Everything in the history of Britain's penal policy suggests that electronic tagging, once introduced, will become another tool of coercion - to add to imprisonment and to add to all the existing 'alternatives' which currently run alongside an evergrowing prison population.

So our advice is 'Beware the reformers!' Don't listen only to how new proposals are sold: stop to think how they will be used.

REPATRIATION FOR ALL PRISONERS

Two cases have highlighted the plight of British prisoners abroad: the Heysel accused who have been returned to Belgium for trial, and the convicted prisoner Captain Simon Hayward, now serving his sentence in Sweden. Their predicament

has prompted protests from quarters which have never made any equivalent noise over the disgraceful conditions prevalent in the jails of our own country.

Some most extraordinary statements were made about Swedish justice, particularly with regard to the high ratio of convictions to acquittals in Swedish courts. We cannot see how that, in itself, signifies an injustice. After all, the situation in this country, where acquittal is admittedly more common, is that some 44% of remand prisoners are subsequently found not guilty or given non-custodial sentences - in other words a gross misuse of imprisonment of people who should never have been put away in the first place.

Any impression that Sweden is, compared to this country, heavy-handed in its sentencing policy cannot be right, or that fact would be reflected in the relative size of their prison population. It isn't of course: the UK prison population is proportionately the highest in Europe, and neither that of Sweden, nor for that matter of Belgium, the other country currently in the news in this context, even approaches it.

PROP had a letter published in 'The Guardian' in September, in which we applauded moves towards the repatriation of prisoners but also questioned the special pleading of those who bellyache whenever a Britisher is incarcerated abroad but who have persistently ignored the plight of Irish prisoners in mainland prisons, and the inhuman practice, followed across this country, of taking no account of family accessibility in the allocation of prisoners to jails.

We do not accept the points since made in the paper's correspondence columns, that indefensible aspects of British justice are 'irrelevant' to a discussion of justice in Scandinavia. Of course they are relevant. Indeed, that is where the campaigning has to start - otherwise one makes the same spectacle of oneself as Mrs Thatcher in her hectoring of the Soviet Union on its record on human rights. For her to do so against the background of her own record on race in general, and South Africa in particular, is grotesque in its hypocrisy.

One surely has to earn the right to speak out in a credible fashion on such matters as repatriation and prison conditions abroad. Only Lord Avebury, of those regularly pressing the issue, has earned that credibility by his record on prisoners' rights in this country. When we read letters or hear comments from most of the others, we just wonder where they have been all these years that our own prison system has been the disgrace of Europe.

The Belgian prison authorities have been no less hypocritical. With a finesse worthy of our own Home Office, they handpicked accommodation for the British prisoners and then invited British television to come and see for themselves. A completely untypical picture of Belgian prison conditions was thus flashed around Europe. Not surprisingly, Belgian prisoners, who by and large endure the same squalor as our own prisoners in Wandsworth, Strangeways, Armley and elsewhere, rioted in front of the cameras at this gross misrepresentation. PROP and, we are sure, prisoners all over the United Kingdom, applaud their action.

REVIEW

'BRICKS OF SHAME' by Vivien Stern: (PENGUIN, 1987): £3.95

NACRO is the establishment pressure group in the field of penal reform. What the CRE is to the race relations industry, NACRO is to the industry of penal reform. It is, far more so than the Howard League, a creature of the establishment, directly funded by the Home Office and in many ways fulfilling the role of that department's liberal arm.

To say that is not to knock it. Precisely because of its insider dealings with the Home Office it has always been well informed, and its regularly published 'NACRO Briefings' have provided indis-

pensable ammunition to the prison reform movement as a whole.

PROP, at any rate since our reorganisation in 1976, readily acknowledged its usefulness, though it was not always so. PROP was founded in 1972 (and RAP just two years earlier). The Howard League at that time was a great deal more genteel and amateurish than it was to become under Martin Wright's stewardship over the next ten years. NACRO, founded in 1966, had scarcely got into its stride. Nowhere amongst the establishment side of the penal reform lobby was there any sign

of the radicalism and robustness which, later, the Prison Reform Trust showed could be combined with 'respectability'.

It is perhaps inevitable that RAP and PROP in those early days saw the traditional penal reform groups as part of the problem, rather than as allies in confronting it. The ex-prisoners of PROP were particularly and maybe understandably public in their expression of these feelings. In fact, even RAP, lacking direct prisoner experience, was treated with suspicion, and there is no doubt that PROP went through a negatively sectarian period during those early days.

We believe that since 1976 PROP has been central to the development of the very opposite non-sectarian atmosphere which now exists amongst the more grassroots groups (the present concept of 'THE ABOLITIONIST' as a vehicle for the expression of views of all the groups was PROP inspired). And well into the eighties we repeatedly shared platforms with speakers from the establishment side of the lobby, agreeing (though not always on tactics) across a wide range of issues, many of which had been initially forced onto the agenda by RAP, PROP, INQUEST and WIP (Women in Prison).

This is why we find the new book 'BRICKS OF SHAME' by NACRO's Vivien Stern so disgraceful in its mean-spirited refusal to acknowledge even the existence of the grassroots groups. To anyone who knows the history of Hull prison in 1976 (the Hull Riot) and, even more dramatically, of Wormwood Scrubs in 1979 (the MUFTI squad), Stern's exclusion of PROP's central role in forcing out the truth is blatantly contrived.

Similarly, in discussing the prison medical service, she makes no mention of the campaigning exposures by both RAP and PROP which forced a reluctant Home Office to publish statistics on the drugs it was using, and opened up a public debate on the issues involved.

Still more blatant, because they concern more recent events, are the references to suicides in prisons (no mention of INQUEST), and the quite disgraceful exclusion of the role played by WIP (Women in Prison) in forcing the long neglected issues of women's imprisonment on to centre stage.

The omissions are too total to be accidental and they demonstrate the rapidity with which the grassroots groups are being marginalised. Even as recently as 1983 Dr Richard Smith's articles for the British Medical Journal on prison medical care (subsequently published as a book by the BMA) dealt quite extensively with PROP's role. So did academic books like Ian Taylor's 'Law and Order' (Macmillan 1981) and Morgan and King's 'The Future of the Prison System' (Gower, 1980) - but all these go back to the early Thatcher years.

What is now under way is virtually a rewriting of history in which the role played throughout

the sixties and seventies by working class groups, grassroots groups and prisoner groups is being snuffed out of the records as if they never existed.

Such gains as they won, and there were many which cannot easily be wiped out, are now being claimed as their own by government funded establishment groups which, at the time, were nothing more than a deadweight in the process or had to be dragged, reluctantly and uncomfortably, into the arena.

NACRO did nothing about Hull, and nothing about the MUFTI. The Howard League, to its great credit, did get involved in the latter exposure - only to find itself, immediately afterwards and under a new Director, led into the safe and sterile channels of 'pure' academia.

The effects of this rewriting interact with the media's growing indifference towards organised campaigning groups of the Left. When a new group comes along and forces new issues onto the agenda, as did WIP (Women in Prison) a few years ago, then the media's 'investigators' are happy enough to pounce off them - until such time as the establishment groups take up the issues into safer hands.

It is of course the role of the grassroots pressure group to do precisely this - force issues onto the agenda. That is how we worked throughout the seventies, raising new issues and then, having seen them taken up by bigger and more powerful voices, continuing to inject a cutting edge to the debate so that momentum is not lost.

But now, increasingly, the groups are being frozen out of the debates which they initiated. It is all part of the political process which, often in the name of freedom for the individual, is undermining every effort by groups of individuals to assert themselves collectively. It is 'Divide and Rule' at its most divisive.

Wiping out a group's history is but a step towards wiping out its credibility and influence. Worse than that, it is a further blow at a demoralised and ineffectual Left. A generation is growing up which knows only impotence in the face of the Thatcherite onslaught.

It needs more than a new political programme for it to get off its knees. It needs an awareness of its own capabilities and a reawakening of confidence that 'something can be done'. In the sixties and seventies people had that confidence, even if they misapplied it. Thatcher is the living proof of their defeat. But there remains much to be learnt from their struggles, and any renewal of the people's fight to assert themselves will need those lessons if they are to avoid repeating the mistakes.

That is why it is vital that books like Vivien Stern's 'BRICKS OF SHAME' are not allowed to erase the history of people's struggles. Otherwise the shame will be on us.

PRISON privatisation

Continuing the theme of the last article in the PROP section, Denis W. Jones looks at the reports on privatisation by the Commons Home Affairs Committee and the Adam Smith Institute, and Tony Ward considers the possible role of the voluntary sector.

THE MOST IDEOLOGICAL SELL-OFF YET

Imagine the media reaction if a Labour Party pressure group had proposed that all prisoners should have rooms carpeted and furnished pleasantly, in the manner of "student rooms in halls", with their own key to their "rooms", containing their own stereos, TV sets and computers. Furthermore, prisons would employ "recreation directors", and have juice and popcorn machines, exercise bicycles, tennis courts and bowling alleys. "Loony Left" wouldn't come close! Yet these are some of the examples cited in the case for prison privatisation put forward by the Adam Smith Institute, whose work lay behind the recent proposals of the Tories in the Home Affairs Committee of the House of Commons.

Anyone reading the Third and Fourth Reports of this Committee, on *The State and Use of Prisons and Contract Provision of Prisons*, would be very confused as to the link between the evidence and hearings of the Committee and their conclusions. Almost everyone who gave evidence to the Committee opposed privatisation (now called 'contracting out' to make it sound better). Bodies such as NACRO, the Prison Reform Trust and the Howard League provided a strong case against. The Prison Officers Association gave evidence of the appalling conditions they found on a visit to private prisons in the USA. In fact, the only way that the Reports can be understood is by reading *The Prison Cell* by Peter Young, published by the Adam Smith Institute in early 1987 and sent to Members of Parliament. This report should have been included in the published evidence to the Committee – but they didn't even call the Adam Smith Institute as witnesses!

The Prison Cell is a fascinating document, as it shows the New Right using exactly the same criticisms of the UK prison system as the left. However, totally opposite conclusions are drawn. There is no interest here in reducing the prison population, developing non-intrusive alternatives to custody, decriminalisation or social justice. Instead the proposals would lead to massive expansion of the prison system.

For what the Adam Smith Institute have realised is that prisons can provide a captive labour force. Hidden away, on page 20 of the 40 page report, is found the call to transform prisons from "warehouses with walls" to "factories with fences". Prisoners would be encouraged to run businesses from within prison and to sell such businesses to other prisoners when they completed their sentences.

Examples from the USA are cited:

In Kansas, Zephyr Products Inc., a sheet metal company, is almost entirely staffed with inmates from Leavenworth Prison. *Inmates earn the minimum wage*, from which they pay room and board to the state, send money to their families and *amass* (?) savings . . .

Many prisoners understood for the first time that they could make a profit by providing goods and services desired by others.

Behavioural Systems Southwest is cited as advertising on TV for non-violent criminals. For a payment of \$1,000 a month such prisoners can *buy* into their prison. Such a system would be very reassuring for those convicted of insider share dealing. No Pentonvilles, Strangeways or Dartmoors for them!

It is only recently that we have stopped the gross exploitation of the mentally handicapped in "day centres" by benevolent business men providing "contract work" and paying less than £2 a week "wages". Here we have a new source of captive, non-unionised, dependent labour. The only problem is to avoid the more difficult workers, the violent, the long-term prisoners who, it could be argued, are the only ones who *should* be in prison in order to protect society. The focus of the new reformers (*sic*) is "first time offenders" who pose "no threat to the community". Sentence, place in prison, make prison attractive and put to work. They can even be allowed home at weekends, providing they pay their fees and work hard during the week. Perhaps some enterprising prisoner will set up in business selling weekend leave passes!

Perhaps the saddest thing of all is that both Tory and Labour MPs seemed to be taken in by the idea. Even though the Labour MPs on the Committee did *not* sign the proposal for "contracting out", they did support electronic tagging of offenders, another form of private exploitation of convicted criminals. Yet the report by the Adam Smith Institute is very weak. Almost all the evidence on the "success" of privatisation in the States is based on newspaper cuttings or information given by the executives of private prison corporations. Only one serious academic report, by the US National Institute of Justice, is cited. One is also tempted to ask whether the Adam Smith Institute *really* supports the idea of a minimum wage!

Just as "electronically monitored home imprisonment is seen as particularly attractive for convicted pregnant mothers", these proposals would lead to the creation of new prisons for those offenders who are currently dealt with in the community and would have no relevance to the real issues facing the penal system as it moves beyond crisis point. Despite their acknowledgement of many of the problems of the prison system, the Adam Smith Institute proposals would ignore the real needs of our prisons and simply create a new tier of labour camps for those currently receiving discharges, fines, probation or community service. They must be opposed at every opportunity.

Denis W. Jones

The Fire From Below: PRISONS IN SCOTLAND

Joe Sim



*An independent inquiry set up by the Gateway Exchange, Edinburgh, has recommended that Peterhead Prison, in the North of Scotland, should close. In an article which was written before the most recent hostage-taking incident at Peterhead, Joe Sim, co-author of the book *British Prisons* and a member of the inquiry team, looks at the underlying causes of the troubles at Peterhead and other Scottish jails.*

... people experience deprivation and oppression within a concrete setting, not as the end product of large and abstract processes, and it is the concrete experience that molds their discontent into specific grievances against specific targets... In other words, it is the daily experience of people that shapes their grievances, establishes the measure of their demands, and points out the target of their anger.¹

It is often said that societies can be judged by how they treat those who offend against them. On that basis Scotland has little claim to be civilised.²

The spate of demonstrations which gripped the prisons in Scotland between October 1986 and January 1987 were the end products of a long time of disturbances in that country's penal system. Overcrowding, appalling visiting and living conditions, punitive regimes and violent confrontations with staff all combined to produce a wave of protests in which the confined demanded redress for the pains of their imprisonment. While the specific grievances in each of the most recent protests should be addressed, it is also important to note the history of disturbances in Scotland, particularly at Peterhead. Jimmy Boyle's account of Peterhead in the late 1960s was of a prison where violence and brutality were endemic to everyday life.³ This spilled over into the infamous and brutalising cages at Inverness in which violence escalated to the point where a major disturbance occurred in the winter of 1972. The closure of the cages after this disturbance and the opening of the Barlinnie Special Unit in February 1973, followed by the international recognition that the Unit received, appeared to indicate a new, more enlightened approach to the containment and treatment of long-term prisoners. Such optimism was, however, short-lived. The Labour Government's carping criticism of the Unit and the continual undermining of its

philosophy by press and politicians, together with the re-opening of the cages in 1978 after the threat of major industrial action by the Scottish Prison Officers' Association, paved the way for a return to more traditional methods of containment and control. This was underpinned by continued direct action by prisoners at the jail: the roof-top demonstration in August 1979, the major disturbance which lasted for 18 hours in January 1984, the 'dirty protests' during the same year, the taking of seven prison officers hostage in November 1986, culminating in the burning of 'A' Hall by the demonstration prisoners. Media coverage of the incident — including the supposedly liberal Channel 4 News — tended to concentrate on the more sensational aspects of the case, in particular the danger to the young prisoner officer that the prisoners posed. That contrast between the individual officer and his captors, symbolising the force of good trapped by the dark forces of lawlessness, gave an edge to the story which the media, and sadly many of the public, thrive on. It also missed the point of the whole demonstration and once more substituted assertion for analysis, description for explanation. In order to understand why individuals choose to spend 91 hours in a claustrophobic situation with little food, heating and lighting, it is important to move beyond the simplified media accounts of good vs. evil to a deeper sociological and ultimately more politically informed analysis.

PRISONERS AND PROTEST

The first point to acknowledge about Peterhead is that the prisoners who took part in this and the other protests were neither engaging in mindless, irrational behaviour nor were they propelled by individual or environmental forces beyond

their control. The use of the word 'riot' for the Peterhead demonstration implied precisely this. Such naive positivistic assertions are given an apparent greater subtlety by the Prison Departments in Scotland and England who point to riotous behaviour being caused by a few individual bad apples who manipulate confrontation. With Mike Fitzgerald I have discussed the genesis and development of this explanation elsewhere.⁴

What is important about this labelling is firstly that it justifies systems of classification which are used to segregate the 'bad apples' who are deemed to be the source of discontent and trouble in the prisons. Such segregation and techniques of solitary confinement have brutalised prisoners still further, pushing them deeper into a pit of despair over the system. Second, the labelling also allows the prison authorities to utilise explanations which attempt to deny the legitimacy and widespread nature of the prisoners' grievances. It is a small mindless number who are ultimately responsible, according to prison managers. Sociologically there is little evidence to support this position, yet the search for 'ringleaders' continues while the structural questions about both penal philosophy and penal policy remain untouched. It is the dimensions of that policy, and its impact on prisoners, that I wish to consider next.

THE WIDER CONTEXT

In considering the protests by the prisoners it is clearly important to address the wider penal context in which the demonstrations took place. The most recent reports published by the Scottish Office in November 1986, outlined the situation in Scotland's prisons in 1985. What is apparent from these reports in the major increase in all categories of the prison population. There are several dimensions to this increase.

First, the average daily population rose sharply during the year to 5,273. This was the highest figure recorded since 1971. In November 1985 the figure reached 5,697, the highest ever recorded in Scotland.⁵ Second, the remand population grew for the sixth year in succession to a new daily record level of 1,092. This was a rise of 16% from the previous year.⁶ Third, the number of fine defaulters also increased significantly; for adults the increase was 23% from the previous year and for young offenders there was a 43% increase.⁷ Fourth, there was also a 'significant rise' in what the Scottish Officer called the 'female element' of the prison population. The average daily population rose from 132 in 1984 to 177 in 1985. The Scottish Office point out that 'it was noteworthy that most of the increase was among adult females serving direct sentences. The number in this category grew from 57 to 90, an increase of more than half'.⁸ Fifth, and most significantly for understanding the situation at Peterhead, the number of adults sentenced to three years or more rose by over 50% from 343 in 1984 to 522 in 1985.⁹ By 1985, the number of prisoners serving life sentences or determinate sentences of three years or more was 27% of the prison population, more than one prisoner in four.¹⁰ Overall, during 1985, there was what the Scottish Office call a 'considerable increase' in the numbers sent to prison. Almost 19,000 people were remanded in custody, and 24,252 were sentenced to a term of imprisonment. The Scottish Officer points out that 'the latter figure is considerably higher than any previously recorded'.¹¹ These figures are important in highlighting the punitive nature of criminal justice in Scotland in particular and the United Kingdom in general. As the recent figures from the Council of Europe indicate, the United Kingdom is now the most punitive nation in Western Europe. Within that general category, however, there are added dimensions. Scotland and Northern Ireland imprison more people per 100,000 of the population than England and Wales. In terms of receptions, as the *Glasgow Evening Times* pointed out at the height of the Barlinnie demonstration:

Per 100,000 of population Scotland jails 700 people compared with a figure of 300 for England and Wales. These disgraceful statistics mean that Scotland locks away more people than even Turkey, a nation reviled throughout the world for packing its cells with every available undesirable.¹²

Clearly then, the demonstrations cannot be seen outside of

this punitive context. The Barlinnie demonstration and the previous Saughton confrontation revolved around the issue of overcrowding and the lack of basic amenities for the prison population. These concerns were underpinned by the question of brutality against prisoners and the lack of any outside agency to police and investigate the prisoners' allegations. Indeed in the case of Barlinnie, John Renton, the Chair of the Scottish Prison Officers' Association (SPOA), was given full and generally uncritical media air-time to defuse the question of brutality. On the first day of the demonstration (6th January) Renton appeared on various radio and TV programmes, usually without challenge, to maintain that it was the question of assaults on prison officers that was the problem.¹³ This has been an issue in Scotland's prisons for at least the last decade. In November 1978, the SPOA argued for the re-opening of the cages at Inverness through alleging that there had been an increase in assaults on prison officers and therefore they had to be protected. In fact the assault rate at that time was stable rather than fluctuating.¹⁴ As Ken Murray pointed out with regard to the latest SPOA allegations 'being a prison officer is a lot less dangerous than driving a Glasgow bus on a Saturday night'.¹⁵

THE ISSUE OF LONG-TERM IMPRISONMENT

As I indicated above, there has been a continuing increase in the number of long-term prisoners in Scotland as a proportion of the average daily prison population. The length of sentences passed is a crucial variable in this equation and has been compounded by the 'knock-on' effect of sentences which have minimum recommendations attached to them – 46 between 1965 and 1985 in Scotland. Added to this are the indeterminate sentences imposed for crimes other than murder. These number 12 in the same period.¹⁶

These processes have themselves been underpinned by the changes in the system of parole announced by Leon Brittan at the Conservative Conference in October 1983. The retrospective restriction on parole for whole categories on long-term prisoners was introduced in Scotland in December 1984, and was heavily criticised in the Annual Report of the Parole Board for Scotland for that year. The Board pointed out that 'there was widespread confusion and anxiety about the effect changes in policy would have on the attitude of certain prisoners'.¹⁷ Evidence coming from Peterhead to the Scottish Council for Civil Liberties and to the Gateway Exchange in Edinburgh supports this claim. The increase in long-term prisoners with little hope, living in appalling conditions with no positive, humane philosophy is a guarantee for disaster, and designed to produce direct action by the imprisoned. The future thrust of long-term penal policy is unlikely to alleviate the crisis situation.

At the Annual Cropwood Conference at the University of Cambridge in March 1985, the participants included Senior Prison Officials, Governors, Civil Servants and academics. They were there to discuss the future of long-term imprisonment and, in particular, the recommendations made by a Home Office Working Party on the building of new generation prisons. This programme, with the thrust towards increasing control for the long-term prison population, provides the perfect illustration of how prison administrators see future policy in the long-term prisons. Greater surveillance and control, underpinned by the use of solitary confinement and segregation units and legitimated, once more, by the idea that the trouble-makers can be identified and removed from the mainstream population. In Scotland, the thrust towards greater control in Peterhead can be seen in the use of the two special blocks for prisoners who refuse to conform to the prison regime. Indeed in the prison there is what SCCL has called a 'linked series of maximum security units'¹⁸ which includes:

the 'Cardboard Cells' of 'A' Hall where there is a mattress on the floor of the cell and cardboard furniture which is removed at night while the hall is patrolled by officers in groups of 12 or 14 carrying riot sticks, the 'Ten Cell Unit' from which there has been total silence but which appears to be used for taking the most 'difficult' prisoners out of the system long-term and which is thought to have a psychiatric control function, the infirmary, which, it is claimed, is used as an isolation unit, and the old punishment block which was

reburbished several years ago. We now know of plans to turn 'B' Hall into Maximum Security Unit, while in the longer term work has begun on building a new high security prison within the existing perimeter.¹⁹

This 'Chinese Box'²⁰ includes a silent cell which has been described as a 'cube of concrete within another cube of concrete'.²¹ The cell has a bare concrete floor and walls; there is a two inch platform where the prisoner sleeps with no mattress. The only furniture is a plastic chamber pot. This brutalising environment is supported by the continued use of the cages at Inverness while the Barlinnie Special Unit is increasingly marginalised to the point where the prison authorities are contemplating its removal from Barlinnie to another prison. The symbolic importance of such a move, the political implications and the practical impact on prisoners should not be underestimated. The death knell for any kind of rehabilitation in Scottish prisons clearly tolls with these developments.

It is also worth noting two other things. First, the Scottish Office has announced plans to build a new prison at Peterhead which is due to be completed in 1990. The design has not yet been finalised but according to the *Glasgow Herald* the Scottish Officer is looking into a 'new American design... which is a triangular system with the new cells looking into the main living and recreation area. Each unit would have 50 prisoners'.²²

Such new generation thinking is something that is likely to dominate the debates about long-term imprisonment, as the managers of the prison system in the UK seek to develop regimes which can effectively neutralise and control challenges to the regimes. What is interesting about the most recent thinking behind them already operate in the women's prison at Cornton Vale. As Dobash et al point out:

aspects of prison design at Cornton Vale seem to resemble closely 'new generation' thinking, and small units purporting to foster 'relationships' are in fact used effectively for the surveillance, control and manipulation of prisoners. It is ironic but perfectly in the tradition of the treatment of women in prison, that designs developed for high security-risk, long-term prisoners, should be suggested as appropriate for women who are supposedly in need of psychiatric assessment or treatment, most of whom, far from being long-term prisoners, are actually on remand.²³

Second, a Scottish Office working party which has been sitting for four years, has produced a six page report, which has recommended the establishment of what they call 'time out' units in each closed prison in Scotland. Prisoners moved to the units would enter a 'behavioural contract' with the prison authorities which would involve a system of individual punishments and rewards tailored to each prisoner. The report described how:

Each unit will develop its own techniques and management style which if carefully monitored and documented can provide the service as a whole with a useful variety of alternative regimes to deal with a disruptive and difficult minority as effectively as possible.²⁴

This 'difficult' and 'disruptive' minority number around 250.

the Committee is suggesting 'sophisticated psychological methods of control of prisoners in isolated units on the lines of the Wakefield units in 1974-6'.²⁵

CONCLUSION

In the aftermath of the Peterhead demonstration, the government has asked the Chief Inspector of Prisons in Scotland, to investigate the 'nature, extent and validity of the general grievances voiced by the inmates... at the time of the hostage incident'.²⁶

The Chief Inspector is theoretically independent of the Prisons Department and should therefore report directly to the Secretary of State for Scotland. There are two fundamental weaknesses with this line. First, the Inspectorate in Scotland has already conducted an inspection and published a report on

Peterhead. The inspection took place in September 1981 and the report was published in June 1982. While the Inspector had critical comments to make concerning the welfare, work, recreational and dining facilities the report concluded that 'Peterhead is an orderly and well organised prison in which staff and inmates have apparently established a modus vivendi which is acceptable to both and appropriate to the long-term population'.²⁷ The Inspector also sought to blame any trouble in the prison on a 'small number of inmates who are prepared to create serious trouble regardless of the consequences to themselves or to the remainder of the inmate population'.²⁸ Clearly the traditional line of 'bad apples' dominated the Inspector's thinking.

The second issue involves considering the relationship of the Inspectorate to the state itself. The Prison Inspectorate does not stand outside or above the historical, ideological and structural processes which provide the back-drop against which state inquiries should be seen. These processes involving questions of power, politics, individual ideologies, proscribe fundamental discussions of the relevant issues from making it into the political agenda. Indeed such inquiries have, in the words of Phil Corrigan and Derek Sayer 'a long long history' in British politics and ultimately legitimate the practices of the British state.²⁹

Such a response is, therefore, likely to have little impact on the crisis in Scotland's prisons. Only a thorough-going review of, and change in, sentencing policies, supported by more narrow changes such as the closure of Peterhead, the repeal of the new parole restrictions and the introduction of the philosophy of the Barlinnie Special Unit as a central plank in penal policy, will alleviate the situation. Anything less, ensures that sometime in the future there will be more confrontations whose consequences will perhaps be even more severe than those in the winter of 1986.

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PRIVATISATION AND THE VOLUNTARY SECTOR

Information 'leaked' to the National Organisation of Probation Officers from a Home Office meeting indicates that the government is thinking of funding the voluntary sector to develop new, tougher, versions of probation and community service. One idea apparently being considered is a 'short, sharp' community service order involving 'gruelling' work such as canal-cleaning or tree felling.

Previous attempts to 'toughen up' probation have, in part, been frustrated by resistance from probation officers. For example, the curfew or 'night restriction' order introduced by the Criminal Justice Act 1982 has become a virtual dead-letter because of NAPO's policy of non-co-operation. It is not difficult, then, to see the attraction of farming out new alternatives to private organisations which stand to lose their funding if they do not deliver the goods. The alarming prospect opens up of voluntary and statutory services competing against one another for clients, with success going to whichever can offer the more coercive package to the courts.

The voluntary sector has, of course, long played a major role in the penal system. At the turn of the century, for example, there were far more children locked up in charitably-owned reformatory and industrial schools than there were adults in the State-run prison system. More recently the voluntary sector's main contribution has been in the field of 'intermediate treatment' (I.T.) - non-custodial measures for juveniles either convicted or deemed to be 'at risk' of delinquency. In 1983 the DHSS intermediate treatment initiative made £15 million available to voluntary organisations to develop new alternatives to custody for juveniles.

To view the DHSS initiative as a form of privatisation would be misleading. The management committees of most of these 'voluntary' projects are, in fact, dominated by State functionaries - senior or middle managers from social services, probation, the police, and education, plus magistrates and their clerks. Although the voluntary sector is often seen as a way of 'bridging the gap' between statutory services and 'the community', there is little representation on these bodies from parents or local lay people (see NACRO, *Project Development Survey*, 1985). Rather, they appear to follow what Philip Hope of the National Council of Voluntary Organisations calls the 'voluntary inter-agency' model of I.T. In this model the role of voluntary organisations is to act as 'neutral brokers' between different statutory agencies and the judiciary, and I.T. represents an opportunity for these agencies to come together and discuss ways of integrating their policies concerning juvenile justice.

Some of these schemes have been remarkably successful (compared to the dismal record of other 'alternatives') in reducing local custodial sentencing rates - though there is evidence that black young offenders have benefitted much less than whites. On the negative side, they are often much more intrusive than traditional I.T., and the involvement of police and magistrates on their management committee is worrying, as it could give them access to confidential information. But these issues have nothing to do with privatisation, and indeed the fact that funds are channelled through the voluntary sector may be no more than a device to avoid curbs on local government spending.

Another development which is sometimes cited as precedent for privatisation is the rapid growth of government funding for NACRO. Most of this funding comes from the Manpower Services Commission and goes into schemes for the long term unemployed, including ex-offenders. Both this and NACRO's other major area of activity, environmental crime prevention, are very tangential to the penal system. NACRO's expansion has indeed been spectacular, but it has not been at the expense of statutory criminal justice agencies.

The fact that nothing much that could reasonably be called privatisation is actually happening in the non-custodial sector certainly does not mean that it will not happen. The celebrated 'Massachusetts experiment', in which the state's custodial institutions for juveniles were abruptly closed and their inmates decanted to privately-run alternatives, was a brilliant demonstration of how the contracting out of penal measures to private bodies can be used to undermine State employees' resistance to change. In this case the strategy was used by a progressive administrator to defeat his reactionary staff, but the same kind of thing could be done by a reactionary administration for reactionary ends. Massachusetts, as a matter of principle, used only non-profit-making contractors, but if one leaves ethics aside there is no reason why profit-making organisations should not have been equally effective. Since the essence of the strategy is the use of private contractors, and it does not rely on the distinctive features of voluntary agencies, the word 'privatisation' is in this case perfectly appropriate.

The voluntary sector can also be used, however, by progressive workers who wish to gain a degree of independence from the State. The Newham Alternatives Project set up by RAP in the late 1970s is a good example. Other advantages of voluntary agencies include the possibilities they offer of giving their 'clients' a role in their management; of building links with other local groups such as women's or black organisations (as some voluntary daycentres have tried to do); and of playing an 'advocacy' or 'pressure-group' role which would be extremely difficult within the statutory sector.

Unless we propose to abandon the idea of radical alternatives completely, it would be most unwise to launch a wholesale attack on the involvement of the voluntary sector in the penal system. There is, in any case, not the slightest inconsistency in defending some forms of voluntary management while attacking the administration of punishment for profit, provided it is made clear that the objection is to commercialisation, not to the so-called 'abdication of responsibility' by the State. The arguments for and against a strategy of working in the voluntary sector to develop 'radical alternatives' within and around the formal penal system are complex, and cannot be adequately explored here. But it would be a great pity if hostility to privatisation led the left to reject out of hand all forms of private involvement in penal practice.

Tony Ward

With thanks to Denis Jones, Mike Nellis and Mick Ryan.

PRISON DISCIPLINE:

SINKING THE 'LEAD BALLOON'

Melissa Benn and Chris Tchaikovsky

In Abolitionist No 21, Melissa Benn and Chris Tchaikovsky wrote that the Prior Report had been re-named the 'Lead Balloon' report at the Home Office, and concluded that the Home Office's reaction to its proposals for an independent adjudication would be 'a test of its genuine commitment to change'. It failed the test dismally, as Steven Shaw reports.

Contrary to its popular image, the Home Office is not a monolith. Within it there are hundreds of civil servants of liberal opinion committed to reform of our ramshackle criminal justice system. Yet the conservative culture which has been the Home Office's hallmark in public administration for two centuries remains deeply entrenched. With the Government's decision to abandon reform of the prison disciplinary system, that conservatism has claimed another victory.

VICTORIAN VALUES

The Prison Rules, the regulations which determine every aspect of prison life, were issued as far back as 1988. Based upon a military model, the Rules introduced the first comprehensive disciplinary code for prisons: minor offences would be adjudicated upon by prison governors; more serious charges would be heard by the prison's board of visitors. The courts could be relied upon to keep their sticky hands off. As Lord Goddard stated in 1943:

It would be fatal to all discipline in prisons if governors and wardens had to perform their duties always with the fear of an action before their eyes if they in any way deviated from the rules.¹

That, indeed, was how matters remained for many years. Only in 1975 did the Jellicoe Committee question the propriety of boards of visitors — whose members are Home Office appointees — retaining both a disciplinary role and a responsibility as penal 'watchdogs' on behalf of the public.² Needless to say, the Home Office was unmoved.

The real danger to the incestuous world of Prison Department justice was to come from a most unexpected source. For, awakening from 75 years of judicial slumber, the courts began to subject prison disciplinary proceedings to a number of significant decisions. The *St Germain* case in 1978 established that the prison disciplinary system was subject to judicial review.³ Most important of all, in *Tarrant* it was held that while no prisoner has an automatic right to representation or assistance at an adjudication, boards of visitors can grant such representation or assistance.⁴

It is fair to record that the *Tarrant* decision threw the Home Office into something approaching panic. Rex Bloomstein's brilliant *Strangeways* series on television had demonstrated to millions of viewers the injustice practised by board of

visitors' adjudications. An unfavourable judgment (not, in the event, entirely forthcoming) was expected from Strasbourg in Campbell and Fell

Campbell and Fell.⁵ Now *Tarrant* appeared to presage the mass invasion of lawyers into the Prison Department's private courts. The mood in the Department was that change was inevitable and that the twin functions of boards of visitors could no longer be supported. The Home Secretary announced the establishment of a departmental committee on the prison disciplinary system to be chaired by businessman Peter Prior.

For 18 months (and £250,000 of public money) the committee laboured, finally producing its report in October 1985.⁶ This made two principal recommendations. First, boards of visitors were to lose their adjudicatory role — new independent prison disciplinary tribunals (PDTs), consisting of a legally qualified chairperson and two lay members, would take their place. Second, there would be a proper avenue for the hearing of appeals against the decision of the PDTs at first instance.

SECOND THOUGHTS

Although there was criticism that Prior had not gone far enough (no right to legal representation, governors retaining the ability to order loss of remission), the general reaction to the committee's report was favourable.

But almost immediately there were reports that the Home Office was having second thoughts.⁷ Civil servants believed that their panic 18 months earlier had been an over-reaction. During the first 3,000 board adjudications after *Tarrant* there had been only 330 requests for legal representation, and only 100 of these had been granted.

So officials now began a frantic hunt for a way out. The preferred solution was to replace the Prior scheme with panels of magistrates. But this was rejected outright by the Council of the Magistrates' Association, which restated its support for Prior.⁸ Further months passed before the Government could issue its formal response to the Prior Report.

When it did finally appear, the white paper accepted the Prior Committee's view that 'Boards of Visitors should not simultaneously discharge adjudicatory and supervisory responsibilities'.⁹ But it put forward a third option: to split the boards

of visitors in two, with one half continuing the watchdog functions, and the other taking on the adjudicatory role. This option found no favour at all. Indeed, some have suggested that it was an example of the classic Whitehall routine of putting forward a palpably ludicrous alternative in order eventually to do nothing.

Certainly that is the way things look now. For in a regrettably under-reported speech to the Annual Conference of Boards of Visitors on 25 September 1987, the Home Office minister Lord Caithness announced that the Government would 'not proceed with our proposal to create a new lay body to adjudicate on the more serious breaches of prison discipline. This function will stay with Boards. . .'. Although widespread agreement had been reached amongst groups as diverse as PROP and the Prison Officers' Association, he went on to say that the Government could not 'wait for a consensus to emerge'. Thus an administration contemptuous of both consensus politics and U-turns makes a U-turn because in its view consensus has not emerged!

HISTORIC OPPORTUNITY

Where does this leave us? Certainly some of the weaker and less welcome proposals of the Prior Committee (a new code of disciplinary offences, for example) are still promised by the Government. More positively, in the light of the decision to leave adjudications with boards of visitors, there is to be further consideration of the question of appeals. However, unless an amendment to the Criminal Justice Bill succeeds in reviving the idea of PDTs — frankly, a scant hope — it seems that the prison disciplinary system will retain its present structure unless

or until it is subject to further challenge in the courts.

For all their limitations, the Prior Committee proposals afforded a historic opportunity to put right at least one aspect of prison administration. Moreover, effective grievance and disciplinary arrangements are the prerequisite of safer and more peaceful prisons. Recent events in Scotland demonstrate the dangers if prisoners lose all confidence in 'legitimate' processes for voicing their discontent. Just as Leon Brittan's tougher parole police — in the name of combating violence — has increased the risk of disorder in prisons, so the Home Office's U-turn on prison discipline will actually make discipline more difficult to enforce.

1. *Arbon v Anderson* [1943] KB 252.
2. *Boards of Visitors of Penal Institutions — Report of a Committee set up by Justice, Howard League and NACRO* Barry Rose, 1975.
3. *R v Board of Visitors of Hull Prison ex p St Germain (No 1)* [1979] 1 All ER 701, CA.
4. *R v Sec State Home Dept ex p Tarrant 1984* 1 All ER 799; [1984] 2 WLR 613, DC.
5. *Campbell and Fell v UK* Report 12 May 1982, Judgment 28 June 1984, ECHR.
6. *Report of the Committee on the Prison Disciplinary System* HMSO 1985 Cmnd 9641.
7. 'Home Office officials oppose independent prison tribunals' *Guardian* 30 November 1985.
8. 'Magistrates halt Whitehall's gaol discipline plans' *Guardian* 2 June 1986.
9. *The Prison Disciplinary System in England and Wales* HMSO 1986 Cmnd 9920.

Steven Shaw is the Director of the Prison Reform Trust. This article was first published in *Legal Action*, November 1987.

REVIEWS

Kevin Ball, Stephen Eastwood, Mandy Davill, John Holt

Worth the Risk: Creative Groupwork with Young Offenders

Published by Hilltop Practice Development and Publications Unit (Save The Children Fund/West Yorkshire Probation Service).

Worth the Risk: Creative Groupwork with Young Offenders

Kevin Ball, Stephen Eastwood, Mandy Davill, John Holt

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This is not the sort of publication which is usually reviewed in *The Abolitionist*, as it is essentially a handbook for social work practice with young offenders. However, as one of the co-authors is John Holt, whose political tract on juvenile justice, *No Holiday Camps* was reviewed in a previous issue of *The Abolitionist*, it warrants mention, if only to demonstrate that one person at least sees no incongruity in attempting to think both about wider political issues and the details of face-to-face work with young offenders. I will say nothing about the detail of the types of groupwork they outline but as a one-time practitioner myself I would recommend them both to other practitioners and to any RAP member unfamiliar with the options and possibilities available in this field. Only the idea of drawing *shields*, as personal emblems in self awareness exercises, troubled me — it seemed a bit Boy Scoutish. However, this is a minor point, and alternative emblems could be found. The book raises, as important questions for practitioners to confront, issues of values and working philosophies and poses,

as a straight choice (a little too starkly), the options of *control* and *discipline* on the one hand, and *personal growth* and *empowerment* on the other. In elaborating techniques grounded in the latter two categories it sets itself against — or rather demands space within — the broadly managerial trends which currently dominate juvenile justice in this country. It attempts to rework a viable welfare philosophy, to pay attention to offending issues (but not to the exclusion of other relevant aspects of young people's experience), and to put the still influential 'justice model' in perspective, thus:

The so-called 'Back to Justice' movement was a necessary reaction against the complacency and destructiveness of 'preventive' social work with the peculiar category known as pre-offenders...

This is a bit of an exaggeration, in that even within the original welfare framework there were doubts about the kinds of preventive work that were being undertaken in the mid-seventies, but the authors are right to emphasise the *reactive* element in the justice movement, the absence of any positive core, which has ultimately and predictably robbed it of impetus and significance in most (but not all) areas of social work with offenders. The handbook shows a clear awareness that the radical, humanitarian option with young offenders does not lie down the road of philosophies and techniques (justice and management) which, while they have some uses, are so easily co-optable by the New Right, and serves as a timely rebuke to those who did.

It is available from:

The Hilltop Project
Hilltop
Westwood Drive
Ilkley
West Yorkshire

Cheques payable to The Hilltop Project £4.00 inc postage

Mike Nellis

PRIVATISATION PROSPECTUS?

Report on the Work of the Prison Service 1986/87
Cmd. 246, HMSO, £15.40

The worst series of riots ever experienced by the English prison system, overcrowding at record levels, and the stormy and protracted negotiations over the Fresh Start proposals, all characterised a depressing year for the prison system between 1st April 1986 and 31st March 1987. But take heart, at least the Prison Department still seems able to find reasons to be cheerful.

The Department's recently published annual report demonstrates that the Home Office has learned from the Saatchi & Saatchi techniques which have served the Conservative Party well. The report bears all the hallmarks of the recently appointed 'communications specialist' who has been charged with the task of smartening up the prison system's battered image. The increasing emphasis within the Department on marketing the unmarketable reached its apogee with the publication of this full colour, glib and glossy account of the year in question.

The report's traditional, bureaucratic format has been abandoned. Gone are mundane chapter titles such as 'Operational Policy' and 'Regimes and Services'. Instead this report is divided into two main sections entitled 'Looking After the Prisoner' and 'Running the Prison Service'. The image projected is caring, efficient and above all not intimidating. It would be no great surprise if next year saw the Director General redesignated as 'The Man Who Runs the Prison Service'.

It would be wrong to suggest that all the less cosy aspects of prison life are totally ignored in this report. On the contrary, cell-sharing, riots, suicides and escapes are all noted. But the attention they receive is brief and matter-of-fact and the language used verges on the banal. Moreover, while the information presented is certainly grim in parts, the presentation subtly detracts from any depressing impact. The colour photographs show prison officers playing scrabble, netball and pool with prisoners or helping them construct toys for handicapped children in modern workshops equipped with new, brightly coloured tools. The only pictures of a local prison feature exterior views of Brixton exuding a certain quaint charm in the bright sunlight.

One is left with the impression that this report is designed for an altogether different readership from those of previous years. It seems to be aimed at an audience with no knowledge of prisons, a low reading age, limited concentration span, and above all a need to believe that the prison service is an efficient yet fundamentally caring organisation. So who can these new readers be? It may be relevant that the first British private prison consortium has already been formed. Robert McAlpine & Sons, John Mowlem & Co and the Corrections Corporation of America (the 'market leader') are apparently due to launch a major publicity drive in an attempt to convince MPs and ministers that the privatisation of prisons and remand centres would be a good thing.

A member of the consortium's management committee, a Mr Jack Pullin, recently talked about private prisons as 'secure places to lock up naughty people' (*Independent*, 18 Nov. 1987). This nursery school image was based, he admitted, on 'absolutely no experience of prisons'. Mr Pullin, at least, should find the Prison Department's Annual Report thoroughly convincing.

Una Padel.

PUBLICATIONS

All prices include postage charge.

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Published by PROP in 1980. A life sentence prisoner's account of his ordeal in solitary confinement. £1.40

Outside Chance: The Story of the Newham Alternatives Project by Liz Dronfield.

A report on a unique alternative to prison set up by RAP in East London. £2.25

Parole Reviewed (1981).

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Special issue of **Christian Action Journal**, presenting RAP's views on a wide range of issues.

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A Silent World: The Case for Accountability in the Prison System. RAP Policy Group (1982) 30p

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