

Reframing the 'Prison Works' debate – For whom and in what ways does prison work?

Debates around the question 'does prison work?' tend to focus on how it meets the philosophical justifications for its deployment as state punishment. Does prison deter, rehabilitate, incapacitate? Is it a just response to crime? In answer this the evidence available is at best ambiguous and often damning. As Thomas Mathiesen (1990) has shown when you put prison on trial it is unable to prove its case even on the balance of probabilities let alone beyond reasonable doubt. Those who advocate most passionately for the use of imprisonment are often forced to concede its current failure, with for example Charles Murray (1997:14) claiming that prison fails to deter 'because the sentence is not harsh enough'. By sending more or less people to prison or by making prisons conditions harsher or more reformatory or prison sentences longer or shorter the evident failure of the prison to achieve its official objectives is explained away and it is presented as the solution to its own failure. An illusion is created that despite failure prison is an essential institution with a noble purpose that, with suitable reform, could work. When, inevitably, those reforms fail a new set of reform proposals emerge to replace them.

The fundamental flaw in this debate is that it accepts at face value the justifications offered for the prison. The presumption is firstly made that prison exists as a response to crime and secondly that it can be a just punishment and/or an effective deterrent and/or an opportunity to reform the criminal and/or is necessary for public protection. An alternative perspective has been proposed by Mike Fitzgerald (1977:14) who argued that rather than asking does prison work we should instead 'pose the additional question are prisons useful,' and more specifically 'to who and in what ways'? Given the resilience of the prison as an institution and its capacity, for over two centuries, to survive damning critiques it must surely be of use to somebody and therefore, at least from their perspective, to be working. By exploring the social functions of the prison six ways in which prison does work can be identified.

Identifying the 'criminals'

Through the drafting of law, discretion in its enforcement, and a focus on often relatively harmless offences the criminal justice focuses predominately on the most vulnerable and social excluded. Common sense understandings that uncritical link crime with prison lead to the prisoner being imbedded in the public imagination as the stereotype of the criminal thereby allowing the far greater deviancy and harms of the powerful to remain hidden. It is those who are imprisoned that we are taught to see as the criminals not those who run the banks, sell us unsafe products or are responsible for unsafe workplaces.

Disciplining the poor

'Laws may be considered', wrote Adam Smith (1978:208) in the eighteenth century, 'as a combination of the rich to oppress the poor'. Criminal justice and penal law were not designed in a just society but developed within unequal societies to reflect and reinforce existing power structures. Put bluntly their intention was never justice but as Smith recognised to reflect and protect the interests of the powerful. Prisons continue to recognise this reality both by their treatment of those incarcerated in them and through the threat of their use against a wider population. The disproportionate and vicious judicial reaction to the 2011 protests/riots in England demonstrated prison's utility as a mechanism for protecting an unjust order.

The disposal of outcasts

Those at the margins of society – the mentally ill, the homeless, people with learning difficulties – are massively overrepresented in prison populations. Whilst there is little convincing evidence that the socially excluded are responsible for significant harm, they do represent a nuisance which increases as social welfare provision is removed. Criminal justice, with its focus on individual blame,

disproportionally targets these vulnerable individuals and prison is used to remove them from society.

Provide a (false) sense of security

The ending of the social democratic consensus and its replacement with the dominance of neoliberal ideas has seen increased social insecurity. Zero-hour contracts, insecure low paid jobs, the routine sanctioning of benefit claimants and savage cuts across public services have created a society that is characterised by endemic insecurity and anxiety. The politics of austerity lead to both an increase in inequality and a reduction in social security. Rather than respond by addressing its root causes – building social housing, providing secure jobs, expanding social care, imposing a living wage and investing in education, health and welfare – crime, immigration, and the threat of terrorism are presented as the cause of insecurity. Increased policing, surveillance and prisons become the solution. Inevitably they do nothing to relieve the social insecurity generated by neoliberalism which remains to be utilised to justify further punitive responses directed at the most vulnerable victims of austerity whilst continuing to deflect attention from those who are both responsible for the economic crisis and benefit most from the austerity imposed in response.

Deliver the votes

As politics moved from a focus on capitalism tempered by collectivist social welfare to the individualistic and harsher capitalism of neoliberalism politicians sought to exploit crime as the proxy for the consequent insecurity. As the main parties fought for votes – for their slightly different brands of neoliberalism – they promised to be tough on crime, advocated punitiveness and entered into an auction over the length of prison sentences. It worked. More prisons, longer sentences and more punitive conditions proved attractive to voters. Crime, alongside immigration and the threat of the 'other' have provided a politics of scapegoating which have proved attractive to fearful voters whilst distracting attention from the real causes of increased social harm and insecurity.

Generate profits

The expansion of prisons has provided significant commercial opportunities for private companies who both build and run prisons. Further opportunities have presented themselves through the expanding penal industrial complex – CCTV monitoring, electronic tagging, probation services, prisoner escort services and research contracts. For these companies penal expansion in general and the prison in particular has certainly worked.

More concerning has been the development of carceral Keynesianism, the belief that investment in prisons can benefit economically deprived communities by bringing them jobs and investment. However as well as its obvious ethical problems (if you want to create jobs surely paying people to dig holes and fill them in is more useful than paying them to inflict pain) the economic benefits are widely exaggerated as Robert Jones (2013) has argued in respect of the super-prison currently under construction in Wrexham. The same level of investment in health, education or youth services would not only be a more socially useful investment but create more jobs.

Conclusion

State punishment in general and prisons in particular have never really been about justice, nor have they ever really been about rehabilitation. These, along with incapacitation and deterrence, are best understood as justifications intended to legitimise an institution whose true purpose has always been to protect the property of the rich, deflect our attention away from the deviancy and harms of the powerful and to reinforce and deepen structural inequalities. It is because prison works to maintain an unjust society that it should be abolished.

Bibliography

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