



Re-Imagining Imprisonment in Europe





JCFJ jesuit centre for faith & justice

About the Jesuit Centre for Faith and Justice



The Jesuit Centre for Faith and Justice was established in 1978 to promote social justice by fostering an understanding of public issues through social analysis, theological reflection and advocacy. A registered charity and an agency of the Irish Jesuit Province, it aims to influence government policy and practice and to raise awareness of difficult social issues. At the heart of the Centre's work is the belief that every human being deserves dignity and respect.

The Jesuit Centre for Faith and Justice conducts independent analysis and research in such areas as penal policy, housing and homelessness, health policy, environmental justice and economic development. Its journal, *Working Notes*, published three times a year, contains analysis of social and economic issues and their impact on society. Other publications include *The Irish Housing System: Vision, Values, Reality* (2010) and *The Irish Prison System: Vision, Values, Reality* (2012). In September 2012 the Centre hosted the international conference 'Re-imagining Imprisonment in Europe: Common Challenges, Diverse Policies and Practice'.

For further information on the Centre and its work please go to www.jcfj.ie.



**RE-IMAGINING
IMPRISONMENT IN EUROPE**

Effects, Failures and the Future



Edited by
Eoin Carroll and Kevin Warner

The Liffey Press



Published by
The Liffey Press Ltd
Raheny Shopping Centre, Second Floor
Raheny, Dublin 5, Ireland
www.theliffeypress.com

© 2014 Jesuit Centre for Faith and Justice

A catalogue record of this book is
available from the British Library.

ISBN 978-1-908308-56-6

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without written permission of the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature. Requests for permission should be directed to The Liffey Press, Raheny Shopping Centre, Second Floor, Raheny, Dublin 5, Ireland.

Printed in Spain by GraphyCems.

Contents

<i>Acknowledgements</i>	<i>vii</i>
<i>About the Contributors</i>	<i>viii</i>
<i>Foreword</i>	<i>xv</i>
<i>Introduction</i>	<i>xxv</i>
1. The Future of Imprisonment in a Modern Democratic Society	1
<i>Andrew Coyle</i>	
2. Re-Imagining Imprisonment: Punishment Enough	14
<i>Juliet Lyon</i>	
3. Why Do We Send People to Prison? A View from Ireland	34
<i>Peter McVerry</i>	
4. How to Reduce Prison Numbers: The Experience of Finnish Penal Policy	47
<i>Tapio Lappi-Seppälä</i>	
5. The Societal Impact and Role of Imprisonment: An Example from Slovenia	71
<i>Dragan Petrovec and Mojca M. Plesničar</i>	
6. Can the Criminal Justice System Promote Desistance from Crime? Learning from Labelling	90
<i>Shadd Maruna</i>	

7. **Women and Prison: Is There a Need for a Different Approach?** 109
Jean Corston
8. **The Social and Economic Costs of Female Imprisonment: The Prisoners' Point of View** 123
Rafaela Granja, Manuela P. da Cunha and Helena Machado
9. **Retribution or Restorative Justice: A False Dichotomy** 144
Patrick Riordan
10. **Managing the Reintegration of Prisoners in Belgium from a Prisoners' and a Probation Officers' Perspective** 160
Rudy Machiels and Aline Bauwens
11. **Desistance, Restorative Practices and the Role of the Prison Officer** 179
Tim Chapman and Hugh Campbell
12. **Prisoner/Patient: Prisons as Mental Health Institutions** 195
Bronwyn Naylor
13. **The Electronic Monitoring of Offenders in the European Penal Imaginary** 217
Mike Nellis
14. **Prison Education across Europe: Policy, Practice, Politics** 238
Anne Costelloe and Kevin Warner
15. **Speaking the Truth to Power: *Parrhesia*, Critical Inquiry and Education in Prisons** 254
Aislinn O'Donnell and Jonathan Cummins



Acknowledgements

The publication of this book has been made possible by funding and support from the Jesuit Scribani Network and the Jesuit Centre for Faith and Justice. The chapters of this publication stem from the conference 'Re-imagining Imprisonment in Europe: Common Challenges Diverse Policies and Practice', hosted by the Jesuit Centre for Faith and Justice in Trinity College Dublin, September 5–7, 2012.



The Jesuit Centre for Faith and Justice is grateful to Dr Kevin Warner and Eoin Carroll for editing this book.



The views expressed in this book are those of the authors and do not necessarily reflect the views of either the Scribani Network or the Jesuit Centre for Faith and Justice.

The editors wish to acknowledge the dedicated efforts and cooperation of the many authors who have contributed to the book.

The editors would also like to thank David Givens, Publisher of The Liffey Press, for his practical and calm approach to producing this book, and Barbara Segaert, co-ordinator of the Scribani Network.

Finally, the editors are very grateful to Lena Jacobs for her patient and good humoured assistance with all things bibliographical.



About the Contributors

Aline Bauwens, PhD, is a lecturer in the Department of Criminology at Vrije Universiteit Brussel. Her particular areas of interest are reintegration, reintegration models, offender supervision and comparative penology. She is currently undertaking an analysis of one-to-one offender supervision meetings in the probation service of Belgium.



Hugh Campbell is a senior lecturer in restorative practices at the University of Ulster. He has been heavily involved in developing the University's undergraduate and postgraduate programmes in restorative practices. This has included work with key statutory and voluntary agencies in Northern Ireland. Currently he is working with the Northern Ireland Prison Service to establish a university award in Custody Prison Officer Practice. Along with colleagues, he is also working on two European research projects, one into multi-cultural conflicts and the other into the role of the judiciary in developing restorative justice.



Eoin Carroll, MSc (LSE), is co-ordinator of social policy and communications in the Jesuit Centre for Faith and Justice. He was Conference Director of 'Re-imagining Imprisonment in Europe: Common Challenges, Diverse Policies and Practice', the papers of which form this book. He has a broad area of interest including: prisons, housing need and understanding the process behind governments' development of policy. In 2013 he led an in-house research team's



About the Contributors

investigation: *Making Progress?: Examining the first year of the Irish Prison Service's Three Year Strategic Plan 2012 –2015.*

Tim Chapman, LLB, CQSW, MSc, lecturers in restorative practices at the University of Ulster. He teaches on the Masters of Restorative Practices and conducts research in this subject. Chapman is author of “‘That’s how the light gets in’: Facilitating restorative conferences’ and co-author (with Zinsstag, E.) of ‘Conferencing: European perspective’ (2012) in Zinsstag, E. and Vanfraechem, I. (eds.) *Conferencing and Restorative Justice* (Oxford: Oxford University Press).

Jean Corston, Rt Hon. Baroness, is a member of the British House of Lords. From 1992 to 2005 she was a Member of Parliament for Bristol East when she was appointed chair of the Parliamentary Labour Party. She is a leading advocacy for the needs of women in prison and author of *The Corston Report: A Review of Women with Particular Vulnerabilities in the Criminal Justice System* (2007).

Anne Costelloe, PhD, has worked as an educator in Mountjoy Prison for over 20 years. She is the Editor of the Practitioner Section of the *Journal of Prison Education and Re-entry*, and a former Chairperson of the European Prison Education Association. Costelloe has published widely on prisoner education and contributed to the European Commission reports *Prison education and training in Europe – a review and commentary of existing literature, analysis and evaluation* (2011) and *Survey on prison education and training in Europe – Final Report* (2012).

Andrew Coyle, CMG, PhD, is Emeritus Professor of Prison Studies at the University of London and Visiting Professor in the Human Rights Centre, University of Essex. He was founding Director of the International Centre for Prison Studies and is a Fellow of King’s College London. Coyle worked for 25 years at senior level in

the United Kingdom prison services. He is a prisons adviser to the United Nations and the Council of Europe. Coyle was a principal drafter of the *European Prison Rules* (2006) and also drafted the *Council of Europe Code of Ethics for Prison Staff* (2012).

Jonathan Cummins, BA, MFA, is a filmmaker, and lecturer in the Belfast School of Art and Design, University of Ulster. He worked with the National College of Art and Design Prison Art Programme for many years. His particular interest is in who gets to speak in society, who is heard, who listens and where such conversations might take place. His films have explored themes such as the impact of prison on prisoners, their families and society.

Manuela P. da Cunha, PhD, is a senior researcher in the CRIA, Portugal, which is a centre for research in anthropology. Her areas of study are prisons and imprisonment, penal and social management of vulnerability, drug markets, and intersections of gender, crime and ethnicity. She has a forthcoming publication, 'The ethnography of prisons and penal confinement', *Annual Review of Anthropology*, Vol. 43.

Rafaela Granja is studying for a PhD and is a researcher in the Institute of Social Science in the University of Minho, Portugal. Her areas of interest include the study of prison, sociology of family and gender and parenting studies. She has a forthcoming article (co-written with Cunha, M. I. and Machado, H.), 'Mothering from prison and ideologies of intensive parenting: Enacting vulnerable resistance', *Journal of Family Issues*.

Tapio Lappi-Seppälä, PhD, is Director of the Finnish National Research Institute of Legal Policy. He has contributed to the development of criminal justice policy with the Scandinavian Research Council for Criminology, the Council of Europe and the International Penal and Penitentiary Foundation. His research interests are in criminology, comparative penal policy, sentencing and the



About the Contributors

system of sanctions. He contributed the chapter 'Imprisonment and Penal demands: Exploring the dimensions and drivers of systemic and attitudinal punitivity' in: Body-Gendrot, S., Hough, M., Kerezsi, K., Lévy, R. and Snacken, S. (eds.) *The Routledge Handbook of European Criminology* (2013).

Juliet Lyon, CBE, MA, is Director of Prison Reform Trust (PRT). PRT is an independent United Kingdom charity working to create a just, humane and effective penal system. PRT does this by inquiring into the workings of the political and criminal justice system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. Among the various PRT publications are the 'Bromley Briefings Prison Fact-files' which provide detailed facts and figures on imprisonment in the United Kingdom.



Helena Machado, PhD, is FCT Investigator in the Centre for Social Studies, University of Coimbra and Associate Professor, Institute for Social Science, University of Minho, Portugal. Her area of interest is exploring the intersections between science, technology and the justice system with a focus on the societal, regulatory and ethical impacts in using DNA in criminal investigations as well as the use of forensic genetics in governance, social control and risk management. A recent publication which she co-wrote (with Prainsack, B.) is *Tracing Technologies: Prisoners' Views in the Era of CSI* (2012) (Surrey: Ashgate).

Rudy Machiels, PhD, is a researcher in the Department of Criminology at Vrije Universiteit Brussel. His areas of interest include ex-prisoners, prisoners, re-integration, narrative identity work, positioning and figured worlds. He is currently working on: '*Silence, We Are Filming!': Competing Discourses in a Prison Art Figured World*.

Shadd Maruna, PhD, is a professor and the Director of the Institute of Criminology and Criminal Justice, School of Law, Queen's University Belfast. Currently his primary area of research is on desistance from crime and offender rehabilitation policy. He has received a number of awards including the inaugural Howard League Research Medal in 2011. A recent book by him (co-edited with Hayward, K. and Mooney, J.) is *Fifty Key Thinkers in Criminology* (New York: Routledge).

Peter McVerry, SJ, is a Jesuit priest, a team member of the Jesuit Centre for Faith and Justice and a Director of the Peter McVerry Trust. He was given the Freedom of the City of Dublin in 2014 for his work in challenging injustice in society. In 1979 he opened a hostel for young people who were homeless, and has since opened twelve more hostels, three drug treatment centres and ninety apartments. He is a prolific writer and vocal campaigner on social issues in the national media, at public presentations as well as in books and articles.

Bronwyn Naylor, LL.M, PhD, is an associate professor in the Faculty of Law, Monash University, Melbourne, Australia. Her primary areas of research and teaching are criminal law and criminal justice. Previously she was on the Law Reform Commission of Victoria and practiced as a solicitor. She has a forthcoming publication (co-edited with Debeljak, J. and MacKay, A.), *Law in Context: Special Issue - Implementing Human Rights in Closed Environments* (2014).

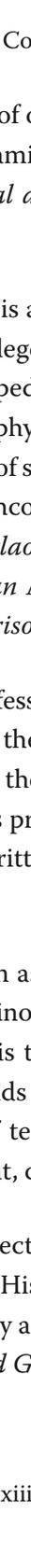
Mike Nellis, PhD (Cantab), is Emeritus Professor of Criminal and Community Justice in the School of Law, University of Strathclyde. He was formerly a social worker with young offenders in London and Kent and also involved in training probation officers at the University of Birmingham. He is a Quaker, with long-standing interests in penal reform and surveillance. He has written widely on the probation service, alternatives to imprisonment and particu-



About the Contributors

larly the electronic monitoring of offenders. His most recent book (co-edited by Beyens, K. and Kaminski, D.) is *Electronically Monitored Punishment: International and Critical Perspectives* (2012) (London: Routledge).

Aislinn O'Donnell, MA, PhD, is a lecturer in Philosophy of Education at Mary Immaculate College (University of Limerick). Over the last ten years she has developed a series of pedagogical projects which draw upon both philosophy and contemporary art practices. These take place in a variety of settings from the primary school to the prison. She has two forthcoming publications, *A Review of NCAD's Art Programme in Portlaoise Prison*, and (co-written with Tyson, S. and Hall, J.) *Cartesian Meditations? Voice, body, mind and the prison. Philosophy Imprisoned* (Lexington Books).



Dragan Petrovec, LL.D., is Professor and Research Counsellor at the Institute of Criminology at the Faculty of Law Ljubljana, Slovenia. He previously worked in the Ministry of Justice as Warden of the only women's prison. His primary areas of study are penology and criminology. He has written extensively on the Slovenian prison system.

Mojca M. Plesničar, LL.D., is an assistant professor and Research Fellow at the Institute of Criminology at the Faculty of Law Ljubljana, Slovenia. The Institute is the oldest institution in Europe dedicated to research in the fields of criminology, criminal justice and criminal law. Her areas of teaching and research are in the fields of sentencing, punishment, criminology and criminal law.

Patrick Riordan, SJ, PhD, is a lecturer in Philosophy at Heythrop College, University of London. His primary areas of research and teaching are political philosophy and social ethics. He has a forthcoming book, *Global Ethics and Global Common Goods* (Bloomsbury).



Re-Imagining Imprisonment in Europe

Kevin Warner, PhD, was Co-ordinator of Education in the Irish prison system for nearly 30 years until 2009. He chaired the Select Committee that formulated the Council of Europe recommendations on education in prison (1990). He was a Fulbright Scholar at California State University San Bernardino in 1995, and in 2009 received a PhD for research into penal policy in Nordic countries. He is now an adjunct lecturer in the School of Applied Social Science at University College Dublin and a board member of the Irish Penal Reform Trust.