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Haunted by the Presence of Death: Prisons, Abolitionism and the Right to Life

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Contesting the spirt of death

Prisons are haunted by the 'spirit of death'. Irrespective of the physical and material conditions of confinement or levels of security shaping the daily regime, the prison is an institution which deprives human needs and estranges people from their lifeworld (Scott, 2016). There is a constant presence of death in prison: *civil death* – death in law; *social death* – death of social relationships; and *corporeal death* – the literal death of the body. All three intertwine to comprise the 'spirit of death' for those who die in prison are often seen as of little social significance; when they do get in the public spotlight they are often blamed for their own suffering and death through constructions of 'negative reputations' about their lack of virtue (Scraton and Chadwick, 1987).

Prisons are always likely to facilitate an *intensified death consciousness* (JanMohamed, 2005). The most crucial elements of a meaningful existence are strong human relationships, active social participation and deep social bonds (Kropotkin, 1895; Seale, 1998). The daily routines of prison life, however, contain practices that extinguish previous relationships whilst also presenting serious obstacles to the formation of new meaningful interactions. The normal protective factors that facilitate the denial of death are stripped away (Cohen, 2001). Imprisonment takes away human intimacy, privacy, mobility and former social status, among other things. These losses present an assault on the very fabric of the self, leading to the unravelling of (possibly) previously secure identities. Propelled down a monotonous road to nowhere and unable to conceive of any new meanings, some prisoners become trapped within thoughts of old mistakes, and their possibilities for a better future appear increasingly distant. Such a loss of hope for the future can prove deadly (Scott and Codd, 2010).

Corporeal deaths bring to the forefront concerns regarding the ultimate human rights, the *right to life*, yet the potentially deadly harms of imprisonment are often placed at the margins of political debate or conveniently forgotten or ignored. This chapter explores the ways in which penal abolitionists in England and Wales have contested the 'spirit of death' through the strategies of 'speaking and naming' and 'making something happen'. Each strategy is an attempt to turn a 'private trouble' into a 'public issue' (Mills, 1959) and ultimately to generate public condemnation of the brutality and

inhumanity of prisons. By shaming the penal apparatus and 'telling truth to power', abolitionists hope to create a conscience regarding the current use of imprisonment. This chapter concludes by arguing that as prisons are places inevitably characterised by the *spirit of death*, all those committed to human rights and social justice should work for prison abolition

Death and the Violation of Rights

For penal abolitionists, the prison is a violation of fundamental human rights. The United Nations Declaration of Human Rights [UNDHR] (1948) categorically states "No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment". From a penal abolitionist perspective, both the penal rationale and imprisonment violates these rights. Human rights are significant because they enshrine precisely those human and societal characteristics, values and practices that make society worth protecting. Human rights are envisaged as a means of attempting to limit what a state may do, so it should come as no surprise that the language of rights is deployed against the power to punish through the suspension of the right to liberty. The European Convention on Human Rights [ECHR] (1953) (Article 2) and the International Covenant on Civil and Political Rights [ICCPR] (Article 6) valorise the "Right to Life". Imprisonment denies the value of human life, and leads to direct violations of the right to life. That prisons take life – and are part of a broader apparatus of the state and its power to create death - is therefore a fundamental tenet of the abolitionist position. For abolitionists three different forms of death intersect in the violation of the 'right to life' and formulation of a 'spirit of death'. First, there is civil death, when a human being is denied their basic legal rights. Second, there is social death, when a person is no longer valued as a fellow human being. Third there is corporal death, the literal death of the body, when a human life comes to an end. Let us now consider each of these 'spirit of death' aspects in turn to illustrate how imprisonment is a violation of fundamental human rights.

Civil death

Civil death (civiliter mortuus) means *death in law*. It means the loss of citizenship and most legal rights due to the sentence of imprisonment. Whilst it is possibly more accurate to say prisoner legal rights are on a *life-support machine* rather than

completely 'dead in law', the courts have done little to protect prisoners from the worst harms generated by prisons. However, courts have offered life support to prisoners in relation to direct infringements of the *right to life*. For example, the European Court of Human Rights [ECtHR] has held that the Prison Service in England and Wales has a positive obligation to protect prisoners' lives from accidents, prisoner or prison officer violence or neglect. In *Keenan v United Kingdom* (2001)[1] the ECtHR held that obligations under Article 2 extended to a duty to prevent suicides when authorities were aware of a "real and immediate risk" to life. This positive obligation to protect corporeal life was further elaborated in *Edwards v United Kingdom* (2002)[2], after the parents of Christopher Edwards, who was murdered by another prisoner in HMP Chelmsford, petitioned the ECtHR. Both Christopher and his attacker suffered from mental health problems and the ECtHR held that, given the failure of the Prison Service to appreciate the vulnerability of Mr Edwards and the potential dangerousness of the murderer, they had breached Article 2 of the European Convention on Human Rights [ECHR]: the right to life.

Prisoner claims have been marginally successful in recent decades[3] with regards to claims focussed on procedural rights, such as legal advice and access, release terms, discipline, or due process and transparency in the decision making process of penal administrators. But rather than transform the penal landscape and end civil death entirely, most legal victories of prisoners since the 1970s have resulted in the greater judicialisation of penal power. Right of access to the courts has not proved significant in terms of substantive issues such as improving living conditions, health care, education, or working environment and opportunities.   When we ask the question 'What *absolute rights* are invested in prisoners?' the answer remains fairly brief. Prisoners in England and Wales have the *absolute right:* to commence legal proceedings at an impartial and independent tribunal; to be allowed uninhibited access to legal advice whether through legal visits or correspondence, and to be guaranteed confidentiality in medical correspondence (Scott, 2013a).

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[1] Keenan v United Kingdom (2001) 33 EHRR 38
[2] Edwards v United Kingdom (2002) 35 EHRR 19
[3] The key case which opened the way to legally challenge the 'civil death' of prisoners in the courts was Golder v United Kingdom (1975) 1 EHRR 542

The legacy of civil death impacts on the protection of procedural rights. Perhaps the most obvious example, here, is the response of the UK government to the European Court of Human Rights [ECtHR] judgment in *Hirst v United Kingdom* (2004)[4] that stated that the denial of the vote to prisoners is a breach of the ECHR. On four different occasions the ECtHR has ruled against the blanket ban on prisoners voting, the most recent being in February 2015. Rather than bring about an alteration in voting rights, the ECtHR ruling has primarily led to political resentment in Britain, with political resistance well illustrated in February 2011 when a cross-party motion to maintain the blanket ban preventing prisoner voting was overwhelmingly supported in the House of Commons. A compromise position was eventually agreed in December 2017, when the Council of Europe accepted the UK government position that prisoners released on temporary licence, primarily for employment reasons (which would be around 100 of the 86,000 prisoner population at any one time), would now be allowed to vote. All other prisoners, however, are to be individually informed of their *forfeiture of their right to vote* as part of their notification of committal to prison.   The most significant changes, then, arising from 13 years of debate following the 2004 *Hirst* ruling regard clarification of previous policy and new provision for more information to be given to prisoners about their disenfranchisement.

Where prisoners' claims in the courts fail – still by far the most common outcome - the judiciary often justify their decisions by submitting to the existing authority of the Prison Service and Ministry of Justice. The judiciary has no wish to *be seen* to make penal policy. Sympathetic courts consider that prison authorities hold the public interest, and require the discretion to restrict rights on the grounds of prison security, order, the needs of victims, the prevention of crime or even administrative convenience (Scott, 2013a). A key principle of civil death - that scrutiny of current restrictions on prisoners are beyond the remit of the courts and rule of law – is regularly upheld.

Social death
The 'spirit of death' in prison is not just restricted to 'civil death' but also incorporates restrictions on *social relationships* (Patterson, 1982). Social death arises when certain people are not accepted as being fully human by wider society and are subsequently

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[4] Hirst v United Kingdom [no 2] (2004) EHRR (and 06/10/2005)

denied *human* rights (Esposito and Wood, 1982). At its extreme social death refers to the non-recognition of the prisoner as a fellow human (Patterson, 1982; Price, 2015). For sociologists like Bauman, (1989) social death is predicated upon Othering, such that the socially dead person is dehumanised and outcast (Sellin, 1976). Social death is a 'symbolic death', where the former self is consciously extinguished as a worthy moral subject. The prisoner becomes a less eligible subject whose views, opinions and voice can be refused or ignored. As a relational concept, there are three interconnected aspects of 'social death': the *estrangement* generated through the application of legal punishment; the *denial of human dignity through un-naming*; and the *institutionally-structured violence* of the prison. Let us consider these a little further.

First, *estrangement*. The beginning of social death comes from the initial removal from society and previous social relationships. Prisons create a space of social isolation where prisoners, uprooted from their social milieu and no longer belonging to their former community, are turned into *strangers*. Patterson (1982:7) called this 'natal alienation', referring to the loss of ties and relationships with "both ascending and descending generations". Natal alienation can, however, be expanded to also incorporate the loss of other important social relationships. The prisoner inevitably experiences abandonment as they are no longer part of their previous world and they often have no voice, or no one will listen to them. De-socialised and depersonalised, the enforced stranger is estranged and Othered. Perceived as an 'enemy within' who is hostile to the norms and values of law-abiding culture, the prisoner is considered a threat to the moral community (Cacho, 2012).

Considered as "*ineligible for personhood*" (Cacho, 2012: 6, emphasis in original) and undeserving of help, the estranged Other can be pathologised and subjected to permanent suspicion: they are deemed to be "ethically irreproachable" (Cacho, 2012:4) and not to be trusted, welcomed or recognised as a rights bearing individual.

> Engendered by corporate capital and the neoliberal state, ineligibility to personhood refers to the state of being legally recognised as rightless, located in spaces of social death where demands for humanity are ultimately disempowering because they can be interpreted only as asking to be given something sacred in return for nothing at all. (Cacho, 2012: 7)

Once the stigma of punishment has been applied it is very difficult to remove. Whatever the length of incarceration (and whether the prisoners is sentenced or on remand), imprisonment has long term effects.

Second, *the denial of dignity through un-naming*. Prisons debase human dignity and foster an environment where prisoners are treated without honour or respect. Dehumanisation means: to treat a person as a 'thing'; to place them beyond identification, empathy and compassion; and, to deny their moral autonomy, common humanity or even their suffering (Scott, 2008). Dividing practices that categorise people as either deserving or underserving, worthy or unworthy, eligible or less eligible for care and support are, for example, often deeply engrained in prison officer occupational cultures (Scott, 2008).

One aspect of social death is the manner in which the names and identities of the prisoners are removed. How prison officers and prisoners address each other illustrates the way social relationships are structured and hierarchies of power reproduced in the prison. Previous research (Scott, 2011) found that the legitimate terms for prisoners when referring to staff were "Boss", "Officer", "Mr", "Mrs" and "Sir". 'Disciplinarian' prison officers legitimately referred to prisoners by: nick names (Smithy, Jonesy); second names (Smith, Jones); first names; prisoner number; and, abusive terms ("dicks", "dickheads", "cunts", "bollocks", "wanker"). These forms of address become a means of institutionalising lesser eligibility and informally maintaining a psychic divide.

These negative constructions are further evident when examining the language used to describe self-harm and self-inflicted deaths in prison (Scott and Codd, 2010). Official discourse has often privileged explanations where the person who died is understood as being personally culpable for their own death (Topp, 1979; HMCIP, 1999). Their individual character is identified as pathological: they were 'weak' or 'high risk inadequates' who would have committed 'suicide' whether they were in prison or not. Their death is directly linked to vulnerabilities and risk factors that existed prior to imprisonment (such as unemployment, substance misuse, mental health problems, child abuse, and social isolation) or through the nature of their offence (such that they

are spouse killers), or their sentence length (Wool and Pont, 2006). In other words, the Prison Service "believes that the continuing high levels of apparent self-inflicted deaths are a product of the high proportion of prisoners with key risk factors" (HM Government, 2005: 10).

This understanding is founded through the institutionalisation of negative reputations and dividing practices that categorise prisoners as deserving or non-deserving of care and attention (Scraton and Chadwick, 1987; Malloch, 2000; Cohen, 2001). Negative categorisations justify hostility, neglect and moral indifference, and lead to blaming prisoners for their own dreadful predicament (Coles and Ward, 1994). Those who harm themselves or attempt to take their own lives are labelled as "pathetic" manipulators whose harming act is part of a "general display of attention-seeking behaviour" (Topp, 1979: 26). For Liebling (1992: 233) both the staff and prisoner argot is a 'language of contempt', referring to self-harmers as 'slashers' and 'cutters'. When they die it is interpreted as a manipulative gesture gone wrong.

The third aspect of social death is *institutionally-structured violence*. Rather than a perverse or pathological aberration, this violence is an inevitable and thoroughly legal feature of prison life. Institutionally-structured violence is constructed through the operation of the daily rules, norms and procedures and it impacts upon how interactions are formed and performed. It is the determining context of the *social relationships* that pertain in prison. It occurs when: autonomy and choices are severely curtailed; human wellbeing, potential and development are undermined; feelings of safety and sense of security are weak; and human needs are systematically denied through the restrictive and inequitable distribution of resources.

Restrictions on prisoner contact and relationships within the prison are structurally organised and whilst physical violence is relational and dependent upon a number of contingencies, *institutionally-structured violence* is embedded within and socially produced by the situational contexts of daily prison regimes (Sykes, 1958). Prison architecture determines the location of events and the distribution of bodies and, in so doing, also highly regulates relationships, and subsequently physical violence. The general lack of privacy and intimacy, insufficient living space and personal possessions, the indignity of eating and sleeping in what is in effect a lavatory, living

and breathing in the unpleasant smells of body odour, urine and excrement, and the humiliation of defecating in the presence of others are all institutionally-structured situational contexts.

In one way or another, the sense of loss and wasting affects all prisoners (Medlicott, 2001). Existence is only the here and now. The heavy weight of the mundane realities of prison life appear endless, distorting the real flow of time. As such, time consciousness results in an incredibly painful awareness of the passing of wasted time that can never be recaptured or spent differently. This can lead to prisoners trying to make escape attempts through the consumption of drugs and other illicit substances, or worse, being consumed by death consciousness (JanMohamed, 2005).

Corporeal death
In 2016, 354 people died in prisons in England and Wales. On average, nearly one person dies every day. Of these, 120 people took their own lives, which is more than one self-inflicted death every three days. In the last six years alone, over 500 prisoners have killed themselves. Nearly half of the current prison population, around 40,000 people, have thoughts about suicide (suicidal ideation). It is estimated that 46% female prisoners and 21% male prisoners have attempted suicide at some point compared to 6% of the population overall. Over half of female prisoners (55%) and 40% male prisoners have experienced suicidal ideation during their lifetime, compared to 4% women and 14% men in the wider community (Scott and Codd, 2010; Prison Reform Trust, 2016). Ministry of Justice data shows that 48,108 *Assessment, Care in Custody and Teamwork* (ACCT)[5] documents were opened in 2016[6] and, in that year, incidents of self-harm reached a record high of 40,161, with 2,740 prisoners requiring hospital treatment (Travis, 2017). In 2017 these figures deteriorated still further. There were 49,287 ACCT documents opened in 2017[7] and government data shows 42,837 recorded incidents of self-harm in prisons in England and Wales from September

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[5] *Assessment, Care in Custody and Teamwork* (ACCT) (ACCT) is an individualised care plan for prisoners at risk of suicide or self-harm. The ACCT is designed to provide flexible care and support for at-risk prisoners. At any one time between 1,500 - 2,000 prisoners in England and Wales are subject to ACCT care plans.

[6] See FOIA Request, 2nd February, 2017.
[7] See FOI Request, 16th January 2018.

2016-September 2017 (MoJ, 2018:1), which is equivalent to a prisoner being recorded as self-harming every 12 minutes. Further, there were 3007 prisoners hospitalised for serious incidents of self-harm from September 2016 - September 2017, which is 8 hospitalisations for self-harm a day, or one every three hours (MoJ, 2018).

Prisons have historically proved extremely adept at extinguishing human relationships. By its very nature the prison orients people towards loss, trauma and endings, and away from the fulfilment of human needs and hope for the future. Corporeal death is therefore closely intertwined with *civil death* and *social death*. As JanMohamed (2005: 23) puts it, "death is first felt and then acted out by the body". The prisoner's body becomes "totally saturated with death" (ibid). Through monotonous deprivations the prisoner is forced to exist in a perilous state of an increasing consciousness of death that can lead them to acting out thoughts of death (Holland, 2000; JanMohamed, 2005). Further, pre-existing civil and social death makes the corporeal death of prisoners appear much less socially and politically significant because they have ceased to count (symbolically) long before they took their own life. *The presence of the 'spirit of death' is then perhaps the very essence of penal confinement.*

Contesting the spirit of death

Given the record high number of self-inflicted deaths in English and Welsh prisons, activists and organisations are increasingly contesting prisons on the grounds of *the spirit of death*. Although there exists a diversity of abolitionist social movements[8] one uniting theme is the recognition that corporeal death should be understood within the context of both civil and social death.

Abolitionists and reformers have deployed two different strategies in recent times. The first - *speaking and naming* – is reactive and emphasises the importance of following

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[8]Abolitionist social movements in the United Kingdom have a long history. INQUEST has had a presence in abolitionist debates since 1981. Other abolitionist groups include those inspired by Anarchism, such as *Empty Cages Collective* and *Incarcerated Workers Organising Committee*; broad based socialist inspired groups like *Manchester No Prison* and *Pies Not Prisons*; and more practitioner and policy orientated groups like *Reclaim Justice Network* and *Reclaim Holloway*. Further abolitionist interventions, include those inspired by feminism, such as those by *Sisters Uncut,* have engaged in activism around deaths in prison alongside their other campaign work. Following a number of transgender deaths in prison, *Action for Trans Health* have also engaged in abolitionist activism.

political channels as a way of trying to contest the spirit of death.   The second - *making something happen -* is a creative strategy that focuses on direct action protests to challenge the invisibility of prisoner deaths and to get people to acknowledge and talk about the problem.

Speaking and naming
One of the key characteristics of both civil and social death is that the prisoner no longer counts, both in law and in politics. The immediate humanitarian and ethical responsibility that falls upon us is the necessity to challenge this invisibility of the 'estranged Other' (the prisoner). This means *speaking out* and *speaking with* families and decision makers alike and *naming* the prison for what it is: a place of violence, suffering and death.

Speaking is by necessity relational. When we speak we not only take a position but also begin a relationship through dialogue, for all who participate in a discussion "share an interactive space of reciprocal exposure" (Cavarero, 2005:190).   Speaking with prisoners establishes a new social relationship and transcends social death.   When individuals speak they thus engage in a political process, which not only starts a conversation but which may ultimately lead to a new way of conceiving the world being fostered. Speaking generates a new democratic public space (Cavarero, 2005), what Bauman (1999) refers to as an "agora" (a Greek term meaning a place for a political assembly). But to create an 'agora' it is essential we *speak alongside* and *with* others. Each human voice is unique, but voice also arises out of a given social and material context and often, though not necessarily always, the strongest voices will be those that are part of a chorus. Speaking not only provides solidarity with sufferers but also allows new social alliances, bonds and meanings to be built. But alongside the act of saying it is also important what is said*.* When speaking the spirit of death must be *named* if it is to be revealed and overcome.

The importance of *speaking* and *naming* is well illustrated in the high profile case of Sarah Reed. Sarah died in HMP Holloway, north London, on 11th January 2016. She was found dead with a ligature round her neck. She had been on remand for psychiatric observation following an alleged offence at a mental hospital where she had been sectioned.   Sarah, aged 32, had been the high profile victim of physical

violence by PC James Kiddie only a couple of years earlier. PC Kiddie had thrown Sarah to the floor by her hair and savagely punched her in the face after being detained on suspicion of shop lifting. The assault by PC Kiddie was caught on CCTV coverage and attracted national media attention (Taylor, 2017). Sarah was a black woman who had experienced mental health problems since the death of her baby daughter in 2003 (Jasper, 2017). Shortly before she took her own life Sarah had asked her mother, Marilyn Reed, to: "Please help me to get out of here; I shouldn't be in here; I'm not being treated … I need my medication." The inquest jury concluded that Sarah had taken her own life "when the balance of her mind was disturbed" (INQUEST, 2017). Rather than blaming Sarah for her own death the inquest noted the prison had failed to give her appropriate care, monitoring and medication for her health problems and "were not convinced that she intended to take her life" (INQUEST, 2017). Rather than an individual suffering from serious mental health problems, Sarah had been treated as a disorderly prisoner who needed to be disciplined and controlled. She spent her "last days either chanting, screaming, banging and spitting, or in a trance like state" (INQUEST, 2017; see also Taylor, 2017). Isolated, she had been denied showers whilst there was no attempt to clean her cell. Her cell was placed behind a screen and she was denied visits, telephone calls and had virtually no positive interactions with staff. Although Sarah was checked hourly under the ACCT, her psychotic illness remained untreated. The prison service had failed in their duty of care. Because Sarah was a victim of police brutality, the campaign around her tragic death captured the national headlines.

In this case, the abolitionist inspired organisation INQUEST followed the pattern of speaking out, speaking with and naming the prison for what it is: an institution haunted by the spirit of death (INQUEST, 2017). Through their campaign work – that includes direct support to the bereaved, press releases, media interviews, political lobbying, meetings with the Justice Secretary, and submissions to the *House of Parliament Joint Committee on Human Rights* - INQUEST, continually highlight the inappropriateness of prisons as places of safety. They campaign for greater investment in mental health services, a national diversion scheme, and changes in how police respond to people with mental health problems. They have highlighted how Sarah's case is one among many. In 2016, 22 women died in prisons in England and Wales, with ten having self-inflicted deaths (SIDs). The rate of SIDs in female prisons stood at 2.6 per 1,000

prisoners compared to a rate of 1.3 per 1,000 prisoners for all prisoners. Deborah Coles, Director of INQUEST, has powerfully stated:

> The legacy of Sarah's death and the inhumane and degrading treatment she was subjected to must result in an end to the use of prison for women. The state's responsibility for these deaths goes beyond the prison walls and extends to the failure to implement the Corston review[9], tackle sentencing policy and invest in alternatives to custody and specialist mental health services for women. (INQUEST, 2017)

For INQUEST there is a clear need to turn this private trouble into a public issue (Mills, 1959). INQUEST and those representing the family of Sarah Reed have also made explicit calls for state accountability and the implementation of recommendations (Jasper, 2017). *Speaking out* about deaths in prison then directly involves *speaking with* government and telling 'truth to power'. It also involves reversing the *un-naming* of social death.

An important grassroots campaign, led by Sarah's mother Marilyn Reed, has also raised questions regarding the differential treatment of Black Asian and Minority Ethnic women and the stigma attached to mental health problems. The *Sarah Reed Campaign for Justice* led a candlelit vigil outside Holloway prison on the day Sarah Reed was buried, and have engaged media interviews, speeches, and peaceful protests outside HMP Holloway before it closed in July 2016. Most significantly of all it involved the "Say her name" campaign that symbolically called for the name of Sarah Reed to be heard and recognised as a member of the human family (Sarah Reed Campaign for Justice, 2016; Lamour, 2016). At the start of the inquest into her death the coroner read out the following statement from Marilyn Reed: "Sarah was adored and loved by the whole of her family. She was very much treasured. Her death has been devastating for us" (cited in Taylor, 2017). The circumstances surrounding her death were subject to extensive media coverage and the July 2017 inquest became a rallying point for demands for an independent inquiry into deaths in custody (Khan, 2017). Four months after Sarah Reed died in Holloway prison, women from pressure group *Sisters Uncut* held a protest at the prison to commemorate the 77 women who

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[9] In 2007, the Corston review explored the criminal justice processing and imprisonment of women with vulnerabilities. See Malloch, this volume.

had died in British jails over the past decade. They accused the prison system of being "institutionally sexist". In June 2017 the same group occupied and 'reclaimed' the empty prison. Speaking and naming – keeping the story in public consciousness as a warning about the harms and violence of imprisonment – is an *act of collective remembering* and the first step towards acknowledgement. It can also help generate a bad conscious about the very use of imprisonment – that is, that knowledge of the deadly harms generated by imprisonment should make us all feel uncomfortable about sending people to prison in the first instance.

Making something happen
The high profile self-inflicted deaths of two transgender prisoners in male prisons[10] - Vikki Thompson[11], a 21 year old from West Yorkshire who had taken her own life in HMP Armley, Leeds in November 2015 and Joanne Latham, a 38 year old who died just a few weeks later in HMP Woodhill, Milton Keynes in November 2015 - also resulted in direct actions against imprisonment On the 27th August 2016, three anarchist abolitionist inspired groups *Action for Trans Health*, *No Prisons Manchester*, and the *Incarcerated Workers Organising Committee* protested at their deaths and the dehumanising treatment of transgender prisoners at the annual Manchester Gay Pride march. Photographs and a video of the protest were shared by members of the transgender community across the country, leading to a big influx of the transgender community into the prison abolitionist movement. A film was made of the 'No Pride' demonstration, which received a significant number of views on YouTube and elsewhere.[12]

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[10] The placement of transgender prisoners based on their perceived biological sex has meant that they have been imprisoned in institutions that do not match their gender identity. One key cause of concern is the use of segregation for transgender prisoners, which denies them equal access to facilities, healthcare, recreation and socialising with peers. Poor provision has meant that transgender prisoners have been routinely denied access to gender appropriate clothing, make-up, hormone treatment and gender surgeries necessary for their health and wellbeing. It is also known that the withdrawal of such items and treatments have serious negative health outcomes, including increased risks of suicidal ideation and self-harm

[11] Following deaths of Vikki Thompson and Joanne Latham the transgender policy of the prison service was reviewed (completed in December 2016). The most recent Prison Service Policy on transgender prisoners is PSI 17 *The Care and Management of Transgender Offenders*, effective 1 January 201.

[12] See this link for details https://www.youtube.com/watch?v=JbX3hk20Ctw). This initiative also mirrored actions elsewhere, for example by No Pride in Prisons (now People Against Prisons Aotearoa) in New Zealand. Following the death of Jenny Swift, a 42 year old transgender prisoner, on 30th

Through direct actions, abolitionist groups consistently showed how to both *say and to name* the prison for what it is: a place of violence, suffering and death. Making a concerted effort to highlight the facts generated considerable media interest and also led to direct action campaigns. But it can also work the other way round – where activism can be the first step in the conversation and an attempt to create a dialogue with the media, criminal process practitioners and politicians. Tales of corporeal death remind us of the need to challenge the ever present violence in prisons. And, sometimes, activists need to *make something happen* to break the silence of social death in the first place (Mathiesen, 2004).

It is important that we consider how the injuries of imprisonment are represented: What is the nature of suffering in prison? Who are the people at the receiving end of suffering? How can people in the wider community identify with those suffering in prison? And, what are our ethical responsibilities to alleviate that suffering? These questions are all culturally mediated and shaped by hegemonic representations of the prison (Alexander, 2012). The hegemonic narratives of prison life deny rather than acknowledge the suffering of prisoners – the trauma of the prisoner experiences is culturally erased through talk of prisons as 'holiday camps' or that prison sentences are 'easy'. Sometimes there appears to be nobody listening. The strategy of *making something happen* is about disrupting such assumptions and sending a message that an alternative way of thinking and *knowing* about human suffering in prison should be established.

December 2016, a noise demonstration was organised by the same groups alongside the *Queer Agenda Sheffield* outside HMP Doncaster. The protest coincided with the Trans Prisoner Day of Action and Solidarity, an annual international event protesting against the treatment of transgender and non-binary prisoners. In a press release the organisers stated that current policies on transgender prisoners cause "extreme psychological distress and loss of dignity, as well as putting them at risk of violence by other prisoners" (No Prison Manchester, 2016). This demonstration received local media attention (Duffy, 2017) and also mobilised a large number of transgender activists to engage with the abolitionist movement.

Nowhere has this been more apparent in the wake of the self-inflicted death of Stephen Connell, who died at HMP Hindley[13] in February 2016. He was found with numerous cuts on his body and his family were immediately worried that Stephen had been neglected by the Prison Service. His family wanted to know why Stephen was not being appropriately monitored by the self-harm and suicide awareness policy (ACCT) among other failings in terms of his 'care'. Nine months after his death, serious concerns about the prison were raised again when Her Majesty's Chief Inspector of Prisons [HMCIP] (2016) described the prison as perhaps the worst prison of its category in the country[14], pointing out that cell bells often went unanswered while prisoners had limited access to listeners[15] and the "poor" day to day care for prisoners who were struggling to cope (HMCIP, 2016:19).

The Chief Inspector recorded 75 incidents of self-harm between April-October 2016, and charted that 161 ACCT reports were opened in six months prior to the HMCIP inspection at HMP Hindley (HMCIP, 2016). They revealed that there had been a systematic failure to implement recommendations from the Prison and Probation Ombudsman [PPO] following the death of Jake Hardy in the prison in 2012. They noted that 66% of prisoners were locked in their cells for 18 hours every day and that high numbers of prisons felt unsafe, with many prisoners deliberately isolating themselves through fear. HMP Hindley presented considerable dangers to all who entered its walls. Failing to provide duty of care, it is a place steeped in institutionally-structured violence.

On 30 December 2016, a noise demonstration outside HMP Hindley was held in response to the death of Stephen Connell, the failure of the prison to implement PPO recommendations, and the publication of the damning HMCIP Report. A noise

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[13] There have been three self-inflicted deaths at HMP Hindley since 2012. Jake Hardy in 2012; Stephen Connell in 2015 and Anthony Hill in 2017.

[14] In early 2018 the focus shifted to HMP Liverpool, which was described by politicians, the media and the HMCIP as the worst prison in the country.

[15] Listeners are prisoners who are trained by the Samaritans to listen and offer support to prisoners who are experiencing difficulties coping or thoughts of self-harm. The scheme was developed at HMP Swansea in the early 1990s and the listener will often be asked to share a cell with those prisoners that they are helping so they are available for immediate support.

demonstration is a way of sending a message to prisoners that their experiences are not being ignored. Whilst prisoners cannot see the demonstration outside the gates, they can hear the pots, pans, whistles and musical instruments, as well as speeches amplified through loud speakers. The noise demo is a way of generating media attention to raise awareness of the plight of prisoners. More significantly, it directly shows solidarity with prisoners and breaches social death.[16]

A noise demonstration is really about *making something happen* – generating a story, building solidarity among activists, highlighting a controversial aspect of prison life and starting a conversation that would not otherwise occur. . It provides an important challenge to the current hegemonic understandings of the violence of incarceration and the presence of the spirit of death. Whilst its effectiveness on policy is limited, direct action is a form of democratic participation that facilitates a voice that is otherwise silenced.

A matter of life and death

The emptiness and time weariness of the prison reveals a constant presence of death and consciousness of loss, endings and abandonment. The prison is soaked in violence – it is an institution structured in such a way as to deliberately deprive human need. It is designed to inflict pain. Prisons destroy social bonds and relationships, they undermine meaning, and generate so much human suffering that it is impossible for prisoners or staff to meet the needs of the people that they encounter on a daily basis. It should come as no surprise that corporeal deaths have always occurred in large numbers in prisons. Prison and death go hand in glove. The prisoner becomes a potentially death-bound-subject. Civil death, social death and corporeal death are deeply ingrained in the daily operational practices of penal confinement. They are its essence. The death of the (former) self is coupled together with a loss of honour, dignity and social status. When a person dies in

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[16] At this demonstration the police deployed a large number of officers and police helicopter in response to a small demonstration of around 30 protestors. This seemed excessive at the time and to avoid conflict the demo ended earlier than planned. On 22nd March 2017 it was revealed that HMP Hindley is proposed site of the new mega prison in Greater Manchester.

prison, the focus turns to their individual weakness, inadequacy or culpability rather than on a tragic loss of life. It is for this reason that demonstrations, lobbying and campaigning are so important around deaths in custody.

Prisoners are however also active in contesting the pains of prison, and challenging death. Collective and organised prisoner rebellion specifically directed at changing prison regimes either through violent or non-violent protest have been part of prison life since its inception, and there are strong connections between prisoner resistance and efforts to bring about progressive reforms that can undermine the spirit of death. Prisoner rebellions continue to occur relatively frequently across the penal estate, although the extent and nature of such direct action are often hidden through media silencing (Berger and Losier, 2018). Prisoners also continue to perform key roles as campaigners, lobbyists and claimants, impacting on state bodies such as Parliament, the Prison Ombudsman and the Law Courts in their attempts to improve procedural protections or living conditions. Some, such as John Hirst and Mark Leech, were highly successful prisoner-campaigners, winning a number of cases in both the domestic and European courts.   Prisoner struggles for legal rights have also been supported by ex-prisoners working in organisations such as the *Prisoners' Advice Service* [PAS]. PAS is an independent charity providing free legal advice and support to all adult prisoners in England and Wales. It also runs the *Prisoners' Legal Rights* group, a forum for knowledge transfer, whose membership includes, among others, prisoners and ex-prisoners (Scott, 2009).

Although direct action demonstrations may be relatively small they are an attempt to disturb common sense understandings. They *make something happen.* Speeches, photos, flyers, placards, press releases, banners, media interviews and casual conversations with bystanders send a message that something is wrong. They highlight civil death, social death and corporeal deatt and areis a step in developing a new democratic space – a modern day agora or public space where people can learn about and engage in dialogue about contemporary prison life. Those who make some noise now – such as by speaking, naming or playing instruments at public gatherings outside prisons - are helping to create a new public space that sheds light upon the spirit of death haunting the prison. Their direct activism and lobbying raises the profile of deaths in prison and creates rational, informed dialogue.

Hearing the voice of families, ex-prisoners, current prisoners, researchers and sometimes the voice of those who have worked in prisons, can provide powerful testimony of the damage prison creates both for prisoners and the wider community. Prison authorities and officers should also speak out and name the prison for what it is by talking openly about the harmful consequences they see on a daily basis. To facilitate a new agora we need to listen to the voice of experience, and to hear the suffering and hardship that prison generates for all. Ultimately his means naming the prison for what it is: an institution of violence, suffering and death.

Through highlighting our common humanity, dignity and human rights - especially the *right to life* - there is an opportunity to offer a more life affirming message about how we deal with individual and collective problems, troubles and wrongdoing. Abolitionists must then say NO to the prison, NO to the spirit of death, but YES to policies and practices which build social bonds, meet human needs and facilitate human potential.

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