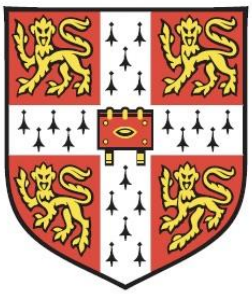
Democratising Democracy:
Reimagining Prisoners as Active Citizens Through Participatory Governance



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Declarations

This thesis is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Acknowledgements and specified in the text.

It is not substantially the same as any work that has already been submitted before for any degree or other qualification.

It does not exceed the prescribed word limit for the Law Degree Committee.

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August 2020

Abstract

This thesis explores the work of the non-profit organisation User Voice and its prison-based democratic council model. Mixed methods were employed to examine the construction and operation of a council, which strives to give a voice to prisoners and to facilitate collaborative problem-solving with staff. The key research question was how council participation, and the democratic ethos and process that this entails, impacts individuals and institutions. The aims were (i) to appraise this model within a democratic values-oriented framework – focusing on inclusion, participation, deliberation, and legitimacy – as the council was implemented in three English prisons, and (ii) to understand the personal experience of participative and civic 'enfranchisement' with council members. This study of 'democracy in unlikely places' is distinct as it brings prison sociology and democratic theory together empirically.

The research is based on quasi-ethnographic fieldwork which included 112 semi-structured interviews with key stakeholders (council participants, prison staff and senior managers, and User Voice employees), as well as analysis of Measuring the Quality of Prison Life (MQPL) data. The findings suggest that fostering democratic principles in the prison setting has the potential to 'civilise' institutional practices, and more closely align them with democratic virtues that endorse community, inclusivity, mutual aid, empathy, and dialogical work towards collective objectives. They illustrate how the de-civilising process of incarceration can, in some ways, be ameliorated through participatory engagement, 'political' recognition and mobilisation, and the exercise of civic agency. The deliberative 'free spaces' created by council participation, and the practice of 'everyday democracy' through relational encounters were viewed as transformational and successful at consciousness-raising. But this model was not without some dangers and opposition from officers. Struggles over 'power' resulted in the obstruction of council activities and heightened policing of participants. There were also waves of prisoner unrest as expectations went unmet and injustices persisted. This micro-experiment in participatory governance is a study of prisons wrestling with their legitimacy and democratic deficits, situated within a society confronting remarkably similar issues.

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List of Abbreviations

AI	:	Appreciative Inquiry
BAME	:	Black, Asian and Minority Ethnic
CP	:	Council Participant
FN	:	Foreign National
HMIP	:	Her Majesty's Inspectorate of Prisons
HMP	:	Her Majesty's Prison
HMPPS	:	Her Majesty's Prison and Probations Service (formerly NOMS)
HMYOI	:	Her Majesty's Young Offender Institution
IEP	:	Incentives and Earned Privileges
IMB	:	Independent Monitoring Board
MoJ	:	Ministry of Justice
MQPL	:	Measuring the Quality of Prison Life
NOMS	:	National Offender Management Service (now HMPPS)
NRC	:	National Research Committee
OASys	:	Offender Assessment System
OMU	:	Offender Management Unit
POA	:	Prison Officers' Association
PRT	:	Prison Reform Trust
PSI	:	Prison Service Instruction
SMT	:	Senior Management Team
SQL	:	Staff Quality of Life survey (related to MQPL)
TC	:	Therapeutic Community
UKBA	:	United Kingdom Border Agency
UN	:	Urgent Notification
UV	:	User Voice

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There was, however, at least one very tangible and ultimately significant product of the prisoners having put on paper the concrete things they needed to humanise Attica. For the first time in this institution's history, the desire for change had prompted usually antagonistic prisoner factions to talk with one another, and soon a number of shaky, but nevertheless potentially powerful, alliances had been forged across ethnic, racial, and political lines. The CO staff saw this happening and it worried them. As one correction officer noted anxiously, ‘the particular make up of these groups changed ... A group would have three or four of the different factions ... which, you know, wasn't normal’.

– *Heather Ann Thompson, Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy (2016: 35)*

Democracy isn't an all or nothing thing. There can be different forms, as well as different levels, of democratisation ... Rather than thinking of democracy as a fragile flower, easily trampled underfoot, perhaps we should see it more as a sturdy plant, able to grow even on quite barren ground. If my argument is correct, the expansion of democracy is bound up with structural changes in world society. Nothing comes without struggle. But the furthering of democracy at all levels is worth fighting for and it can be achieved.

– *Anthony Giddens, Runaway World: How Globalisation is Reshaping our Lives (1999: 69, 82)*

1. Introduction: 'The best cure for the ills of democracy is more democracy'[1]

> For generations our penal system has presented problems of which there has seemed to be no real solution. But during the last four years, in Auburn and Sing Sing Prisons, in the State of New York, a flood of light has been thrown upon the matter. For the first time the convicts themselves have spoken; for the first time a few – lamentably few – prison officials have been intelligent enough to discard old theories and methods and to study the actual facts spread out before them; for the first time to this apparently most unsolvable of social problems we have applied the principles of democracy; and behold! to the amazement of most and the dismay of many, even in prison democracy works. (Osborne 1918: 806)

One afternoon I met with John, a council participant (CP) I had known for a few months.[2] I was in the early stages of my fieldwork, studying the work of User Voice, a non-profit organisation that facilitates solution-focused dialogue between staff and prisoners in the form of a prison council. The aim is to 'give prisoners a voice', in collaboration with staff, in order to collectively improve the establishment in which they live and work. John had been incarcerated, on and off, since the mid 1980s and in this prison, on this sentence, for about 16 months. We had created our own little reading group of two, which we would continue for the next year. He was particularly interested in privatisation (he had served time in the first private prison in England), the use of power and authority, and was well read in criminology. With his experience, he had become a shrewd observer (and informed critic) of penal policies and the ways in which they impacted prison life, order, and 'doing time'. I sent him articles each month and we would meet for a coffee to discuss. This day we devoted our entire session to 'Legitimacy and order in prisons' by Richard Sparks and Anthony Bottoms (1995). We started with their big questions:

> What kinds of penal change would be necessary in order to address the legitimacy deficit as it currently exists? Are there, indeed, any conditions under which prison management could reliably call upon a recognition of legitimacy by prisoners (in the sense of being 'justified in terms of their beliefs' …) as distinct from mere acquiescence

[1] Wrote Jane Addams (1902: 11-12), activist, reformer, sociologist, suffragette, Nobel Peace Prize winner.
[2] Where possible and when appropriate, 'council member' or 'participant' will be used instead of 'prisoner'. See 'A note about language' at the end of this chapter. 'John' is a pseudonym.

> or dull compulsion? Are there then any imaginable circumstances under which prisoners could reasonably be expected to interpret the obligations laid upon them by the custodians as having a legitimate basis? (ibid: 53).

John's primary critique of prisons now (versus thirty years ago) was that, 'They no longer let you just *be* – you have to do *their* time; how *they* want you to do it, but they put up every block possible to prevent you from doing it their way … It's a game I don't want to play'. For him, the 'old way' was more legitimate: 'I've done wrong, the loss of liberty and confinement is the punishment, and I can just do my time as I see fit … They had one aim, really – harsh containment – and they did it really well' (see also King and Morgan 1980: 16). In other words, the extended reach and breadth of penal power, under the guise of 'rehabilitation', where responsibility is thrust upon the prisoner with, often, very little institutional support, was far less legitimate (Liebling and Crewe 2012; Crewe and Liebling 2017; Garland 2001). As he talked through this, he referenced Crewe's (2011a, 2011b) work on 'soft power' and the resultant 'weight', 'tightness', and 'grip' it produced to illustrate how these shifts had changed prison life over time ('they've turned people into paperwork'). John, for most of his custodial life, had been a self-described 'difficult arsehole'. He had little interest in 'engaging with the regime', could be quite litigious, and was 'too old to be told what to do'. He did not object, per se, to his incarceration ('I broke the law so I'm here – fair enough'), and he had only served (relatively short) determinate sentences. This, to some extent, shaped his orientation to the prison and his punishment. I finally asked, 'So why do you participate in the prison council then? Isn't it still part of 'the regime'?' His response was a candid mix of spirited energy, resignation, and the acceptable middle ground he had come to live with:

> The council lets me be an arsehole. It's a 'legitimate'[3] channel for expressing anger at how poorly run the prison is, the cruelty and indifference we are subjected to, and I can challenge decisions made by the top … They insist on keeping me accountable, so I'm doing the same to them … But it's tiring being angry and frustrated all the time, so I thought, maybe I can do something else to change this place; to make it more liveable … There are some [national] policies that just have to be implemented, but here [on the council] we can advise and think through the options together. It's really quite

[3] By which he meant he was listened to without negative repercussions, unlike his previous experience with complaints procedures. Although filing grievances through 'official channels' is well within the rights of prisoners, this can result in negative reports being entered on prisoners' records ('persistent complainer', 'defiant', 'aggressive', 'difficult', etc.), and can negatively influence other areas of prison life, like IEP level, the likelihood of a desired transfer to another prison, or the opportunity to participate in certain activities.

> stimulating, actually, deliberating and strategising and problem-solving … And this process humanises policies. There are people on the other end of them – we consider that. Well, yeah, I'm one of those people at the sharp end! (John, CP)

Here John highlights several themes echoed throughout this dissertation: mainly, prisoners wanted to be productive and purposeful, but on their own terms (not *for* rehabilitation), when meaningful, and whilst retaining some autonomy. There was a widespread desire to 'humanise' prison practices and to bring awareness to injustices experienced and witnessed. What most council participants were seeking, and focused their efforts on, was bettering their shared environment to be more socially just, which, it was hoped, would in turn produce more procedurally just systems (see also Rawls 1971; Mathiesen 1965). Thus, some of the answers to the questions posed by Sparks and Bottoms, at least according to some prisoners, were to be found in a model of prison governance and social order that was inclusive, participatory, *mutually* accountable, civically minded, and democratic – and that had nothing to do with 'being rehabilitated' or 'improving citizens against their will' (Holmes 1993: 222).

This thesis is the examination of an old idea, explored afresh, and through a new lens. For clarity and accessibility, I will be using Albert Dzur's definition of democracy which is 'the sharing of power to handle collective problems … to shape a common public life with others who are not the same as us' (Dzur 2019: ix-x). This study has been inspired by Dzur, his work on 'democracy in unlikely places', and 'the idea of institutions being improved by rather than improving citizens' (Dzur 2012: 45). Dzur, Loader, and Sparks (2016: 6) provide further support of this pursuit:

> We want to encourage research and reflection on the mutually corrosive relationship that occurs, but also on the mutually supportive associations that may be fostered, between penal practices and democracy. In so doing, our aim is to treat democratic values and commitments as an underexploited 'resource of hope' for building a better – by which we mean more deliberative and inclusive – penal politics.

They go on to argue that by 'invisibilising' the prison (see Harcourt 2014), democratic theory has avoided 'the real world of mass incarceration', creating a scholarship that is 'less democratic, less relevant to political reform, and less able to contribute productively to public discourse' (ibid: 7-8). This study is concerned with that gap and aims to bring prison sociology and democratic theory together empirically.

‘Democratising Democracy’ is the exploration of prisoner enfranchisement through deliberative participation in the form of an elected and ‘representative’ prison council. The council brings staff and prisoners together to problem-solve, dialogically, for the shared purpose of environmental betterment. Three English prisons with active User Voice councils were selected for this quasi-ethnography. The research sought to understand how, and in what ways (if any), council work impacts individuals and institutions. The study focused on, and is structured around, four main deliberative democratic ‘values’: inclusion, participation, deliberation, and legitimacy. The findings offer a number of insights that will be of relevance to wider studies of imprisonment, for participatory democracy, as well as for prison practitioners. At their best, councils and their participants (staff and prisoners) created ‘spheres of civility’ where civic communities were able to build capital, reciprocity and trust, generate support, opportunities, and mutual aid, and improve relationships. Legitimacy grew from transparent and reasoned decision-making, and penal order was negotiated in better ways for those associated with the council. Reimagined as ‘active citizens’, council participants were ‘politicised’ in desirable ways. But at their worst, councils that were perceived to be tokenistic or manipulative generated ‘political charge’ and increased feelings of unfairness, injustice, and illegitimacy. Like the earliest of prison democratisation experiments, the enduring problem of where prison officers ‘fit’ within co-governance arrangements was evident in this study as well. Whilst ‘inside’ the council power was often subdued and ‘ambivalent’, ‘outside’ it was amplified as prison officers struggled to retain the ‘power’ they ‘lost’. Council success was largely dependent on the prison’s leadership, their ‘moral tone’, and how well that was communicated to uniformed staff. However, as will be shown, rigid, centralised, and damaging national directives significantly impeded the ability for Governors to govern with autonomy. This hindered councils from enacting ‘local’ change, which for prisoners came to mirror ‘typical politics’ from ‘big government’ that many of them were alienated from or disillusioned by, thus reproducing patterns of political marginalisation.

At the time of writing, our social and political structures stand poised on a revolutionary precipice: amidst a pandemic there are global protests calling to ‘reimagine’ public safety by defunding the police, shifting oversight back into communities, confronting histories and current practices of brutalisation, structural discrimination, and seriously contemplating how criminal justice systems perpetuate marginalisation and disenfranchisement (see Lacey 2020; Alexander 2020). Prisons in England and Wales have been in significant turmoil for the last several years, with record-high levels of violence, self-harm, deaths, overcrowding, and

infrastructural deterioration (HMCIP 2015; HMCIP 2019). At the same time, criminal justice innovations are flourishing (Dzur 2019), as prisoners are participating more in the day-to-day operations of the running of prisons (in part to bridge the gaps created by staff shortages; Crewe and Liebling 2017) and in a myriad of ways as 'active citizens' through peer work, advisory boards, and 'volunteering' (Edgar et al 2011; PRT 2017, 2019). This is an historic moment of both crisis and possibility, and one that presents 'the opportunity to take up the challenge of reimagining civic engagement and social transformation' (Giroux 2009: 142) with some 'political creativity' toward reconfiguring institutional order and change (Berk et al 2013).

Reimagining the aims of imprisonment

'[O]ne irony of the modern prison', Sparks (1994: 15) notes, is that 'it operates as an autocracy within a democratic polity'. But what if we reimagined an alternative? What if, with a 'critically aware but constructive' (Dzur 2012: 56) utopian realist approach (Giddens 1991: 154, 178), we envisaged prisons as civic institutions that were 'outward looking and inclusive' (see O'Donnell 2016: 49), that *contributed* to democratic development and the *building up* of civic capabilities and participatory resources, rather than diminishing them (Dzur et al 2016: 10)? Could such a:

> democratic ambition for criminal justice be justified, and if so how? What might one require of different criminal justice institutions if we conceived of their purposes at least in part in these terms? How would such institutions have to be remade and reimagined if they are to become agents of a deeper democracy? (ibid: 10).

If we reimagined the aims of imprisonment 'through the lens of democracy', as Dzur and colleagues (2016: 8) advocate, then we must consider 'the impact of mass incarceration *upon* democratic politics', not just the influence of political systems on punishment.[4] Through this lens we might, like Liebling (2015b: 263), begin to model the kinds of conditions that support and promote more legitimate prison regimes, and ones that strengthen democratic enfranchisement and engagement.

It has been argued that the prison as a setting for democratic practice is inappropriate or objectionable (DiIulio 1987; Ramsay 2013; see also Lippke's (2001) analysis of voting

[4] Emphasis original.

disenfranchisement).[5] But as the reach of the criminal justice system widens, it is negatively shaping individual and community civic participation trends and increasing marginalisation (Manza and Uggen 2008; Weaver et al 2014). Discounting the prison(er)'s place within democracy or excluding it from democratic discourse undermines democracy as a whole (Poama and Theuns 2019).[6] Weaver and Lerman's (2010: 817) research indicates that:

> [As] the carceral state has become a routine site of interaction between government and citizens, institutions of criminal justice have emerged as an important force in defining citizen participation and understandings, with potentially dire consequences for democratic ideals.

In an early study, Fairchild (1977: 296) found that most of the prisoners in her sample 'had dealt with the political system exclusively through the criminal justice process' and had little experience with other political venues, actors, or institutions. She adds: 'The average offender has been conditioned by his background and experience to be the object of, without being a participant in, political decision-making' (ibid: 312). If one aim of imprisonment is to encourage 'good' citizenship, however perverse and counterintuitive this may be, 'we must provide at least some experiences in democratic life' (Scharf 1975: 32).

Much of the literature in this area focuses on the rehabilitative possibilities between civic engagement, reintegration, and the implications for desistance. Visher and Travis (2003: 97), for example, suggest that in addition to work and family, 'identity transformation for returning prisoners' may also come from being a 'responsible citizen, including varieties of civic participation such as voting, volunteer work, 'giving back', and neighbourhood involvement' (see also Farrall and Maruna 2004; Uggen and Manza 2004; Maruna et al 2004a; and to a lesser extent, Farrall, Bottoms and Shapland 2010). There is also a promising body of research on the impact of civic engagement within prisons, as prisoners find hope and meaning through various activities within their carceral communities (see, for example, Schmidt 2012, 2013a; Solomon and Edgar 2004; Barry, Weaver, Liddle, Schmidt, with Maruna, Meek and Renshaw 2016;

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[5] Abolitionists may also argue that 'reforming' such sites of confinement help to legitimate their use, practices, and expansion (Cooper and Sim 2013: 209-210) and that the very existence of prisons works against democracy, as they perpetuate inequality, marginality, etc. (e.g. Davis 2003). I am sympathetic to these arguments and agree with many of their points, but the fact remains that prisons are unlikely to disappear anytime soon and to *not* attempt reform toward improvement is to disregard the suffering of the individuals living within them.

[6] This is not to wholly deny Durkheim's assertion that punishment has a salutary effect on society by reaffirming collective consciousness and cohesion (i.e. imprisonment works to strengthen and solidify democratic values within wider society), but the widening of the modern criminal justice apparatus, and its use and misuse, are, in many ways, producing the opposite effect (see, e.g., Simon 2012; Burkhardt and Connor 2016; Western and Wildeman 2009).

Easton 2018; Anderson 2013; PRT 2019b; Nixon 2019; Inderbitzin et al 2016). Whilst prisons are certainly a questionable site for the practice and promotion of civic inclusivity, systemic change must start somewhere. As will be made clear throughout this dissertation, positive acknowledgement of 'good things happening in bad places' does not deny or ignore the coercive and often brutal structures in which they take place (see also Graham and White 2014: 314, 2015: 2).

Democratising democracy is about broadening and deepening participation and bringing the state closer to the citizen (Fung and Wright 2003). Within the prison setting this means bringing prison leadership into dialogue with prisoners to establish some shared understanding about needs, harms, experiences, views, and reasons. Deliberative democracy is a normative project (Curato et al 2017: 28) that has become a progressive method of distributing justice to disenfranchised or fractured populations, peacebuilding, and state (re)building (Hancock 2020). It seeks to re-energise citizenship and speaks to the presumed intrinsic benefits of public engagement in decision-making: 'the idea is that the process of participation is, and should be valued as, a good in and of itself" (Brannan et al 2007: 14). Research from Vanessa Barker (2013: 144), for example, suggests that 'more democracy can reduce penal excess through civic engagement and deliberative forms of participation'. Because 'democracy and imprisonment are tightly nested institutions', she argues, 'they form a type of first-order relationship, and as one changes, the other is likely to follow' (ibid: 130). For Blair (2000: 23):

> The hope is that as government comes closer to the people, more people will participate in politics … that will give them representation, a key element in empowerment, which can be defined here as a significant voice in public policy decisions which affect their futures.

Institutions, in turn, become more responsive to and representative of their citizens, thus cultivating increased trust and legitimacy (Putnam 2000). Imagining penal reform through deliberative and inclusive democracy 'is a slow, long-term strategy, aiming not at electoral politics but the level of the demos understood as people, socially situated, with broad, intersectional concerns' (Lisa Guenther interviewed by Albert Dzur, quoted in Dzur 2016: 192).

Most prisoners experienced 'civil death' from political, economic, and social disenfranchisement long before imprisonment (SEU 2002). Incarceration can further alienate, stigmatise, and marginalise, reinforcing negative and cynical attitudes toward authority and

institutions, while often increasing feelings of resentment and bitterness. These individuals then 'find themselves 'in' but not 'of' the larger society' (Johnson 2002: 319). It is, of course, unreasonable – and undesirable – to expect prisons to remedy the social ills that have often damaged people prior to incarceration (see Garland 2001). What this study shows, however, is that re-enfranchising prisoners through democratic practice can engender more humane prison practices and lessen the harms associated with exclusion. As Dahl (2000: 79) asserts:

> If citizens are to be competent, won't they need political and social institutions to help make them so? Unquestionably. Opportunities to gain an enlightened understanding of public matters are not just part of the definition of democracy. They are a requirement for democracy.

The structure of the dissertation

In Chapter 2, 'Prisons as laboratories of democracy', I review the historical roots of and existing literature on contemporary prisoner participation in prison governance. This impressive history of democratisation experiments (especially in the US) suggests that there are long-held beliefs and assumptions about the value of incorporating 'the prisoner's voice' into prison administration. However, empirically, the evidence remains patchy, largely because these initiatives are short-lived, often curtailed due to external politics or the shifting of key leadership. Such experiments, and the virtues embedded within them, continue to pose complex questions about the aims of imprisonment and what more legitimate regimes look and feel like. I then describe the specific prison council model that is at the heart of this study, implemented and facilitated by User Voice. Lastly, I bring this literature into conversation with democratic theory. I outline the tenets of deliberative democracy and the ways in which these principles and practices resonate with the unlikely setting of prison.

Chapter 3 details 'The research process', by first outlining the research questions and then describing my mixed methods approach, which entailed a multi-sited, quasi-ethnographic, participative study of active User Voice councils in three English prisons. An explanation of the democratic values-oriented framework developed for this study – which focuses on inclusion, participation, deliberation, and legitimacy – is presented, along with a description of the additional data collected via Measuring the Quality of Prison Life (MQPL) staff and prisoner surveys. I conclude the chapter with a discussion of two areas of particular sensitivity in this project. These were related to managing boundaries and allegiances with User Voice

personnel in and out of the field, and some concerns surrounding ethics in methodological decision-making and practices, and how these were mitigated and handled. Some limitations are identified.

In Chapter 4, 'Inclusion: Building an institutional conscience', I begin by situating the research within the penal landscape at the time of fieldwork and provide a brief summary of the overall findings, which were generally very positive. I then explore how the council and its activities enabled prisoners to become 'enfranchised' through the exercising of voice as agency and as advocacy for others, and to develop a sense of 'dignity through discourse'. Some examples of how exclusionary practices generated by the council undermined their credibility and legitimacy are also discussed. The chapter concludes by examining how relational dynamics between the staff and prisoners working closely together on the council evolved and moved toward an *I-Thou* orientation.

Chapter 5, 'Participation: Prison as a 'civic schoolhouse'', focuses on council work as a 'school of citizenship', where democratic skills and virtues are fostered and practiced. I challenge current notions of 'active citizenship' by moving it 'beyond the state' and instead conceive of it as a status affirmed or denied through everyday relational encounters with others. This incorporates two additional considerations: the experiences of the council members interviewed post-release, to offer an understanding of how 'transferable' such a 'civic education' is; and some reflections on prisoner voting (dis)enfranchisement and council election participation in the prisons. I conclude with an exploration of the role of power within and around the council, and highlight the friction points that surfaced with officers.

Chapter 6, 'Deliberation: Creating 'spheres of civility'', examines the multiple forms and functions of deliberation, which includes the value of dialogue, but also underscores the importance of 'ethical listening' and being heard. Deliberative engagement contributed to identity development and (re)shaping, and were experienced as forms of recognition because of the investment in time and people it required. 'Slow democracy' via deliberation ('thinking and talking together') was generally viewed as positive and affirming, though some young men in Aylesbury struggled with the 'talk-centric' nature of council work. A concluding discussion around the unintended consequences that arose from the community capital built by those in the council highlights how environments with high inequality and scarce resources can easily reproduce patterns of marginalisation, which intensify feelings of unfairness, favouritism, and illegitimacy.

In Chapter 7, 'Legitimacy: Finding authentic 'free spaces'', the council is 'appraised' in terms of how legitimate it was perceived to be: (i) in transparent, fair, and consensual decision-making (the *means*); (ii) in its productivity and efficacy in implementing change and 'humanising' practice (the *ends*); and, (iii) in creating space for dissent to be expressed and for decisions and decision-makers to be challenged (the *ethos*). Within this is an assessment of institutional reflexivity in which I consider prison climates and staff culture, and how they contribute to, or prevent, the ability of councils to produce lasting or meaningful institutional reform. A concluding discussion explores the council as a mechanism for some prisoners to practice forms of 'productive resistance' in order to exercise some agency toward cultural change.

Lastly, Chapter 8, 'Conclusion: Can prisons be democratised?', summarises the main findings from this study and highlights the ways in which this dissertation might contribute to advancing the dialogue between prisons scholarship and democratic theory.

A note on language

In the spirit of this study and reimagining prisoners as citizens, where possible and when appropriate, 'council participant' or 'council member' will be used in place of 'prisoner'. This is, in part, to differentiate council participants from the general population, who also have a voice in this study. That said, most of the men who participated in the research preferred the term 'prisoner' over 'resident', and no one wanted to be referred to as a 'service user'. For many, 'prisoner' was a descriptive fact that accurately reflected their (legal) status. For others, it was embraced as a term of resistance and defiance: 'I am not a 'resident' here; I am imprisoned, against my will, as a prisoner of the state. I accept that condition, and so I accept that label. I am a prisoner. For now'.

Throughout the thesis, all quotes from 'council participants' will be labelled as such (or with CP), without a pseudonym.[7] During fieldwork, all interviewees (including prison staff) were assigned a number in both my notes and on the digital recordings. This was to ensure anonymity and safeguard participants. My three primary field sites were low-trust environments (Nielsen 2010). Some officers tried to read my fieldwork notes (see also Jefferson and Schmidt 2019),

[7] John, who was referenced at the start of this chapter, is an exception. Out of all the council members, I spent the most time with him and continued to communicate with him (via letters) for some time after my fieldwork was complete. He had been part of research projects before and wished to keep the same pseudonym he had used previously.

or take my notebook, wanted to know who I was speaking to and what we spoke about, and there were times my digital recorder was confiscated by staff who claimed they needed to doublecheck the serial number (and not in my presence). Thus, limiting overtly identifiable features (like names) in places where staff could get access was adhered to in order to protect participants.[8] In some cases, staff members were just as nervous about their identity being revealed after speaking candidly with me. Although I could have assigned interviewees a pseudonym post hoc, that seemed disingenuous and disconnected from the person and their narrative. I struggled with the idea of having to be responsible for 'representing' people through a name they did not choose (this felt like a form of disempowerment; Guenther 2009), nor did I know how to do so when ethnicity, heritage, geographic origins, and race were important and personal – but recognisable – features of a person's identity, family, and history (see also Lahman et al 2015: 446). Interviewees, therefore, remained as numbers in my notes and in transcripts. But I did not want them represented as numbers here. I appreciate that I may be limiting individuality or autonomy by collectively referring to all interviewees as 'council participant', but that feels more authentic, respectful, and accurate than assigning arbitrary and impersonal names.[9] Guenther (2009: 413) notes that 'without the seeming protection of pseudonyms, researchers may be more likely to censor their evidence at the expense of making convincing, nuanced arguments'. On the contrary, perhaps there is collective protection and power from being presented as and with a shared taxonomy, beyond 'prisoner'.[10]

[8] I also adopted other safeguarding practices like writing in 'code' and obscuring my handwriting.
[9] User Voice employees were given the option of selecting their own pseudonym. If they did not choose their own, I selected a generic name and asked for their approval.
[10] I have attempted to further protect individuals by anonymising certain identifiable features, stories, and experiences. I have, at times, also obscured which prison I am referring to for the same reasons.

2. Prisons as laboratories of democracy

> Strange, what different meanings can attach to the phrase 'the inmates are running the prison'. A number of men said this to me in a quiet, undefiant way, to indicate that they are assuming responsibility for some [of] the routines ... formerly carried out by guards. The inmates are in effect maintaining order. I imagine that what the guard was trying to convey to me by his reference to the 'present situation' was that the inmates had taken over something vital that belonged to the guards. (Notes from a civilian observer March 30, 1973 during the prisoner 'takeover' of Walpole Prison, following the prison officer strike)[1]

> Miss, did you just say 'democracy'? You know we're in prison, right? [the group laughs]. (Council participant)

In this chapter I provide an overview of the historical roots of, rationale for, and use of prison-based participatory governance. This remarkable history of experimentation in prison reform speaks to a 'hidden democratic heritage' (Eggleston and Gehring 2000: 306) unfamiliar to most, but one that is just as relevant and pressing today. The persistence in attempts to 'democratise' prisons suggests that there is an 'intuitive attractiveness' (Cooke 2000: 947) about the value of incorporating 'the prisoner's voice' into prison administration. I present a detailed description of contemporary forms of prison 'democracy', including the work of User Voice and their prison council model, and an outline of the research to date on such initiatives. This is followed by a discussion on the risks, limitations, and challenges of co-governance. The last section brings this literature into conversation with democratic theory. I outline the tenets of deliberative democracy and the ways in which these principles and practices resonate with the 'unlikely' setting of prison. This synthesised material will establish the theoretical and empirical foundation upon which this thesis sits.

Prisoner participation in governance

Forms of prisoner-involved governance were born in tandem with the modern prison. The history and development of prisoner participation is well documented in the United States, but

[1] Cited in Berk 2018: 291.

far less so in the United Kingdom and elsewhere. It is assumed that due to the particular and extreme characteristics, nature, and use of imprisonment in the US, prisoner-led initiatives (however formal or informal) were developed out of necessity as forms of survival, resistance, or day-to-day attempts at maintaining some semblance of order. As the famous quote from Beaumont and Tocqueville (1833: 47) suggests, the irony of criminal justice here is stark: 'Whilst society in the United States gives the example of the most extended liberty, the prisons of the same country offer the spectacle of the most complete despotism'.

One of the earliest references to a prison council was at the Massachusetts State Prison in Charlestown. In the 1850s, a pioneering Warden created the 'Prison Society for Moral Improvement and Mutual Aid', which brought staff and prisoners together in bi-weekly conversation and reflection focused on improving:

> his own mind and heart in knowledge and virtue, that by so doing it may be fitting himself for usefulness, respectability, and happiness, when he shall again enjoy the blessing of freedom and society; and furthermore, studiously to avoid everything which tends to corrupt, to debase, and to destroy (Baker 1974: 31).

As Baker (1974: 32) notes, the Society should be regarded as a 'noteworthy phenomenon' in the progress of prison management, as it marks the first recorded instance of a prisoner 'being given a place, however slight, in a formal communication with the administration'. Since then, variations of co-governance arrangements have evolved, with the most common and well documented in the form of prisoner advisory or consultative committees (discussed later).

From the literature, it appears that experiments in prison 'democratisation' (in the most basic terms, letting prisoners 'have a say' and/or consulting with them on matters related to prison life) have been loosely rooted in one of three aims: (i) a rehabilitative ideal with a belief that civic (re-)education can transform prisoners into good and responsible citizens; (ii) for practical or utilitarian purposes to streamline or make services and prison management more effectual; or, (iii) to prevent, or in response to, unrest, protest, or a major disturbance. These are by no means mutually exclusive, and as the findings from this dissertation suggest, the most responsive and robust participatory governance models tap into all three aims, as and when necessary.

Thomas Mott Osborne, an early 20th century radical reformer and prison Warden, laid the groundwork for thinking about prisoner participation as rehabilitative, and good for institutional life and the maintenance of order. After spending a week 'undercover' as an

ordinary prisoner (an exercise in 'self-education'), he became determined to reorganise prison life by diffusing power and creating a more pluralistic form of order. He recognised that a prepared, top-down plan of self-governance would be a 'fatal blunder'. Instead, it needed to be informed by and built from the ground-up:

> [I]f a plan of self-government was to work at all, it must be worked by the prisoners; and they would certainly work their own plan better than they could some outside plan – no matter how perfect. I understood that the only self-government that would be successful in prison was the self-government which the prisoners themselves would bring about (Osborne 1916: 159).

After 'successfully'[2] implementing self-governance initiatives at two notoriously difficult prisons in New York state, he affirmed his commitment to transforming 'warehouse' prisons into 'educational institutions':

> We must provide a training which will make them, not good *prisoners*, but good *citizens*; a training which will fit them for the free life to which, sooner or later, they are to return … Not until we think of our prisons as in reality educational institutions shall we come within sight of a successful system (Osborne 1924: 34-35).[3]

Through committees, a quasi-judicial panel, and an elected representative body, prisoners were able to shape 'sizeable areas of internal policy', including entertainment, recreation, and operating a job-placement bureau (Stastny and Tyrnauer 1982: 48). This model, however, was not without its challenges – prisoners dealing with the violation of prison rules by other prisoners, for example, was a perennial and contentious issue. After just a few years in operation, external politics shifted, Osborne was displaced, and the self-government structures he had built were quickly dismantled.[4]

Shortly thereafter, in the late 1920s, Howard Gill reimagined the Norfolk State Prison Colony into a 'community prison'. He refused to build a 'fortress' (the preferred architectural style of the times) and instead designed an establishment with cottages (for small group living) and a layout that mimicked a college campus. He first began to recruit prisoners to work closely with engineers and administrators in the final construction of the new prison. From this positive and

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2 Stastny and Tyrnauer (1982: 48) write that 'in the opinion of many observers, the inmate self-government systems worked amazingly well for a period' (see also Haynes 1939: 298-301).

3 Emphasis original.

4 Osborne was actually indicted. His downfall is a most fascinating story of prison politics (see Stastny and Tyrnauer (1982) for a brief retelling and Haynes (1939) for a critical retelling).

productive experience, he grew in his conviction that 'joint participation was both administratively sound and therapeutic', and over time, his penological approach moved toward an emphasis on 'normalcy' (Stastny and Tyrnauer 1982: 54).

There were only two rules in the community – no escapes and no contraband (Baker 1974: 75). Norfolk became known as 'a prison without bars' where prisoners and guards wore civilian clothes, there were no limits on visits or correspondence, and local citizens came in to volunteer their time educating and interacting with prisoners. The prison had a rich and active civic life with reading and discussion groups, a debate club, and a newspaper. It allowed prisoners some freedom and flexibility to pursue educational, recreational, athletic, and intellectual interests (Baker 1974: 75-77). In his autobiography, Malcolm X describes the Colony as:

> [C]omparatively, a heaven, in many respects … the most enlightened form of prison that I have ever heard of. In place of the atmosphere of malicious gossip, perversion, grafting, hateful guards, there was more relative 'culture', as 'culture' is interpreted in prisons … we could actually go into the library, with permission – walk up and down the shelves, pick books … I read aimlessly, until I learned to read selectively, with a purpose (X and Haley 1965: 160-161).

A prisoner council was established early on, where a handful of elected representatives advised Gill on matters of discipline, regime, policy, and general operation. After one year, Gill reformulated this model of governance, acknowledging the limits (and risks) of a governance arrangement that excluded staff:

> We soon found [at Norfolk] … that the Osborne approach doesn't work. I shifted at once from a council that met with me and then told the guards what to do to a council where the guards were on an equal footing with the inmates and told *me* what to do (Stastny and Tyrnauer 1982: 54).[5]

He further added, 'community life at Norfolk is a joint undertaking' and would be based on 'joint participation, joint interest, and joint responsibility' of both staff and prisoners (ibid: 55). All members of the community were to adhere to a (social) 'contract' committing themselves to cooperation and being respectful and courteous to all others (Baker 1975: 75). Gill's prison council was especially advanced for the time (the prison itself was a marvel, and in many ways, was an early version of more contemporary therapeutic communities, like HMPs Grendon or

[5] Emphasis original.

Warren Hill in England[6]) – bringing staff and prisoners together, in dialogue and on an 'equal' footing. It largely resembles the kinds of advisory models we see today: prisoners 'had a say' though Gill had veto power; the council was only concerned with community issues, not personal agendas; and it was a collective effort toward environmental betterment. Gill's use of the prison council served a pragmatic and functional purpose, alongside some rehabilitative aspirations: e.g. teaching 'the rudiments of community living', growing 'civic pride', giving 'as much responsibility as they [prisoners] could stand', and operating as a form of group therapy (Stastny and Tyrnauer 1982: 56-57; Baker 1974: 78). However, this democratisation experiment, like Osborne's, was short-lived. Problems became more acute and unmanageable when the prisoner population began to change, and Gill was no longer able to handpick his 'community' or the council. Social and governmental politics were changing as well. Just six years after its inception, Gill's Colony came under attack, with accusations that prisoners 'were being mollycoddled in a hotbed of petty corruption' (Stastny and Tyrnauer 1982: 58). Charges were brought against Gill, but ultimately dismissed. The new state auditor, Francis Hurley, who led the campaign against Gill and the prison reported:

> During the whole investigation I kept in mind that, when all the verbiage is stripped away and when all the nice words used in the science of penology are reduced to ordinary terms, the inmates at Norfolk are criminals (Stastny and Tyrnauer 1982: 58).

At the conclusion of the hearings, Gill responded: 'According to Hurley, the men at Norfolk are criminals. We hold that the criminals at Norfolk are men' (ibid: 58).

There were other notable attempts at prisoner participation into the 1940-50s, though founded on distinctly different grounds than their predecessors. There were waves of prison protests across the US in the early 1950s, due in part to poor conditions and increasingly restrictive parole board practices (Adams 1994; DiIulio 1987). Washington State Penitentiary in Walla Walla, for example, established an Inmate Advisory Council in 1956 following a costly and bloody disturbance the year before. The aim here was explicitly instrumental: maintain order and minimise violence and unrest by 'negotiating through' a group of powerful prisoners. Prisoners were able to vent frustrations, make some 'demands', and to a minimal extent, improve their conditions (or personal circumstances, for some) (Stastny and Tyrnauer 1982: 81-83; Baker 1974: 184-185). Walla Walla continued to gain notoriety into the 1960s and early 70s as more waves of prison riots crossed the nation. These uprisings were focused on

[6] See, for example, Genders and Player (1995) and Liebling et al (2019), respectively.

consciousness-raising and broad-based social protests questioning custodial ideologies around rehabilitation (or the lack thereof) and mirroring the social unrest and civil rights movement occurring in the community (Adams 1994). Hunger striking, sit-in protests, peaceful demonstrations, and violent revolts were occurring with greater frequency. In response, and throughout the 1970-80s, prisoners began organising themselves into self-governing bodies (some were extralegal, others were informally condoned by management, and some were in direct communication or in negotiations with the administration) to manage tensions, complaints and grievances, ill treatment, and general feelings of injustice (see also Thompson 2016; Useem and Kimball 1991; Stastny and Tyrnauer 1982; Campling 1994).

These early experiments created a foundation for future learning and implementation, and for the more cynical, it provided a growing evidence-base confirming that 'democratic management' in prisons 'seems highly questionable' (DiIulio 1987: 38). Some initiatives were more successful than others, depending on their intentions, motives, or desired outcomes (e.g. prisoner rehabilitation or management goals). They also brought to light fundamental tensions in the aims and purposes of imprisonment. Prisoner participation and democratisation efforts confronted and questioned the totalising nature of prison power and control, and disrupted the hierarchy (Sykes 1958: 47). In some cases, prisoners demonstrated the capacity to organise – peacefully and civilly – and manage themselves and their needs with more humanity and attentiveness than previously experienced. For example, briefly in Attica in the early days of the uprising (Thompson 2016), in Walpole when prison officers left the prison to strike (Berk 2018), and in Walla Walla when officers abandoned an impending 'race riot', which prisoners then resolved peacefully, through dialogue. They subsequently formed a prisoner-led committee to settle disputes and avoid interracial violence (Stastny and Tyrnauer 1982: 88-89; amongst numerous other examples).

These early experiments also paved the way for new forms of prison management that evolved from reform agendas and prisoners' rights movements in the 1960-70s. Ideas about treatment, 'corrections', therapeutic engagement, the role of the prison and the prisoner in reformation and rehabilitation were shifting (Haney and Zimbardo 1998). In 1967, the notion of the 'collaborative' prison through participatory management was strongly endorsed by the President's Commission on Law Enforcement and Administration of Justice:

> From a rehabilitation standpoint, such inmate involvement with staff is not so important for its practical contribution to the efficiency of institution management as for its social function in bringing inmates and staff into collaborative interaction … [It is] still

> another mechanism … for reducing the extent to which prison social structure alienates inmates from non-criminal persons and increases their identification with other offenders (Stastny and Tyrnauer 1982: 61).

This pointed toward a new type of custodial model in which prisoners would 'share responsibility and share in making decisions – in short, power' (ibid: 61).

Contemporary prisoner participation in the UK

Moving forward, a clear distinction will be made between *self*-governance and *participatory* governance. This dissertation is concerned with the latter. Although these terms are often used interchangeably, and there are some intersecting features, functions, and intentions between them, there are fundamental theoretical and practical differences that are pertinent to consider in the context of the current study. Self-governance generally refers to regulatory bodies, practices, 'inmate codes', and official, extralegal, or informal modes of prisoners monitoring, policing, and holding each other to account for the purpose of maintaining some form of organisation, discipline, and order. This is often in place – or in the absence – of prison staff or formal structures. Prisoner self-governance has its own history, development, practice, and literature (see, for example, Osborne 1924; Sykes 1958; Clemmer 1958; Goffman 1961; Baker 1974; Murton 1976; Stastny and Tyrnauer 1982; DiIulio 1987; Toch 1994; for more contemporary and global studies, see Skarbek 2016; Symkovych 2017; Darke 2018; Weegels 2019[7]).

Participatory governance, on the other hand, emphasises 'democratic' (inclusive) engagement through deliberative practices, with the aim to deepen citizen participation in governmental (or organisational) decision-making processes. It 'moves beyond the citizen's role as voter or watchdog' to include collaborative and direct involvement in shaping policy and implementation (Fischer 2012: 457-458). In contrast to self-governance, the literature on participatory governance, in relation to the prison, is minimal. There are two primary and common forms of (quasi) participatory governance practiced in prisons today. The first is within democratic therapeutic communities (TCs). These are typically small units[8] which

[7] This is by no means an exhaustive list. This is a large, broad, and growing literature, especially as prisons research has extended into formerly unexplored parts of the world over the last two decades.

[8] Like in HMPs Warren Hill, Send, and HMYOI Aylesbury (established after fieldwork for the current study concluded), and a larger one in Dovegate, amongst others. HMP Grendon is the exception, as it is the UK's only whole TC prison (see also Newell and Healey 2007).

promote collective 'community' decision-making within a treatment framework that emphasises personal responsibility and accountability. TC 'residents' are either hand selected or nominated by prison staff, or they are required to apply for acceptance into the community. TCs have a substantial history (born out of psychotherapeutic approaches in psychiatric centres) and literature, and their documented success is unrivalled, both in 'soft' and hard outcomes (e.g. Genders and Player 1995; Stevens 2010, 2011; Jensen and Kane 2012; Bennett and Shuker 2017), as well as moral quality or performance (Liebling et al 2019).[9] TCs stand apart from conventional custodial models in several important ways. As the name suggests, they are dedicated to supportive community living that encourages open communication and accountability between staff and residents. In HMP Grendon, for example, there are echoes of Gill's Norfolk treatment-focused 'community prison' – prison staff wear more casual (and non-confrontational) clothing than typical prison officers, they balance their duties (and training) between custodial matters and treatment support, and they are deeply engaged with the rehabilitative process (Stevens 2010; Toch 1997). Residents are 'active citizens' in the sense that they discuss, deliberate, and vote on issues concerning their community, often alongside prison staff. Equally, residents play an active role in wider decision-making processes, as they are regularly (and authentically) consulted by the Governor and senior managers about significant prison changes (like the introduction of new programming or personnel, or policy implementation; Genders and Player 1995; Bennett and Shuker 2017).

Whilst undoubtedly 'participatory', and with many evidenced positive outcomes (individually and institutionally), TCs can be exceptionally 'coercive and authoritarian' (Genders and Player 1995: 195), with distinct pains associated with 'exaggerated uncertainty' linked to fears of rejection or expulsion from the community (Bridges 2017: 9). TCs are therefore democratically questionable: residents are hand selected by a strict set of criteria, including a certain level of 'treatment readiness' (e.g. no recent drug use, or involvement with violence or self-harm; Bennett and Shuker 2017: 19); and ongoing 'inclusion' in the community is dependent on engagement and compliance with the custodial and treatment regimes, thus making participation obligatory and weaponised, as residents are encouraged to police and regulate themselves and others, which, arguably, could conflict with normative democratic ideals. It is for these reasons that TCs are not well placed to be considered a deliberative democratic model

[9] Success here refers to a range of desired outcomes: reduced reoffending rates, increased treatment compliance, improved interpersonal skills, trauma recovery, lower institutional violence and self-harm rates.

in which the value of participative and civic enfranchisement is in the means *and* ends (that is, participation is not transactional, or seen as a means to an end in sentence progression).

The second, and most common form of participatory governance in prisons is that of prisoner advisory or consultative committees, also referred to as prison councils. These are broadly defined as 'any structure that exists for consulting prisoners on a wide range of issues … They are prison-wide bodies or they act on behalf of a section of the prison' (Solomon and Edgar 2004: 1). They usually entail semi-regular meetings between senior managers and a selected group of prisoners to discuss concerns, problems, or feedback, and sometimes they act as a conduit for information gathering or dissemination. This can be as innocuous as spreading announcements through the consulting prisoners that new programming or canteen items are being introduced, or more serious, like the Governor seeking intelligence on the influx of a certain drug in the prison or getting early warnings of growing unrest. Sometimes prison officers are involved in the council, but this is rare. Much like the early experiments in prisoner participation, councils are established for any number of reasons, they vary significantly in the level of staff and prisoner engagement (as well as inclusivity), are regulated and organised in their own unique ways, are called by different names, and perform a variety of functions. Despite widespread use in the UK for at least thirty years, little has been formally written about them, or the role of prisoners in participatory models of governance more generally (Solomon and Edgar 2004).[10]

As in the US, waves of prisoner unrest led to rioting across England in the late 1960s and early 70s. This was largely in response to poor conditions, overcrowding, and the tightening of security following the Mountbatten Report in 1966. It was against this tense backdrop that PROP – the Preservation of the Rights of Prisoners – was established in 1972 by a network of ex-prisoners, current prisoners, and their supporters 'to give visibility' to the prisoners' rights movement, in solidarity, and 'act as a representative body for people struggling inside' (IWOC 2017: n.p.; Ryan 2003: 49-50). PROP acted as an unofficial union to put pressure on the prison authorities to force change. It exercised considerable influence, and for the first time, current and former prisoners 'were setting the agenda; policy and tactics were now being driven from below' (Ryan 2003: 50). However, the Prison Officers' Association (POA) soon squashed

[10] 'Prisoner participation' has become a buzzword in the last decade and is conceived of in a number of ways – e.g. through prison radio (Anderson 2013), forms of 'active citizenship' (Edgar et al 2011), in open and training prisons (Nacro 2014), and via peer support and the Listener scheme (Jaffe 2012). Participation has become popular in many jurisdictions, for example in various ways in Belgian prisons (Brosens 2019). However, the purpose of these forms of participation are distinct from democratic engagement with governance structures within the prison.

whatever power PROP had and the union quickly faded away, leaving little in the way of tangible improvements to prisoners' rights or their material circumstances. But PROP remained an important and active lobby group for several years after and, crucially, provided a platform for prisoners to mobilise their voice.

It was not until another wave of prison riots rocked the UK in the late 1980s and early 90s that the notion of prisoners having a say in, or being consulted on, prison management was widely adopted. In response to these disturbances, Lord Woolf led a major inquiry and subsequently published a report (1991) that outlined how a procedurally just system should operate – it should be: just in the results it delivers; fair in the way it treats litigants; understandable to those who use it; and responsive to the needs of those who use it. Woolf stressed the importance of justice in prison which, he asserted, occurs on two levels – in material conditions and through processes that are seen to be responsive and fair, including the duty to provide reasons for decisions and be responsive to grievances. From the Woolf Report came an awareness that a more just and legitimate prison regime would incorporate a dialogue with prisoners to hear their concerns. Out of this came the widespread introduction and practice of prisoner consultative forums, advisory committees, and prison councils (Day et al 2015).

To date, three in-depth studies of prison councils have been conducted. All three were carried out in England and each explored different aspects of council use and practice: one examined council implementation and operation from a broad survey of prisons across the country (Solomon and Edgar 2004); the second sought to establish a theoretical grounding in which to understand the individual impact of council participation (Schmidt 2012); and the third was a mixed methods evaluation of prison- and community-based councils and their implications for reintegration (Barry et al 2016). The latter two focused on one particular council model facilitated by User Voice, a local non-governmental organisation (described in detail below).[11] Whilst a range of findings emerged, there were several consistent and key results: universally, prison councils were believed to be intrinsically valuable for people and prisons, even if there was a lack of causal evidence to support this (like a reduction in institutional violence, for example). Relationships between staff and prisoners most closely involved in the council improved, but this did not always radiate further into the prison, and in some cases, exacerbated antagonistic attitudes between officers and prisoners on the council. Communication was more

[11] The author was involved with the latter two studies as principal researcher and co-investigator, respectively.

effective; and for council participants, most reported positive (inter)personal growth and skills development. These studies will be discussed in turn.

Solomon and Edgar's (2004: 7) inaugural study qualitatively explored how councils were operating in 27 English prisons (through interviews, surveys, and field site visits). The findings suggested that councils were largely viewed as beneficial to prisons and prisoners ('everyone gains!'). Not surprisingly, it was observed that councils vary widely in their purpose, practice, engagement, and activity, which impacted perceived value and levels of success (e.g. embeddedness, efficacy, and ability to deliver change). For prison managers and Governors, the primary benefit was 'the value of dialogue' (ibid: 22) and increased communication: the council was a channel for informing prisoners about changes in policy or programming; prisoners had the opportunity to voice their concerns and views to management; and conflicts of interest (between staff and prisoners, or management and prisoners) were more easily mediated or prevented. Other institutional benefits included 'smoother' and streamlined regimes, improved resource allocation from prisoners' feedback, and as both prisoners and management noted, the council acted as a 'safety valve for tensions' (as it had the 'capacity to dissipate tension'[12]), and properly direct complaints. Prisoners were able to 'explore and understand the reasons for decisions taken by management' (ibid: 25). There were a number of drawbacks highlighted in the study as well. These were: missuses of the council (e.g. inappropriate complaints or personal agendas being raised) which sometimes escalated tensions and frustrations; some staff resentment from feeling 'overlooked'; and for council participants, some reported receiving harassment on the wings as other prisoners accused them of being 'grasses' (ibid: 21). The authors concluded that active prison councils have a 'real capacity to contribute to prison policy' (ibid: 45) and the betterment of prison life generally, but if an aim of councils was to 'embrace the benefits of prisoners making a contribution, informing management, and exercising citizenship, they needed to offer much more than this' (ibid: 35).

Schmidt's (2012) study explored the theoretical and democratic underpinnings of the processes at play within a distinct prison council model. She carried out qualitative fieldwork in three prisons where User Voice councils were at varying stages of implementation. Like Solomon

[12] One prison in this study 'directly attributed the existence of the council to a reduction in violence' on a particular wing (Solomon and Edgar 2004: 25). This is a recurring theme in the literature on prisoner participation (i.e. a strong belief that councils reduce violence, supported by some anecdotal evidence), though few studies have attempted to empirically explore the relationship between an active council and violence levels. However, recent research (using secondary quantitative data) by Lerman and Weaver (2016: 240) in the US found 'some evidence that the presence of advisory councils might actually offset the prevalence of gang violence within the prison'.

and Edgar (2004), she found that the inherent (or ideal/assumed) values embedded within inclusive 'democratic participation' – responsibility, voice and choice, generativity, recognition, contributing to a civic community, a collective effort towards betterment, and so on – were universally perceived as valuable and desirable by those engaged in council activities ('it's good for everyone'). Prison officers, however, who typically had little to no exposure to the council, were often resistant toward, suspicious of, and in some cases, actively obstructed, it. Schmidt's research concentrated on the experience of prisoners acting as 'citizens', flexing their democratic muscle through engagement, voting, and collaborative, solution-focused dialogue with staff. There were four key findings: council participation enabled prisoners to (re)construct positive and productive identities with future-oriented aspirations; for staff and prisoners working together on the council, relationships were improved via increased levels of recognition and trust; being on the council helped prisoners to feel more secure, informed, and certain in an often unstable atmosphere, which lessened tensions, anxiety, and elevated overall feelings of wellbeing; and, the council generated a sense of collective responsibility centred on community betterment, which created a safe space of inclusion and purpose (Schmidt 2013a: 12-17). But there were also some risks and limitations identified: 'selling hope' to council participants, whilst managing expectations, was a tricky balance (Schmidt 2012: 44); councils required buy-in and support beyond the Governor – which was not easily achieved, especially with traditional, 'old school' staff cultures and in chaotic environments; and, the role of the User Voice staff, who are all ex-prisoners, was critically important for prisoners but more troubling for staff (discussed further below).

The third and most recent study on prison councils (Barry et al 2016) used a variety of methods to evaluate cost effectiveness, institutional benefit and trends (like levels of violence and use of segregation), individual impact, and overall value in six prisons located throughout the country. The authors found that councils had a positive impact on the manageability and perceived legitimacy of prison regimes, as well as reductions in problematic incidents/events, including reduced assaults on prison staff[13]; participation in the council gave prisoners a sense of purpose and enhanced empathy towards others; and, there was some evidence that a User

[13] Incidents of violence were tracked over time with a pre-council monthly average level of violence compared to a monthly average once a User Voice council was active. These rates were also compared with levels in comparator prisons without a User Voice council. Evidence concerning assaults on staff suggested a positive impact overall, although levels of violence were significantly worse in one User Voice prison (as compared with levels in the comparator prison). Prisoner-prisoner violence seemed to remain the same. These are correlational, not causal, relationships (see Barry et al 2016: 80-83).

Voice council was highly cost-effective.[14] The recommendations for improvements and overcoming some of the limitations identified by interviewees were primarily oriented around staffing issues: uniformed (discipline) officers should be more involved in council activities to increase buy-in, and to ease and assist with council implementation (rather than obstructing activities or engagement). Staff should 'witness' the work in action, because inclusivity should extend to staff (as Gill pointed out early on); and consistency of User Voice staff was important for continuity, accountability, and ongoing engagement.

In sum, these studies offer a solid knowledgebase on how councils work, their implicit and explicit value, and the ways in which participatory governance through council engagement can promote and grow individual skills, strengthen relationships, and help in shaping regimes to become more procedurally just in decision-making processes and in their treatment of those in their care. Taken together, these experiments in prison participation speak the language of democracy and its 'virtues'. Even very basic acts of inclusion and involvement carry significant symbolic power (Toch 1994; see also Goffman 1961/1963), especially to populations that have largely been marginalised or disenfranchised without a 'voice', political representation, or access to social capital for much of their lives (Easton 2008; Dhami 2005; SEU 2002; Behan and O'Donnell 2008). Such participatory approaches, as Gill believed, can help to 'normalise' prison life, be developmental, and contribute positively to socialisation (by combatting institutionalisation; Toch 1994: 62; Pincock 2012; PRT 2011). Civic engagement enables prisoners to explore and express their interests and preferences, and create community capital (Edgar et al 2011; User Voice 2010; Solomon and Edgar 2004; Rose and Clear 2002). Purposeful and dialogic interactions have the capacity to generate empathy and greater consideration for others' needs (Morrell 2010; Dzur 2019; Dhami 2005; Paternoster and Iovanni 1989). In addition, empowerment through participation allows for some autonomy, control, and 'choice' to be restored to prisoners' everyday lives (Edgar et al 2011; SEU 2002: 87; see also Hinson 2020). There is strong evidence to suggest that developing and exercising such skills increases the quality of one's custodial life (for example, the ability to cope and general wellbeing), encourages positive community engagement, and promotes a greater likelihood for resettlement success and desistance from crime (Toch 1997; Visher and Travis

[14] Council activities generated a range of cost-able benefits in relation to service provision and individual change among participants, which taken together far outstripped monthly and annual running costs of operating a User Voice council (see Barry et al 2016: 64-70).

2003; Uggen and Manza 2004; Uggen et al 2004; Liebling and Maruna 2005; Ellis and Bowen 2017).

However, despite the long-lasting popularity of prison councils and other forms of participatory governance – and the 'possibilities for change and good outcomes for everyone' – they have had an erratic past in terms of sustainability, legitimacy, and intended aims.[15] Many have been tokenistic, manipulative, or corrupted, particularly when the purpose is not explicit (or when the purpose is explicitly coercive), and many disband when there is a change in leadership, or they are substantially curtailed under the pressure of external politics or policies, thus limiting longevity or the ability to effect change (Baker 1964; DiIulio 1987; Toch 1997; Stastny and Tyrnauer 1982).

Critiques, risks, and limitations

As detailed above, there are numerous benefits associated with participatory efforts, but there are also significant risks and real concerns. Such initiatives raise critical moral and philosophical questions about the purpose and aims of imprisonment, where the reach or limits of punishment and liberty lie, and old debates are revived about the compatibility of 'rehabilitation' within a retributive system (Walgrave 1994). Other 'big' questions must be negotiated as well: Will power flow or be distributed differently? If so, how, when, and under what circumstances? What are the rules of engagement? What (or where) are the limits of prisoner participation? What is the prison council for? How might the expectations and motivations vary between prisoners and prison managers, and what are the implications of this? Is prison democracy desirable? How achievable is collaborative governance? Who benefits and how? Enfranchising prisoners and reimagining them as active 'citizens' confronts the role of the prison within a democratic society and challenges notions of worthiness, redemption, and responsibility. Democracy and imprisonment, it seems, make for strange bedfellows (Sparks 1994: 15).[16]

Most (if not all) of the documented experiments in prison democratisation have been vulnerable to practical challenges and inherent 'antagonisms' within their establishments (Carrabine 2005: 897). A basic but crucial operational 'problem' is the role of staff and where they 'fit' within a

[15] Quote from a prison Governor.

[16] Susanne Karstedt (2010: 1), when discussing Gary LaFree's (2003) comment that 'criminology and democracy might at first seem to be strange bedfellows', writes: 'It comes as a surprise that criminologists from the first and oldest of modern democracies have rarely turned their attention to the connections between democratic institutions [and] crime and justice'.

co-governance arrangement. Consistent with the current research on prison councils, Stastny and Tyrnauer (1982: 58-59) note that 'the most troublesome issue in all prison self-government experiments [i]s the role of staff, particularly guards'. How officers understand their role and purpose, what messages are being sent from 'the top', what resources are available, and the institutional culture, will all influence how staff interact with prisoners and where they see themselves within the rehabilitation process (Crewe and Liebling 2017). This is an advantage of therapeutic communities and other small or specialised units (like enabling environments) where 'treatment' is at the centre of their work and gives staff a clear model to work to (Toch 1980; Liebling et al 2019). Consultative forums and prison(er) councils can upset established power configurations and be perceived as a 'threat' to prison staff, who often view the 'giving of power' to prisoners in zero-sum terms – i.e. 'the more power you give to prisoners, the less we have' (see also Hepburn 1987: 51). This friction can lead to hostilities, backlash, and negative repercussions for prisoners (see Schmidt 2012; Barry et al 2016). Ignatieff (1978: 213) further questions the desirability or realistic prospect of bringing prison staff and prisoners together in a cooperative and meaningful way: can there be a 'reformative idea' based on a 'shared moral universe … [between] punisher and punished'?

In the past, others had criticised participatory models for not going far enough and dismissed councils specifically as being 'weak instruments' for the betterment of prisons and prisoner quality of life (Stastny and Tyrnauer 1982: 59). In the US in the 1970s, for example, labour unions were called for as a way to enable prisoners to collectively mobilise, organise, and bargain for worker rights (Browning 1972: 42; Huff 1977), though this was problematic as well, even when some prisons formed their own unions. Prison officials and members of the public decried the 'excess of democracy' that came from these prisoner-led reforms, whilst inside the 'recognised' prisoner unions were viewed as insufficient and ineffectual for achieving the radical change that was desired. In response, clandestine 'Convict Unions', that largely used force and intimidation, were established to mobilise strikes (Cummins 1994: 190-216).

In the wider literature on service user involvement in public services, concerns regarding representativeness (who gets heard), state paternalism and placation, and the 'supermarketised' fetishisation of this movement have been proffered (Cowden and Singh 2007: 6; Croft and Beresford 1989). One of the key issues, which is paralleled within the prison setting and criminal justice more generally, is the lack of clarity around what 'user involvement' means in

practice and how the user's 'voice' should influence or inform policy. Heyes (1993: para 6), reflecting on the mental health care system, notes:

> One problem is trying to agree what is up for debate when one talks of user involvement. Is it simply about involving users as 'consumers' in their treatment, or in planning or evaluating services? Or is it something more than that? Is there a real transfer of power to the service user? Does it include them running services themselves?

The service user movement developed in the 1980s and 90s, at least in part, as an effort to establish and promote individual and social rights for diverse categories of the population (targeting particularly disadvantaged or marginalised groups, like those with disabilities or mental illness) (Parton 1994). The movement grew up alongside New Public Management strategies, which tethered together user 'empowerment' ('have a say' in service provision evaluation and reform) with the streamlining, commercialisation, and privatisation of public services (Beresford and Croft 2004). Heffernan (2006: 142-143) argues that 'the goal of preserving someone's rights' is 'an aspect of combined forms of professional power through which … 'service users' are regulated and controlled, whilst under the illusion that the end result will be social inclusion' (see also Evans and Harris 2004). Cowden and Singh (2007: 16) question 'managerialist-consumerist' forms of 'user involvement', which have been commodified into:

> [A] technique for information gathering … to provide a fuller picture on which to base policy and provision. Its role has never been framed in terms of altering the distribution of power or who makes the decisions (Beresford 2003: para 16).

Arnstein's (1969) seminal work on citizen participation also warns of the 'empty ritual' of distorted and illusory 'participation' commonly found in citizen advisory boards. She argues that:

> Participation without redistribution of power is an empty and frustrating process for the powerless. It allows the powerholders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo (ibid: 16-18).

This issue seems especially salient – and dangerous – in the context of the prison, as 'prisoner consultation' could be used to legitimise (or sharpen) the punishment that they are subject to. Thus, there are legitimate concerns that 'user involvement' initiatives can be *dis*empowering, manipulative, exploitative, and generate false expectations. On the other hand, when managed

with accountability structures, procedural transparency, and direct-action initiatives, such participation can move towards more authentic forms of engagement. This is one of the aims of User Voice.

User Voice and their prison council model

User Voice (UV) is a non-profit organisation delivering a range of bespoke services in prison and probation communities throughout England and Wales. It was established in 2009 with the aim to 'improve rehabilitation through collaboration'.[17] Their mission is to 'build the structures that enable productive collaboration between service users and service providers'. Consultative and solution-focused dialogue allows 'unheard voices to make a difference, to urge policy-makers and people with power who make decisions to listen'. User Voice's core belief is that 'rehabilitation only happens when everyone in the criminal justice system shares responsibility for transforming the 'us vs. them' division into real collaboration'. An underlying assumption that guides their work is that policies and services should be improved, streamlined, and reformed with the feedback and knowledge of 'expert voices'. This will then lead to better outcomes for everyone. Whilst there has been a recent move toward incorporating the user's voice in public administration (as noted above), along with documented successes (e.g. Simmons and Brennan 2017), this strategy has not yet been widely adopted by the criminal justice system (with some exceptions, particularly in community-based services: see, e.g., Barr and Montgomery 2016; HMI Probation 2019; Clinks 2016). Guided by these principles and aims, User Voice's prison council model was developed as an effort to 'reduce reoffending through empowerment', productive dialogue, and by promoting and practicing democratic 'active citizenship', with a long-term goal of creating more humane and responsive criminal justice institutions and services.[18]

Distinctive features

[17] At the time of this study's fieldwork (2012-2014), User Voice was still a young and developing organisation. Since then, they have expanded significantly and now work in related sectors, like mental health, disability, and addiction. They estimate that over 75,000 people in prison and through community supervision have been impacted by their work (see https://www.uservoice.org/home/what-we-do/). For additional background information on User Voice and its work, see Schmidt 2012: 6-12; Schmidt 2013a; Barry et al 2016.

[18] From User Voice promotional materials. See also: www.uservoice.org.

There are five primary ways in which the User Voice model helps to combat issues and concerns that have plagued previous attempts at participatory governance. The first is that it is an independent organisation contracted as an intermediary to establish, grow, and maintain the prison council. User Voice takes on the responsibility of overseeing and facilitating most aspects of the council – from the initial engagement process, to generating interest and involvement from prisoners and staff, through the election phase, and with ongoing support to ensure the council is kept active and accountable for the duration of the contract.[19] A persistent critique and limitation of such prison initiatives is longevity. They are often introduced as 'pet projects' by a keen Governor, only to lose momentum if not kept 'alive' and fruitful, or they disintegrate once leadership changes. Having a contract, to some extent, provides a sense of continuity and assurance, allowing for longer-term planning and engagement to flourish.

A second distinctive feature, and perhaps the most crucial, is that User Voice employees have lived experience of the criminal justice system. All of the council facilitators in this study had previously served time in prison (ranging from under one year to over ten years), and in some cases, were now working in establishments where they had once been incarcerated. Findings from previous research (Schmidt 2012; Barry et al 2016) on User Voice found that their ex-prisoner status was critically important to prisoners – it legitimised the project, created a 'shared' understanding that helped to cultivate trust and rapport between council participants and User Voice staff, demonstrated 'desistance in action', and showed prisoners that rebuilding a life after prison (even after a long sentence) was possible. This status was also critical to staff and management, though in different ways:

> It's good for staff to see these guys [UV employees] – they're professional now, doing good and giving back. They usually only see prisoners coming back to do more time … Success stories are rare around here. (Senior manager)

> A con with keys? Fuck me. Once a con, always a con … You might as well hand 'em [the keys] to the lads [prisoners]. (Prison officer, responding to a UV employee who was allowed to carry keys)

There were positive and negative aspects of the ex-prisoner status. It complicated relationships with officers (and, consequently, their buy-in, acceptance of, and interactions with the council), but was vital for prisoner engagement. This will be discussed further throughout the dissertation.

[19] Contract lengths are typically one to two years, with the option to renew at one-year intervals.

Once a prison contracts with User Voice, the factfinding and 'engagement' phase begins. One or two council facilitators enter the prison and for several months they spend long periods talking with staff and prisoners about 'what matters' in their establishment – what works well, where are improvements needed, how relationships are, and where the tensions are. From this collective feedback, council 'parties' are identified and constructed. This is the third unique quality of the User Voice model. Each party's title reflects the area of prison life they will focus on and seek to improve (e.g. 'diversity', 'make a change', 'community', 'training and education', 'resettlement', and 'inter-relations', amongst others). Once parties are assembled, each creates a manifesto which outlines their purpose and objectives. These are then presented at an all staff meeting and more informally around the wings through small group sessions, one-to-one contact, posters, and electronic kiosk announcements ('voters need to be informed of the issues and which party is best placed to represent them'). This pre-election phase of council development lasts anywhere from three to six months (or longer), depending on the prison, its size, and engagement levels. A prison-wide election is then held, where prisoners and staff vote for their preferred party (not individuals), which avoids problems related to personal agendas or favouritism.

Election Day in the prison is electric (see also Schmidt 2012: 22-23). Parties continue to campaign, discuss and debate the issues with the 'public', and staff and prisoners mingle with coffee and snacks awaiting their turn in the voting booth and for the election results. Ballots are designed to be inclusive and non-discriminatory – they contain writing, sometimes pictures, and are colour-coded. On Election Day, party members wear their designated colour (in the form of User Voice t-shirts) which corresponds to their box on the ballot. For voters who may have difficulties with reading or language, they can select the colour for their desired party, without having to be embarrassed, or disclose their difficulty. Local officials oversee the day's proceedings, which makes the event feel 'real', 'legit', and like 'it really matters; it's taken seriously'. These small but significant details reinforce User Voice's aim to promote inclusiveness through whole-prison representation and participation.

Fourth, there are accountability structures in place to keep track of proposal progress and outcomes. User Voice employees maintain records documenting these processes, setbacks and successes, and often drafted quarterly and annual status reports.[20] Prisons tracked this data as

[20] Though this practice was sporadic and dependent on the employee. Some council facilitators kept extensive records whilst others did not. Such reports are not part of the contract arrangement between User Voice and the prison.

well, in part to demonstrate (justify or defend) 'value for money' and the cost effectiveness of contracting with User Voice. The status of council proposals were monitored through a traffic light system to indicate fulfilled/actioned proposals (green), those that were 'in process', stalled, or 'awaiting more information' (amber), or the ones that had failed or were rejected (or needed to be returned to at a later date) (red). Many council members kept detailed logs and meeting minutes for 'the official record' as well.[21] This accountability triad ensured that all council proceedings were fairly well documented, that active tabs were kept on unresolved or paused initiatives, and that successful outcomes were chronicled. This aspect of the council was highly professionalised, which gave it an air of respectability and formality that participants positively responded to. As one Governor noted, the monthly council meetings were carried out like any other management meeting – with refreshments (most of the time), pleasantries, an agenda, minutes were taken, and so on. This was symbolically important.

Lastly, the User Voice model is bespoke. Whilst there is a basic operational framework, implementation and maintenance is tailored to each prison to meet the particular needs of that environment and population. This allows the council to be responsive to shifting dynamics within the establishment, and to 'stay relevant' and 'on the pulse of' 'live' and pressing issues occurring in and outside of the walls. This was key when major governmental or organisational policies were introduced, like the 'toughening up' of the Incentives and Earned Privileges (IEP) scheme or the removal of legal aid assistance in 2013. Standardisation of the council was seen to be neither desirable nor effectual. For many prisoners, a 'standard, one-size-fits-all' council would 'be like all the other out-of-touch programming we already have' with little meaning or impact. A bespoke council, however, felt personalised and attuned to everyday life in that prison.

The council in practice

Following the election, the 'council' is formed. All parties are represented, but the number of 'seats at the table' is determined by the percentage of votes that party received. A typical council was made up of around 15-20 members, with parties getting anywhere from 2-8 seats each, depending on the number of parties and the size of the prison. These were the representatives who attended the 'formal' monthly council meetings (chaired by the Governor

[21] This was sometimes seen as 'necessary' in some particularly low-trust prisons because there was dissention over the 'accuracy' of the council meeting minutes kept by the prison administrator (this was the case in Maidstone).

and attended by other senior managers). The remaining party members (one or two dozen others) were actively working in the background on research, proposal development, and consulting their constituency. Preparation meetings were held weekly, in private spaces around the prison (e.g. the library, a day room, unused classrooms).[22] All participants would gather, discuss, swap notes, and prepare their proposal for the monthly meeting. These meetings were usually organised into two sections – the first half would be a coming together, as a collective, to raise any issues, concerns, challenges, obstacles, problems solved, and feedback, or just generally catch up and touch base with each other. During the second half, parties would break out into small groups to work on their specific proposal. User Voice staff would float from group to group, helping the men to think through their ideas and refining the text or presentation of the proposal.

The monthly council meetings, held in the prison's boardroom, were attended by the 15-20 core council members (the 'representatives', nominated by their party peers), some staff, and the User Voice facilitators. Which staff were present, and how many, varied considerably by prison. The Governor or Deputy Governor would preside, often alongside a handful of other senior managers, sometimes additional specialised staff (like someone from the chaplaincy team, or in the case of one prison, a UK Border Agency liaison officer), and in a few rare cases, one or more uniformed officers.[23] Each party then had the opportunity to present their proposal, which was followed by a discussion on the finer points. Questions could be asked, and the group would deliberate together. There were some conditions placed on what could be proposed and how: it had to reflect a community concern and be accompanied by a solution-focused strategy for addressing it. Proposals also had to consider resource implications (time, staff, financing) and articulate a reasoned argument as to why this proposal should be actioned. Council participants were expected to carry out any research necessary to 'evidence' the need or demand for their cause (for example: compiling data on food/water/energy waste; identifying where gaps in service needs may be for particular populations, like veterans, fathers, lifers, or the elderly); taking a general poll on interest levels in particular activities, charity events, courses, or new group initiatives (like a Black British History reading group, or

[22] Weekly meetings were facilitated by User Voice employees, but the men on the council often met with each other informally throughout the week in common spaces – for example, on the wing, in the library, or in the gym.
[23] In one prison, which was not one of the three primary field sites in this study, upwards of 20 staff members would attend the monthly council meetings. Discipline staff were able to volunteer to attend each month (there was always a waiting list), so 2-3 officers, on a rotating basis, would also sit in. The benefit of this arrangement and high attendance was that the council had far greater reach (more people were aware of its activities). The downside was that the size of the meeting could make it counterproductive (too many voices could drown out or dominate others, or make it more difficult to move toward a consensus) and cumbersome to manage.

a documentary film festival); or more practical issues like investigating the impact of increasing canteen and phone prices on prisoners' budgets in light of stagnant prison employment pay. If proposals were deferred or rejected, an explanation was provided. Council members were able to object, within reason, ask for clarification, and to some degree, 'negotiate' the decision. Customarily, one proposal would be actioned each month, though there were occasions when more were moved forward (usually because they were easily implementable). Knowing this, there were times when parties would join forces to collaborate and concentrate on a single proposal, if an issue seemed particularly pressing or serious. This meant that some parties would forgo pushing their proposals forward in order to achieve something 'for the greater good'.

Dialogue

Dialogue lay at the heart of council activities and proceedings. This is intentional and explicit, and is embedded in the 'formalised' structures of the council model – 'service users need to have a voice … creating a space for a conversation to be had so all points of view are considered is what we do' (UV employee). Prisoners joined the council knowing that they will get 'a say' and the staff who attended council meetings understood this as well. How that 'say' was used, digested, interpreted, absorbed, or whether it became reflected in policy or practice, however, was much more ambiguous (as Heyes noted above, and will be discussed throughout the dissertation). Those closest to the council recognised the value of 'talk' and its ability to get people to 'understand each other better'. Previous studies on User Voice have documented how formal and informal modes of dialogue and 'chat' helped to break down barriers and strengthen relationships (see also Schmidt 2012: 35-38; Barry et al 2016: 53-57). The 'centrality of talk' in the work of prison officers has also been recognised as key to peacekeeping, dynamic security, and communicating 'care' to prisoners (Liebling et al 2011; Tait 2011).

What was less explicit in council interplay was the contribution of discursive consciousness (Giddens 1984: 43-45, in particular) to more procedurally just decision-making. Staff were compelled to articulate their positions on issues, their reasoning, and the justifications for decisions made. Often, this process was 'live' and surfaced audibly as senior managers, for instance, considered, reflected upon, and talked through their prison's policies and practices as others (including prisoners) were able to question or respectfully challenge them. One example, presented below, was the 'kneejerk' response of 'the issue is security', which was already a

running joke amongst prisoners – 'the answer to everything in here is either 'take a paracetamol' or 'the issue is security''. The proposal being discussed was having a wizard-themed family day where a magic station with 'potions', crafts, and costumes would be available for kids and parents to play with. The absurdity of the discussion's content was important for prisoners, as they felt this was a powerful example of the arbitrariness and 'obsession with risk' that dictated their lives, even for seemingly minor or non-threatening issues (see King and McDermott 1990). This exchange, with a senior manager as the main speaker, illustrates the discursive and deliberative process:

> Yeah, I think it is a great idea, but the issue is security – what if a child drinks the potion? [*It's just water with non-toxic glitter, right?*] Oh, well (laughs), okay … And we'll just put it in plastic tubes, right? No glass? And it's not hot water, right? … Is there a possibility the tube could get filled with alcohol or something else it shouldn't? Who will be handling the tubes? [*The duty officer will fill them up at the sink – the tubes will enter the prison empty.*] … And the costumes, those are a concern too. It'll mean extra searching at the gate … Wands? Are they sharp? What are they made out of? Those will definitely need to be cleared ahead of time. [*Why is that? They're just little plastic wands for children.*] They could be used as a weapon. Are they hollow? They'd need to be scanned. [*Maybe the volunteers could bring them in the day before so there aren't delays on the day? Gate staff could clear them between visitors so no extra coverage would be needed.*] Yeah, okay. That's a good idea. (Senior manager)[24]

These kinds of dialectical exchanges frequently led to senior managers reviewing policy or local practice and questioning 'why have we always done it like this?' and 'I never really thought about why we do it this way – it's just how you learn and then you keep doing it'.[25] Such reflexivity called into question assumptions made about prisoners and their preferences, without adequate 'local' knowledge informing these decisions. For instance, when planning a revised regime, senior leaders intended to schedule the day's association time in the morning using their own predilections: 'We just assumed the men would prefer association in the morning – who doesn't like having a chat with that first tea?' (senior manager). What had not been thought through was that the men used association time for making phone calls ('who can you call at 10am – everyone's at work?'), taking showers ('why am I showering *before* I go to the gym?'; 'I work in the kitchen all day – I smell something terrible at the end of the day'),

[24] This is a compacted version of the dialogue.
[25] The role of communication and group dialogue is discussed further in Chapter 6, 'Deliberation'.

and for debriefing after the day's activities ('at the end of the day you catch up with your mates, yeah – what'd you do today, did you have a visit, how was the gym; it's a good way to relax into the evening'). As prison rhetoric often emphasised parity in schedules and structures inside with 'outside life' (e.g., from a staff member: 'wait times for healthcare are similar to those in the community – they [prisoners] can't expect things to just happen immediately; that's not how real life works'), this too was called into question when morning association was being discussed:

> It's [association is] the equivalent of end of the day rituals – having a bite to eat, taking care of domestics, going to the pub with mates for a laugh – getting that last energy or stress out before going to bed. Who would do that mid-morning? … A normal schedule would put us at work at that time. Isn't that supposed to be the thing – we're being 'trained' to lead a normal and productive life? (CP)

The deliberative repartee about such issues contributed both to the institution's reflexivity and to feedback loops toward reform (where agency and structure were co-evolving for production rather than reproduction; see Morrison 2005: 315-317; Bebbington 2007: 364). It contributed to prisoners' own critical consciousness about their lives, circumstances, and 'process of being' (Freire 1970: 73). Getting an 'inside look' at how prisons (and prison managers) operated enabled a 'constructive confrontation' to unfold between the prisoner and 'the punisher' (Burgess and Burgess 1996: 308). The council forum, then, *could* act as a relatively safe 'free space', creating 'new opportunities for self-definition' (individually and institutionally), the building of connections, cooperative inquiry (Reason 2011: 103), and as the 'primary means through which democratic visions and capacities' could be nourished (Evans and Boyte 1992: xix).

From the literature reviewed here, to the process of how User Voice facilitates participation and collaborative problem-solving between staff and prisoners, it is evident that the *potential* of a working, active, accountable, and unified council is significant. The values underpinning participatory engagement map neatly onto the principles and practice of procedural justice: that is, the ability to express one's voice and position; fairness in procedures; neutral and consistent decision-making and applying of the rules; transparency; decent and respectful treatment; and for citizens to be 'ruled by' authorities who are concerned about their wellbeing.[26] Research on

[26] This list draws from the literature the ways in which procedural justice has been conceptualised and operationalised in different settings, including prisons; see, amongst others: Jackson et al 2010; Tyler 1990; Bottoms and Tankebe 2012; Liebling with Arnold 2004.

procedural justice within prisons has attracted substantial attention in the last decade, with evidence suggesting that fairer, more just and respectful treatment leads to better individual and institutional outcomes (including staff wellbeing and the lessening of burnout), increased perceptions of legitimacy, and some tentative but persuasive links to the reduction of reoffending (Beijersbergen et al 2016; Brunton-Smith and McCarthy 2016; Beijersbergen et al 2014; Lambert et al 2010; see also Auty and Liebling (2020) on the link between prison social climate and recidivism).[27] The essence of procedural justice values are echoed in deliberative democratic models, with both rooted in communication and seeking similar objectives. They are complementary and overlapping, and as Besley and McComas (2005) argue, there is a mutually reinforcing relationship between the two: as perceptions and experiences of procedural fairness influence citizens' trust, commitment, and satisfaction to their governing body, this can in turn improve perceived legitimacy and participation in civic or political life.

This review has demonstrated that it is perhaps not such a conceptual leap to imagine 'democracy' (or justice, fairness, respect, humanity) in the sphere of such an unlikely place. Indeed, it could be argued that prisons – within their starkness, deprivation, tyranny, and extremes – is the perfect laboratory for democratic participation and innovation to flourish. Liebling (2020: 84), in reflecting on her work on the moral life of prisons, observes:

> Imprisonment can force a realisation of what is meaningful, or of what matters. Human needs are 'wrought back' into feeling, both as a result of 'the crisis event' – or deprivation of liberty – and because of the exposure to intensified or power-infused forms of interaction on a day-to-day basis. Paradoxically, this is where 'the living energy' or the pulse of life is at its most powerful. It comes especially clear when a felt 'lack' of, for example, humanity, is momentarily relieved. Extreme contrast (absence and presence) makes the prison something like a 'moral laboratory' in which what matters comes clear.

For some of the prisons in this study the aim was to lessen these extremes by moving away from traditional institutional 'architecture' (Smith 2009) and orientations of 'us versus them' or 'command and control' to a model that:

> [F]eels promising, hopeful, transformative … I don't think it is naïve, I think it's aspirational, but that's how I live my life too – I have hope in humanity … That's where

[27] There is some criticism within this body of work that procedural justice and its key theoretical concepts (like fairness and respect) are notoriously difficult to measure and therefore some of the operationalised forms of measurement or assessment are questionable or weak (see, for example, Henderson et al's (2010) critique).

> our [the prison service's] moral compass should be pointed … toward progression and a management style that is democratic and responsive to those it is responsible for … It's not a radical idea, I know, but it is a little harder to achieve in prison … I think the same basic principles remain the same: people want a say and to be heard, and want their institutions to support them, not work against them. (Governor, HMYOI Aylesbury)[28]

Deliberative democracy

As noted in the previous chapter, this thesis utilises Dzur's (2019: ix) definition of 'democracy' – 'the sharing of power to handle collective problems'. This is for three reasons: it succinctly distils democratic theory into an operational form which can be applied (and appraised) in practice; it is easily translatable within lay settings; and it allows for a flexible exploration and discussion of P/politics (i.e. politics beyond the electoral). For the prison context I have taken this definition one step further to emphasise the 'everydayness' of democracy and democratic engagement (Stears 2011: 6; Dawson 2018; Zinn 1974: 191-192) by focusing on the ways in which those who live and work in prisons relate to one another, communicate, and experience their worlds, with the prison council at the nexus. It is understood that prisons are not democratic. Most democratic theories outline the conditions of and for democracy to be established, to survive, and thrive (see, e.g., Dahl 1989, 1998; Lipset 1959; Diamond 2006; also Beetham 1992). Prisons do not meet such conditions.[29] Prisons are unquestionably peculiar and complicated institutions. This study has had to 'adapt' the language, practice and understanding of democracy to fit and 'make sense' within the confines of their walls. Unlike other experimental sites of 'democracy in unlikely places', prisons are distinct in that they have multiple layers of hierarchy and flowing power, and they are built to exclude and deprive individuals of various rights and freedoms. It should be clear that by contemplating the possibilities and potential of participative enfranchisement, I am not denying the coercive, oppressive, sometimes brutal, and often damaging, experience of imprisonment more generally.

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[28] There were three primary prisons in this study, which are described in detail in the next chapter.

[29] Some conditions that have been identified include: 'effective participation', 'voting equality', 'enlightened understanding', and 'control of the agenda' (Dahl 1989: 106-114); 'a value system allowing the peaceful 'play' of power between 'ins' and outs'', the 'periodic awarding of effective authority to one group' to prevent dictatorial rule, conditions that facilitate some effective opposition, economic development, and legitimacy (Lipset 1959: 71); and 'developed levels of per capita income, civil society, independent mass media, political parties, mass democratic attitudes and values' (Diamond 2006: 93-94).

Deliberative democracy is a form of democratic theory and practice in which deliberation is central to decision-making. The primary task of its theory is to 'spell out the conditions under which political decisions should be considered legitimate expressions of the collective will of the people' (Hauptman 1999: 857-858; see also Gutmann and Thompson 1996, 2004; Bohman 1996). Common will is reached through establishing a consensus from a reflexive process of 'argumentation, mutual criticism' and 'the airing of cultural values among all concerned' (Habermas 1990: 67; Tucker 2008: 132). In practice, this is achieved though deliberation, which refers to thoughtful discussion, debate, and contemplation 'of information … experiences, and ideas among a group' (Nabatchi 2012: 6) wherein a problem is carefully examined for the purpose of arriving at a 'well-reasoned solution after a period of inclusive, respectful consideration of diverse points of view' (Gastil 2008: 8; see also Burkhalter et al 2002).[30] Deliberative forums, or 'mini-publics' (Grönlund et al 2014), require an open and accessible process of collective meditation in which the group reflects on a matter, weighs the strengths and weaknesses of possible solutions, and aims to 'arrive at a decision or judgment based on not only facts and data but also values, emotions, and other less technical considerations' (Gastil 2005: 164). Direct consultation and deliberation should be 'frequent and consequential', and concern not only the choice of political representation but also the choice of policies and 'the substance of what is to be done' (Fishkin 2011: 76).

Although deliberative democracy comes in a variety of flavours (and with some differences between theorists and practitioners), they share several agreed upon tenets.[31] These include the commitment to enhancing inclusivity, responsiveness, transparency, and accountability in decision-making (Healy 2011). The aim is to encourage, increase, and deepen citizen participation (Smith 2009), to invite public perspectives on public issues, to be 'talk-centric' (Chambers 2001: 231), and to create 'ethical conditions for good listening' (Curato et al 2019: 9). Legitimacy is then grown and generated from the deliberative process itself, through the transparency and accountability of collective decision-making and reason-giving (Gutmann and Thompson 2004: 101). '[D]eliberation can enhance the legitimacy of consensual solutions' to moral or political dilemmas (Kohn 2000: 408) because although 'deliberation cannot make incompatible values compatible … it can help participants recognise the moral merit in their

[30] Most scholars agree that Habermas (1994, 1996, 1984; on communicative action and discourse ethics) and Rawls (1997; on public reasoning) laid the foundation for current theoretical understandings of deliberative democracy. Though, as Cooke (2000: 947) compellingly discusses in her article, their normative conceptions of democracy were 'quite dissimilar'.

[31] These 'core values' are discussed in the next chapter, 'The research process'.

opponents' claims when those claims have merit' (Gutmann and Thompson 2004: 11). Dryzek (2001: 651) further notes 'that outcomes are legitimate to the extent they receive reflective assent through participation in authentic deliberation by all those subject to the decision in question'. Critics of this argument often point to the problem of scale, in that in complex societies such deliberative and collective processes are 'extremely implausible' (Parkinson 2003: 180).

At a most basic level, deliberative democratic initiatives bring divergent groups of people and powerholders together in dialogue to find common ground and consensus directed toward local change, to develop or inform policy, or for peacebuilding efforts (Heierbacher 2008). Such initiatives have been employed in an unusually wide range of arenas globally, including at all levels of government, across the public, private, and non-profit sectors, in transitioning contexts, for organisational reform or societal stabilisation, in addressing climate change, urban planning, conflict resolution, and in many other spheres (Nabatchi 2012: 2-4).[32] Whilst many would argue that this adaptability and universal value ('to dialogue is to be human'[33]) is a significant strength, such fragmentation and 'loose' interpretation (and application) has also been one of its criticisms. This is one of the issues that divides deliberative democrats as well, with questions raised about how many contexts can be 'democratised' (electoral, parliamentary, bureaucratic, commercial, educational) and how many issues in any democratised context ought to be under democratic control (Petit 2003: 139).

Other critiques have suggested that deliberative democracy romanticises 'the public', is unhelpfully nostalgic for a community life of yore, is unrealistic, is too demanding and labour intensive to be effective, is too naïve, too slow, and relies on consensus, which is too compromising (and not adversarial enough) to generate real or significant change (see, e.g., Hauptmann 2001: 399; Curato et al 2019: 1-2; Young 2001). Some critics doubt the capacity or ability of ordinary citizens to be 'reasonable' or 'tolerant' enough to productively deliberate (Herzog 2007: 314). Whilst Somin (2010: 253-255) notes that 'deliberative democracy is one

[32] This is a large literature, but some notable and unique deliberative democracy initiatives have included: in healthcare reform (Menkel-Meadow 2011; and Korolev (2014) in China); in south Indian village parliaments (Ban et al 2012); in public ethics committees regarding legislation on stem cell research (Sulmasy 2009); in museums and science centres for climate change dialogue (Cameron and Deslandes 2011); in South Africa's Truth and Reconciliation Commission (Gutmann and Thompson 2004: 160-187); use in managing conflict and identity politics in divided societies (Dryzek 2005); and Smith (2003, 2009) and Bächtiger et al's (2018) work, which showcases a range of innovative initiatives from town halls and local governance to environmental issues, in religion, the media, and in various global contexts.

[33] Park (2017: 161) quoting Archbishop Fernando Capalla, an advocate for peace and harmony building through interreligious dialogue.

of the most influential ideas in modern political thought', 'it is a normative ideal' that is impractical for 'present-day reality'. He, like Herzog and others, contends that deliberative democracy demands and expects too much from the public, who are often un(der)informed, 'highly biased', and politically 'ignorant'. Others have argued that deliberative democracy does not adequately confront or mediate stark differences in power, thus limiting the ability of speakers to participate on equal terms (Karpowitz 2009: 576). Young (2001: 671), in her work on activism and critical oppositional activity, asserts that 'where structural inequalities influence both procedures and outcomes, democratic processes that appear to conform to norms of deliberation are usually biased toward more powerful agents'. This, she argues, perpetuates existing power imbalances, exclusivity, and elitism, rather than the purported aims to be inclusive, pluralistic, and with all participants having an equal voice. The counter to this is that deliberative democracy is intentionally designed to confront such inequalities by redistributing power and voice and 'empowering marginalised groups to practice *narrative agency* – to give an account of oneself using one's own voice, on one's own terms' (Curato et al 2019: 65).[34] Though, as Young (1996: 123) observes, getting a seat at the table does not guarantee one will have a voice at the table. For authentic deliberative engagement, a certain level of democratic 'readiness' must be present (Cooke 2000).

Democratic theorists highlight some nuanced distinctions between 'participatory' and 'deliberative' democracy (the latter emerged from the former, with explicit attention to the importance of dialogic decision-making versus the broader emphasis on citizen participation and representation), though with recognition that 'the similarities are numerous and important' (Hauptmann 2001: 398). For the purpose of this study, 'participatory' and 'deliberative' will be used interchangeably, as the prison council encompassed both through prison-wide engagement and consultation, open elections, deliberative meetings, and greater representation and advocacy, especially for prisoners. There is a related and relevant body of work on 'deliberative civic engagement' (Nabatchi et al 2012), which overlaps with many of the concepts and practices presented here, and comes with an additional and interconnected vocabulary – e.g. civic engagement, democratic governance, citizen participation, participatory democracy, public involvement, public deliberation, and active citizenship (Leighninger 2012: 21). Whilst the terminology may vary, Leighninger (ibid: 20) has identified four common characteristics found in deliberative civic engagement, which are also reflected in the work of prison councils: they assemble a large and diverse 'critical mass' of citizens, or smaller

[34] Emphasis original.

'representative' groups intended to serve as a proxy; structured, facilitated small group discussions are punctuated by large forums for amplifying shared conclusions and moving from talk to action; such forums give participants the opportunity to compare values and experiences, to consider a range of policy options and relevant arguments and information; and, these activities aim to produce tangible actions and outcomes. In their work, Nabatchi and colleagues (2012: 6-7), draw on Ehrlich's (2000) conception of civic engagement and its implications for citizenship:

> [W]orking to make a difference in the civic life of … communities and developing the combination of knowledge, skills, values, and motivation to make that difference. It means promoting the quality of life in a community, through both political and non-political processes (ibid: vi) … a morally and civically responsible individual recognises himself or herself as a member of a larger social fabric and therefore considers social problems to be at least partly his or her own; such an individual is willing to see the moral and civic dimensions of issues, to make and justify informed moral and civic judgments, and to take action when appropriate (ibid: xxvi).

Civic engagement takes place through volunteering, fundraising and other charity work, voting, partaking in social and civic associations, and more generally, working towards community betterment (see also Putnam 2000), with the deliberative aspect pertaining to public participation (i.e. attending town hall or local planning meetings, parent-teacher associations, etc.). Whilst the prison council operates as a form of deliberative civic engagement (by focusing on community issues and improvement), this term does not satisfactorily capture or underscore the importance of inclusion, representation, power-sharing, and participation in decision-making that comes with deliberative democratic practice.

Despite the seeming incompatibility of imprisonment and democracy, prisons are, in many ways, ideally set up for deliberative democratic experimentation: they contain 'small'[35], fairly heterogeneous[36] groups of individuals who have concentrated time available, and who, generally speaking, have some vested interest in living within their 'community' safely, with some order and predictability, and being decently treated by the primary powerholders. Fishkin's work on deliberative polling demands that these forums must take place 'on the scale

[35] This is not to suggest that a prison of 1,500 prisoners is 'small'. This simply refers to a community that more closely resembles the size of a village than a large urban centre.

[36] Obviously, the prisoner population is not heterogeneous when compared to the general population (see Bromley 2019: 20, 24-25). For the sake of my argument, heterogeneous refers to in-prison diversity in age, race, ethnicity, educational attainment, background characteristics, nationality, etc. of both prisoners and staff.

of face-to-face democracy' through 'microcosmic deliberation' (Fishkin 2011: 80-81).[37] Prisons are a 'face-to-face society' (Fishkin and Laslett 2003: 1) that revolve around and function through relational interactions (Liebling 2011; Liebling et al 1999b) – thus, in some respects, the prison is already deeply dialogic. Lastly, deliberative democracy helps to correct coercive power. The challenge that Curato and colleagues (2019: 1-2) pose 'is to understand the precise conditions that allows deliberative practice to confront oppressive social structures and agential practices and promote emancipatory goals'. Gutmann and Thompson (2004: 42-43) note that 'even under unjust conditions, deliberation can make a more positive contribution to the elimination of injustice' than conventional processes, like decision-making by political or powerholding elites.

In his article 'Democratizing Prisons', Hans Toch (1994: 65) offers a gentle warning: 'It is not a priori obvious whether democratization or participatory trends in society are relevant to prisons, or whether prisons can afford to ignore them'. As some modern governance structures have moved away from 'command and control' or 'governance at a distance' approaches, 'variants of 'governance of self' based on notions of participation, inclusion, engagement and dialogue' have begun to progress (Bebbington et al 2007: 357). There is burgeoning experimentation in alternative policy and regime restructuring in public institutions and services (see, for example, Oosterlynck et al 2016; Adesopo 2011; Koppenjan et al 2019), with some organisations incorporating hybrid models of governance. It is unclear how desirable this kind of shift would be for prison administration more broadly, but what this dissertation illustrates is that there continues to be an appetite from some senior leaders to 'govern differently', 'govern with humanity', and govern 'in a way that promotes fairness and justice in everyday life'.[38] If the aim of imprisonment is to establish regimes that increase credibility and procedural justice, and decrease alienation and marginalisation, it may be time to reimagine prisons into deliberative civic spaces to address some of their inherent legitimacy and democratic deficits.

[37] Deliberative polling, briefly put, is the random sampling of representative groups of citizens to come together in dialogue to deliberate local issues. They are also referred to as 'mini-publics' and 'citizen juries' (see Fishkin 2018; Fishkin and Luskin 2005; Fishkin et al 2010).

[38] Quotes from two Governors and one senior manager.

3. The research process

> Yet I think participatory institutions are our best chance at breaking through what has been aptly called 'morally significant nonperception', the evasion of concern for others, the dismissal of some as fully human beings that is the first barrier to be overcome on the way to justice. (Dzur 2012: 14)[1]

> The effort *feels* important. That's why it draws a lot of attention, both positive and negative … The men embody injustice, they are very familiar with it, as am I. They see it, hear it, live it, smell it every day … Having the opportunity to confront that somehow, even in a small way ... But that's the other bit, none of these guys want to revolt and burn the place down – well, not really! – they want to make the place safer, more humane, a more decent place to do their time so they can move on in life without being totally broken by this experience. (User Voice employee)

In this chapter, I explain the methods of research employed, which includes details on site selection, informal and formal access negotiation, sampling, and the analytical framework developed for the study. I discuss some of the issues that were inherent to this particular project, specifically around managing relationships and allegiances with User Voice (UV) personnel, whilst in and out of 'the field'. This discussion also addresses concerns surrounding ethics in methodological decision-making and practices, and how these were mitigated and handled. Admittedly, the research process was not always neat or tidy, straightforward or completely linear. Rather, it was, at times, messy, unpredictable, boundaries were blurred, and loyalties shifted. This 'messiness', however, often led the study into depths that would have been unachievable otherwise.

The key research question was how, and in what ways, council participation, and the democratic ethos and process that this entails, impacts individuals and institutions. The aim of this study was twofold. The first was to appraise this deliberative council model within a democratic values-oriented framework – focusing on inclusion, participation, deliberation, and legitimacy – as the council was implemented in three English prisons. The second was to understand the personal experience of participative and civic 'enfranchisement' with the men engaged in the council. This study was designed to be distinct from previous research on prison

[1] He quotes Margaret Urban Walker's *Moral Understandings* (2007: 188).

councils by extending the exploration into new areas of scholarship that bring prison sociology and democratic theory together empirically.

To successfully address these research aims, a range of methods were utilised. This included multi-sited quasi-ethnographic observation, participation, semi-structured interviews, informal 'conversations with purpose', focused and 'loose' time spent with key players (prisoners, former prisoners, prison staff, managers, senior leaders, and User Voice employees), and the inclusion of adapted versions of Measuring the Quality of Prison Life staff (SQL) and prisoner (MQPL) surveys (Liebling et al 2011). These points will be described in turn.

Site selection and negotiating (in)formal access

I began researching User Voice and their prison council model for my MPhil thesis (see Schmidt 2012). For that study, I purposively selected three prisons that were at various stages of council development and maintenance: HMP Birmingham, a large medium security prison, was the most recent User Voice contract and was beginning the education and information phases with staff and prisoners; HMYOI Aylesbury, a small establishment for young men, had just held its first election and council meetings were starting; and HMP Maidstone, a lower security prison with a mixed population, had recently held its second election and was solidly in the maintenance stage in which council meetings were being held monthly (these sites are further described below). This was a deliberate choice, in order to observe the process of council development from the initial stages of engagement through to a more well-established council. Entrance into these prisons was somewhat of an organic and serendipitous process, enabled through good timing and linked networks. My primary gatekeeper was connected to the University of Cambridge and User Voice. He facilitated relatively easy access to the councils and User Voice more generally. Alongside this, my supervisor, the Director of the Prisons Research Centre, had been commissioned to carry out quality of prison life studies in two prisons that happened to have User Voice councils (Birmingham and Aylesbury; discussed later). The Governors of these establishments were 'friendly' to research and our Centre (and by extension, to me and my project). The staggering of council implementation in these two prisons was ideal (they were about one year apart), and with guidance from my gatekeeper, Maidstone was chosen as the third site because it was the most embedded council.

In this earlier study I had been granted informal access from the Governors of Aylesbury and Birmingham. This was, in part, due to the pre-existing relationship with my supervisor. In

Maidstone, I was granted entrance under User Voice's access. This meant that the facilitators of this council would add my name to the gate list each day I was attending activities or meetings (I was identified as a User Voice 'guest'). I entered and left the prison with User Voice employees, and only spent time in the prison when they were facilitating council activities. For the current study, I applied for formal research approval from the National Research Committee (NRC). Approval was quickly granted without issue. At the time I submitted the NRC application, I also sought consent from the Governors of the three prisons. I sent each a letter expressing gratitude for the informal access I had been granted thus far, as well as a copy of my completed MPhil thesis. Two of the three Governors responded positively. In Maidstone, however, my access would continue to be limited. This dynamic will be discussed in further detail throughout the chapter.

At the time the current research commenced, all councils were active and had held at least one election.[2] Over a period of approximately 22 months, from 2012 to 2014, I continued fieldwork in these three prisons concurrently.[3] In practice, this meant that I was often in each prison three to six days each month. This was sometimes less, if council activities were cancelled or curtailed due to a prison lockdown or security issues. As council events were scheduled weekly (like preparatory meetings and planning group sessions) or monthly (for full council meetings), I timed my visits to coincide with these. Managing three primary field sites in parallel was challenging, both in terms of logistics, liaising, and travel, but also intellectually. Keeping three prisons 'straight' in my head was complicated and tiring, but arguably, necessary. This study demanded presence in multiple places in order to 'map the terrain' (Marcus 1995: 99). Although multi-sited ethnography (and multi-sited social science research more generally), has attracted growing attention over the last two decades, it is not without its critics and associated concerns: e.g. it 'thins' the data, depth is sacrificed for breadth, it can compromise the health and capability of the researcher, and consequently, the deep descriptive detail (see Marcus 1999; Falzon 2009; Hage 2005). But, this approach, especially for the current study, had benefits that far outweighed the deficits. As Marcus (1995: 100) notes, 'not all sites are treated

[2] Elections are typically held once a year, but in some circumstances may be more or less frequent. This is usually in response to a significant change at the prison, like a re-rolling or shift in the population, following a major event (like a riot), or a change in Governor.

[3] There was no clear or distinct shift from fieldwork conducted for my MPhil study into the current study. As I had collected more data than the MPhil dissertation could hold, and submitted the finished thesis in 2012, some of the additional data generated has been drawn on in the PhD. This continuous approach was highly beneficial and (I think) defendable. By not stopping fieldwork between studies I was able to maintain continuity in presence and visibility, which assisted with relationship- and trust-building with staff and prisoners, and kept me abreast of council activities, progress, setbacks, or issues. I became an accepted 'presence' in relation to research on the impact and relevance of User Voice, and intended to develop the project further.

by a uniform set of fieldwork practices of the same intensity' and 'regardless of the variability of the quality and accessibility of th[e] research at different sites', the inherent value is derived from bringing the sites into the same frame of study to posit their relationships, which is the goal of all ethnographic knowledge generation (ibid: 100). Further, Nadai and Maeder (2005: 8) point out that 'multi-sited ethnography follows the principle of theoretically based contrasting as it has been proposed by the grounded theory approach' (e.g. Glaser and Strauss 1967; Strauss and Corbin 1990). They contend that this approach is comparative by nature and an integral dimension of the design. Marcus (1995), however, clarifies the ways in which multi-sited ethnography is differentiated from 'comparative' research. He argues:

> Thus, in multi-sited ethnography, comparison emerges from putting questions to an emergent object of study whose contours, sites, and relationships are not known beforehand, but are themselves a contribution of making an account that has different, complexly connected real-world sites of investigation. The object of study is ultimately mobile and multiply situated, so any ethnography of such an object will have a comparative dimension that is integral to it, in the form of juxtapositions of phenomena that conventionally have appeared to be (or conceptually have been kept) 'worlds apart' (ibid: 102).

Whilst the User Voice prison council was the connective tissue between the three sites – and comparison of implementation, operation, and engagement was an essential feature of the research – the exploration of democratic participation, civic identities, and political cultures extended far beyond this. Thus, the comparative element acted as a springboard from which deep juxtapositions could be examined across several sites and with very different groups of participants.

Although all of the selected field sites are designated for male prisoners, they nonetheless provided a diverse scope in terms of function, size, history, geography, complexity, and the populations they serve, as well as their own distinct and complex culture, management style, and moral 'tone'. Birmingham is a large, busy, Victorian local prison located in the Midlands that (at the time of the fieldwork) held a blend of remand and sentenced category B, C, and a small group of D prisoners.[4] Its 'certified normal accommodation' was just over 1,100, but throughout the time of fieldwork the population was often much higher than this, hovering

[4] 'Categorisation of prisoners in England and Wales centres around an assessment of risk and particularly the risk (and potential consequences) of escape' (Grimwood 2015: 3). Prisons are categorised from high security (A), to medium security (B), to lower security (C), and open conditions for preparation of release (D).

around 1,500 (see also HMIP 2012a: 6). Birmingham had a troubled past.[5] It was plagued by high levels of violence, drugs, poor and distant staff-prisoner relationships, disorganisation, a lack of purposeful activity or employment opportunities, and was a notoriously challenging prison to manage (due to its size, turnover, central location, old infrastructure, and contentious industrial relations) (HMIP 2010, 2012a; see also Liebling et al (2014, 2015) on the moral quality or performance of Birmingham over time).

The prison was transferred from the public sector to the private sector under G4S management in late 2011 (Ludlow 2015).[6] This transfer, and subsequent 'culture shift' and 'corporate makeover' (as one officer referred to it), led to the introduction of User Voice. At the time of transfer a new Director was appointed. He had moved (somewhat reluctantly) from the public sector, and brought with him a fresh energy and optimism for reforming and improving this historically poor performing prison that was 'stuck in the past', 'a screw's nick', and with a defiantly 'old school' staffing group, which was largely carried over in the transfer. The new Director understood that the prison and its personnel had undergone a professionally 'traumatic' experience, on top of its poor performing and turbulent history. In the year following the transfer in management, there were high levels of anxiety, uncertainty, staff loss, and scepticism for the way forward under G4S leadership.[7] As a way to 'tap into local expertise' and bring staff and prisoners together for the 'ultimate goal' of bettering the prison and relationships within it, the new Director, as one of his first initiatives, contracted with User Voice to establish a council. User Voice entered the prison in early 2012 and for several months engaged with staff and prisoners, began building rapport and a sense of 'what mattered most' to those living and working in Birmingham, and in September 2012, the first council election was held. I was granted full access to the prison, with key-carrying privileges, which enabled relatively easy and unaccompanied movements around the prison and use of a digital voice recorder.[8] I was able to meet with council participants for one-to-one interviews, and the

[5] And a troubled future. In December 2016, a concerted disturbance (lasting 12 hours) broke out and was later deemed the 'worst riot since Strangeways in 1990' (Easton 2018: 30) (see also the following footnote).

[6] In August 2018, following an unannounced inspection the previous month, HM Chief Inspector of Prisons Peter Clarke issued an Urgent Notification stating that Birmingham 'had been allowed to deteriorate so dramatically' (UN 2018: 5) that the government would 'step-in' (initially for 6 months) to take immediate action in order to stabilise the prison. In another unprecedented move, Birmingham was transferred back to the public sector in April 2019, thereby terminating the 15-year contract awarded to G4S in 2011.

[7] See also Liebling et al (2015), a three-year MQPL+ study that followed Birmingham through its public-to-private sector journey from 2011-2013.

[8] Birmingham and Aylesbury were predictably unpredictable. As Beyens et al (2015: 69) note, the nature of prisons research is that fieldwork is often fraught with 'unforeseen stresses' and hurdles, forcing the researcher to be 'creative on the spot'. Whilst I had formal access from the NRC, consent from the Governors, and carried keys, there were times that gate staff were absent, would not let me into the prison (my name was not on 'the list'),

council as a group, and spend time around the wings and communal spaces (like the library and gym), without prison staff supervision.[9] The Director was supportive of the research and operated an 'open door' and candid relationship with me.

Aylesbury is a Victorian, young offender's institution which holds just over 400 men aged between 18 and 21. Like Birmingham, Aylesbury had a 'grim reputation' (HMIP 2013a: 5) with high levels of violence, weapon use, 'distant' and disrespectful staff-prisoner relationships, and poor accommodation standards (HMIP 2011, 2013a; Schmidt et al 2014). According to staff, the prison had become increasingly 'difficult to manage' due to rising levels of staff shortages and sickness, a protracted threat of closure, a more diversified prisoner population that officers felt 'out of touch' with[10], and with a prisoner group who were facing very long sentences. But, also like Birmingham, Aylesbury had a new, young, and dynamic Governor who had a 'therapeutic' background and orientation, and who was dedicated to 'doing things differently'. He had a progressive and hopeful outlook. Aylesbury held its first prison council election at the start of my fieldwork period, in early 2012. In this establishment, too, I carried keys and was able to freely roam the prison, the wings, and have private and group interactions with the men on the council.

The third prison in the study, Maidstone, was to some degree the most intriguing field site, but it was also the least penetrable and hospitable, managerially. In contrast, the members of this council were the most inclusive, accommodating, and gracious towards me. The prison itself was a curious place. Having its first buildings erected in 1819 (it is one of the oldest prisons in the country), it subsequently had new units added almost every decade of the 20th century. It is an architectural (and horticulturalist's) dream, as modern prison design evolves across the site, punctuated with beautiful and delicate gardens, and with the original chapel situated in the centre. Maidstone is relatively small (a capacity of 600) and was mainly staffed with local people from rural Kent who had worked in the prison for a significant amount of time. In many

changed the 'rules' from one day to another as to whether my digital recorder was allowed or not, and so on. This inconsistency and disorganisation was endemic in these prisons, and not just targeted toward me. I adapted as best as I could, sometimes leaving my recorder at the gate until I could get another member of staff to (once again) approve it, for example.

[9] Staff were, of course, present to some extent around the wings and in these specialised areas, but were not listening to, present in, or generally overseeing (or controlling) my interactions with the men. It should also be noted that staffing numbers and general 'presence' (Crewe et al 2014) of prison officers was often low or inconsistent, thus frequently leaving me 'out of sight' for extended periods.

[10] At the time of research, about 85% of staff at Aylesbury identified as 'white British' and came from the surrounding area of Buckinghamshire, whereas over 50% of the prisoner population identified as Black, Asian and Minority Ethnic (BAME) and were overwhelmingly from urban centres (mostly London) (Schmidt et al 2014).

ways, it was a prison untouched by time. In previous years, before this study, the prison had only held men convicted of sex offences. Staff described the prison at this time as 'settled', 'a nice place to work', 'quiet', and for the more cynical, 'an easy pay cheque'. The Maidstone council was the most established (and the first User Voice council), having been in operation since 2010. At this time, the prison was running a split and segregated regime, as it held a population of roughly 400 men convicted of sex offences and about 200 foreign national prisoners. One of the first initiatives of the council, once active, was to mix the population and create a single regime. Prisoners from both groups were represented on the council and strongly believed that by integrating, everyone would benefit (including staff, who would only have to run one regime). This was unheard of at the time, especially as an effort led by and advocated for, prisoners themselves. The regime was unified, and the population became mixed (largely without issue) across the prison. My fieldwork began at the prison's second council election. By this time the integration was complete, and a single regime was fully embedded.

The council (and thus, its binding contract) in Maidstone had been inherited from the previous Governor. His successor appeared less fond of the council. The new Governor, whom I only met in passing (a handful of times), and communicated with by e-mail, was described to me by members of the council as 'sceptical', 'uninterested', and 'a little nervous about council activities'. As such, the Deputy Governor was tasked with 'handling' the council: he presided over meetings, had the most contact with council participants, and became the first point of contact for all things related to the council. That extended to me and my research as well. Despite having formal access approved by the NRC, I was not granted 'local' access in the same ways I had been in the other prisons: I was not allowed to carry keys or a digital recorder, I was unable to roam freely, nor was I able to spend unstructured or 'loose' time on the wings. Both the Governor and Deputy chose not to be interviewed by me (the former Governor, who had originally contracted with User Voice, gladly accepted the invitation to be interviewed). I was only allowed in the prison to attend council activities, which took place either in a communal day room in one of the units (or the chapel, for elections) or in the boardroom where the monthly council meetings took place. One-to-one interviews were prohibited because of the 'risk' involved with a 'young woman being alone with a sex offender'. This ambiguous notion of 'risk' was extended to foreign national prisoners as well. As I discuss later in this chapter, I exercised some 'subversive' research practices to work around these limitations. In late 2013, a new Governor was put in post (though I did not meet him until early 2014). This was just prior to benchmarking (January 2014), which also came with the announcement that

Maidstone would be re-rolling to an all foreign national prison by mid-2014.[11] It was assumed that the new Governor was brought in specifically for this task and the new function of the prison. Though he seemed more amenable and pro-council, I chose not to re-negotiate access.[12]

Throughout this fieldwork period, and for a few years after (until 2016), I continued to visit Aylesbury and Birmingham (albeit sporadically), as well as other prisons with User Voice councils. These additional visits were usually linked to separate research projects (for example, Barry et al (2016) and regular Prisons Research Centre Measuring the Quality of Prison Life (MQPL+) studies; see Liebling and Arnold 2004; Liebling et al 2011). On other occasions I was invited by User Voice to attend (and volunteer at) prison elections. These opportunities allowed for observations of councils outside of my three primary sites, and interviews with more council participants and key personnel from a wider range of prisons (that were also geographically diverse, ranging from London to Durham).[13]

At the time the fieldwork for this study concluded, this sample of three sites represented about one quarter of User Voice prison councils contracted in England and Wales. Though this study is not intended to be 'representative', it is evident that between the long-term fieldwork carried out in the three primary prisons coupled with additional data collection in several other prisons, the research offers a well-informed perspective on how the council operates and interacts with a wide range of different environments that each face their own unique strengths and challenges, cultures, and climates.

Methods and analysis

Data collection was divided into two phases. The first focused on developing a foundational understanding of the User Voice council, how it operated (generally, and within each site), and

[11] Benchmarking was a governmental cost-cutting strategy that aimed to streamline publicly run prisons and to make them financially competitive with private sector prisons, which operated with much lower expenditures. The benchmarking programme was implemented quickly (2012-2014) with 'new ways of working' introduced that changed (and attempted to standardise) the prison regime, core day schedules, and staffing complements. This process has since been highly criticised because staff, who represented the bulk of prison costs, were dramatically reduced. In the years following benchmarking (a version of 'managerialism-minus'; Liebling and Crewe 2012: 284), prisons have significantly deteriorated due to low staffing levels (and the collateral consequences of this). Violence, self-harm, and suicide have all reached record highs. See: PRT 2019a; Parliament 2015; Shaw 2017.

[12] I chose not to re-negotiate access because my fieldwork was nearing completion and I did not want to upset or disrupt the 'reasonable' working conditions I had become accustomed to.

[13] During fieldwork on other research projects, I have also had the opportunity to observe many different kinds of prisoner forums and participatory activities.

conceptualising it as an innovative model of 'deliberative democracy'.[14] This entailed observing and participating in council activities and proceedings, the shadowing of User Voice staff, informal but purposeful conversations with key stakeholders, and some interviews with pertinent individuals (e.g. Governors, some prison staff, the User Voice founder). The second phase, informed by the first, was aimed at exploring the personal and experiential meaning derived from council engagement, specifically in terms of participative and civic 'enfranchisement' for the prisoners involved in the council. Whilst I continued to observe and participate throughout this latter phase, the methodological focus shifted to interviewing and developing deeper and thicker understandings of the council, its mechanisms, meanings, and the 'emergent values' it provided and represented.

Informed by Layder's (1998: 147) adaptive theory, both the qualitative and quantitative components of the research were designed to examine the 'systemic phenomena and the interrelations between lifeworld and system elements (agency and structure)', because, as he argues, 'the analysis of power and domination opens up questions about the morality of various forms of oppression, be they of individuals or groups, as well as resistance to forms of domination and oppression' (see also Layder 2006: 292-293). This chimes with Pateman's analysis (1970: 42), who reminds us that 'participatory democracy is built round the central assertion that individuals and their institutions cannot be considered in isolation from one another'. Thus, the interconnectedness, and reverberative relationships, between social (and civic) agency and social structures must be examined in tandem, as they relate to and impact one another.

Quasi-ethnography, participation, and interviewing

During the first phase of this study several qualitative and quasi-ethnographic (Owen 1998: 21) methods were employed in order to capture rich and meaningful data. Participant observation seemed an ideal and advantageous research strategy for 'getting in deep' with the council. Jorgensen (1989: 13) notes that a key feature of participant observation is 'a special interest in human meaning and interaction as viewed from the perspective of people who are insiders or members of particular situations and settings'. It was important that I be present for, and interact with, council participants and activities, be attentive to nonverbal expressions and

[14] It should be noted that User Voice does not use the language or concept of 'deliberative democracy'. The organisation views the council in terms more closely related to 'service user' consultation. Whilst not mutually exclusive, there are fundamental differences in ethos, practice, aims, and intrinsic values attributed to each.

bodily movements (who sits where, are hands shaken, is there eye contact), and also acoustic and linguistic dynamics (does language change in a council meeting, how are people being greeted and acknowledged, are verbal exchanges in these forums different than on the wings, what is the 'tone'?; Schmuck 2006; Bevir and Bowman 2018). With this vantage point I could see the doubt, scepticism, or excitement in people's eyes as proposals were being presented or when the Governor took a particular stance on an issue. I could tell when people became uncomfortable – shifting in their seats, or fidgeting with their hands – and likewise, I would feel my own body tense up if a 'tone' was taken, or I would find myself leaning forward with enthusiasm as a lively discussion unfolded. I could later use this to start a conversation: e.g. 'I noticed some concern in your face when…' or, 'You looked especially hopeful when…', which opened up new ways for participants to reflect upon their reactions and emotions, as they related to council engagement.

What little research there is on prison councils has largely been conducted 'at a distance' (via surveys or secondary data), which makes this 'up close' study stand out methodologically. Combining observation, shadowing, participation, and interviewing allowed me access to and contact with all relevant 'stakeholders' (prisoners, staff, and User Voice), thus creating multiple avenues in which I was able to explore how the council is perceived by different groups (Flick 2006). Participant observation and time 'hanging around' prison wings, offices, canteens, and libraries allowed for informal and often candid interactions, which generated a textured and layered account of experiences and views. As the council is a prison-wide initiative, the intention for this research was to capture as many different perspectives as possible for maximum variation and coverage (Marshall and Rossman 1999: 78).

The extended fieldwork period helped my relationships with staff, and especially with council members, to mature and become more trusting. This in turn let me explore more sensitive topics in depth (like stigma, exclusion, deportation, discrimination, degradation, and prison pain), which strengthened my understanding of how council participation can, at times and in various ways, mitigate some of the harm experienced during incarceration. For example, many men discussed feeling 'treated like I'm actually worth something' and 'seen as a person with something valuable to contribute' by other prisoners and staff when engaged with council activities ('worthiness' was a consistent theme across the three sites). This was particularly salient for those who had been convicted of sex offences and also for those who felt 'shamed' or embarrassed (or silenced) in other ways (like one young man who was a prolific self-harmer, or another council member who had a severe stutter). For others, small but significant gestures

're-humanised' them. One council member described how at the prison's first election the Governor had brought him a slice of cake and a cup of tea:

> He said, 'Why don't you sit down and take a break – just enjoy your cake. You've done a great job today and should be proud of yourself'. I about died! He probably said and did that for everyone, but it was so meaningful. I can't remember the last time I heard something like that. It was so simple, but it really hit me … You forget just how undignified and degraded and shunned and cut off from being a normal human being you are in here, until something like that – a cake and a few kind words kind of jolt you back into feeling like a person, like a real person. (CP)

As dialogic and interpersonal connections were viewed as two of the most positive and meaningful features of council engagement, I sought to emulate that, as best as I could and when appropriate, in my research practice as well. In order to continually foster respectful and trusting relationships, my interviews and discussion-based encounters were intentionally semi-structured and unstructured. I adopted the approach Burgess (1984: 102) refers to as 'conversations with a purpose', which allowed for interactions to be natural and flexible, but conducted with intention. They were also mutually satisfying and reciprocal. These purposeful conversations enabled casual but productive and illuminating discussions around the 'big' issues linked to democracy and (dis)enfranchisement to go on. These were issues people *wanted* to talk about, but did not always feel comfortable doing so, or have the opportunity to do so, in prison. We would discuss: current politics; attitudes toward the government; political leanings, activity, or feelings of exclusion or indifference; community dynamics, class structures, and race; and go on philosophical explorations of what 'citizenship' meant and how it is experienced.[15] Pawson and Tilley's (1997: 173) useful 'here's-my-theory-what's-yours' strategy created the space for all individuals in the conversation to equally share their thoughts and feelings and allowed for non-threatening and friendly 'debates' over politics, punishment, and prison to occur. This strategy also grounded the in situ analysis by 'validating' it with those closest to the council.

[15] This strategy and these 'big' issue discussions were not as easy to engage with in Aylesbury as they were in Birmingham and Maidstone. This was likely due to age or where people were at in their sentences (and lives in general). Many of the young men in Aylesbury were at the start of very long sentences and were finding it difficult to cope, comprehend, or contemplate the future. They often focused on 'just getting through one day at a time' (see also Crewe et al 2020). Sometimes these conversations took a slightly different shape than in the other prisons, like talking through 'big' issues via literature, movies, or American pop culture, either alongside or rather than from their own lived experiences. One council member, for example, was reading President Barack Obama's memoir *Dreams from my Father*, which resonated with his own complicated feelings about his family life, 'not belonging', being mixed race, and so on.

In total, 112 semi-structured interviews were conducted, as detailed in Table 3.1 (below).[16] 57 of these were with council participants at the three primary prisons, and nine were carried out at other establishments when the opportunity arose (e.g. when I attended their prison council election, or during fieldwork on other projects). The interviews ranged in length from 24 minutes to nearly three hours. The average length was just over one hour. My initial aim was to interview roughly fifteen council participants from each prison, along with five key staff members who were familiar with their establishment's council.[17] Most often, these were not discipline staff. Rather, they were typically members of the senior management team, offender management unit (OMU), chaplaincy, or personnel associated with reducing reoffending programming. However, there were a handful of officers and custodial managers who knew the council and agreed to be interviewed. Dozens of other staff members, many of whom were officers, were spoken with informally throughout the fieldwork period. As prisoner turnover was highest at Birmingham, there was more movement within the council as some men were transferred out to other establishments or were released. This made it possible for more interviews to be conducted in this prison. Interviews in Aylesbury and Birmingham, with both prisoners and staff, were carried out in private spaces and recorded. In Maidstone, interviews with prison personnel were also conducted privately, though not recorded (as noted, I was not permitted use of a digital recorder in this establishment). Later, when discussing ethical considerations and concerns, I recount how I carried out one-to-one interviews with prisoners in Maidstone, despite being prohibited from doing so. I argue that this 'subversive' research practice was necessary, and the democratically right thing to do. In this section I also detail how my 'interviews' with the six User Voice facilitators (the frontline employees who moderated and led the prison councils, and whom I spent considerable time with) were carried out, which took rather unconventional forms and spanned time and space. In all of the interviews, recorded or not, detailed fieldwork notes were taken.

Six additional interviews were carried out in the community with former prisoners who had participated in a User Voice council whilst incarcerated. All six were men, and two were already known to me from my fieldwork in the prisons where they had served time. It was never my intention to 'follow' council members into the community, but the chance to (re)connect with them was presented and I was keen to accept the offer. These individuals had

[16] All but five of these interviews were with men. The five women were spread across the three sites and they were all prison staff.

[17] As each prison council was comprised of approximately 20 members, interviewing 15 or more prisoners represented *at least* half of all council participants at any given time.

maintained a relationship with User Voice through their sentence and into post-release life, which is how we were put into contact with each other. These interviews took place in either public spaces (e.g. in a park or café) or in a private room in the User Voice office in London or Birmingham.

Table 3.1: Interviews conducted at each field site

	HMP Birmingham	HMYOI Aylesbury	HMP Maidstone	User Voice	Other
	– 1 Governor – 3 Senior Managers – 7 Prison personnel – 23 Council participants	– 1 Governor – 2 Senior Managers – 1 Imam – 6 Prison personnel – 16 Council participants	– 1 Senior Manager – 1 UKBA officer[18] – 6 Prison personnel – 18 Council participants – 1 Former Governor	– 1 Founder of User Voice – 1 Senior Manager – 6 Council facilitators	– 1 Governor (HMP Pentonville) – 3 Council participants (HMP Pentonville) – 1 Deputy Director (HMP Oakwood) – 4 Council participants (HMP Oakwood) – 2 Council participants (HMP Swaleside) – 6 Former prisoners who were engaged in prison councils
Subtotal	34	26	27	8	17
Total	112				

Three separate interview schedules were developed for this study – one for council participants, prison staff, and Governors (refer to Appendices I-V).[19] For council participants, the questions were loosely grouped into three main themes: (i) prison life (e.g. staff-prisoner relationships, getting things done and the ability to make progress in their sentence, fairness and decision-making, and safety); (ii) engagement in the council (motivations for joining, perceptions of its purpose, efficacy, and success, changes in self or attitudes/outlooks, and how the council interacts with the prison); and, (iii) civic and political life and identity (voting and civic engagement history, relationship with 'the government' and politics, civil disobedience and community organisation, like campaigning or protesting). This was, to some extent, an effort

[18] A UK Border Agency prison liaison officer sometimes attended monthly council meetings specifically to address concerns and issues related to the foreign national prisoner population at this prison.

[19] The council participant interview schedule adopted some questions and phrasing from Manza and Uggen's (2008: 261-265) felon disenfranchisement study as well as the Cambridge Prisons Research Centre MQPL+ prisoner interview schedule for understanding the quality of prison life. Some questions and phrasing for the staff and Governor interview schedules were adopted from Liebling and Crewe's ESRC-funded study of 'Values, Practices and Outcomes in Public and Private Sector Prisons' (Crewe and Liebling 2012; Liebling et al 2012), and were amended with questions specifically developed for this study.

to understand the pre-prison person, the current council member, and how their participation may impact their future potential as a politically active or politically minded individual. The staff and Governor interviews focused on life in the prison and their roles, attitudes toward the council and its perceived effectiveness (or value), and views on wider political issues, like prisoner voting rights, the purpose of prison, and their own political leanings and civic practices.

Democratic valuation

In conjunction with the methods described thus far, a layer of specifically focused data collection and analysis was required in order to get at the democratic 'value' of the council in terms of its impact and interaction with the individual and the institution. To understand and appraise the council as a deliberative form of participatory governance, a democratic values-oriented framework needed to be constructed. The research did not intend to be an *evaluation* of the council or its outcomes. Rather, this study more closely resembles a *valuation*. House and Howe (1999: 6) clarify this distinction by emphasising that, '*Value* mean[s] the worth of a thing, and *valuation* mean[s] an estimate of its worth', whereas evaluation refers to an assessment that employs standards and metrics for measurement.[20] Deliberative democratic practice has *intrinsic* normative worth (Fishkin 2009; Habermas 1996): that is, 'the process of deliberation is valuable for its own sake' (Kuyper 2018: 1). But, as Kuyper goes on to note, deliberative democratic processes also produce certain normatively desirable outcomes – '*instrumental* effects' (ibid: 1). In this regard, deliberative democracy has attributes and aims that fall within both the 'minimal' (importance placed on procedures, fair processes, universal suffrage – the 'means') and 'maximal' (procedures *and/for* outputs – the 'ends') definitions of democracy (Baviskar and Malone 2004). It was my aim to create a framework that would explore and appraise both the means and ends, and the values embedded within, and attributed to each.

In political science, there are a number of methods and metrics used to determine the quality and 'health' of a given democracy (e.g. Democracy Barometer, Freedom House, Polity, V-Dem, World Governance Indicators, and Democracy Index). These measure variables like voter participation rates, electoral processes and pluralism, government effectiveness, rule of

[20] An evaluation of User Voice prison- and community-based councils has been carried out by Barry and colleagues (2016), which was discussed in the previous chapter.

law, civil liberties, and corruption control. Though useful for assessing institutional and procedural characteristics of democracies, Fuchs and Roller (2018: 22) argue that they overlook a critical component of understanding the quality of a democracy: subjective measurements based on the perspective of citizens.[21] Mayne and Geissel (2016: 634) similarly advocate the need for 'quality-of-democracy research to engage with work in political behaviour', both individually and institutionally:

> [W]e argue that the concept of democratic quality consists of two necessary, but independently insufficient, components. The first is an opportunity-structure component, which includes the institutional and structural opportunities that allow for democratic rule. The second is a citizen component, which refers to the ways in which citizens can and do breathe life into existing institutional opportunities for democratic rule (ibid: 634).

This echoes early work in the field by Almond and Verba (1963: 13), who asserted that there was a separation between an institutional structure and a 'political culture', defined as the (aggregate) attitudes of citizens 'toward the political system and its various parts, and attitudes toward the role of the self in system'. This, they argued, called for different forms of inquiry, measurement, and analysis, necessitating the inclusion of citizen perspectives (which had previously been overlooked in the literature and empirical research). More recent scholarship (for example, Bogaards (2011) and Wolff (2018), among others) stresses the importance of multiple and varied indicators and measures of democratic health, trust, robustness, and quality, in part because of the complicated interplay and exchange between the two: there are constant push and pull factors continuously shifting and evolving both structure and culture. Neither operates in isolation, like Giddens' (1984) cycle of structuration, in which there is an inseparable intersection between agents (citizens) and structures as they mutually enact social systems, and social systems in turn become part of the interaction and the routinisation of actions. Giddens too argues that neither micro- nor macro-focused analysis alone is sufficient to capture nuanced processes and interplay (ibid: 139-141).

[21] Though useful, these measures are not without issue or critique. There is a large body of literature dedicated to the many measures and indices of democracy, their limitations, strengths, and cross-national applicability. One of the primary critiques of such measurements, like voter turnout rates, for example, is that this is an inadequate measure of citizens' perceptions or experiences of legitimacy, the public mood, and so on. Two recent events which well-illustrate this discrepancy are the 2016 Brexit referendum, where the UK voted to leave the EU, and the 2016 Presidential election of Donald Trump in the US.

The research task, then, was to appraise the means and ends, in order to understand the 'democratic' impact and value of a prison council on the political culture (the citizens) and the structure (the institutional climate). To this author's knowledge, no other study has attempted to bridge this gap between democratic theory and practice with empirical prisons research. As such, a somewhat experimental method of valuation was created. To achieve this, a framework informed by (i) findings from previous research on the User Voice prison council (Schmidt 2012), (ii) deliberative democratic evaluative models by House and Howe (1999) and Smith (2009), and (iii) 'active citizenship' models of participation was developed.[22] According to House and Howe (1999: xix):

> The deliberative democratic view is explicitly committed to the values of democracy, to the conduct of [e]valuation from an explicit democratic framework, and the responsibility of [e]valuators to uphold these values. The aim is for [e]valuators to use procedures that incorporate the views of insiders and outsiders, give voice to the marginal and excluded, employ reasoned criteria in extended deliberation, and engage in dialogical interactions with significant audiences and stakeholders in the [e]valuation.

They further note that this form of valuative inquiry – in order to be aligned with democratic principles – must be inclusive, dialogic, and deliberative. Likewise, Smith's (2009) extensive work on democratic innovations and deliberative democratic initiatives has established an analytical framework that allows for comparison of innovations based on the manner and extent to which they realise desirable (or valued) qualities or goods that are expected of democratic institutions.[23] He identifies these democratic goods as: inclusiveness, popular control, considered judgment, and transparency. House and Howe (1999: 113) operationalise their democratic view as ten questions, which allows a systematic analysis of the realisation of such goods when qualitatively comparing democratic initiatives:

1) Whose interests are represented?
2) Are major stakeholders represented?
3) Are any major stakeholders excluded?
4) Are there serious power imbalances?
5) Are there procedures to control power imbalances?
6) How do people participate in the evaluation?
7) How authentic is their participation?
8) How involved is their interaction?

[22] Citizenship models of participation, more specifically, were drawn from Arnstein (1969) and Hoskins and Mascherini (2009).
[23] See also: Smith and Wales (2000), Smith (2003), Smith and Stephenson (2005).

9) Is there reflective deliberation?
10) How considered and extensive is the deliberation?

The current study adapted these questions into the interview schedules, throughout the fieldwork period – contemplating them during observations and in more informal conversations – and in items added to the staff and prisoner quality of life surveys (described in the next section). These ten questions also acted as a guide for assessing the realisation of the 'core values' of a prison council (see below).

It is understood that prisons are not democratic institutions, nor do they meet standard or expected conditions *for* or *of* democracy to grow or thrive (see, for example, Dahl 1971: 3), as discussed in the previous chapter. However, the User Voice prison council facilitates and promotes the practice of democratic principles and values, thus allowing the possibility for, and creating conditions that could enable, a *more* democratic environment and regime. House and Howe (1999) and Smith's (2009) models overlap, as do the models for assessing degrees of active citizenship and the quality of civic communities. Many of these goods and measures are interrelated. For the purpose of this study, these models have been combined and modified, shaped by previous work in this area (Schmidt 2012), and tailored for the prison setting. As presented in Table 3.2 (below), these core values are: inclusion, participation[24], deliberation, and legitimacy. Of course, these are not fixed values – each operates within its own continuum and 'in dialogue' with the others. In the order presented, they also act as 'building blocks' upon each other, similarly to Arnstein's (1969) 'ladder' of citizen participation.

Current work with deliberative democracy initiatives, and longstanding research on legitimacy, indicate that communities that are better organised, have increased social (and civic) capital and efficacy, and are more stable when citizens feel they are treated fairly, are part of the decision-making process, and perceive their governing bodies (whether it be from the ground-up or top-down) to be procedurally-just in their actions (see, amongst others, Putnam 1994; Dryzek 2009; Gutmann and Thompson 2004; Curato et al 2019; Almond and Verba 1963).

[24] This is an alternative conception of Smith's (2009: 12) 'popular control', which, he asserts, 'requires consideration of the degree to which participants are able to influence different aspects of the decision-making process'. Instead, Arnstein's (1969) model of citizen participation allows for greater degrees and definitions of participation, as well as measures of 'authentic' participation (a cornerstone of deliberative democracy). Arnstein divides her eight rungs of participation in 'A Ladder of Citizen Participation' into three categories of authentic engagement. 'Non-participation' includes the rungs: (1) manipulation and (2) therapy. 'Degrees of tokenism' include: (3) informing, (4) consultation, and (5) placation. 'Degrees of citizen power' is comprised of: (6) partnership, (7) delegated power, and (8) citizen control. Christie (1977), Duff (1986), and Dzur (2012: 97-102) have identified comparable values for the court system. They argue that courts should be more inclusive, communicative, deliberative, participatory, and public.

Although the literature on prison legitimacy is substantial (e.g. Sparks 1994; Sparks and Bottoms 1995; 2007; Sparks et al 1996; Liebling with Arnold 2004; Crewe 2011b; Crewe and Liebling 2017), research on prisoners as participating citizens in their penal community as a means towards establishing greater legitimacy is limited (though, see Lerman and Weaver 2016). The identification and examination of these four core values helps to determine whether participatory 'enfranchisement' in the form of a User Voice prison council can achieve some or all of these democratic objectives, with the broader goal of understanding its impact on institutional cultures and change. This heuristic structure enabled all methods of data collection to be framed with these values in mind.

Table 3.2: Valuation framework for appraising prison councils

Core values	Value components
Inclusion	– Dialogic engagement with all stakeholders; equal opportunity to contribute, have a 'voice', and be 'represented' – Growth and nurturing of democratic character and skills – Parties that reflect 'what matters most' to staff and prisoners; responsive representation ('prison issues, not personal issues') – Information sharing; developing an 'informed' populace
Participation	– Minimisation of power imbalances; lessening of relational distances – Direct and prison-wide participation in election voting – Development of a collective conscience through collaborative activity; shared values and goals as a civic community ('we're all striving for the same thing – a better place to live and work') – Prisoners are reimagined as active citizens
Deliberation	– Cooperative and constructive consideration (debate and discussion); 'ethical communication'; consensus decision-making; respectful disagreement – Co-creation of democratic 'spheres of civility' and civil dispositions (individually and institutionally)[25] – Reflection and meditation: what is working, what is not, how can we better serve the people, what else is needed? (values as emergent[26]) – Growing social and community capital
Legitimacy	– Procedurally just decision-making and practice; means and ends – Institutional reflexivity and feedback loops – Proposal implementation and council efficacy – 'Levels of realness' and staff involvement; 'It's not just about pleasing prisoners' – Transparency, accountability, and reciprocity ('Are we being used?'); 'Trust in the process and trust in each other' – Space for resistance, dissent, and safe push back

[25] Referring to Wright and Gehring's (2008a, 2008b) work on inclusive and ethical communication in prison classrooms.
[26] See House and Howe (1999: 9-10).

All of the qualitative data generated throughout the research process – through extensive field notes, transcripts from recorded interviews, and document analysis – were analysed through a grounded theory-inspired, iterative process (Strauss and Corbin 1990).[27] Data were regularly reviewed, coded, categorised, and analysed, which helped to continuously inform all aspects of the research process (Creswell 2009). This cyclical procedure acted as an ongoing, evolving guide for the course of inquiry by continually validating and strengthening the data collection process and subsequent interpretations. My long-term engagement with the prisons, council participants, and User Voice, further allowed the data to be triangulated, thus enhancing the credibility and validity of the research findings (Berg 2009). All field notes and interviews were transcribed and manually coded in order to enable thorough identification, organisation, and management of coding and thematic analyses (Weber 1990).

Measuring the Quality of Prison Life (MQPL)

An opportunity to collect quantitative data from measuring the quality of prison life (MQPL) surveys arose early on in the fieldwork period. Part of my entrance into HMP Birmingham was through an existing relationship between my supervisor and the prison's Director. The Cambridge Prisons Research Centre (PRC) had been commissioned to carry out an 'MQPL+' study at Birmingham just after it was transferred from the public sector to G4S management (December 2011).[28] The research was extended into a three-year study tracking Birmingham's journey post-transfer (from 2011-2013; see Liebling et al 2015). A similar opportunity presented itself at HMYOI Aylesbury, which resulted in another three-year MQPL+ study (from 2012-2014; see Schmidt et al 2014). Such a prospect was not available in HMP Maidstone.

PRC members have developed two surveys which are used to measure the quality of prison life for prisoners (MQPL) and for staff (SQL). They were devised using the method of Appreciative Inquiry, around 'what matters most' to those who live and work in prison (Liebling, Price and

[27] Documents included User Voice promotional materials and public/governmental reports, party members' proposals, council meeting agendas, council meeting minutes, User Voice employee blogs, and news coverage.
[28] 'MQPL+' is an in-depth, intensively conducted, descriptive analysis of the moral and social climate of a prison. It is a quasi-ethnographic application of Measuring the Quality of Prison Life prisoner (MQPL) and staff (SQL) surveys devised to conceptualise and measure what matters most (see Liebling with Arnold 2004), alongside detailed observation, and sensitive, appreciative interviews with staff and prisoners. The research is carried out by a highly experienced team of Cambridge Prisons Research Centre members.

Elliott 1999b). The prisoner survey was adopted by the Prison Service in England and Wales (HMPPS) in 2004 as a way of measuring aspects of prison life that are difficult to measure – for example, relationships, humanity, and safety. HMPPS now implements the MQPL bi-annually in all prisons, as a supplement to standard performance measures. In the last few years, the staff survey (SQL) has also been adopted and is carried out alongside the MQPL. The strength of both surveys is that they were developed in consultation with the most relevant people. Long periods of time were spent talking to prisoners and staff in creative ways. These discussions were then turned into 'tick-box questions'. The MQPL and SQL surveys constitute a reliable method 'by which to measure prisoners' perceptions of prison life and obtain a 'temperature gauge' of a prison's social climate' (House of Commons 2005: Audit 69; see also Liebling with Arnold 2004). These surveys aim to redress the methodological and conceptual limitations of other prison evaluation techniques by grounding their formation in lengthy consultation with staff and prisoners. They are an efficient, conceptually well-informed, and carefully designed prison social climate measure (Liebling, Crewe and Hulley 2011).

Both surveys consist of 100+ statements. The MQPL measures prisoner quality of life across 21 dimensions organised into five categories (harmony/relational, professionalism, security, conditions and family contact, and wellbeing and development). The SQL is the staff version of the survey, consisting of 18 dimensions reflecting the quality of working life, relationships with managers and the organisation, and orientation to prisoners and prison work. The surveys are self-administered, with research staff present. Participants are asked to consider statements concerning their quality of life and rate them according to a 5-point Likert scale (strongly agree to strongly disagree). As many of these dimensions (e.g. staff-prisoner relationships, respect, fairness, bureaucratic legitimacy) tap into themes consistent with the objectives of council participation and the aforementioned core values (refer to Table 3.2), utilising these tools as an additional source of informative data seemed to be a suitable and dependable way in which to complement the qualitative findings.

For one of the MQPL+ studies at Birmingham (2013) and two at Aylesbury (2013 and 2014), an extra set of questions was added to both the staff (SQL) and prisoner (MQPL) surveys as a way to gather institution-wide views and perceptions of the prison council (refer to Appendix VI). The set contained five questions specific to the User Voice council, with one item particular to each group surveyed (as noted below). Respondents were asked to rate each item on the same 5-point Likert scale (strongly agree to strongly disagree) as the other MQPL and SQL questions. The additional questions were:

- The work of the User Voice prison council benefits the whole prison.
- The User Voice prison council strengthens staff-prisoner relationships.
- I am aware of User Voice prison council activities (proposals, outcomes).
- The User Voice prison council is just about pleasing prisoners.
- The User Voice prison council is taken seriously by staff. (MQPL ONLY)
- The User Voice prison council gives too much power to prisoners. (SQL ONLY)

Somewhat naively, it was assumed early on in this study that using several years' worth of MQPL and SQL data would allow for a longitudinal component in which to observe baseline levels (pre-council) compared to post-council implementation scores. However, two issues with this assumption became acutely clear. The first was that both Aylesbury and Birmingham were struggling prisons 'in crisis'. When compared to similar establishments, their MQPL and SQL scores were low, and as noted earlier, HMIP reports indicate that these prisons have long histories of poor performance. Second, these two prisons faced significant and dramatic changes during the data collection period (e.g. change(s) in leadership, tightening budgets, overcrowding, high levels of staff absence and staff shortages, and benchmarking). So, whilst the three-year MQPL and SQL data were informative, illustrative, and rich in detail, and provided important cultural evidence, it was difficult to directly attribute any positive (or negative) institutional changes to the presence or activities of the council. Additionally, whilst there were some interesting fluctuations in the scores (primarily in Birmingham), both prisons' MQPL and SQL ratings remained low over the three-year period of study (described more in depth in Chapter 7).

In my initial research design, I had planned to access and analyse secondary data from the (then-called) NOMS Performance Hub for each prison. The intention was to note changes in assaults, self-harm, adjudications, use of force, staffing levels, number of formal complaints, use of segregation, and the number of general disturbances, in order to understand institutional trends and to further triangulate the larger body of data collected. Whilst I was granted access to this data, I did not use it or re-apply for access in subsequent years of fieldwork. This was for two reasons. The first was that I was able to collect 'local' data from Birmingham and Aylesbury that was more useful and meaningful. These prisons were tracking their own incident numbers, as a way to determine the 'cost effectiveness' of the council. Second, such Hub data was used in the User Voice evaluation carried out by Barry et al (2016), and therefore was unnecessary.

Ethical concerns, 'subversive' engagement, and 'fuzzy fields'

Two main ethical concerns developed during the fieldwork. One was how to navigate the lack of access to prisoners and the prison in Maidstone. The second was in the management of relationships, specifically with User Voice and their employees. This raised some issues around perceived 'allegiances' and trustworthiness whilst in the prisons and presented some complications in establishing and maintaining personal and professional boundaries. Other general considerations will be discussed thereafter.

As noted earlier, I was not allowed to carry keys in Maidstone, to roam freely, spend time on the wings, or have private conversations or interviews with prisoners. I was given access to the council and its activities only. This meant I was only able to enter the prison for these purposes, during the time in which such activities were scheduled, and only within the confines of the communal spaces in which the council met. During the weekly preparatory sessions, the council, with the User Voice facilitator(s), gathered in a large day room in one of the residential units. Though an officer was not in the room with us, we were 'spied upon' through the Perspex windows in the double doors that connected this space to the rest of the unit. Periodically officers walked by and glanced in during the normal course of their routine. Sometimes an officer would intently stare through the windows or come into the room 'to fetch something'. Many council members were convinced this was a guise in order to eavesdrop or intimidate. I have no evidence to confirm or refute this. But what all of this, collectively, illustrates is a pervasive sense of distrust, in me, the men, User Voice, and the council itself. The blended population – men convicted of sex offences and foreign national prisoners – created a curiously educated, political, worldly, and articulate group who had a sharp and deep sense of what discrimination and exclusion felt like. It would not be surprising if they were viewed as politically 'dangerous' by prison staff.

At the start of fieldwork, I explained to the council who I was and what the research was exploring. I disclosed that I had wanted to spend more time in the prison, on the wings and around the grounds, and that my original plan was to conduct interviews, but that I was not granted access to do so. Immediately, and in the spirit of the council, solutions were proposed and we – all of us together – deliberated on how best to maximise my time in the prison and with the men. They were just as desperate to share their thoughts and experiences, as I was to hear and document them. The principles of the council, my study, and these participants were aligned: inclusive participation matters; person-centred, dialogic engagement is fundamental;

and part of being an 'active citizen' is challenging suppressive or unjust policies or practices.[29] It was quickly decided that I would conduct interviews at each week's preparatory session, during the latter half when the council broke out into small groups to discuss their specific projects and proposals. This way I would not miss 'the good stuff' in the first half, when the group discussed issues together.

There was a small, somewhat secluded nook in the back of the day room. It could still be seen from the Perspex windows, but it was tucked in enough that a private conversation could be had without disturbing the group discussion, or vice versa. This would be my interviewing space. We became partners in crime, so to speak. Everyone kept an eye on the door and sent a 'signal' if an officer looked concerned or suspicious. It seemed that everyone in that room knew that this was important and worth whatever risk we thought might come from it. In Allan's (1999: 121) work on the inclusivity of marginalised and often 'silenced' groups in research, she contends that '[i]ncitement to discourse, therefore, necessarily involves subversive research practices'. She goes on to argue that inclusion 'is an ethical project of responsibility to ourselves and others' (ibid: 124). Although I knew my 'secret' practice of interviewing council members in the corner went against the directive I was given, it never felt wrong, disobedient, or truly subversive. *Not* giving the men the opportunity to participate in the study (privately and without exposure to others) felt indefensible and hypocritical. Nor did I feel like I was in danger, endangering others, or compromising prison security. I discussed with the men the possible ramifications of 'if we get caught' or if the prison became aware of what we were doing here – that I could be putting them in danger of reprisals, negative reports, or some other infraction. They were universally nonchalant about this. As one Syrian man joked, 'Bethany, what's the worst they can do? Deport me to a warzone? [laughs]'. Whilst our collective decision was defiant, I was, in this 'exceptional' case, satisfied that another Governor would have agreed to the interviews, and that the reasoning on which his decision was based was not legitimate. I had full consent from the NRC and the men in the study, as well as the two other participating prisons. I chose to exercise what I believed to be 'good discretion' in these particular circumstances (Liebling 2000: 343-344).

[29] This was a distinctive feature of the Maidstone council. This group was fiercely dedicated to improving standards and practices by focusing on 'equality and fairness in custodial care' ('think of it as prison social justice', as one participant remarked). Both prisoner populations – the men convicted of sex offences and the foreign nationals – felt discriminated against and silenced, and this manifested itself in a battle against arbitrary or discriminatory decision-making, self-advocacy and empowerment (e.g. prisoners organised their own 'translation tree' which listed which prisoners spoke and wrote which languages in order to assist others), and an active council eager to 'fight for what's right'.

The second ethical and methodological concern was in the management of relationships. The quasi-ethnographic component of this research extended well past the prison walls and into my relationships with User Voice and their employees. Whilst I had three primary research sites, I was also operating within a very nebulous and 'fuzzy field' – one without clear boundaries or spatial restraints (Nadai and Maeder 2005: 4). Our social and working lives often overlapped and intertwined, and separating front from backstage conversations, information, feelings, attitudes, and behaviours required careful negotiation. I often travelled with User Voice employees on the way to or from prisons (which was, at times, several hours), we frequently ate meals together or went to the pub, occasionally I was invited into their homes to meet partners or children, or to social events with their friends. For the frontline User Voice employees (the council facilitators), I was a trusted confidante to vent to, or gossip with, and a keeper of secrets. They shared their stories and experiences with me, and I with them.

For User Voice management, I was, I think, seen as an advocate for the organisation and often 'used' for this purpose. I was relatively content to be used in this way. I accepted invitations to speak about their work to practitioner audiences, to share my research and emerging findings, and to 'encourage' the expansion of 'service user' involvement in policy making and operational practice within prisons and probation. During the fieldwork period, I was included in User Voice's annual development day as a close, friendly, and 'expert' voice to assist them in improving their services and efforts. I 'volunteered' in some of the prison elections, participated in some of the charity events, and started a book drive to collect donations for the council-implemented Storybook Dads programme at Aylesbury. I never 'formally' interviewed User Voice frontline staff (nor did I develop an interview schedule for this group).[30] Instead, I gathered their thoughts, reflections, and life stories slowly, in fragments, over time, on trains, in cafés, over drinks, during prison lockdowns, or whilst stuck in traffic. I rarely used a digital recorder for these. There was one employee who, while on a lunch break, took me on a driving tour around the neighbourhood he grew up in. As we drove past important landmarks, he narrated his life for me. I felt honoured to be invited to 'witness' his personal journey in this way. In one prison, the commotion surrounding the council election was used as a diversion for a targeted violent assault. I had been standing with a group of User Voice employees on the wing when it took place just feet from us. Two of the facilitators instinctively stepped forward to create a human shield for my protection. Throughout the fieldwork, we witnessed mundane

[30] Though my interviews with the User Voice founder and one senior manager were 'formal'. The first was carried out over the phone (and later supplemented from recurring encounters) and the second took place in person, in a private office in the User Voice office in London. Both of these interviews were recorded.

and severe violence, self-harm, death, and overdoses together. We also saw personal growth, healing, families reunited, passion, and intellectual and political projects come to fruition. We shared a level of closeness and intimacy not often found in research relationships (though, see Cohen and Taylor 1972: 33). But, that made the maintenance of boundaries a challenging and ongoing enterprise. Upon reflection, however, and with some distance, it is clear that the research could not have reached the depths it did without these fuzzy fields.

Despite this closeness, my association with User Voice remained professional and honest. In many ways, this study also explored the impact of the core values of democratic participation and council engagement with the User Voice workers, as they navigated their way through their post-release life and renegotiated their own identities with those still behind bars. Liebling (1999: 160) notes that 'the term 'observation' does not adequately capture the process of being present in others' worlds' and prison researchers are no longer 'passive' agents in the research process. She suggests that 'reserved participation' may be a more apt term in capturing this, and I too have dismissed any illusions that my presence and this process were 'passive'.[31]

It is apparent that I took something of an 'advocate' role in this research – not necessarily for User Voice, per se – but as an advocate for the values and ethos this initiative brings to the prison environment. In conducting this study, it was my goal to act as a 'democratic under-labourer'. Loader and Sparks (2011: 117) maintain that 'criminology's public role is most coherently and convincingly described as that of contributing to a better politics of crime and its regulation – or what we shall call democratic under-labouring'. My position, then, was as a 'specific intellectual', one whose role is to no longer 'place himself somewhat ahead and to the side in order to express the stifled truth of the collectivity', but to conduct research 'alongside those who struggle for power and not their illumination' (Foucault 1977: 206, 208). The 'specific intellectual' therefore works in alignment with others in specific, local, and institutional struggles.

Limitations

As with any study, research process, or methodological inquiry, some limitations are unavoidable. First, User Voice's council model was not designed as a deliberative democratic initiative – this is my conception and application. Therefore, User Voice's aims, intentions, and practices do not always easily square up to that of a 'proper' deliberative democracy effort.

[31] With the assistance of Professor Tony Bottoms (see Liebling 1999: 160).

Where these gaps or mismatches arise, they should not necessarily be interpreted as failings or flaws of the council itself. Rather, they should serve as opportunities to continue contemplating and questioning the complicated relationship between prisons and democracy. Second, although using the MQPL and SQL survey data was valuable in measuring the social and moral climates of Birmingham and Aylesbury over time, it was not adequate for making any direct links (positive or negative) between changes in the prison and the presence of a council. Third, many of the prisons that have sought out the services of User Voice have been poor performing establishments (see Liebling with Arnold 2004) with Governors invested in change and improvement.[32] As a result, there is an inevitable selection-bias in participating prisons, and their low MQPL/SQL scores were almost certain to rise, regardless of introduced interventions or added programming (Rossi et al 1999). Similarly, the individuals who choose to engage with the council may also self-select due to personal motivations or desires, which may in turn impact their feelings towards the council process and perceived changes (these prisoners may be more likely to report positive changes in attitudes or personal development, staff relations, or desistance thinking, for example). Lastly, generalisability to all prison councils, or similar co-governance initiatives, is unrealistic and was not an aim of this study. Nonetheless, the findings from this research are relevant and transferable in a number of ways: prisoners are better able to survive and thrive if they are provided with opportunities to express themselves; exercise some agency; feel heard, seen, and recognised as individuals; feel purposeful; and are treated with humanity. These are surely 'generalisable' qualities for individuals as well as communities, and prisons.

[32] There are some exceptions to this, especially in more recent years as User Voice has expanded. At the time Maidstone contracted with User Voice it was on an upward trajectory with the most recent HMIP (2012b: 6) report noting that: 'Maidstone delivers reasonably good outcomes for most prisoners in most areas. Some of the work it does is excellent and innovative'. The Governor at this time quipped, 'even a good prison with a good Governor can find something to improve upon'.

4. Inclusion: Building an institutional conscience

> David Cameron said it makes him sick – SICK! – to think of someone like me voting. What can you say to that? It's like a kick to the teeth … No, I've never voted and I probably won't in the future. But that's not the point. There is violence in what he says – he is sending a seriously loaded message: you are not worthy and you are no longer part of society in this way. Yeah, but you know what, this is exactly why I don't vote … He doesn't represent me or know my life. I have never been part of 'his' society.[1] (Council participant)

In Albert Dzur's (2012: 41-43) analysis of Harold Pinter's forceful 2005 Nobel Prize talk 'Art, Truth and Politics' – which fiercely criticised America's domestic and foreign violence, the cowardice and hypocrisy of current leaders, and passionately called for 'honest political inquiry and dialogue' – he writes:

> Pinter's critique expresses the personal moral stake he felt in the corrupted and manipulated *institutions* of modern democracy. For him, citizenship that is active not tacit, vocal not quiet, deliberate not presumptive, inquisitive not manipulated is a moral meaning-making role for those who occupy it. People gain dignity by rejecting the biased, the autocratic, the false, the unjust, by paying attention to public spaces inside and outside government institutions, by asking for reasons for decisions; they lose dignity – even while living otherwise good lives – by remaining inactive, silent, by neglecting these spaces. Pinter's thesis is that lay participation is needed for democratic institutions to have a conscience.[2]

I find the word 'conscience' most compelling, in part because of how Dzur has attached it to the institution, and because of how Pinter himself uses it (referring to the collective/social; 2005: 7[3]):

> What has happened to our moral sensibility? Did we ever have any? What do these words mean? Do they refer to a term very rarely employed these days – conscience? A

[1] This is in reference to a remark made by the then Prime Minister in a House of Commons debate in 2010, where he said, 'It makes me physically ill even to contemplate having to give the vote to anyone who is in prison'. The full transcript is available at: https://publications.parliament.uk/pa/cm201011/cmhansrd/cm101103/debtext/101103-0001.htm.

[2] Emphasis original.

[3] Available at: https://www.nobelprize.org/prizes/literature/2005/pinter/lecture/ (the original video recording as well as the transcript).

> conscience to do not only with our own acts but to do with our shared responsibility in the acts of others? Is all this dead?

Pinter goes on to speak about Guantanamo Bay. In interviews with the Governors at Birmingham and Aylesbury, and the original contracting Governor of Maidstone, all three used some form of 'conscience' to discuss their management style ('I always listen to that little voice that says do the right thing even if it's the hard thing, and even if it rubs up against HQ'), their felt 'moral obligation' to 'manage as ethically as I can', and how they juggle such 'competing demands':

> I have a big responsibility to the men in my care, to my staff, and to the public … I try never to forget that this 'prisoner' is a man first … but also that there are people in the community grieving over the harm that's been done by the men in here … I try to manage in a way that is just to all of them. (Governor)

They also shared a desire to implement the council as a way for prisoners to help shape, develop, and keep their establishment's 'moral compass pointed in the right direction':

> I want the men to tell me when something's gone off track, when something's wrong … I want to be held accountable just as much as we expect that from them … This sounding board [the council] keeps us [staff] on the right path. (Governor)

These leaders, much like the early prison democratisation reformers, viewed their institutions as places that could 'help to grow' and nurture 'a civic spirit' ('I want this to be a supportive community where everyone can thrive'). One Governor even borrowed Osborne's quote when he said, 'I'm in the business of creating good citizens, not good prisoners'. Contracting with User Voice, one Governor remarked, was a 'political and moral stance'; it was a signal to staff and prisoners that he was 'serious about making this work' and recognised the limitations of operating a council 'in house' – 'User Voice gives it some bite, some real credibility … They'll [UV] engage with the men in a way we can't. That's a really important bit … They bring a kind of legitimacy we will never have'.

The remainder of this chapter explores the role of the council in helping to form and shape a collective, institutional conscience. Degrees of inclusivity, reciprocity, and relational dynamics were indicators of how successful the council could be in this process. Inclusion, which represents the germinal 'building block' within a participatory democracy, creates *opportunities* and *possibilities:* to bear witness, to count, to engage, to be informed, to dialogue, to have encounters, and as the next chapter details, to fully and actively participate. A brief

discussion is presented first, which situates the council and the general themes within the research into the wider landscape of how prisons and policies were rapidly changing at the time of the fieldwork. These changes universally and negatively impacted on prison life, for staff and prisoners, and 'surely prevent[ed] the full potential' of this democratic experiment to be realised.[4] Nonetheless, the creation of a forum for 'voice' to be exercised provided opportunities for personal-political exploration and finding (or testing) trust and agency between individuals and institutions as they began to 'dialogue' with one another. The chapter concludes with a discussion on staff-prisoner relationships.

Situating the research

The findings from this study are extensive, sometimes disparate, and each field site contained its own discrete revelations. The remainder of this thesis presents a composition of the primary and most consistent themes that emerged within the deliberative democratic values framework detailed in the previous chapter. Aylesbury, in several ways, was distinct from Maidstone and Birmingham, largely because the men here were younger, with less life experience, and many of them were in the early stages of a long sentence. This, to some degree, limited their ability to engage in the deliberative process and civic activities to the same extent as the men in the other two prisons. This is not to discount their experience or contribution; rather, it is simply to highlight that the council was received, and interacted with, differently in each environment. Participants either viewed the council as neutral/benign ('it's okay – it could do more, but it's not making anything worse') or in positive/transformative terms ('the council changed my life – I feel like a different person with a whole new perspective'). The only circumstances in which attitudes toward the council were expressed negatively were when its legitimacy was questioned because it was 'not being taken seriously', it was not producing change, or the men did not feel 'heard'. These complaints, however, were not about the council as such, they reflected broader discontent with prison practice. Most senior managers and non-uniformed staff I spoke with, and all contracting Governors, strongly believed in the council and its aim to 'give prisoners a say'. Prison officers were the least supportive, though there were a few who 'got to know the council and what they're about' which changed their minds: 'Once I

[4] Quote from a Governor.

really saw what they were doing I was a convert. The POA could learn a thing from how they communicate and organise' (officer).[5]

Like previous studies on User Voice, a range of motivations for joining and remaining in the council were present (see Schmidt 2012; Barry et al 2016: 40-43). The most dedicated and engaged expressed altruistic interests, usually as a form of 'giving back' and 'contributing', or versions of making amends or reparations for harm done ('I've done a lot of bad and now I just want to do some good'). Some thought it sounded interesting and intriguing, others were more attracted to 'righting wrongs' of the prison and 'having a say' for improvement purposes. Some either drifted in by word of mouth or because of the access it lent them to the User Voice employees (which was often the case in Aylesbury, where informal mentoring relationships developed). All participants stressed the importance of having a third party facilitate the council ('I've been on prison committees before – it's a tick-box exercise for management') and believed that this configuration provided 'the best chance of making something like this work'. All council members said they would be much less likely to join (if they would join at all), if the User Voice facilitators did not have lived experience of imprisonment. The findings presented here have been synthesised to represent 'the majority'. There are, of course, exceptions to everything presented.

The men who regarded the council as highly impactful and felt they had been positively changed by engaging with it were generally 'settled' prisoners within a few years of their release. They dedicated the most time to it and 'reaped the benefits' of the social capital that came with that (e.g., hard and 'soft' skills, increased networks and opportunities). Men at the beginning of long sentences struggled to commit to it, found longer-term planning difficult, and were not always comfortable with the 'talk-centric' nature of council activities. Those who were facing a major 'turning point' – release, a parole hearing, an appeal, or trial – were also less likely to participate consistently. Many of these men expressed a need to 'concentrate' and 'stay focused' on their upcoming event without distraction. Some likened 'full participation' in the council to be the top of Maslow's (1943) hierarchy of needs – to achieve 'self-actualisation' (i.e. being a full and active council member) one needed to have other more basic needs met, like 'a clear head', having their domestics and finances in order, feeling safe and secure, and with some certainty about their immediate and short-term circumstances. This echoes research from Crewe and Liebling (2018) who found that prisoners report higher rates

[5] POA: Prison Officers' Association (professional trade union).

of personal development, autonomy, and wellbeing in prisons that provide not only 'the basics', but also a sense of physical and psychological safety through staff professionalism and confidence, that exercise dynamic authority, and with multiple avenues for help and assistance. The council, to varying degrees, attracted individuals who were already on a relatively stable trajectory with an outlook and orientation that was somewhat hopeful and forward-looking (see Maruna 2001). There were times when User Voice employees actively sought out 'less-likely-to-join' prisoners because they thought the exposure and engagement might 'make a difference' in their thinking or being. With a few notable exceptions, men who were not coping well in prison, had substance misuse issues, or severe mental health problems were not well represented in the council or its activities.

As noted in the previous chapter, the three primary prisons in this study were 'troubled' and struggling, though Maidstone had an upturn in its performance just prior to this study. The constructive and sometimes transformative work and engagement being done in and around the councils took place within turbulent, disorganised, often unsafe, and sometimes violent environments. Fieldwork was carried out on the cusp of major (and devastating) changes within the prison system – political shifts in government prioritised economic rationality, resulting in 'savage' budget cuts and the loss of a significant amount of staff (see Crewe and Liebling 2017: 902), immigration policies were tightening and some establishments were re-rolling to hold, exclusively or predominately, foreign national prisoners (like in Maidstone) (see Pakes and Holt 2017; Kaufman 2013), and a newly appointed Justice Secretary pursued a 'tough justice' agenda, which introduced severe policies related to sentencing and release practices, as well as in-prison practice (like revisions to the IEP system) (Jacobson and Hough 2018; Allen 2013).[6] In already 'fragile' prisons, the additional strain of staff shortages and a reduction in programming were difficult to cope with. In Aylesbury, for example, prisoners were being locked up for longer periods so that a curtailed regime could be run. This often meant that the young men were getting association time every other or every few days, as it rotated around the prison.[7] The MQPL data regarding time spent in cells is notable.[8] In 2012, roughly 50 percent of prisoners surveyed stated that they spent six or more hours of the core day (9am to 6pm) locked in their cell. In 2013 this had increased to 56 percent and in 2014 it was 69

[6] Chris Grayling took this post in September 2012.
[7] Association time is out of cell time that can be used to socialise, make phone calls, shower, do laundry, etc. In Aylesbury, it was typically for one hour.
[8] Prisoners were randomly sampled from across the prison. The response rate was good (around 85% of those invited to complete the survey did so), with 25-28% of the population being surveyed: 2012 (N=125), 2013 (N=128), and 2014 (N=113).

percent.[9] Even with a dynamic, energetic, and well-intended Governor, effecting change in a climate where institutional autonomy was limited and resources were stretched was a 'Herculean challenge – it's firefighting every second of every day'.[10]

Aylesbury and Birmingham, in particular, and Maidstone at a later stage, all experienced waves of serious unrest during fieldwork. The council, for some, was an 'escape' from their cell or daily life in the prison, and for others, 'an oasis' that provided some hope and purpose. All participants expressed a strong desire to improve their prison's conditions and practices, and doing so *with* staff (and moderation from User Voice) was viewed as the most effective way to achieve this (instead of, for example protesting or making demands). These three prisons were already experiencing democratic and legitimacy deficits (Sparks and Bottoms 1995), which were intensified by the harsh national mandates being rolled out. Prisoners were keen to voice their dissent, have their concerns taken seriously, and find ways to ameliorate 'the human damage caused by these policies' (CP).

Enfranchisement despite disenfranchisement

Many men, like the council participant quoted at the beginning of this chapter, discussed the various ways they felt 'kicked out of a society I was never really part of' and the 'layers' of exclusion that had been experienced throughout their lives:

> excluded from school … put into care … ran away at fifteen … was on the streets or trying to stay with friends … I couldn't really get a job – I could barely find a place to shower … I had no skills … so I started selling [drugs] … by seventeen I was known to the police … by twenty I caught my first real time [prison sentence]. (CP)

Imprisonment, for many, was yet another layer of social, political, and economic disenfranchisement that pushed them further into 'the margins' (Clear 2008). As noted earlier (refer to Chapter 1), most of the men in this study had experienced civil or social death long before incarceration. Such a 'death', argues Schneidman (1973: 159, quoted in Liebling 1992: v), 'begins when the institution … loses its interest or concern for the individual as a human

[9] A prison inspection the following year reported further decline: 'This inspection took place at a difficult time for the prison, with debilitating staff shortages that required the ongoing deployment of temporary staff from other establishments. Our overall judgement was that the prison had deteriorated, with failings evident across all four of our healthy prison tests, but particularly in safety, respect and purposeful activity' (HMIP 2015a: 5). The inspection team found that '30-40%' of the young men were locked up during the core day, which was an improvement from the previous inspection, but still deemed 'completely inadequate' (ibid: 11).

[10] Quote from a Governor.

being and treats him as a body – that is, as if he were already dead'. Many council members made similar remarks about how they often felt like 'non-living' (or 'living dead') 'objects passed around by the state', which echoes Dayan's (2011) work on legal and institutional processes that produce 'depersonalised persons':

> It always kinda felt like you were just this thing – like an object with no life or soul – being moved around [state institutions]. It still feels like that. You have to move prisons and they treat you like cargo, like boxes to be stacked and shipped. (CP)

> I moved around care homes a lot … Even though I was really angry and raging inside I went limp, like not just in my body but, like, my *being* too, because you feel like you have no control … You're made to feel like you're not even a human with feelings or preferences … I never had a say – they [state agencies/authorities] made all the decisions about me or for me, like I didn't really exist. I was just this thing to be managed. (CP)

When council participants were provided the opportunity to be, albeit temporarily and limitedly, liberated from 'being *for* another' (Freire 1970: 23), they described feeling 'awakened' and 're-animated' (see also McNeill and Velasquez (2017) on 'sleeping citizenship').[11] 'Being included' in decision-making dialogue and knowing that staff and other prisoners sought out their opinions or advice was 'humanising' and redemptive (Figueroa 2015). Instead of *existing as* 'things', 'objects', or 'a faceless criminal'[12], the men were able to *become* 'party leaders', 'council members', and 'someone worth consulting'. Participation in council activities and proceedings – voting, deliberating, contemplating 'local' issues and solutions, and generating action plans – acted as a form of enfranchisement within their respective community and political structures. Dzur (2012: 155) refers to this as 'civic dignity' – 'the recognition of a person as a responsible member of a collective'. Reimagining prisoners as active and enfranchised citizens requires us to conceptualise citizenship 'beyond the state', and outside of legal conditions or status (Hoffman 2004; Faulkner 2003; this is discussed further in the next chapter).

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[11] Emphasis is mine.

[12] This quote came from a staff member who was processing a new prisoner in reception. It took him many minutes before he noticed that the prisoner standing in front of him did not match the photo (or description) in the accompanying prisoner's file. After he realised the mistake, he laughed and joked that 'they've [prisoners] all become faceless criminals to me'.

In Jock Young's *The Exclusive Society* (1999), he traces the move from a seemingly inclusive post-war society to our postmodern reality that is 'more ejecting, separating and excluding' (ibid: 65). He argues:

> If we wish to understand how a society falls apart we must understand how it holds together. The criminal justice system by itself cannot maintain social cohesion … we must construct a new contract of citizenship which emphasises diversity rather than absolute values, and which sees such diversity not as a catalogue of fixed features but as a plethora of cultures, ever changing, ever developing, transforming themselves and each other. It must be a contract which does not permit the state and its experts to bestow problems but involves and encourages intense democratic debate and evaluation, which is not a citizenship of rights but one of reciprocity between all citizens and which fully recognises the necessity of reciprocity between citizen and state in the enactment of social goals and institutional change (ibid: 148, 198-199).

One of the aims of prison democratisation is to shift exclusionary institutions and practices toward a more inclusive model that could militate against further marginalisation inside and outside of the walls. The council enabled new social 'rituals' (Maruna 2011) to be established that promoted cohesion and citizenship, whilst respecting diversity and voice (these will be discussed throughout this chapter and dissertation). This is a tenet of deliberative democracy – finding common ground between divergent groups of people to achieve a shared goal (Enslin et al 2001).

A substantial body of literature confirms that political, social, and economic exclusion is damaging to individual wellbeing, as well as societal and democratic health. Studies from Baumeister and colleagues (2007: 517; see also Baumeister 1991, 2005; Baumeister and Leary 1995) on rejection and belonging, for example, have consistently shown that being rejected or excluded 'causes strong behavioural reactions, including increased aggression, reduced pro-social behaviour, and increased self-defeating behaviour'. Social exclusion can also result in perceiving life as less meaningful, heightening distress and depression, increasing feelings of loneliness and anxiety, and suicide (Pierson 2016; Stillman et al 2009; DeWall 2013). Work on structural stigma (existing at the institutional and systems level) suggests that discriminatory patterns of ostracising policies perpetuates public stigma (stereotyping, fear, othering), which in turn establishes a detrimental and synergistic cycle of further marginalisation (e.g. tightening of restrictions or laws, reduced eligibility, decreased resourcing). This is especially acute for already disadvantaged or highly stigmatised groups (like those with severe mental illness or

disabilities, the indigent, immigrants, indigenous peoples, prisoners, HIV patients, and substance users) (Livingston and Boyd 2010; Corrigan et al 2005; Bos et al 2013). At the community level, Putnam (1994, 2000) and others have demonstrated that the inability to access, establish, or generate social capital contributes to deprivation, societal inequalities, and civic and political disengagement (Li et al 2003; Morales and Giugni 2011; Anheier and Kendall 2002; Lin 2001; Young 1999). Research on felony disenfranchisement in the United States highlights the political, social, and civic consequences when millions of former prisoners are prevented from not only voting, but also accessing housing, employment, financial aid for schooling, and are prohibited from participating in civic life (like sitting on juries or running for public office). Entire communities – which are most often made up of people of colour – then, become disqualified from a range of basic, but critical, social services and opportunities, without the means to be politically represented (Manza and Uggen 2008; Uggen et al 2016; Uggen and Manza 2002; Lerman and Weaver 2014; see also Wacquant (2009) on social and legal 'castaways').

But there is also increasing innovative work happening in criminal justice to use inclusive practices to mitigate or prevent exclusion or further marginalisation. In Tunisia, for example, youth radicalisation is being targeted with community-based social inclusion and engagement efforts. Early findings from a study tracking this initiative indicate that social belonging and acceptance, and community integration through 'mainstream' ties to the job market, education, political participation (and feeling represented), and access to reliable civic activities are successful in preventing or breaking extremism trajectories (Ben Salah 2019). Education programmes, like Inside-Out in the US or Learning Together in the UK, bring prison students and university students together to co-create supportive and 'transformative' learning spaces that promote respect, equality, and dialogic engagement (see Dzur 2019: 85-90; Armstrong and Ludlow 2016). Graham and White (2015) spotlight various forms of 'innovative justice' programmes globally, which include crafting cooperatives in Bolivia, prisoners as community sports umpires in Australia, and forms of 'green justice' through prison horticulture and work in nature. Such innovations share important features: they are hyperlocal, they have top-down support and commitment with ground-up energy and input, people work closely with each other toward common goals, and they are aimed at bridging the gap between outside and inside, and moving from exclusion to inclusion.

As discussed in the previous two chapters, inclusivity, political equality, and the *broadening* and *deepening* (Fung and Wright 2003) of citizen involvement in matters of local and

governmental policy decision-making are at the core of deliberative democracy (Ercan and Dryzek 2015). User Voice was founded with the aim to be inclusive and to 'provide ways that enable unheard voices to make a difference, to urge policy-makers and people with power who make decisions to listen'.[13] Marginalised (and subjugated) groups are often subjected to extensive state policies and practices (Easton 2018: 110; including various and additional forms of surveillance and control; see Cohen 1985), but with little ability to communicate how such policies are developed or implemented, or the ways in which they impact the lived experience:

> People quickly learn to distrust 'the state' because for those of a certain class or with certain problems, it almost always comes in the form of the police, the courts, or child services, or welfare … These institutions can degrade and shame and embarrass … When you're an addict, yeah, you're seen and treated like you're useless; you have no potential, you're not worth investing in, you're a problem. That's what the state tells you: you are a problem … It's hard to come back from that.[14] (User Voice founder)

Inclusivity can signal belonging, 'a second chance', 'an opportunity', a 'door opening', 'an invitation', and 'respect' through recognition (Major and Eccleston 2005). All of the council participants interviewed shared stories of when they were 'confronted with [their] own humanity', meaning, they experienced a feeling of being 're-humanised' and 'recognised as a person of value' through an interaction. These moments were regarded as particularly powerful when the 'recognition' came from someone 'with power', largely because they represented the kind of 'authority' that was responsible for eroding their sense of 'humanness':

> When he [an officer] asked about my boy's health, it was like, for the first time he saw me as a father rather than just an inmate. He saw me how I see me. (CP)

> When [a senior manager] turned to me and said, 'you studied economics, what do you think about this?', I had to turn around to see who he was talking to! Not only did he remember a conversation we'd had way back about uni, he remembered that I got a degree in this stuff and that he was asking for *my* opinion … It's so small but it made me feel normal, like I was in a normal conversation with normal people, you know? You don't get to feel that normal in here very often. (CP)

Many described such encounters as validating and a 'boost' to their self-esteem or confidence – 'I've never really been talked to like this before; it seemed like [the officer] genuinely cared

[13] From User Voice promotional materials.
[14] Truncated summary from personal communications and an interview with the User Voice founder.

about me as a person'. Others expressed feelings that more closely resembled vindication: 'I know I'm a decent person – finally they see it too, that I'm not just this horrible criminal'. Either way, there was great profundity in being 'seen', especially when juxtaposed to the damage inflicted from being disregarded, unseen, or mis-seen. Charles Taylor (1994) notes that the power of (mis)recognition carries serious implications (see also McNeill 2019). He writes:

> [M]isrecognition shows not just a lack of due respect. It can inflict a grievous wound, saddling its victims with a crippling self-hatred. Due recognition is not just a courtesy we owe people. It is a vital human need (Taylor 1994: 26).

Recognition, he argues, grows from ethical and authentic engagement – 'our identities are formed in dialogue with others, in agreement or struggle with their recognition of us' (Taylor 1991: 45-46). When we develop and nurture 'commonalities of values between us' we can reach a 'horizon of significance' (ibid: 52), a form of inclusion that recognises (and tolerates) difference.

Being on the council enabled participants to interact with and move through different spheres within the prison. Some participants were invited to attend other meetings (for planning and programming, or violence reduction, for instance), including with the senior management team, they met with third sector volunteers, sometimes visiting politicians or prison services, and frequently with adjunct prison staff as they researched certain issues, like with healthcare and kitchen staff about menu planning and dietary concerns (for example, the problem with high sodium meals for a population prone to diabetes, heart disease, and high blood pressure). This provided the men with a range of exchanges and interpersonal dealings with a diverse group of prison and non-prison people. In these multiple roles and spaces, council members were able to 'demonstrate their value and potential', experience success and a sense of satisfaction in these supportive and leadership roles (Maruna et al 2004a: 139), and show that they were 'multidimensional' people – 'I'm lots of things with lots to offer. Sometimes we're treated like we're 1D [one-dimensional], and that D is prisoner'. In Aylesbury, the Governor was proactive in ensuring the council was inclusive, even for the prisoners who carried a 'low' or marginalised status (i.e. those who struggled with mental health, drug use, interpersonal skills, or self-harm). He was also keen to 'embrace' 'troublemakers' or those with 'high' status, because of their reputation, offence, or in-prison behaviour (fighters and 'big lads'). There were several high profile and 'power-carrying' gang leaders in Aylesbury, one of whom had been encouraged to join the council from conversations with the Governor and after being introduced to the User Voice facilitators. This young man grappled with his own identity and

history, as well as wrongdoing, but was caught in a cycle of 'keeping status' and 'fronting' to the other young men, whilst wanting to shed this reputation and move forward. As he described it:

> The prison gave me an identity the moment I walked in – I was this one thing to them and no matter what I did or said, they'd just keep on with 'yeah, yeah – we know you, we know your brother, we know about 'The Slayer' [his street name] – tough guy' … When I got on the council, I could lose that, you know, in there [the boardroom] I was just me, someone with ideas, like the mature me … They [senior leaders] could see a different side of me … The side that I wanted to be … Those meetings were a safe place – I didn't have to be that lad that everyone expected me to be; I could be someone else, the person I wanted to become, you know? (CP)[15]

Council work, and the varied interactions it enabled, assisted many men in 'reorganising' or re-shaping their identities or self-conceptions into desired alternatives. Maruna and colleagues (2004b: 274, drawing on Lemert) refer to this as a 'looking-glass process', whereby 'delabelling' or destigmatisation occurs when society positively acknowledges a change or transformation.

The enhanced movement and exposure that council members experienced acted as a form of spatial inclusion (Beckett and Herbert 2010), where the men were active participants in spaces typically, or formerly, 'off limits' or 'not for prisoners' (in the boardroom, in offices, staff kitchens, or moving somewhat freely around the grounds).[16] A sense of 'normalcy' was attached to this, as the 'spatial inscription of power' was (albeit temporarily) lessened (Crewe et al 2013: 71)[17]:

> You feel it in your soul when an officer shouts at you not to cross the [office] threshold … you're not good enough, or trustworthy enough to be in this space. (CP)

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[15] This man and his story have been anonymised.

[16] Marrero (1977: 39), an early researcher of prison architecture, argued that an essential prerequisite for an environment to be 'conducive to democratic reform is the elimination of design factors that contribute to non-social behaviour', like the softening of surfaces so sound will be reduced, and the creation of spaces that both allow for privacy and communal activities. He adds: 'To emphasise further the staff's desire to collaborate, the environment should be free of architectural cues that overemphasise superordinate-subordinate roles and imply a preoccupation with inmate control' (ibid: 39).

[17] This was not without issue though. Some men felt 'extra anxious' or uncomfortable with these 'blurry' spatial boundaries: 'You just don't know if you're walking into a landmine … I'm so nervous there [in the admin block] I barely move because I'm so afraid I'll step the wrong way or touch something I'm not supposed to … In some ways it feels more dangerous than on the wings – because you can't 'read the room' in the same way' (CP).

> I know I stand taller when I'm in there [the administration building]. I feel taller … For a moment you kind of feel normal, like, 'I'm just working in an office, like any other normal person'. (CP)
>
> Look around the [board]room – we're all sat here real professional. Good postures, eye contact (laughs) … The space transforms you. This [the boardroom] is a place of business and respect. On the landings, that is not a place of respect. It's dirty and loud. (CP)

Being included in a variety of activities, off the wings, and with 'normal people' (i.e. not with other prisoners or officers) was viewed as beneficial and valuable, in part because it broke up the monotony of daily life, but also because it helped the men to build or hone useful and 'transferable' (softer) skills that 'are not easily practiced' in prison. This included professional and public speaking, diplomatic finessing, eye contact, shaking hands, managing body language and posture, and reading tones and faces. For council participants who had previously held jobs, attended higher education, or had operated within formal economies, these skills had lain dormant but now found an outlet to be sharpened. What these additional interactions also enabled was for the men to be seen as more 'rounded' individuals (not '1D', as noted above; this is discussed further below).

Feeling included and experiencing inclusivity were also linked to recognition *from* representation through 'a process of political becoming' (Hesford 2015: 554). Ensuring that the council was representative of the wider prison, and that it kept those interests at the heart of council proceedings, was imperative for legitimation purposes. The council's face validity was critically important for prisoners:

- How do a bunch of white northern lads represent *me*? (Prisoner)
- They're all enhanced red bands and tea boys. That's just not my experience.[18] (Prisoner)
- Diversity matters … if we were all white, Muslim, lifers, or whatever, that would be ignoring huge groups of people and experiences … Most of us feel overlooked or not counted already. We don't want the council to reinforce that. (CP)

Prisoners wanted to 'see themselves' and their concerns embodied and represented by the council members. This took form through diversity in race, ethnicity, religion, age, educational

[18] This is referring to trusted prisoners with enhanced privileges.

attainment, home area, and legal and custodial status (i.e. lifer, IPP[19], remand, IEP level, foreign national). The councils were remarkably diverse, and particularly so in the beginning of the fieldwork period. In Birmingham and Aylesbury, the Governors were invested in inclusivity and actively sought out those who were 'at the margins' in the prison (as mentioned above). These included men who were not engaged in any activities, those who were repeat and known 'troublemakers', struggled with learning difficulties, or had histories of poor coping or self-harming. Prison management made concessions for those council members who were in segregation at the time of a council meeting or other important activity, and likewise for when someone was on suicide watch. These were rare occurrences, but this practice was powerful:

> Sometimes when you're in seg you feel like the world has forgotten about you ... He [the Governor] personally came down here to walk me to the [council] meeting. I wanted to cry. (CP)

> When I cut [self-harm] I'm at my lowest … then they shut you [in segregation] away and you feel even worse, like they're just trying to get rid of the problem [*That you're the problem? Or the cutting?*] Yeah, me, like they just want to forget I'm here … When I got to go [to the meeting] it was really overwhelming … Like, someone remembered that I was still here. (CP)

It signalled to these particular prisoners that they were 'not forgotten about' or 'left behind', or being excluded further. For most of this study, all prisoners were eligible to participate and get involved in the council, regardless of IEP status, behavioural or drug history, or literacy ability. This meant that a wide and divergent group of prisoners came together, voluntarily, and out of a shared interest (see also Chapter 6).

Toward the end of fieldwork, however, council 'eligibility' began to shift, resulting in councils that were less demographically diverse. Although this study only saw the beginnings of that change, it is still worthwhile to consider how inclusivity and exclusivity are (re)constructed (and perpetuated) within the prison setting. As already noted, major revisions to the IEP system were introduced in 2013, though their implementation into everyday practice varied by prison and often with a substantial grace period. This was taking effect alongside benchmarking, which led to the shedding of many staff. Birmingham, Aylesbury, and Maidstone did not fully integrate the new IEP structure until the middle of 2014 (or later). The tethering of incentives

[19] IPP: Imprisonment for Public Protection.

and privileges to behaviour that 'actively contributes' to rehabilitation turned the council into a means *to* an end, as joining it became a route to achieving or maintaining an 'enhanced' status. This made the motivation to 'participate' highly instrumentalised aimed at *personal* status improvement rather than *collective* betterment. Whilst motivations were always a mix of these, the balance prior to the IEP changes was heavily toward the latter. Other 'vetting' processes were introduced, either at the request of council members or at the insistence of the prison (largely based on 'security risk'). This shift in eligibility is discussed further in Barry et al's (2016: 33-34) study.[20] Prisoners themselves were creating structures to qualify or disqualify potential candidates. They imposed additional measures for handpicking ('cherry picking'), like designing and distributing application forms for individuals to fill out, which were then reviewed by council members and User Voice. Many justified this process of in/exclusion as a necessary means by which to 'determine how serious' someone was about joining and to 'weed out' those they thought might misuse the council:

> We are given a lot of trust here [on the council] and we wouldn't want to let just anyone in who could jeopardise that. (CP)

> We only want serious people who will take this seriously … If you're always getting into trouble or taking drugs, that's going to reflect badly on us … We don't want to take that risk. (CP)

As Barry et al (2016: 33-34) note, User Voice employees, to some extent, appreciated the application process, because it made their jobs easier – they could target their engagement to well-intentioned individuals and focus their energy on 'guys who really want to be in this for the right reasons' (UV employee). But, as will be discussed further in Chapter 6, this 'oligarchic tendency' in deliberative democracy (Tucker 2008) to concentrate the preferences and interests of the majority into the hands of a few, undermined the council's legitimacy. Non-council participants heavily criticised these kinds of arrangements, in part because of the lack of real representation, but also because it reproduced patterns of unfairness and favouritism prevalent in most other areas of prison practice. The many 'checks and balances' related to inclusive efforts embedded within the User Voice model – which were intended to protect against historical issues with prisoner participation, like favouritism, corruption, personal agendas, or misuse of power – were somewhat upheld via layers of vetting, but simultaneously eroded or

[20] At the time of their baseline study, 80% of surveyed council participants were 'enhanced'. This rose to 97% when they carried out follow-up surveys (Barry et al 2016: 13-14).

perverted. Thus, patterns of exclusion were replicated, breaching the basic tenets of both User Voice and deliberative democracy.

Antony Duff's (2001: 75-77) work on punishment and moral communication identifies four types of inclusion and exclusion: political (the ability to participate, vote), material (access and distribution of community resources and benefits, this could include staff time), normative (extent to which people are treated as sharing in the community's values), and linguistic (the extent to which people share – can understand and speak – the language in which the public or political life of the community is conducted). This broadly overlaps with Marshall's (1963: 73-77) three elements of citizenship – the civil (rights-based, legal entitlements), the political (voting, electoral participation), and the social, which he defined as 'the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society'. Whilst prisoners exist as legal and societal 'sub-citizens' or 'un-citizens' (Nash 2009), within the council and its activities participants were able to elevate their civic status to that of community member. The council, at its best, generated spaces and opportunities for inclusive practices and 'everyday citizenship' to be recognised and enriched.[21] In the prison setting, inclusive citizenship was tied to relational, communal, and participative dynamics, tapping into all of Duff and Marshall's qualities, to varying degrees. These aspects of council work will be discussed throughout the remainder of the dissertation.

Voice: agency and advocacy

'Voice' was represented, ritualised, weaponised, embodied, communicated, and displayed in many different ways. It was a presence, a process, a possibility, a value, and at times, a threat. It could be physical and literal, or ontological and sentient. Voice could be dangerous – there are 'politics involved in listening' (Lawy 2017: 192) – and as Stauffer (2015: 54) warns, 'having a voice' is not the same as 'being heard'. To be heard requires an audience. When there are significant power differences or positions of dominance, voices can be silenced, distorted, or manipulated (Lupia and Norton 2017; see also Chapters 6 and 7). For all council participants, voice was deeply personal, relational, reflexive, and political. Exercising or claiming voice was a way of 'becoming' – 're-animating' oneself into a rounded and emergent person. Judith

[21] See, for example, Takeshi Ito's (2017: 53-54) research in Southeast Asia. He highlights how the rural poor perceive, experience, and practice citizenship differently than elites. The former live through 'everyday citizenship', which is interactional and based on daily negotiations of access to power and resources, informally and formally, whereas elite groups rely on more formal rights-based relationships with state institutions.

Butler (2005) refers to this process as 'giving an account of oneself', one's life, and its condition. She argues that this process of voice is an 'ethical practice, and without such critical autonomy, has the potential to erode and eviscerate the capacity of a person for social recognition' (ibid: 6-8). Couldry (2010: 9), in his work on the culture and politics of voice, writes:

> If, through an unequal distribution of narrative resources, the materials from which some people must build their account of themselves are not theirs to adapt or control, then this represents a deep denial of voice, a deep form of oppression.

Prisoners described, in great detail, the pain and 'injury' that came from feeling silenced, or being unable to create and communicate their own narrative:

> It's hard to keep your own story … They start trying to fit you into these boxes, telling you what you are and what you aren't … It starts from day one – what's your ethnicity? There wasn't a box for me so I said 'other'. I'm an 'other'! … then it's just categories. That's what you become – a category. (CP)

> I keep a list to remind myself of who I am, you know: brother, writer, son, college graduate, kind of smart, funny, dependable … [in prison] you often feel like that list is something completely different: offender, prisoner, bad, criminal, dangerous, not trustworthy … You're told that over and over again every day. Everything that goes on in here is to remind you that you belong on that bad list. (CP)

The men were describing what Du Bois (1903: 8), in his early essays on black identity politics, referred to as the experience of 'double consciousness':

> It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity.

Though exercised primarily through council activities and dialogic encounters with others, the process of recognition via voice reverberated in other areas of prison life. All of the prison councils considered in this thesis promoted, contributed to, and hosted charity events, sometimes several times over. This reflected a civic spirit centred around generativity and 'giving back' (Maruna 2001; McAdams and Logan 2004). But charity work which donated proceeds raised to children's hospitals, various victim funds, and cancer causes revealed a deeper process of self-reflection. The council served as a platform for consciousness-raising – both in terms of how the men came to understand (and confront) their own lives and

circumstances, but also in terms of a shifting and evolving worldview. Paulo Freire (1970) refers to this process as 'conscientization':

> Conscientization requires exposing and reflecting on 'invisible' or 'silenced' factors that oppress specific groups, re-examining situations in light of new understandings, problematizing existing situations, re-presenting and re-narrating existing situations (thus allowing for 'perception of perception') and identifying solutions to transcend existing situations of oppression (Bebbington et al 2007: 363-364).

By using their own voice, and bearing witness to others' voices, council members became entrenched in a reflexive self- and social-dialogue that led many to begin 'thinking' and 'acting outside of' themselves. In Freire's (1970: 61) words: 'Human beings are not built in silence, but in word, in work, in action-reflection'.

Voice acted as a tool for advocacy and the amplification of other voices. Democratic theories have always been stymied by the question of whether there are limits to inclusion (beyond Aristotle's contemplation of 'who is a citizen?') and the justifications for this.[22] Dahl (1989: 123), for example, judges this by whether an individual is 'competent' to govern themselves or the community. This issue becomes even murkier within the prison setting. There were some groups of prisoners who did not have a strong or active presence on the council, nor were they in close proximity to the council. These were, mainly, the very elderly or infirmed, those with limited or no English language skills, those with severe, persistent, or 'challenging' mental health issues, and men struggling with substance abuse issues. These especially marginalised groups were often represented on the council by proxy. Council members sometimes 'worked off the books' and in more informal ways to bring awareness to these groups and 'represent' their concerns. This was typically initiated through interpersonal or close contact ('the bloke next door can't get the back brace he needs') or a council 'hook up', where one prisoner would get introduced to a council representative by another intermediary party (a prisoner or staff member). I differentiate this kind of collective or organised action from prisoner 'self-governance' (though there are some similarities, to some extent) and from supportive care networks (Lieber 2017) between friends or acquaintances. This form of action was related to a shared moral unease produced from a sense of injustice at institutional or staff indifference, and a feeling of civic obligation to 'fill in the gaps' and 'take care of your neighbour':

[22] See, e.g., Aristotle (*Politics,* 3.1.1275a2-3): 'There is often much dispute about the citizen, for not everyone agrees that the same person is a citizen'.

> Sometimes it's just little things, but they make a massive difference. Maybe that's why it's so infuriating when staff don't seem to care or they drag their feet – it's a different kind of harm, that is. I sometimes feels like, you know, if you saw an accident and did nothing, just walked away without calling for help or doing something … There's an older man on [wing] who needed new glasses – his had broken a long time ago and he'd tried repairing them, but it never held for very long. Staff didn't seem to care, and healthcare was taking forever. So, we kind of rallied together and tried to figure something out. We reached out to the whole prison and found a guy who no longer needed his – he had a new pair – so he donated his old pair to this man. It wasn't a perfect match in prescription, but it was good enough … For weeks he hadn't been able to read or watch TV or do his crosswords because it gave him a headache … So, yeah, little, but for him, his quality of life improved dramatically. (CP)

Many council participants were familiar with this kind of resource sharing and mutual aid from their own communities, despite many being from low-income, and somewhat fractured or unstable homes:

> There was never enough food to go around, but you'd share when you could … This week my mum could feed an extra kid or two and maybe next week I'd go round to my mate's to have supper … Was the same with childcare too, swapping kids to manage the schedules. The adults just kind of sorted it. We did the same as we got older – I'd have money this week but maybe not next … You help out when you can because you don't know when it's gonna be you next who needs a hand … Just because we're here doesn't make us uncaring or heartless or completely selfish … Despite all the shite and puttin' on, there's a shocking amount of kindness in prison. (CP)

> A lot of us didn't have much growing up, but you can still share – that's just the human thing to do, innit? … Maybe when you live such a shaky life you know how fleeting things can be – money or food, shelter – so you give some and take some when you can … You can be poor and generous at the same time. (CP)

These 'referrals' would often start with, 'Tell him what you told me – you've got a problem with…'. Some of these problems were personal, and not appropriate for the council (e.g. related to financial, familial, or legal issues) but most often, they represented common problems experienced by many, but not always apparent, or matters that were 'kept quiet' or 'behind closed doors'. One such concern came from a council participant who heard the man in the

next cell going through drug withdrawals for several days – 'It was brutal, he was throwing up, crying, shouting, and obviously in a lot of pain'. He was not physically able to come out for meals or association (or to shower), which prevented staff from getting a 'visual' on his wellbeing. Prisoners who knew him brought juice, snacks, and tobacco. The council member took it upon himself to start 'looking into this issue' by consulting with healthcare, staff, and others on the council. For him, 'this is inhumane … it just felt like this process could be better managed; he had to suffer on his own and staff had no idea' (CP). The idea percolated and eventually, informally, care rotas were set up to assist men who were detoxing. Prisoners would notify staff, set up 'care package' and meal drops, help with laundry and cleaning up of the cell, and do periodic checks to make sure he was okay. This prompted discussions at council meetings about the 'duty of care' and the role of healthcare and mental health care teams in safely managing these patients. In one prison, a healthcare review went into place, with council members working alongside the medical care team to advise and provide practical advice.

Those who had more formal experience with community organising or volunteering (like in food banks, doing outreach, work through charities, or engagement with other local council services) brought a skillset adept at mobilising people and establishing systems. This collective action had expressive and functional features to it. It was political(ish), but not *politicised*, like the solidarity cultures established amongst Irish political prisoners in the 1970s (O'Hearn 2009), or the Black Panther or Black Muslim movements in US prisons in the 1960s-70s (Useem and Kimball 1991; Colley 2014; Jacobs 1977; Thompson 2016). Likewise, it was an attempt to correct a wrong and reduce harm, but it was not about *correctness* like Mathiesen's (1965) account of censoriousness. Nor should this 'cooperative care' be construed as romantic, heroic, or 'based on universal love' (CP):

> End of the day, it's about survival, yeah? But you can survive without bringing others down. We can live better if we're just decent … That's all most of us want – peace, calm, and gettin' on with things so we can just go home. (CP)

What this kind of reciprocative care closely resembles are the communal assistance bodies – that were organised formally and informally in village life, through labour movements, and amongst the poor – described in Peter Kropotkin's (1902) anarchist philosophy, which counters Darwinism with the theory of 'mutual aid': a mutually-beneficial system of cooperation and reciprocity, which is pragmatic (for survival and prosperity), but in concert with and supportive of, those who occupy the same spheres. It also echoes Rawls' (1971: 474) conception of justice as fairness:

> [T]he citizen body as a whole is not generally bound together by ties of fellow feeling between individuals, but by the acceptance of public principles of justice. While every citizen is a friend to some citizens, no citizen is a friend to all. But their common allegiance to justice provides a unified perspective from which they can adjudicate their differences.

In this regard, mutual aid (a form of civic engagement) became a political act (Jenkins et al 2003), as council members 'took a stand' against what they viewed as institutional injustice and indifference.

In Maidstone, at any given time there were men from thirty or more countries in the prison. This posed significant challenges for translation of paperwork, legal documents, and for day-to-day dealings. Although prisons are required to provide translation and interpretation services for certain purposes, these are often inaccessible or unavailable (i.e. long wait times, or there is no translator for a specific language or dialect), or prison staff do not put in the paperwork for requests. Prisoners offered their services to each other to fill these gaps, but it was ad hoc, and sometimes required several layers of translation. One Italian man explained this process: 'I can speak German so I translate the English to German for this Polish lad who knows German, and then he translates that into Lithuanian'. Through the council, prisoners in Maidstone established an organised and regularly updated translation services document which listed what languages were competently spoken and written, and who was offering what services. Whilst prisoners were relieved to have some peer support in this form, it was not without risks and some real precarity. It also generated a lot of animosity, as prisoners felt even more disenfranchised, taken advantage of, coerced, and discriminated against. Men were having to manage complex immigration cases through paperwork in English. Although others would help, many felt uncomfortable with this arrangement and the position the prison was putting them in – 'it amounts to abuse and neglect'. As one council member explained:

> We really do want to help each other out, and generally, our informal kind of translation services is better than the alternative – which is no help at all, but it's really putting everyone in risky, well, in a difficult position … What if I screw something up? What if I translate something wrong and he ends up signing this or waiving his rights to something? That's a lot of pressure and it's not fair to him either … And that's the other bit, we should have a right to privacy. Us doing all the translations for each other means that a lot of personal information has to be shared. You see documents with all kinds of stuff you may not want to share with others – divorces, financial stuff, deaths in the

> family, whatever – but there's really no option. You either suffer in silence not knowing what your paperwork says, or you enlist the help of a non-professional who might get it wrong, and might take advantage of your personal information … It just, it really feels like there are so many violations here. It's wrong that they do this to us – putting us in this spot. We're already so vulnerable. (CP)

From the outset I had a special connection to the foreign national men in Maidstone – I too am a 'foreigner'[23], also live with a precarious legal status, and have to navigate and negotiate layers of thick and unkind bureaucracy. Their relationship to 'the state' was thus more complicated than other prisoners. As they described it, 'We are like the double underclass: prisoners and foreigners'. At one rather tense council meeting, following a disturbance in the prison which had elevated frustrations, a council member asked the Governor where his priorities lie:

> Is it with the prison service or with immigration, because they're at odds with each other? The prison service aims to rehabilitate and resettle, whilst immigration seeks to deport. How do you resolve these in one establishment? (CP)

The Governor responded diplomatically and in one short sentence: 'I am a prison Governor first, so I'm aligned with the service, but I have a duty to adhere to immigration mandates'. This infuriated the men, who thought this response, like so many others from the prison authorities, was 'essentially, a non-answer' (these issues are further discussed in Chapter 7). Voice was especially important for men in Maidstone, as their 'double' disenfranchisement silenced them further:

- They think they can go unchecked because we're foreigners. We have no power, no voice, to advocate for ourselves. (CP)
- We are bullied and seem to be manipulated. I know I sound paranoid, but I feel like I'm being targeted … They pressure you into leaving, make really attractive promises and don't tell you about your other options. (CP)
- There is no hope here … No one tells you anything, no one listens to you. It's screaming into a black hole. (CP)

[23] I use this term cautiously. Many of the foreign national men being held in Maidstone had lived in England for years, sometimes decades, with deep roots in the country. From a legal and immigration perspective, they were non-UK passport holders and therefore 'foreigners', despite, for many of them, having been employees, employers, homeowners, students, churchgoers, taxpayers, with children in school, etc. Some had also come to Britain as refugees.

As many foreign national prisoners tend to be more isolated – in language and culture – than their citizen counterparts (Bosworth et al 2016: 261), the loss, lack, or inability to exercise voice is intensified. The men in Maidstone, more than prisoners in Aylesbury or Birmingham, resorted to hunger striking with greater frequency. This was, in part, to protest their particular circumstances (or to resist deportation). But for a handful, this internalised violence was the only viable form of resistance and 'vocalisation' of their discontent. Many were too afraid to protest collectively, for fear this would complicate or jeopardise their legal status, so they turned inward (see also Mulgrew 2018: 87). As one man remarked (translated through another prisoner): 'My body is my voice. This is all I have'.

Staff-prisoner relationships

Improved staff-prisoner relationships, as noted in Chapter 2, have been a consistent finding from previous research on prison councils (see Schmidt 2012; Barry et al 2016; Solomon and Edgar 2004), and were observed in the current study as well. As will be made evident throughout, the relationships between participants and the small group of senior leaders directly engaged with the council experienced the greatest transformation, as they worked closely together in dialogue and focused on problem-solving. In Martin Buber's (1937) terms, these relationships moved from *I-It* (distant, uninterested, avoidant, or hostile – the other as an 'experienced object'; Liebling 2015a: 19) toward *I-Thou* (empathic, supportive, humanistic – the other as an 'experiencing subject'; Liebling 2015a: 22) orientations. Because participants were interacting with staff in many different ways, about various topics, and at different times and spaces around the prison, staff began to view the men more as 'whole' and as 'emergent' people (Garner 2019; Smith 2010). The men also experienced this, as they began to get to know staff 'beyond the suit':

> You know 'em [senior managers] by title or what they do, don't you? That man does resettlement, this lady does security … On the council though, we've become names and I know important things about them and their lives … That's one of the interesting bits about being on the council is that you really get a sense of, like, who people are and what they value because of how they speak and what their interests are. [*Can you give me an example?*] Yeah, well, [manager] is always bangin' on about cleanliness and taking care of your space and how can we encourage that on the wings, you know, making sure we take pride in our space … one day he says he was in care as a little one

> and never really had a space of his own and once he did, he really wanted to take care of it, like, that's my room, I want it to be nice because I want to live somewhere nice and decent … I really got a glimpse of who this guy is, like, what makes him who he is, and now I understand better. (CP)

A casual chat in a corridor while waiting for a meeting to start became 'normal' where 'a bit of banter' about an important football match and rival teams could lead to laughter and the swapping of more personal information ('growing up my dad would take me to matches – those are some of my best memories'). These kinds of 'genuine' interactions humanised the other (Buber 1937: 28). One participant pointed out: 'It used to be that if a Gov knew your name, it was because you'd been nicked … I go around the prison now and people are calling my name, waving, asking about follow-ups to things, or the football, or whatever'. For staff, these encounters allowed them to see prisoners in a new light, not just when in trouble. They got to know their interests, particular strengths, likes and dislikes: 'I know he takes lots of milk and one sugar', a custodial manager said when preparing tea for a council member; and from an officer, who had found a 'connection' with a particular council participant, 'we both share a love of jazz – who knew?!'. There is a significant body of literature evidencing the value of bringing people across group lines together, and especially so in dialogue *for a purpose* (this is discussed at length in Chapter 6), which is a common strategy in use for peacebuilding and reconciliation, as well as community capacity building (see, for example, Staub 2012; Putnam 2000; Fishkin 2011). Exposure to 'the other' has the potential to grow tolerance, understanding, and empathy, and to moderate extreme or discriminatory views (Curato et al 2017; Moeschberger et al 2005).[24] This is also, as Dzur (2012) contends, why public participation is crucial for informing and shaping criminal justice policy[25]:

> The right kinds of criminal justice institutions do not block or dampen public participation; they incorporate it so that ordinary citizens are brought face-to-face with hard questions and real suffering human beings, so that they share responsibility for the outcomes, whatever it is (ibid: 38-39).

[24] A counter to this is Sunstein's (2002) warning that deliberative democracy can produce or increase 'group polarisation', whereby by the members of a deliberative group who, for example, hold moderate to extreme views, will move the average toward a more extreme point. Many others have countered this by restating the importance of diversity and range within deliberative groups.

[25] This argument is embedded within a larger one (see 'The Myth of Penal Populism' in Dzur (2012: 21-40)) that convincingly articulates how penal populism (he uses the example of California's 'three strikes' policy) is 'a case of democratic *deficit* not *surplus*, a popular movement without the kind of social capital that would lead to constructive engagement in criminal justice policymaking' (ibid: 33).

Within the prison setting, staff and prisoners are constantly confronting each other's humanity, typically within the context of managing (or being managed through) security, risk, authority, coercion, or suspicion. In the deliberative spaces within Birmingham and Aylesbury, however, this confrontation was reframed and contextualised differently. Humanity here was viewed through the lens of *potential* and finding 'common ground', rather than an adversarial one (Lupia and Norton 2017: 69).[26] Most council participants (staff and prisoners) stated that the 'key' to this positive and productive dynamic was working together toward a shared goal:

> In the council it's opposite to life on the wings – we're not opposites here; it's not one side or the other … It feels more even, like we're on the same ground … We're not competing for different things. We're all aiming at the same target without the usual kinds of pressures or issues. (CP)

Most staff who were active in the council were senior managers. This meant that these positive and relational (human) dynamics often did not carry further into the prison. The exception to this, however, came from several of the proposals put forth by the council which entailed officer involvement. These proposals brought uniformed staff and prisoners together in unique ways, creating informal and spontaneous opportunities for connection. It was often in the margins – or the 'in-between' spaces – of these activities that *I-Thou* relations were glimpsed (Frelin and Grannäs 2010: 358). One council proposed having a weekend fry-up, for both staff and prisoners. At times, prisoners went all weekend without a hot meal and with significant lock-up time, as the prison ran a limited regime from Friday until Monday. Having a 'special' meal punctuated an otherwise boring and isolated weekend. Council participants also acknowledged that the limited staff working these long shifts did not always get proper breaks or mealtimes. Having a fry-up would be beneficial to both officers and prisoners. The council worked with the head of catering to assess budgets and the availability of the necessary meal items – bacon, eggs, sausage, beans, bread – and for whatever was lacking, a fund was established so the community could contribute a little extra money for supplies (which staff also contributed to). This is similar to the organisation of 'food boats' found in some prisons, where the men pool their money and kitchen skills for collective cooking parties (see Earle and Phillips 2012: 146). These 'Sunday brunches' were largely prepared by prisoners and supervised by officers on duty. In these backstage and informal moments, as the men were cooking, music was playing, people were jovial, new connections were made. During one fry-

[26] Relationships between staff and prisoners in Maidstone generally remained *I-It* oriented.

up, an officer, observing one of the men cooking asked, 'I never knew you had such mad skills in the kitchen. Who taught you to cook like that?!' This then led to a conversation about growing up, extended family, mothers, and how important food was to their family and within their respective cultures. In another prison where the council had organised a marathon to raise money for charity, staff and the men often found themselves in the gym at the same time. As one council member described:

> We started training together … There was no longer that distance between us, you know? We didn't have our 'roles' anymore. It was just two guys jogging and chatting and working towards the same goal. It was normal. (CP)

The officer expressed similar feelings:

> It was great – we ran at the same pace and would push each other to go faster; like a little competition … But along the way we'd just talk. We had very similar upbringings; we both had to care for our younger brothers and sisters, and that makes you into who you are … Of course, I'm always careful to keep boundaries, but it really was like training with a mate. In fact, once it was over [the marathon] we automatically started planning the next one! (Officer)

A similar example came from Aylesbury, where an officer and a council member found a connection through being fathers. Storybook Dads was initiated through the council, which allowed dads (and big brothers) to record themselves reading books.[27] These recordings were then sent to their families. This officer had been tasked with facilitating the recordings and reaching out to relevant prisoners. A council member with a small and terminally ill child began recording stories that were then sent to the hospital. This was a particularly touching and emotional connection for the officer, as they began to get to know each other through making these recordings:

> We really shared something. I never thought I'd talk to a prisoner like that, but it's true. We both had kids with cancer. That connection is like nothing else … He became a father to me that day … I think it's the first time in my twenty-something years [in service] that I had to restrain myself from hugging a prisoner … I cried with him – not with him, not here, but on my drives home [from work]. I wept for him because I know what he was going through. (Officer)

[27] This has been anonymised.

What these examples illustrate is the power and possibilities of the 'informal' (Warr 2016b). The council operated in a number of 'formalised' ways (structured meetings, proposals, focused dialogue), but also produced opportunities for such informal moments to occur that brought people together 'as people; not as officer-prisoner, but as man to man, human to human'. In urban planning, the blend and movement in and between the formal and informal is referred to as 'meshwork' – 'an entanglement between different bundles of lines', representing different flows, practices, and intersections (McFarlane's 2012: 101). These moments introduced council work to prison officers and created dialogic and relational 'free spaces' (Evans and Boyte 1992; see also Chapter 7) that were not instrumental, coercive, or dominated by power differentials (Taylor 1991: 46, 52). Though fleeting, such interactions confirmed that 'the values that govern democratic talk' – civility, empathy, respect, and mutualistic listening (Barber 1984: 222-223) – could successfully take place in spaces that were generally viewed as the most undemocratic within the prison.

Conclusion

This chapter has explored the ways in which the germinal building block of deliberative democracy – inclusion – has been practiced, enhanced, eroded, or prevented. Inclusive practices opened up new spatial and dialogic avenues for relational connections between staff and prisoners to move closer toward *I-Thou* orientations. The exercising of 'voice' enabled council participants to express some agency and employ it as a form of advocacy and support for others. The council created a network of mutual aid where some social capital was built from the mobilisation of resources to meet needs otherwise overlooked or unmet by the establishment. But the council also had the potential to reproduce exclusionary and discriminatory practices through 'cherry picking' members. This weakened overall perceptions of the council as it was viewed by the general prisoner population as elitist and self-serving, rather than representative.

Inclusion took many forms, many of which were relatively easy to achieve – ensuring diversity within the councils, reaching out to marginalised groups, highlighting the needs of those whose voice was often silenced (like those with addiction or mental health issues), and forging or sharing spaces that have conventionally been designated for single group use only (like the boardroom). When done well, the council and its work began to slowly shape the prison's 'conscience' toward an evolving democratic 'institutional bricolage'. Sehring (2009: 65)

employs this concept to describe processes of local governance where institutions (or communities) reform themselves by reallocating, interweaving, or recombining, elements and resources they already possess. This process can transform informal and formal practices, administrative forms, rules, habits, or norms (see also Galvan 2004). Inclusive dialogue *with* a shared purpose were the defining features in how well deliberative democracy, as a reforming effort, could be initiated and embedded.

5. Participation: Prison as a 'civic schoolhouse'

> It's taken prison for me to take stock, of my life, who am I, what have I done in this world – all those big things – to seriously contemplate 'citizenship'. I wouldn't have called it that before, but that's what it is, isn't it? Where do I fit in? Where do I belong? How do I belong? What are my communities? … Where and how do I want to be connected? That's life changing stuff, but it's also very scary … It's much easier to just contemplate *now* – forget what you've done, forget what is facing you, the reality, all that. But I'm at that point in my life when I need to confront it … Being a part of this [the council] has helped me to think and act *beyond me*. That feels important. (Council participant)

> We do not learn to read or write, to ride or swim, by merely being told how to do it, but by doing it, so it is only by practicing popular government on a limited scale, that the people will ever learn how to exercise it on a larger. (Mill, quoted in Pateman 1970: 31)

Political scholar Jane Mansbridge (1999: 291) opens her chapter titled 'On the Idea That Participation Makes Better Citizens' by stating: 'Participating in democratic decisions makes many participants better citizens. I believe this claim because it fits my experience. But I cannot prove it. Neither, at this point, can anyone else'. She then traces the history of democratic theorists who have professed such beliefs from Tocqueville, who thought participation could improve character (ibid: 303) to Mill, who conceived of democratic engagement as moral and social development because it promotes the caring for the communal rather than one's selfish interests (ibid: 308). Mill believed participation serves an integrative function: it is through 'political discussion and collective political action that one … learns to feel for and with his fellow citizens and becomes consciously a member of a great community' (ibid: 310, quoting Mill). Mansbridge highlights the persistence of these claims, moving into more contemporary theorists like Kaufman in the 1960s who wrote about the participatory 'powers of thought, feeling, and action'. He argued that political activity would bring citizens 'out of isolation and into the community' and encourage 'independence, a respect for others, a sense of dignity and a willingness to accept social responsibility' (ibid: 312, quoting Kaufman). A new dimension of citizen development emerged from Bachrach's ideas in the 1970s around participation as a form of emancipation because it would help people develop a better understanding of their

interests and needs which may be suppressed by dominant political interests. Economic, social, and political deprivation, he argues, has prevented certain groups of people from becoming 'communicative' beings, which entails reflection, communication, growing an awareness, and acting on *their* political interests: 'participation is an essential means for the individual to discover his real needs through the intervening discovery of himself as a social human being' (ibid: 313-315, quoting Bachrach). Though Mansbridge (ibid: 319-320) concludes her chapter with some 'cautiousness' about making empirical claims that have not, for her, been satisfactorily 'proven' (i.e. there are 'strongly suggestive but not fully persuasive effects' that participation makes better citizens), other scholars continue to maintain that deliberative democracy has educative power (that is empirically supported) which can meaningfully contribute to:

> (a) the making of more effective and just policy decisions, (b) the building of more united communities that embrace group and individual differences, (c) the facilitating of more equal, caring and cooperative social relations, and (d) the fostering of greater levels of cognitive and social development of individual citizens (Rosenberg 2007: 14-15).

Building upon the previous chapter's groundwork on processes of in/exclusivity, their impact on prisoners' sense of self, their ability to exercise voice, and the way relationships within the council promoted or prevented this, this chapter will pick up where Mansbridge left off by considering how, and in what ways, participation in the council acted as a 'school of citizenship' (Schugurensky 2006) by growing democratic skills or orientations. I challenge current notions of 'active citizenship' by moving it 'beyond the state' and instead conceive of it as a status affirmed or denied through everyday relational encounters with others in a collective pursuit of a shared purpose. This incorporates two additional considerations: the experiences of the council members interviewed post-release to offer an understanding of how 'transferable' such a civic education is; and some reflections on prisoner voting (dis)enfranchisement. The remainder of the chapter is dedicated to the exploration of the role of power within and around the council.

Mill, amongst many others, contends that it is from participating at the local level that citizens 'learn democracy' and grow civic virtues, or 'democraticness', using Luskin and Fishkin's (2002) term. Pateman's (1970: 42) classic work on participation and democratic theory argues that 'the major function of participation in the theory of participatory democracy is … an educative one … including both the psychological aspect and the gaining of experience in

democratic skills and procedures'. Forms of 'everyday democracy' (Stears 2011) are experience-learning processes (Freire 1970; Arnstein 1969) that occur through relational and dialogic engagement with others, and as Putnam (2000: 243) notes, 'we learn about politics through casual conversation' (see also Chapter 6). There is a substantial body of literature evidencing the individual, institutional, and societal benefits of civic 'participation with a purpose' (e.g. Stoker 2004: 2; Putnam 2000; Cicognani et al 2015; see also Riessman 1965 on the therapeutic benefits of 'helping') – namely, community cohesion and support, the building of social capital, improved health and wellbeing, lessened loneliness, and more equitable distribution of resources. Gehring (1988), for example, argues that participatory democratic communities promote positive cognitive development because they cultivate critical thinking and problem-solving skills through 'constant dialogue'. During council activities, participants – between themselves and with staff – were continuously mulling over and deliberating possible solutions. These processes were iterative and brought together the practical with the discursive. For the men involved in these processes, 'new ways of thinking' (and articulating) began to emerge:

> That's the first thing – we've identified a problem and then we look at the options. It's like a puzzle where you keep moving the pieces around to see what fits … If the problem is violence on canteen day, for example, we'd map out possible solutions: Could packs be delivered door to door? By staff or prisoners? What about confidentiality? And so on, until we find something that works … Everyone comes with their own knowledge and experience, so that informs the whole process. (CP)

> Just about everything in prison is about the negatives or the deficits – it prevents this, it takes away this, it limits this, we're [prisoners] turned into robots that get told what to do and when to do it and how to do it … But when we get the chance to do the opposite it really changes your whole way of thinking. It's like it opens up a world you didn't know was there … Instead of just saying everything is shite and listing all the problems, let's flip that and look at the solutions … And you know, people get excited about solutions because that opens things up too, you know, like look at all these prospects we've got now. It's energising. (CP)

The 'mapping out of options and solutions' was also occurring internally:

> When someone comes to me with a problem now, I use the same strategy like in the council – let's explore the options … Yeah, I do it with myself now too. It's become

> a bit of a habit! Before I make a decision – even a little one – I run through the different options and possible outcomes. I find it really helpful but also calming because it makes me feel like I have more control … Even the small decisions, like should I go to the gym this morning or in the afternoon, I can think, like, 'well, I know gym is happening now so it's guaranteed and it might get cancelled this afternoon' but then I also think '[the girlfriend] will definitely be able to chat this morning but maybe not later', and I go round like that until I find the best solution … I take my time now, I guess that's it. I'm just more thoughtful about these things. (CP)

These themes are echoed in historical and current democratic theory and are bound up with notions of control and freedom (Rostbøll 2008). Pateman (1970: 26-27), for example, argues that for Rousseau, an 'individual's actual, as well as his sense of, freedom is increased through participation in decision-making because it gives him a very real degree of *control*' and enables 'him to be (and remain) his own master'.[1] She adds:

> It is the whole point of Rousseau's argument that the (existing) non-participatory institutions do pose such a threat, indeed, they make freedom impossible – men are everywhere in 'chains' … As a result of participating in decision-making the individual is educated to distinguish between his own impulses and desires, he learns to be a public as well as a private citizen (ibid: 25-26).

Other participants expressed similar feelings, noting that they felt 'less impulsive', 'more in control' of day-to-day life, and that their families were noticing this too: 'My dad said I was acting like more of a man because I was being careful with my decisions and thinking ahead'. One Governor observed this as well with the men in his prison's council:

> I think one of the other benefits – and I can see it with a lot of them, so I know it's working – is how they think about the future and the internal processes that go along with that … Life in prison, and much of their lives before this, is negative – you're told what to do and how to do it, they feel out of control and powerless, so a lot of them just give up, and pardon my French, but they develop a kind of 'fuck it' attitude. They've resigned themselves to a crap existence … Don't get me wrong, some of these men have come from horrific circumstances, it's not about that 'pull yourself up' kind of thing … It's about reframing the problem. That's what I think the council does – it gets them to think in different ways – towards solutions … [council participant], you

[1] Emphasis original.

> know him, he's out soon and this is a big deal. But I can see a difference this time. We talked through some of the issues he'll face, troubles at home, getting his finances sorted, and he was problem-solving out loud – 'if this happens, then I'll try this' – and it was incredible! It gave me some faith that instead of running into a hurdle and saying 'fuck it', he'd stop, think through options, maybe even think longer-term, and then pick a better solution. (Governor)

There are several significant points to unpack from these examples. The first is that the dialogic nature of the council and its activities provided the men with a form of engagement that promoted critical thinking and some self-determination (i.e. autonomy, competence, and relatedness[2]), as participants were able to 'explore options', 'get creative', strategise, present and debate suggestions, and discuss 'what will work best and why'. Solution-focused contemplation and the 'reframing' of problems or obstacles unlocked 'new ways of thinking' that illuminated 'possibilities' previously unseen (see also Halsey et al (2017) on 'fuck it moments' and desistance derailment). This process is similar to Appreciative Inquiry (AI), which is aimed at generating organisational change from within by identifying strengths, imagining possibilities, and locating and harnessing its 'life and energy' (Liebling et al 2001: 162-163) – in this respect, the men were 'changing from within' themselves in tandem with generating 'energy for change' within the prison. The AI approach does not deny the negative aspects of prison life, rather, it allows for a more rounded account that 'puts problems and struggles into context, allowing a safe space within which to openly discuss strengths, weakness and wishes for the future' (ibid: 164). Council participants continued to be restricted and controlled in most areas of their life, and they struggled with the arbitrariness and sometimes cruel nature of their imprisonment. But alongside this, the restructuring of their outlooks and 'way of being' in daily life produced an energy and feeling of control – even in the smallest of ways – that seemed to restore (or activate), to some degree, a sense of autonomy and purposefulness.

Linked to this was the growth of hope amongst participants, though this was less the case with the young men in Aylesbury. Council participation and the skills that arose from it produced the capacity to envision possibilities, like future-oriented thinking and goal setting, both of which can help to engender hope (Cheavens et al 2019). Many council initiatives were short-term and related to the quality of day-to-day life – e.g. installing gym equipment in the

[2] See, for example, Wray-Lake et al's (2019) study on the links between civic engagement, self-determination, and wellbeing.

exercise yard, extended television and electricity access, being able to wear your own clothes, or having a range of hot food and beverages for the visits hall. But many proposals were about long-term change (like 'changing the culture' by improving staff-prisoner relationships through joint activities, like cooking, sports, or charity events) or required long-term investment (for instance, planning events months ahead, or carrying out background research related to pay or education provision reviews).

Participation grew and nurtured some empathy and 'consideration for others'. The quote from a council participant at the start of this chapter contains a phrase that many others expressed as well – working within the council enabled some men to 'think beyond' themselves and 'consider the experiences of others' (see Morrell 2010):

> I'm not a dad, so I don't know what that's like, but talking to these guys [a group of imprisoned fathers], it really was an eye opener. My heart breaks for them … I feel like understanding their experience kind of helps me to better understand my own … I can appreciate more of what I have and where my priorities should be. There are more important things than my missing can of tuna, for example [laughs]. (CP)

> Interacting with these men – many of whom I would never really encounter in day-to-day life – has broadened my perspective. I feel myself making decisions with others in mind now … I know [prisoner] down on the two's [a lower landing] always needs a bit of help getting his laundry sorted, but he's shy to ask, so now I do my laundry with his so that I can help him without him having to ask. I think he appreciates that. (CP)

One of the risks with the council, which several User Voice facilitators grappled with, was that of 'selling', 'promising', or 'creating false' hope. To generate interest, engagement, and recruit participants, User Voice employees had to 'exude optimism even when all signs pointed in the opposite direction'. They were simultaneously engaging with some deeply cynical prison staff ('why should anyone listen to what they [prisoners] have to say'; 'so murderers and rapists will have the Gov's ears but our union rep can't even get a meeting with him – load of shite') and sceptical (but curious) prisoners ('It'll never work'; 'they won't really listen to us'). For both groups, the council facilitators 'had to make promises you just didn't know would be kept or not'. This was murky ethical territory between 'untruths and lies' (Malcolm 1997: 54):

> You know, if I'd gone around the wings saying, 'listen, it's going to be really hard to get anyone to listen to you and even harder to make any real change, and the staff

> barely take me serious, but…' I'm guessing I wouldn't be very successful … For me, I really believe in the council and what we're trying to achieve so I tap into that when I'm trying to sell it to these guys – if I can be hopeful, so can you. (User Voice)
>
> I'm not lying. Not really. I have mixed feelings about it. Some days it does feel like a lie – this [the council] is never going to work here, but other days I see good stuff happening and it revitalises me into believing my own hype. That's why it doesn't feel like false hope most of the time because I have seen when it works. (User Voice)

Another User Voice employee had a more pragmatic approach to managing this 'unease' – 'at the end of the day, the lads know what's what; they know some staff will try to block it and others will either be indifferent or maybe supportive'. He added:

> Selling a little bit of hope is helpful – that's what keeps prisoners going, whether it's real or realistic or not. I'm not promising the world to them, I'm being very straight about it – you will have a say, there will be an election, there will be dialogue, you as a person will probably get something out of it, and maybe you'll help shape policy … The lads who can't imagine anything hopeful are not going to do well. You can't survive without some hope, even if it's wishful thinking. (User Voice)

Hope and optimism, especially in prisons, is vital to wellbeing, the ability to cope, manage distress, and can be the difference between life and death (Liebling 1999b; Crewe et al 2020; van Ginneken 2015; Richardson 2012; Frankl 1959; there are also strong and noteworthy links between (realistic) hope and desistance, see, e.g., Burnett and Maruna 2004; Martin and Stermac 2010; also Gergen and Gergen (1997) on progressive self-narratives). For prisoners, hope is tricky territory. It is largely tied to future-oriented thinking and the ability to 'imagine future prospects', but hope research in other 'unlikely' places suggests that 'hope in the present' can be equally important. In the palliative care context, for example, Herth and Cutliffe (2002: 979) defined hope as 'an inner power directed towards enrichment of 'being''. They further noted the tension between 'hoping for something' and 'living in hope'. Many council members found participation to be a form of 'coping' or 'therapy' because it gave them a focus both in the present and toward the future (Richardson 2012: 150):

> I'm not being funny, but I do think the council saved me … I started structuring my days around activities, like in the morning I'd make the rounds, talk to people, draw out new signs for the boards, then over lunch I'd make some notes and a list of what needs to be done, and in the afternoon I'd go to the library to type up my notes …

> Once I started doing this, days flew by and I felt really good, like I was really achieving something. This became my religion … There are endless things to work on, so it offers a sense of like meeting shorter-term goals and focusing on bigger ones. (CP)

Active citizenship

Whilst prisoner (dis)enfranchisement has received increased attention in recent years, two troubling patterns have emerged from this, in rhetoric and practice. The first is that 'enfranchisement' is habitually reduced to voting rights. Whilst symbolically and expressively powerful, this is a narrow and strictly legal form of political inclusivity. Because voting is state-centric, it excludes foreign national prisoners and is unlikely to invite participation from a large part of the prisoner population who have been politically, economically, educationally, or socially excluded for much of their lives (SEU 2002; Young 1999; Wacquant 2009; Behan 2014; Cooper and Sim 2013).[3] For many, their experience of 'the state' has come from negative encounters and interventions rather than in the form of protection, support, or representation (Lerman and Weaver 2014: 1-2, 157; Jones 2012).

The second stems from recent policy and operational endeavours in prisons in England and Wales. As noted in the previous chapter, the Incentives and Earned Privileges (IEP) scheme introduced new provisions in 2013 for earning and maintaining an 'enhanced' standing.[4] As then Prisons Minister Jeremy Wright said: 'This is a big change for the prison system. Prisoners will now have to actively contribute to their own rehabilitation, help others and continue to behave well if they are to earn privileges above the basic level' (MoJ news briefing 2013). Thus, it was no longer 'enough to advance through the system invisibly, as a passive object', or to avoid trouble or rule infractions by 'toeing the line' (Crewe 2012: 140; Khan 2020). The expectation was that prisoners had to 'demonstrate a commitment towards their rehabilitation by engaging in purposeful activity, behaving well and helping other prisoners' (PRT 2014: 3; PSI 30/2013). The current 'rehabilitative culture' agenda has expanded this form of responsibilisation into instrumentalised variants of 'active citizenship'. In this context, prisoners as 'active citizens' has been loosely conceived of as volunteers, peer mentors, modelers of pro-social behaviour, and community contributors – 'Do Good Be Good' (Mann

[3] Non-UK passport holding foreign national prisoners currently makeup 11% of the prison population (Bromley 2019: 33).

[4] The Incentives and Earned Privileges (IEP) system is a tool of prison management. Its intention is to promote conforming behaviour through the distribution of privileges (like increased visits, money to spend, time out of cell, and other enhancements) and punishments (see Liebling et al 1999a; Liebling 2008; Khan 2020).

et al 2018: 9). This conception, and resultant practice, is problematic: it is a crude, limited, and manipulative interpretation of citizenship and community service, as it tethers 'civic good' to a reward-based system of compliance. Counterproductively, then, 'being a good citizen' becomes individualised, transactional, and strategic, rather than transformational (Arnstein 1969; Johnson, Robinson and Philpot 2019). Thompson (2000: 183) neatly sums up this particular punishment paradox:

> Prisons are places tied up in complex matrices of power, control and surveillance. They are also importantly implicated in discourses of 'behaviour' and 'citizenship'. The 'good citizen' is both a rhetorical object of the prison process – it is what they state they are taking the prisoner towards – and also a reference point that defines the prisoners' difference. They are labelled as *not* good citizens. The words citizen and prisoner function as a dichotomy to include and exclude.[5]

To further problematise the 'prisoner as citizen' is to consider the thorny relationship between rights and responsibilities: the prisoner has few of the former but is expected to uphold the latter in order to evidence their worthiness and reformation, in spite of institutional failings, impediments, or a lack of reciprocated responsibility. As Bellamy (2008: 17) observes, the prisoner's position exemplifies the problem of 'the right to have rights'. The fieldwork for the current study took place before the new IEP revisions were fully embedded and adhered to, and prior to when 'active citizenship' became part of everyday penal discourse. However, even at that time, prisoners were questioning – and sceptical of – 'the new rules of the game':

> This language about being 'active' in our 'rehabilitation' is utter nonsense, no? What does that even mean? It's no longer good enough for me to keep my head down, follow the rules, stay out of trouble … Now I've got more hoops to jump though, and half the time those hoops don't even exist … I have to 'actively' seek out ways of demonstrating that I'm 'good' and 'reforming' myself, but you tell me how I'm supposed to do that when none of the courses I need are on offer, most of us are banged up [locked in cells] for most of the day, and everyone's fighting over the few opportunities there are? … If they [the prison service] feel like they need to rehabilitate me, then I think *they* need to be actively doing so. (CP)

> It's a little contradictory, I think. Their strategy, it seems to me, is the opposite of making 'good citizens'. It's encouraging people to be more manipulative or creating

[5] Emphasis original.

> situations so that officers will 'catch' them doing good … There's an old man who lives down [the wing] and a lad told him to stay in his cell at mealtime so he [the younger prisoner] could bring his dinner to him – to show staff what a helpful volunteer he is. But the old man wanted to come out to socialise and stretch his legs! (CP)
>
> A lot of us want to be helpful and kind to others because that's just a nicer way to live and it makes your time that much easier to do … It's like they've soured that now. You can't just be a good guy to be a good guy – now everything is tainted to look like you're gaming the system or kissing [ass] … I think it's encouraging all the wrong things. (CP)

This version of 'citizenship' is unhelpfully cynical and Hobbesian; it is too calculating, distrusting, mechanical, selfish, divisive, and undemocratic. Nor does it accurately reflect the presence and practice of 'everyday democracy' (Stears 2011) and civic altruism I encountered in many prisons throughout this study. Along with enfranchisement via voting rights, it only accounts for a fragment of the 'mosaic' of citizenship' (Behan 2012: 32), which also includes the ability to *freely* participate in the civic life of a community, for the good of the community. There was a hunger amongst prisoners to 'be political, be active' in their communities, to be 'that good citizen who helps out an elderly neighbour … because it's the decent thing to do', and to mobilise an effort to 'right the wrongs' of their world and the world beyond the walls.

For most council participants, their ideas and conceptions of 'citizenship' revolved around belonging ('feeling part of something bigger than yourself – something important') and being part of a community that shared a purpose or common goal ('working together to make things better makes all of us better, I think'), whilst retaining a sense of self and heritage (beyond a 'national identity'; see Bellamy 2000; Hoffman 2004). At the time of fieldwork, as noted above, 'citizenship' was not yet a prison buzzword, though I talked at length with the men about what this meant to them, inside and outside of the walls. Nearly all participants used language found in the Measuring the Quality of Prison Life (MQPL) survey, described in Chapters 3 and 7 (like fairness, respect, humanity, and recognition). For example, the men wanted to feel physically and psychologically safe within their communities. For the foreign national participants, this equated to a sense of security and stability in relation to their immigration standing: 'The day I stop being threatened with deportation, or fearing that it will happen, will be the day I feel like I belong' (Warr 2016a). Many wanted to be seen and treated 'as a person of value', have opportunities to be purposeful, to use their time well, and meaningfully contribute to their household, or wider society. Others expressed ideas about being a citizen – and the rights and entitlements that *should* come along with this – as something

more ‘basic’ but equally powerful: ‘I just want live a normal life with a normal job and have stable housing’ (see also Farrall et al 2010).

Within a broad literature, ‘active citizenship’ has been conceived of as a participatory (not passive) position that is *constructed* rather than stemming from a given legal status, and which emphasises the value of community and collective undertakings to revitalise the public sphere (see, for example, Hoskins and Mascherini 2009; Jansen et al 2006; Ivančič et al 2003; Jarvis 2008; Anderson 2013). An early proponent, Bernard Crick, argues that active citizenship is:

> [A] learned skill that must be practiced among the groups of civil society in order for people to combine together to effectively create or resist change. This vision is contrasted with the thinner liberal conception of ‘good’ citizenship, which consists in obeying the law, being a good neighbour and generally relegating the good life to the private sphere (Lockyer 2010: 1; Crick 2010).

Kimmett Edgar and colleagues (2011; see also Levenson and Farrant 2002) connected active citizenship to the prison setting in their publication, *Time Well Spent*. Within this context, ‘prisoners are active citizens when they exercise responsibility by making positive contributions to prison life or the wider community’ (ibid: 5). They identify five main ways in which this is achieved: through peer support schemes (helping or supporting fellow prisoners); community support (work with or on behalf of people outside of the prison); restorative justice programmes; prison councils or other forums; and, arts and media projects. Participation in the council stands apart from several of these other forms of ‘active citizenship’, largely because the council ties together ‘being a citizen’ (and having some agency) with actual democratic political practice via constituency engagement, voting, and deliberative processes with decision-makers aimed at effecting change. Much of the work to date on ‘prisoners as active citizens’, like the binding of IEP to ‘doing and being good’, focuses almost exclusively on *the prisoner* as both the bearer of responsibility (to do good) and the recipient of the good (i.e. the building of soft skills, improved interpersonal relationships, and ultimately, moving toward a ‘rehabilitated’ self).[6] What seems to be missing in this formulation of citizenship is consideration of where the citizen and state meet, the reciprocation of expectations and accountability, and the question of how active citizens shape their institutions.

[6] Though, as Verhoeven and Tonkens (2013) point out, this use of ‘active citizenship’ as ‘empowerment talk’ is a governmental strategy not unique to prisons or prisoners. See also Behan and O’Donnell’s (2008: 331-333) analysis of prisoner responsibilisation and voting enfranchisement.

If 'active citizenship' is to be considered seriously, and as a method for educating and engaging the populace, then direct and participatory action are necessary for achieving this (Pateman 1970: 66). Dzur (2012: 71) writes: '[C]ivic education in the moral and practical dimensions of government cannot be acquired in any way other than by *action*, by concrete participation in decision-making'.[7] This is empirically evidenced in research carried out by Bowler and Donovan (2002), who found that greater exposure to, and participation in, direct democracy positively influenced citizens' perceptions of their own internal capabilities (possessing, and building trust in, political competencies and skills) and external political efficacy (views of governmental responsiveness), which rivalled the effects of formal education. The next two sections explore this further by considering the role of 'active citizenship' in terms of direct action via council work. I explore how, and in what ways, participation in the council acted as a civic education in terms of voting (re-)enfranchisement and the 'transferability' of such civic skills to post-release life.

Is voting sui generis?[8]

Prisoner (dis)enfranchisement has become synonymous with voting rights, as noted above, but this is a reductive interpretation of political and citizen participation, and can perpetuate exclusionary and discriminatory practices, because it is narrowly defined by a legal status. Nor does it sufficiently address the many ways in which individuals and communities are marginalised or disempowered more generally. Electoral voting, although a ground-up citizenry-based contribution to governance, is essentially an exercise in shaping top-down representation. For many, voting does not offer an effectual, resonant, or satisfactory form of engagement or direct action toward effecting meaningful change in their local context. It is, after all, a sporadically exercised 'singularly blunt instrument' (Verba et al 1995: 24). Participatory democratic theory often calls for and endorses universal suffrage, but rarely considers the position of prisoners, which, legally speaking, is the only population in the Western world that is still disenfranchised (Dhami 2005: 236).[9]

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[7] Emphasis original.

[8] See Verba, Schlozman, and Brady's (1995: 23-24) articulation of 'the uniqueness of the vote'.

[9] Within Europe, *most* (some prisoners are excluded due to the nature of their offence, for example, corruption or fraud) prisoners can vote in: Bulgaria, Cyprus, France, Germany, Greece, Iceland, Italy, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Portugal, Romania, and Slovakia. *All* prisoners can vote in: Albania, Bosnia & Herzegovina, Croatia, Czech Republic, Denmark, Finland, Ireland, Latvia, Lithuania, Macedonia, Montenegro, Serbia, Spain, Sweden, Switzerland, and Ukraine. Prisoners *cannot* vote (i.e. there is a 'blanket ban') in: Austria, Armenia, Bulgaria, Estonia, Georgia, Hungary, Russia, Hungary, Liechtenstein, and the United Kingdom. See: Uggen et al 2009; Sullivan 2015; Behan 2015; Mauer 2011.

However, exclusion from the vote – even for those who had never exercised this right – reinforced a sense of societal 'rejection', 'abandonment', and 'worthlessness' ('it's just another reminder that you don't belong and you're not wanted'). '[P]articipation confers dignity', as Allport (1945: 131) asserts, which means that in a society where participation is a value, the inability to participate represents a severe deprivation (Verba 1967: 53). For those who were voters and thought of themselves as 'good citizens', this 'pain' was especially sharp:

> Yeah, I am upset that I can't vote – I understand why I can't, I guess, but I'm still a member of society, you know. Up until this [his conviction] I would have been considered a 'good' citizen – my wife and I volunteer, we're involved in the local council, our daughter's school association, we pay taxes … Voting really matters to me and for my daughter's future too. You're not just voting for now, for your circumstances in that moment, you're voting for the future and the legacy you leave behind … Here [in prison] there's at least a sense of hope and redemption in the air, like a mist – these words about rehabilitation, reintegration, transformation float around – it's not always in practice, of course, but at least it kind of exists … When [David] Cameron said it makes him physically ill to contemplate prisoners voting, well, that's black and white, isn't it? There is no hope or redemption in that … That's when your status as a prisoner becomes crystal clear – you really have been cast out. (CP)

Whether a previous voter or not, being faced with this form of 'civil death' (Goffman 1961: 15-16; Sykes 1958: 67) and civic expulsion was a serious affront to one's sense of self in the world. One young man became distraught when we discussed disenfranchisement. He was incarcerated at a young age and had never voted. The notion that prisoners were the only remaining group legally prohibited from voting was astonishing to him:

> I don't really know why it's hitting so hard – I just feel like, heartbroken, I guess. I always thought voting would be something to be proud of – that's what you're taught in school, that pride in … yeah, proud to do your bit … I just, I really can't believe that they can take away the vote. Isn't that like taking away my citizenship? (CP)

Most of the men I encountered in this study (council participants and general prisoners) had never voted. The reasons varied, but largely fell into three categories: they did not understand the procedures for accessing the vote (how to register, what the requirements were, or where or how to vote); they were not legally allowed to vote (i.e. foreign nationals/non-UK passport holders); and, voting was perceived as an abstract component of a monstrous, out of touch

bureaucratic system that held little relevance to their lives. More than half of the men I spoke with did not know that convicted prisoners lose the right to vote whilst incarcerated. This was somewhat surprising, given how much attention prisoner disenfranchisement has received in reform, human rights, legal, academic, and political circles. For these men, they did not know they had lost this right because they had never exercised it, they were unaware of eligibility criteria, or lacked the relevant procedural information before incarceration. This exchange is illustrative and representative:

> No, I've never voted before. [*Why is that?*] I don't know how. I don't even know if I can. [*What do mean – if you're eligible or not?*] Yeah. How do I know if I'm eligible? [*Are you a UK citizen?*] Yeah. [*Then you're eligible!*] But how, like, do I have to fill out some paperwork? I wouldn't even know where to go. (Prisoner)

In Behan's (2014: 142) study of re-enfranchisement in Ireland just before the 2007 General Election, he documents the reasons for the low prisoner voting turnout rate (14 percent), by highlighting an issue not unique to prisons: 'Widespread abstentionism reflects something deeper than not voting. It indicates disengagement from the political system and civic society'. In 2011, in anticipation of Parliament's ruling on the European Court of Human Rights (ECHR) challenge of the UK's blanket prisoner voting ban, the BBC published an article entitled 'Would prisoners use their right to vote?', in which they spoke with two former prisoners, as well as a retired prison Governor who was 'doubtful that more than a handful of British inmates would actually bother to participate'[10]:

> 'They're going to be more concerned with who their wife is spending time with on the outside or where they'll get their next fix', he says. 'I can honestly say that in 32 years in the Prison Service I never had a conversation with an inmate about elections'.[11]

Most of the prisoners I spoke with were eager (and sometimes desperate) to discuss and debate *p*olitics (i.e. everyday issues like housing, employment, schooling, class, racism, and penal

[10] In 2005, the European Court of Human Rights (see Hirst vs United Kingdom (No 2) ECHR 681) ruled that the UK's blanket ban preventing all convicted prisoners from voting, irrespective of the nature or gravity of their offenses, constituted a violation (the right to free elections) of the European Convention on Human Rights. Susan Easton (2018: 91) writes: 'In the view of the court the ban was not proportionate, as proportionality requires a 'discernible and sufficient link between the sanction and the conduct and circumstances of the individual concerned' (Protocol 1, Article 3, para 3) … The UK measure did not meet its aims and there was no link between the denial of the vote and the prevention of crime or respect for the rule of law'. Despite pressure from the ECHR and prisoner advocacy groups – like the Prison Reform Trust (2011; Lyon 2010) and the Howard League (Crook 2018) – the blanket ban remained in place for the 2015 and 2017 General Elections (and is still in place at the time of writing). Much has been written on this subject. See, for example: ECHR 2019; Easton 2018: 89-113; Behan and O'Donnell 2008; Bates 2014; Dhami and Cruise 2013; amongst others.

[11] Reported by Jon Kelly, published February 10. Available at: https://www.bbc.co.uk/news/magazine-12392811.

policy), though much less interested in *P*olitics (which was equated with elite officials who 'live in a different world'). The men who had never voted (and a handful of voters) expressed deep cynicism toward, and a detachment from 'top politics' with little faith in the electoral process: 'What good is voting? They make their own rules' and 'I don't think my one vote would make any kind of difference'. 'The Government' (and its policies) were 'out of touch' with or 'worked against' them and their circumstances, and was viewed as a 'self-serving', illegitimate, and 'elitist system'. Voting, therefore, seemed futile because 'the system is rigged'. Whilst there was a strong sense of fatalism underpinning these sentiments, there was also a co-occurring desire to understand the (political) system and where they, as 'everyday people' could fit into it and influence change. There are some evident parallels to be made here: 'the prison' was an extension of 'the Government', which was seen to operate in similarly opaque, dishonest, and oppressive ways, and its policies felt disconnected from the lived experience of prisoners. Prisoners were subjected to often arbitrary and institutionally-interested policies or practices that sought to coerce, dominate, and concentrate power. Whilst prison power flows in more complicated and divergent ways than just top down, as this suggests, power is still, generally, conceived of as existing 'above' prisoners. However, when prison council Election Day arrived, voter turnout in the prisons was comparable to, and sometimes higher than, national averages in General Elections (see Table 5.1 below).[12] What is perhaps most remarkable is that participation in these elections was, for the majority of prisoners, the first time they had ever voted – and their ballots were cast in an institution that by law prohibits this very act.

Despite widespread disillusionment with 'outside politics', the act of voting sparked considerable interest amongst prisoners. The entire production of this act – election flyers being hung and distributed, stump speeches being given from the vying parties, political discussions and debates with other prisoners and staff, and the actual act itself – entering a booth, pulling the curtain, casting the ballot, and placing it within a secure lockbox – were all emblematic and powerful rites foreign to most of these men. There was an exciting and intentional performative element as well. At Birmingham, for example, the local town crier (in costume with bell in hand) attended each election and announced the results up and down the landings with party members in tow. In Aylesbury, the High Sheriff (with his wife) gave a brief but encouraging speech after the results were read out, and said (with heart), 'this is local democracy done

[12] Voter turnout for UK General Elections averages around 72%. Turnout declined dramatically in 2001 (where 59.4% of eligible voters participated), increased in 2016 for the Brexit Referendum (72.2% turnout), and declined again to 67.3% in 2019 (Clark 2019).

seriously'. After the 2014 election in Birmingham, the Governor along with a party leader and a group of council members and staff went out to one of the football pitches in view of several houseblocks and did the 'ice bucket challenge' together, taking turns to toss ice water at each other for charity. The Governor here said he wanted the men to remember Election Day as 'a celebratory coming together' and as a 're-commitment' to 'keep momentum for change moving forward'.

Table 5.1: Prison council election turnout rates, prisoners and staff

		(% voted)		
		2012	2013	2014
HMP Maidstone	Prisoners	53.0	71.0	62.6
	Staff	27.0	21.0	17.7
HMYOI Aylesbury	Prisoners	75.0	N/A[13]	70.0
	Staff	61.0		16.8
HMP Birmingham	Prisoners	49.0	70.9	65.0
	Staff	(total turnout[14])	40.8	(total turnout)

When I asked prisoners about voting and why they participated, the answers varied widely, but all contained underlying themes of effecting positive change, making a difference, and being part of a movement:

> I voted 'cause I've never done that before. I support a lot of the Resettlement Party's proposals and I thought they would make the most difference to my life here. [*Did you actually talk to any of the Resettlement Party's members; talk about their issues or what they stand for?*] Yeah, yeah. Some of 'em came and spoke to us on our wing. I asked about how they were going to help, you know, and they talked about getting more certifications for job training and maybe working with the outside, with businesses to work with former prisoners. [*Had you ever voted before? Before coming to prison?*] Uh, no, never. [*Why is that?*] I just, I didn't see the connection, you know, to me and my life. I think it's different here. I think I'll be able to see a difference … and if I don't, I know who to go to and talk about it! [*You mean, if the party didn't follow through*

[13] The 2013 election was to be held in the autumn but was postponed until the spring of 2014 due to stabilisation issues in the prison.

[14] 853 ballots were cast out of approximately 1,750 eligible votes (roughly 1,450 prisoners and 300 staff on duty the day of the election). Due to concerns about corporate confidentiality, the details of staff numbers have been concealed and were unavailable to me or User Voice. Thus, it is unclear how many of the 853 ballots were by prisoners or staff.

> *with their proposals, what you voted for, you'd go and talk to them?*] Yeah, definitely! They said they were going to do X and if they don't do it, I want to know why. (Prisoner)
>
> [*Have you ever voted before?*] No, this is the first time. [*What do you think about giving prisoners the right to vote?*] I think it would be good; positive. [*Would you vote then?*] Hmm, (laughs) that's a good question … I'm not sure. Maybe. [*So why did you take part in this election?*] It's local, you know. I know these guys, I know what they're arguing for and I see how it could impact my life. I've still got 8 years in and I know how much could be improved. (Prisoner)

What was apparent was that the national political landscape and top tier 'representation' was an abstract and distant concept, especially to prisoners who had lived a life in society's margins. Voting, then, was often expressed in cynical terms, as a 'pointless' exercise 'that doesn't affect me'. What made sense to these prisoners was the 'local' experience in their prison community. Following the work of Rousseau and Mill, Pateman (1970) argues that the existence of representative institutions at national levels is not sufficient for a healthy democracy. She contends that other spheres – at the local level – are critical in nurturing political socialisation (what she calls 'social training') for the development of the individual attitudes and psychological qualities that are necessary for good quality participation. For prisoners, the real value came from participation in regular democratic activities and engagement, not just voting:

> [*What do you think about letting prisoners vote while they're in prison?*] I think it's a really good idea. Voting would be great, especially if we got the materials, maybe had debates or something, you know, something more about the process … When you go vote on the outside you get that buzz, right? People are talking about it, you go to the polls, you talk to your neighbours. It feels more like an event; like you're part of something … I would vote in here if I could, but it wouldn't feel the same. You'd do it in your cell by yourself and that'd be it. (Prisoner)

Council elections were open to all prisoners, regardless of sentence status (remand or convicted) or IEP status, and included those who were in segregation and healthcare. For prisoners, Election Day usually took place in the morning, wing by wing, with results announced in the afternoon. Party members were present, enthusiastically engaging voters and trying to persuade their vote, discussing the core issues, and answering questions. User Voice employees and volunteers, alongside local officials and prison staff, all assisted with the day's

proceedings. Voting for prison staff was orchestrated quite differently. This resulted in rather dramatic differences between establishments. For the 2012 elections, for example, Maidstone only allowed staff to vote on a single day (the same Election Day as prisoners), which excluded anyone not on shift that day or anyone not able to leave their post for long enough to cast a ballot. In contrast, at Aylesbury a ballot box for staff was placed next to the front gate for the week leading up to Election Day. There was a noteworthy difference in the staff turnout which was high at Aylesbury (61 percent) and low at Maidstone (27 percent).[15] These differences were perceived to be encoded messages from management:

> It's a joke really, and the lads [prisoners] surely see it too. You put a [ballot] box out for an hour, during the tea break, and say 'okay, vote'. No one takes that seriously because you can read between the lines … If the top [the SMT] were serious, you know if they were really invested in this, they would have done it a lot differently … It's a dig to us both, I'd say – appeasing the council and preventing staff from having their say. Double whammy. (Officer, Maidstone)

> They say this is a prison council, not a *prisoner* council, but then why are we basically encouraged not to vote? It's like they [the SMT] went out of their way to exclude us. (Officer, Maidstone)

These solid voting turnout rates for prisoners reflected a willingness to engage in a process that for most was unfamiliar and daunting. What the prison council made real to participants was the ability to 'touch' decision-makers and decision-making processes. Spatial and relational proximity to those with authority generated a sense of accountability, transparency, and legitimacy.

None of the above is intended to downplay or dismiss the profundity of voting enfranchisement. Quite the contrary. Re-enfranchising prisoners (and convicted felons in the US) with the vote strengthens democracy (Whitt 2017; Dhami 2005; Uggen and Manza 2002). The reinstatement of voting rights is socially, symbolically, and democratically significant (Behan 2014; Manza and Uggen 2008; Faulkner 2001). It sends important messages about values, inclusion, and political equality (Easton 2009). However, for the men in this study, voting rights were generally a non-issue, in terms of political engagement. But, being denied the vote in connection to punishment, was of interest and importance to prisoners. There was

[15] At HMP Oakwood's first election in 2014, like Aylesbury, a ballot box was prominently placed at the gate for one week to maximise staff voting. Staff turnout was remarkably high at 87.5%, surpassing the figure for prisoners, who had a 66.8% turnout.

a common refrain when I asked the men why they think prisoners lose the right to vote – it consistently included a form of 'worthiness' (or, not deserving of) connected to the loss of freedoms and liberty associated with imprisonment:

> [*Why do you think prisoners lose the right to vote while they're locked up?*]
>
> - It's part of the punishment, isn't it? You lose your freedom and your rights … You're not worthy enough to have a say. (CP)
> - We've committed a crime and with that comes punishments … The vote of a con is maybe seen as tainted or polluted. (Voting prisoner at an election)
> - It's the social contract, right? Prisoners have violated it, so the punishment is a loss of the rights to the contract – like voting … I guess the experience of imprisonment redeems us back into the contract; makes us worthy again. It doesn't make a lot of sense though, does it? (CP)

For most prisoners, voting disenfranchisement represented 'one more layer of exclusion'. Manza and Uggen's (2008: 151-152) study of felon disenfranchisement also notes that the denial of voting rights was perceived as 'another loss to add to the pile'. There was a widespread feeling of apathy toward this issue, in part because it represented exclusion from a system and body of governance many already felt 'rejected' by. This is not to say that disenfranchisement did not 'sting' – it most certainly did.

Despite the importance of voting enfranchisement, democratic participation requires more. It is an ongoing process of education, engagement, dialogic exchange, debate and deliberation, consideration of values and goals, and the collaborative effort of community members to better their environment:

> [*What makes you feel like a 'citizen'?*] When I feel in the mix, you know? In little moments when I can be there to assist or guide others and when I feel like others can do that for me. [*Like a mutual support system?*] Yeah, exactly. I guess that's what I think democracy should be – a mutual support system. (CP)

Taking it to the streets

As noted in Chapter 3, six interviews with previous prison council members who had since been released and were living in the community were conducted. The interviewees were all men, ranging in age from their mid-20s to late 40s, two were foreign nationals (non-UK

passport holders), and they had been out of prison from roughly five weeks to seven months at the time of interviewing.[16] All maintained some kind of contact with User Voice, which is how I (re)connected with them. It was never my intention to follow council participants into the community, but I took the opportunity when it was presented.[17] I was curious to know if in-prison democratic participation had made a difference to their lives, outlooks, or relationships with politics. Had they been 'politicised' (Zinn 1974: 192)? If so, in what ways?

Several consistent themes emerged from these interviews. The first was that all six participants stated that they were more politically and civically minded post-release than they had been prior to incarceration.[18] The experience of imprisonment *plus* working within the council had heightened their awareness of social justice matters and sharpened their opinions:

> As a black man, I've always known that the criminal justice system is against me and my community … Once you're there [in prison] though, your eyes are really opened up to the deep injustices, and also the daily injustices … Racism is alive and well, and thriving in prisons … Being on the council helped to bring to light a lot of things for me – how processes work, decisions are made, the justifications made … The council was good for me because I got to work through a lot of my anger and frustration in positive ways; it was channelled into productive projects … I think I'm much more sensitive and switched on to these bigger issues now, which is why I'm trying to do more mentoring, you know, to prevent younger versions of me from getting sucked into the system. (Ricky)

Four of these six men were either actively seeking or were already employed in jobs that were oriented around mentoring, criminal justice reform, or community outreach. They had not worked in these fields before prison. The other two men expressed interest in finding similar work but had alternative job opportunities already lined up before their release (one returned to working as a mechanic): 'I'd love to work with at-risk youth, but right now, I need to pay the bills and get settled. Maybe in the future I'll try to get into that field somehow' (Taylor). There was a strong sense of wanting to 'prevent' others (especially young men of colour) from 'getting caught in the cycle' of criminal justice and 'helping to guide' them toward more

[16] Pseudonyms have been used for these interviewees. They were given the option of selecting their own name or having me choose one.
[17] These six interviews were largely unstructured, though loosely guided by the themes addressed throughout the dissertation.
[18] Five of the men had served a single prison sentence (the one they had just been released from). One interviewee had served a relatively short prison sentence several years before when he was a 'much younger man'.

hopeful paths. Several of the men talked about this newfound motivation as a positive outcome of their imprisonment and described it as 'a calling' and 'driving force' moving forward in their lives. This is found elsewhere in the literature on 'wounded healers' and 'recovery' mentors wanting to 'give back' (see, for example, Heidemann et al 2016; Esping 2014).

One of the interviewees had been an active voter (in his home country) prior to imprisonment – the other five had never voted or only done so sporadically. Their attitudes toward this issue had not changed: 'voting in *their* [elitist] system is pointless'. But, three of the men indicated that they had sought out more information about the prisoner voting 'blanket ban' after their release and had expressed some interest in advocating for prisoner re-enfranchisement even though they themselves were not keen to vote in national elections. All six men said they were following current affairs and criminal justice matters in the media more closely than they had prior to incarceration.

Martin, who was living with his grandmother, had started a community petition in order to apply pressure on the local council to address a number of infrastructural needs around his housing estate. He worried that poor and deteriorating wheelchair ramps and loose railings were dangerous for the elderly and those with mobility issues:

> That was a skill I really learned from the [prison] council – how to communicate problems alongside possible solutions. When I presented the issues to the [city] council they complimented me on how clear and professional it all was … It felt really good to get something achieved, and especially for my nan [grandmother] … and the neighbours keep coming round now asking if I can help with all kinds of things! Maybe in a different life I could have been a community organiser. (Martin)

All six men believed they had gained or enhanced both soft (diplomacy, confidence) and hard (communication, proposal writing) skills from council work, and had their own social consciousness raised and helped to raise others' within their respective prisons. They strongly praised the work of User Voice and the councils ('it provided me with a light'), and were convinced that exposure to council work would help (or was helping) them in post-release life. These findings are somewhat contradictory to those of Weaver and Lerman (2010: 825), who found that contact with the criminal justice system caused a decline in several aspects of civic participation, including voting in elections. The unanimous and positive politicisation amongst these six men suggests that council participation had the potential to militate against (further) political disillusionment whilst promoting deeper engagement. The council enabled

these men to channel what Luckerson (2020) refers to as 'hopeful anger' – the unification of activism and politics, with the aim to move protest to policy – into social justice advocacy in and outside of the prison. Three of the men had spent time in prisons without a User Voice council. They described these experiences as a different kind of politicisation:

> It [the prison] was an absolute shithole … so chaotic, loud, you never knew what was happening next … I honestly think if I had done my time there, I'd be a much different person now. [*What do you mean?*] I can imagine getting really angry, and like, real anti authority … It was just inhumane … I'm not saying Birmingham was so great, but the council was an outlet, it was massive … a beacon of hope and action toward something better. (Ricky)

> I was shipped around [prisons] a bit so I saw different regimes and, you know, staff attitudes … There was one prison where I really, like, I was losing myself – I was so desperate I was willing to be violent and I'm not that guy, but it was just the only way to get anything done … That really scared me; how quickly you could become your worst self in a matter of weeks. (Taylor)

All six men used some kind of expression or phrasing to indicate that the council 'saved' them or provided an 'alternative pathway toward real meaning'. Of the interviewees, Zeke, was the least positive or praising of the council, though he had nothing negative to report:

> Yeah, it was good. I looked forward to the meetings and it [the council] definitely gave me some structure and a nice, important way to spend my time … I really enjoyed working with staff and the other guys … I'm not sure I'd say it changed my life or anything. I was pretty strong going into my sentence – I have a lot of support … I'm glad I could participate, and it did bring up some issues that I wasn't aware of before. [*Like what?*] I never really knew about prison issues – I don't think I had a good sense of who ends up there or how … It's a pretty fucked up system, isn't it? And I really don't think like half those guys need to be there or should be there. There were some very mentally ill, like really sick guys who should not be a in a prison setting. That was an eye opener for sure … On our council we really tried to work with healthcare regarding some of those issues. (Zeke)

These are very positive findings (albeit preliminary and exploratory) which indicate that council engagement offers some benefits related to support, purpose, access to networks, and skills building that are relevant to post-release life (see also Barry et al 2016). That said, all of

these individuals had relatively high human and social capital prior to, during, and after their incarceration (see Farrall 2004). They had strong social networks as well as support from family or partners (Weaver 2016). They had been in some kind of formal employment before prison and all had enough schooling to provide them with good verbal and written language skills. In the previous chapter I noted how some prison council members likened 'full participation' to Maslow's (1943) hierarchy of needs. That is, in order to reach 'self-actualisation', individuals must have all other basic needs met. I asked these six interviewees about this assumption and they all agreed:

> I'm lucky, yeah, I've got my family, housing, my job's in place. I don't have to hustle or stress about money – that's what lets me think beyond the now, the immediate … If I was struggling, there is no way I could contemplate helping others … or getting into political stuff. How could you? You've got to get your basics in place before you can begin to do work on yourself, you know? *Then* you can start thinking about bigger picture stuff. (Kyle)

> You know the safety announcements on flights when they tell you to put your oxygen mask on first because you can't assist anyone else if you can't breathe? … It's kind of like that. You need the basics – housing, money, stability – before you can move on to solving big social problems (laughs). (Zeke)

Whilst this small sample of six men should not be taken as a representative or generalisable group, their experiences and assessments of council work in and out of prison raise some interesting and complicated questions about citizen thresholds and marginalisation. Robert Putnam (2000: 35) argues:

> Political knowledge and interest in public affairs are critical preconditions for more active forms of involvement. If you don't know the rules of the game and the players don't care about the outcome, you're unlikely to try playing yourself.

But what might this mean for those who are often on the sharpest end of policy yet have not been supplied with the rules, the equipment, or the knowhow to play the game?

Confronting and negotiating power

> I find it really strange how they're [officers] obsessed with this idea that we have all kinds of 'power' from being on the council. None of us feel that way … Yeah, I guess

> if power means that we're kind of listened to, then okay, I guess we've got a little bit of power. (CP)

The expansion and exercise of the prisoners' 'voice' via the council confronted existing power structures within each prison, necessitating a negotiated – and articulated – form of power-sharing. Within the council itself, power was often understated and 'flowed quietly' (Crewe and Liebling 2017: 895). But amongst the wider population of staff and prisoners, power differentials were sometimes perceived to be more starkly unequal because of the council. Many officers viewed the 'increase' or amplification of the prisoner's voice as a 'threat' and understood it in zero-sum terms: i.e. the council was *taking away* their power and *giving it* to prisoners, because the more prisoners were 'listened to' the less staff were. When councils were thought to be elitist, unfair, or non-representative, prisoners reacted negatively, often taking their grievances out on council participants (see also Chapter 6). Birmingham, Aylesbury, and Maidstone's councils were operating in environments that were somewhat chaotic, disorganised, and with low resources. Thus, there was an inherent tension when the few resources that were available were perceived to be allocated unfairly or in an unbalanced way.

Whilst prisons can have steep power hierarchies and multiple layers of hierarchies (Sykes 1958), an aim of deliberative democracy is to flatten such differences by diffusing power and equalising voice (Kadlec and Friedman 2007). In this regard, deliberative democracy's power, as Curato and colleagues (2019: 1-2, 106) argue, is 'ambivalent':

> Deliberative democracy, a theory and practice of politics that places reasoned discussion at the heart of political life, has often been critiqued for failing to place power at the centre of its analysis. Deliberation can talk about power, but it does not take power. Deliberation is too naïve, too detached from the realpolitik. Deliberation is conservative. It has no radical vision for the future … The argument we offer … is this: deliberative democracy has an ambivalent relationship with power. While deliberative democracy can be a corrective to coercive power, it also generates new forms of power ... But as a political theory of communication, deliberative democracy must be cognisant of communicative architectures that routinely organise how reasons are publicly expressed and contested (Cottle and Rai 2006) and the noumenal power they thereby embed. Who has a voice in the deliberative system? Who gets attention?

Although the prison council represents a much less radical version of deliberative democracy, they were nonetheless regarded as genuinely threatening to order and staff authority. The council was confronted and perceived differently within each establishment, which reflected broader power and cultural dynamics. In Aylesbury, discipline staff remained steadily wary of and cynical toward the council but did not obstruct it to the same degree observed in Birmingham. This was largely because the power of the council, and its reach, were perceived by staff as limited or a low threat. Staff in Maidstone, I was told, were originally enthusiastic about the council when it was first brought in under the previous – and much liked – Governor. This was at a time when that prison was showing some improvement and staff described it as a 'calm' and 'nice place to work'. In the years that followed, Maidstone became increasingly unstable and the divide between staff and prisoners widened. Officers in this prison were suspicious of, and somewhat nervous about, the council, but ultimately thought it carried little power or influence. This was primarily due to the messages sent from the new Governor and his use of oppressive power to stifle any influence the council might have had. This included 'silencing' prisoners' collective voice. In Birmingham, staff orientations towards User Voice and the council were initially the most hostile and obstructive of the three prisons. This was at a very turbulent time in the prison's history when staff were feeling unsupported, insecure, and anxious about their changing working world. Over time, however, as the prison began to 'rehabilitate' itself and stabilise, staff (re)gained some of their professional confidence and good use of authority. As they felt safer and more secure in their establishment, attitudes towards the council (and prisoners more generally) improved. It was evident that there was a strong correlation between staff perceptions of control (having some professional ontological security in their working environment) and their relationship to power. The more insecure staff felt, the more they under-used or over-used their power and authority. Crewe and Liebling (2017: 909) refer to this as a 'stand back' (distant, avoidant, fearful) / 'jump forward' (excessive zeal or confidence) model of authority, which is often found in under-resourced prisons where 'staff struggle to enforce their power for the majority of the time, and they go overboard in doing so *because of* their lack of confidence, or the knowledge that they have 'let power go''.[19]

Prison staff underpinned every facet of the council – its ability to embed, the successes and the knockbacks, its strengths, and its limitations. Previous research on prisoner participation has acknowledged this as well, though primarily in how staff negatively impacted or impeded council activities (see Schmidt 2012; Barry et al 2016; Solomon and Edgar 2004). Whilst

[19] Emphasis original.

officer obstruction was also observed in the current study, there were many uniformed staff members who embraced and championed the council. As discussed in Chapter 2, where officers 'fit' within co-governance configurations has been an enduring challenge from the earliest of prison democratisation experimentation (Stastny and Tyrnauer 1982: 59). At the core of this tension was how prison staff viewed and understood both their own and prisoners' power (Liebling et al 2011). The quality and culture of officers' working environments played an important role in shaping their professional orientation toward prisoners and the council, in positive and negative ways (Crewe and Liebling 2017; Liebling et al 2015; see also Chapter 7). The establishment and building of a prison council required:

> [A] delicate balance in getting things right – you don't want to alienate staff, but you want buy-in from the lads [prisoners] … This can't just be a top-down thing, it needs both: support and commitment from me and the SMT, but a ground-up energy and desire needs to generate that form of legitimacy … But now you've got the top and the bottom, but that leaves staff in the middle – what is their role in all of this? And that's the hardest bit to get right. (Governor)

The three prisons in this study were troubled in different and distinct ways. One common feature they shared was that the discipline staff group in each establishment went through significant periods of turmoil that included high levels of staffing shortages, rapid changes in policy, and institutional instability.[20] Throughout the fieldwork period, officers increasingly retreated off the landings and into offices, avoided prisoners, and expressed distrust and cynicism toward senior management (Arnold 2016: 270; see also Liebling's (2011: 494) work on officer orientations towards safety).[21] Many staff felt like their working worlds were becoming 'uncontrollable' and 'more chaotic', which made them perceive their power and authority to be 'evaporating'. Insecurity, fear, and resentment grew amongst discipline staff. These accumulated negative feelings were then turned toward prisoners:

> We're [officers] decreasing in numbers, they're [prisoners] increasing in numbers, nobody's [management] telling us what's going on, and yet, we're supposed to be managing everything like it's fine … And then you've got these twats [council participants] thinking they've got something over us, telling US we need to let THEM

[20] Staff at Aylesbury thought their prison was going to be closed, Maidstone re-rolled with quick and repeated turnover in leadership, and Birmingham was adjusting to being managed within the private sector.
[21] Though staff in Birmingham began to reverse this pattern toward the end of fieldwork in 2014 (see Chapter 7).

> off the wing to attend some meeting with the Governor, who can't be bothered to listen to his staff… (Officer)

In already unstable and delicate prison environments, the council was often perceived as one more indicator that 'prisoners are clearly more important than staff' (officer). Officers in Birmingham exhibited the most antagonistic attitudes towards the council, its members, and User Voice employees. Staff here had been 'in flux' for years, as their prison transitioned from the public to the private sector. They lost many colleagues through Voluntary Early Departure or because they wished to remain in the public sector, and the messages sent from the new Governor were challenging to this traditional officer culture (Liebling et al 2015; Liebling and Ludlow 2017). For the first year and into the second of the council's operation, staff in Birmingham resisted and 'protested' about it in a number of ways. They would often stop or stall User Voice employees from entering the prison, sometimes holding them at the gate for long periods of time. Council participants were frequently not unlocked or let off the wings to attend council meetings or other related activities. Council proposals would be undermined or 'blocked' from being implemented. One example of this came from a proposal that allowed the men to wear shorts on the landings during association times in summer (this had previously been prohibited unless prisoners were coming from or going to the gym). Despite the proposal being approved and staff notified of this decision, officers on particular wings continued to police prisoners' clothing and 'punish' those who did not comply (by creating negative reports about 'defiant' behaviour, locking them up first or unlocking them last, or intentionally not following through with tasks or paperwork). Such staff members were referred to as 'council blockers'.[22]

Council members, in particular, were targeted by staff in other ways. They were often under heightened scrutiny and surveillance. Officers would monitor them more closely, knowing that a 'slip up' could potentially jeopardise their place on the council or their status as a 'trusted' prisoner. Officers sometimes openly harassed council participants or encouraged other prisoners to do so. When councils were perceived to be operating at management's behest or not in the best interests of the wider prisoner population, which occurred at various times in Birmingham and Aylesbury, prisoners targeted their discontent at council participants by ostracising or threatening them. This more commonly took the form of teasing and name

[22] 'Council blocker' was the more appropriate and acceptable form of 'cockblocker', which was the term commonly used behind closed doors. It was adapted in this context to mean an officer who prevents, obstructs, or interferes with the pursuit or success of council action.

calling though ('grass', 'screwboy', 'pet', 'yes, officer', 'snitch'). Some prisoners tried to 'apply pressure' on council participants to 'make things happen' for them, like getting an extra perk or moving wings, because council members were seen as 'powerholders' who could 'get things done' and 'had the Gov's ear'. Officers used similar tactics but with more bargaining (reward) or coercive power (Hepburn 1985). There were some instances when officers would 'encourage' a council participant to raise an issue at the council meeting on behalf of staff and in return would offer a range of benefits in exchange (like longer unlock time, or getting prioritised access to the phones, extra shower time, or an additional dessert). Some participants backed down or distanced themselves from council activities because this pressure was 'too much to deal with' or because they believed their good standing may be in jeopardy:

> It was just too much to take – between the officers and other guys, I was getting harassed like every day. I was so afraid I was going to screw up and do something that would jeopardise my situation. [*What would that have been?*] I don't know. I thought maybe if I did a favour for someone not knowing it was forbidden, then maybe I'd get nicked or something? [*You mean a favour for staff?*] Yeah. (Former CP)

When staff and prisoners expressed bitterness toward the council, it frequently stemmed from parallel feelings: everyone wanted to be heard, recognised, and have their 'pain' acknowledged:

> I think it's just wrong. Why are they [prisoners] listened to, consulted, invited to meetings and we're [officers] not? We work here, we keep this place safe, we do the dirty work and yet no one asks for our input on decisions being made … They broke the law and yet they're the voice that's listened to? It's backward. (Officer)

> I don't think it's right. They're [the council] supposed to be representing the whole prison, all of us. But look at them – they're not representing our issues … Not one of them has come round to our wing to get feedback or listen to our issues. (Prisoner)

The Governors of Birmingham and Aylesbury had contracted with User Voice with the explicit intention of moving their respective establishments from 'cultures of silence' to a 'culture of voice' (Waring 2015). In Birmingham, in particular, the Governor's management style leaned toward a more pluralistic form of shared governance that delegated greater responsibility but with an enhanced expectation of accountability. For both of these Governors, and many of their senior leaders, co-producing a forum with prisoners to collectively deliberate about prison

issues and decisions was not offensive or an affront to their or the prison's authority. Rather, it was encouraged and seen as a progressive and responsive model of prison management.

Deliberative democracy, as many scholars have written, has a 'nuanced' view of power. As Curato et al (2017: 31) note:

> Deliberative democrats recognise that coercive power pervades social relations, but understand that certain kinds of power are needed to maintain order in a deliberative process, to address inequalities, and to implement decisions.

Applied to the prison setting, this conception of power aligns with Liebling's (2004: 435-439) adaptation of Valerie Braithwaite's political values – security (order, stability, security procedures) and harmony (attention to human dignity, respect, relationships, cooperation) – to prison governance (see also Crewe and Liebling 2012: 178). Crewe and Liebling, from interviews with senior managers, identified a group of leaders they call 'moral dualists' who 'fuse' security with harmony, with some discomfort, as they maintain a value balance: these managers 'see order and targets as *for other things*; and security and relationships as mutually reinforcing rather than in conflict' (ibid: 179).[23] The Governors of Aylesbury and Birmingham, as moral dualists, understood that the council – and expanding prisoner participation – was not a forfeiture of power, or an undermining of authority. Rather, it was a means by which to bring these values together toward a more legitimate form of management and prison order.

The staff in all three prisons, generally and at different times, felt very disempowered. The more disaffected, disillusioned, and disconnected staff felt, the more reluctant they were to accept or endorse the prison council. As discussed further in Chapter 7, Birmingham, which was the most resistant prison toward the council in the beginning, ended up being the most encouraging of it by the end of fieldwork. This was due to wider cultural shifts within the prison, the 'moral tone' set by the Governor, and some stabilisation within the establishment that helped staff to (re)claim some of the professional confidence they had lost in the transfer to the private sector (Liebling et al 2015).

When staff felt secure in their roles and working environments, with clear directives from management, and adequate resources, the council became far less threatening. Staff were able to 'see' and 'feel' the benefits associated with it:

[23] Emphasis original.

> I'm old school. The prison service I started in is not this one … If you had told me 25 years ago that I'd be encouraging a prison council or voting and all this kind of stuff, I would've rolled over dead … But, you know, I get it. Maybe I'm getting a bit soft in my old age, but I see how important it is, and why shouldn't it be? I have some say about my working conditions and union reps to support that and advocate for us … They're men trying to improve their lives and circumstances. Isn't that what they're supposed to be doing? (Officer)

> Once we realised that prisoners were not going to be running the prison (laughs), we could actually feel the difference they [the council] made … They filled a lot of gaps from staffing shortages and were keen to work with us … It was astonishing, really, to have this group of men [a council party] approach the staff meeting and ask, 'what can we help with – how can we make things run more smoothly?' … Of course it makes sense now, that they're just as determined to make this place safe and decent as we are, but when we were in the thick of it [bad/unstable times], it was hard to see beyond, you know, prisoners are getting everything and we're not getting anything or any support. (Officer)

Sparks et al (1996: 78), drawing from Giddens (1984: 175), assert:

> [P]ower is not just a matter of one party imposing his/her will on another through force, sanction, and constraint. In its simplest definition power is 'the means of getting things done, very definitely enablement as well as constraint'.

Participants, almost universally, did not perceive council work as 'power' – whether gaining it or exerting it. Prison staff, at their most vulnerable, were convinced that prisoners would be 'running the prison before you know it'. Prisoners had no illusions about their power or where it sat, and most were comfortable with this. When I talked with some men about the early experiments in prison democracy, like in Osborne's prisons where prisoners sat on quasi-judicial boards and determined the punishment or sanction of other prisoners' infractions, most thought that this was 'incredible' and humorous, but all eventually expressed deep discomfort with that kind of power-sharing arrangement. As Crewe and Liebling (2017: 899) have observed in their research, 'prisoners recognise that the use of power in prison is necessary, desirable, and can be legitimate, even when it is used 'against' them'. When the councils operated at their best, they encompassed a blend of legitimate, expert, and referent power (Hepburn 1985), which were all present and flowing, but subdued. The staff who were directly

involved with the council granted participants some freedom and space, but always with 'supportive limits' (Liebling 2011: 491). Staff were responsive, active, accountable, and offered their respective expertise to council initiatives. This was in contrast to life on the wings, where power felt more constrictive (in its over- and under-use), complicated, and less legitimate:

> When I'm doing council work it feels really liberating … I know the boundaries, but I'm also given a lot of freedom to explore, research, move around the prison talking to people … When I'm in these [council] spaces it feels comfortable and controlled. I know what to expect and I know what staff expect from me …. But on the landings, it's crazy and the rules change with each officer. Today I could be punished for doing something I did yesterday, which was okay, but today it's not … Those grey zones are really dangerous because you just don't know how best to navigate them. (CP)

> I always know who's in charge; there's no doubt about that. But authority in the council feels different. You know it's there, you can feel it, of course, but it's light … Staff here [in council spheres] don't need to overexert their power. We know they have it, no one's challenging that, but we interact without it being, like, overtly present or them holding it over our heads. (CP)

Council success, in terms of both positive individual and institutional impact, required a continuous negotiation and 'dance' of power hierarchies. When the balance of power tilted too far to one side, the council lost legitimacy. If the council was perceived to be a 'puppet' for management, or if senior leaders dominated the council and prevented dialogue (like in Maidstone), prisoners withdrew their interest, faith, and support. If the council was believed to be *too* prisoner focused without adequate supervision or boundaries, staff and the wider prisoner population viewed this negatively, with suspicion, and as 'corrupt'. Healthy and robust councils, like 'right' prison officer work more generally, were dialogic, relational, and finely balanced between harmony and security, with power held in reserve (Liebling 2011: 140). However, council success was dependent, in part, on prison staff. When they were actively included 'in the conversation' and privy to decision-makers and decision-making processes, their perceptions of procedural and distributive justice (just like with prisoners) improved and enhanced their overall perception of institutional and managerial legitimacy. When staff were excluded from these processes and proceedings, but prisoners were included, officer resentment and dissatisfaction flourished. This had detrimental effects on prison order and

perpetuated negative staff cultures. Finding appropriate 'common ground' and 'dialogic space' for all occupants within the establishment is the perennial task of a democratised prison:

Officer: I thought the council was a load of rubbish. (laughs)

CP: And now? What do you think of it now?

Officer: I think it's amazing. Coming to these meetings is the highlight of my week. Honestly. I get a lot of enjoyment working in this kind of capacity … When I was a boy, I wanted to be a teacher, and I think working on the council taps into that desire – talking, exploring, doing projects together, seeing you lot [prisoners] find new interests … It's really rewarding.

CP: What do you think other officers make of it?

Officer: Yeah, they're sceptical and a lot of them are angry and frustrated, and that often gets misplaced onto things like this. I get it – I had those same feelings too … When you can't see what's coming around the corner, it's hard to think or see beyond the immediate. I think a lot of officers are still in that mindset – they're just coping day-to-day.

CP: Do you think we can move past that? Like, getting more officers involved and engaged? Their voice should be heard too.

Officer: I totally agree … It's a lot of things, isn't it? Having the time, like right now, us sitting down, talking through important stuff. People need to be open and supportive and respectful of each other. This is the new world of prisons and we need to start adjusting … It will take a lot of effort from everyone, but it's worth it. My job, now, twenty plus years in, is probably more enjoyable and rewarding than it has ever been and it's because of moments like this.

Conclusion

This chapter has addressed several elemental aspects of participation and has considered the ways in which council work may act as a form of 'civic education'. I have argued that 'active citizenship' and (re-)enfranchisement require broader and more democratic reflection. Current penal practices have tethered together compliance, via the distribution of privileges and punishments, with being a 'good citizen'. This is a transactional (mechanical), rather than

transformational (relational) form of civic engagement (Pateman 1970: 45), which for many prisoners encouraged 'all the wrong values'. Contemplating 'citizenship' 'beyond the state' (Hoffman 2004) enabled more inclusive and flexible practices that were rooted in everyday relational encounters with others, rather than in narrowly defined legal or rights-based terms (Hopkins and Blackwood 2011: 222). Council participants grew and developed democratic skills, which allowed for some control, freedom, and hope to be experienced.

The role of, and attitudes toward, voting were mixed and complex. The majority of prisoners in this study had never voted and expressed little interest in doing so in the future. There was a significant disconnect between 'big' or national politics and their lived experience. Voting was not viewed as an effectual or meaningful way to impact an 'elitist' and 'out of touch' government. However, prison council voting generated much interest and intrigue, and demonstrated a willingness to engage in an electoral procedure that had previously been seen as daunting or irrelevant. Voting for local issues, where 'representatives' were in close proximity and change could be linked to voting, was what mattered most to prisoners. High levels of *P*olitical cynicism persisted, with most prisoners indicating they would not vote even if the UK's 'blanket ban' on prisoner voting was lifted. They were more interested in everyday *p*olitics, processes, and linking council work to direct and observable action.

A preliminary exploration of the 'transferability' of civic skills to post-release life indicated that for some, in-prison council work mitigated undesirable politicisation (alienation, further marginalisation) and instead, fostered positive and productive political leanings. Although the small sample of men interviewed in the community already had high levels of social capital, they all, to varying extents, believed that council engagement helped build or hone their interpersonal skills and heightened social consciousness.

Lastly, the role of power within and around the council was discussed. A consistent theme across the three prisons was that precarious and 'fragile' penal environments (e.g., those with low resources and staff shortages) produced insecure frontline staff who misused and misconstrued their power and authority (via under- and over-use). As their lack of professional confidence and trust in senior leaders declined, negative attitudes toward prisoners and the council increased. When officers felt greater security in their work and professional capabilities, the council was viewed as less of a threat and staff were able to 'share power' in more productive and relational ways. Co-governance configurations require constant vigilance and a careful balance between security and harmony values.

6. Deliberation: Creating 'spheres of civility'

> If the inmate population maintains the right to argue with its captors, it takes on the appearance of an enemy nation with its own sovereignty … The custodians' refusal to give reasons for many aspects of their regime can be seen in part as an attempt to avoid such an intolerable situation … The important point, however, is that the frustration of the prisoner's ability to make choices and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff involve a profound threat to the prisoner's self image because they reduce the prisoner to the weak, helpless, dependent status of childhood. (Sykes 1958: 75)

> Man will become better when you show him what he is like. (Chekhov 1921: 155)

The title of this chapter refers to Wright and Gehring's work (2008a, 2008b) which conceptualises prison education classrooms as 'spheres of civility where ethical forms of communication such as respect, politeness, reciprocity, and inclusiveness' are practiced and nurtured (2008a: 244). Their democratic school 'enclave' model focuses on micro level communicative and relational processes, emphasising the importance of ethical dialogue which 'takes seriously the moral claims of others to be heard, acknowledged, recognised or endorsed as unique and distinct' (ibid: 251). These kinds of encounters aim to 'understand the other' and to 'contribute to a creative fusion of horizons' where individuals can respect difference whilst co-constructing a shared world (ibid: 252). Authenticity, empathy, confirmation, and presentness, they contend, are central to creating dialogic space for all individuals to 'be' themselves: 'These are highly significant conversations relating to the human condition: They recognise the needs of others for belonging, identity and agency' (ibid: 252). Such spaces and restorative encounters stand in contrast to the often stark realities of prison life that can be anomic, 'antagonistic, nihilistic, dehumanising, and strategic' (ibid: 257). They, like myself, suggest that democracy is grounded in everyday interactions (ibid: 247). The creation of spheres of dialogic engagement for civil discourse are one way to cultivate this (2008b: 335).

This chapter expands on Wright and Gehring's work by examining the multiple forms and functions of deliberation, which includes the value of dialogue, but also underscores the importance of *listening* and *being heard.* Dialogic and deliberative forms of engagement

related to the prison council took place at various scales and in formal and informal ways – from whole council meetings where staff and prisoners came together as a group, to micro encounters between council participants and other community members, and between the men and User Voice employees. Together, they explored 'what matters most' and found 'common ground' in order to improve the prisons and its practices. These exchanges contributed to identity (re)shaping and development, and were experienced as forms of recognition. Deliberation requires an investment in time and people, two resources that are scarce in the current prison climate. 'Slow democracy' via deliberation ('thinking and talking together') was generally viewed as positive and affirming, though some young men in Aylesbury struggled with this aspect of the council. Social and community capital were generated, but some unintended consequences arose from this, which intensified feelings of unfairness, favouritism, and illegitimacy. These will be described in turn.

Ethical listening

In Liebling et al's (2011) study of prison officers, 'listening' is identified as a skill and a resource, to be utilised for maintaining order, deescalating tensions, and building relationships. As one officer noted, 'Ninety nine per cent of the problems here are solved by listening. You needn't take any action, as long as you listen, have a sympathetic ear' (ibid: 79). Similarly, Ludlow and her colleagues (2015: 35), in their evaluation of staff experiences of self-inflicted deaths in custody, found that 'talking', 'listening', and 'getting to know' were fundamental in preventing suicide and increasing wellbeing:

> Knowing your prisoner is the heart of everything; the heart of being an officer ... You have to get to know what the real issues are – what matters most for that person. And the only way to achieve that is through talking and spending time with them. You can manage their risk by working together – ask the prisoner what would help him to cope better and go from there (Safer Custody staff) (ibid: 35).

Whilst the scholarship on deliberative democracy is large, little of it focuses on the equal importance of dialogue *and* listening. 'Deliberative listening' is intentional, active but reflective (Morrell 2018: 241-242, in particular), and as Dobson (2014: 110) observes, includes listening *to* (hearing others' accounts, experiences, expertise) and listening *for* (which is more acute and picks up on previously unheard voices or values).[1] It was evident from this study,

[1] Emphasis original.

that ‘listening across difference’ (Hendricks et al 2018: 138) and being exposed to others’ experiences, views, and struggles grew tolerance, empathy, and understanding. Research on posttraumatic growth suggests that personal transformation can come from listening to the pain of others (see, e.g., Konrad 2006; Greenspan 2003). The council enabled ‘unlikely’ people to come together ‘for a purpose’ and to ‘explore solutions’ – this combination was powerful. The process of ‘getting to know’ was just as significant for staff:

> When I heard that ex-offenders were coming back into the prison, I was, well, I must admit, I was really nervous. I ran through all the worst-case scenarios – they’d bring in contraband, they’d collude with the prisoners, they’d undermine security somehow. I was really sceptical … But now I’m really embarrassed that I made those judgments. It challenged me to think about my job and the men here … We want them to be like these guys [User Voice employees], you know, in good employment, mentoring, living a good life, and yet my first reaction was one of fear and doubt. (Staff member)

> Working with the lads on the council has given me new perspective. Because we spend more time together, I’ve gotten to know some of them quite well … So often in here [prison] you only really get to see one side of a person; they [prisoners] do become kind of one dimensional. But it’s just like me – when I’m here I’m this, but outside I’m a dad, husband, gardener, golfer … When you see someone in a range of activities and settings, it makes them more dimensional … I brought one of the lads [a council participant] out with me to do some work around the grounds and we got to talking about how our dads taught us repair skills growing up. Those kinds of conversations make you see someone differently; you get to understand them better and where they’re coming from. (Staff member)

Listening enabled people to be *heard*. Jill Stauffer’s (2015) work documents the harms and dehumanising effects of ‘ethical loneliness’, which she defines as ‘the experience of being abandoned by humanity compounded by the experience of not being heard’ (ibid: 9). She writes: ‘There is something about the idea of autonomy that limits the stories we tell ourselves about who we are. And so we don’t see very well who we are in certain circumstances’ (ibid: 10). For council participants, and often the other men they conversed with on council matters, some dignity was restored from being heard. ‘Being listened to’ equated to ‘recognition, innit – I see you, you see me, we hear each other’, feelings of worthiness and belonging, and to ‘respect’:

> When someone [staff] actually takes the time to listen to you and your needs it makes you feel like you're cared for, like someone has noticed you and is recognising your struggle … That's why it feels so painful when someone doesn't take their time; it feeds into your head that you're not worth it, that you're not worth listening to. (CP)

> You're probably going to laugh at this, but I still get like butterflies in my stomach when I go into the boardroom [for council meetings] because I question my own value – should I really be here, do I have anything of importance to say, am I wasting their time …? I am listened to. They take me seriously. That makes me feel like, well yeah, maybe I do have important things to contribute. (CP)

Scholars have recorded the link between recognition, dignity, listening, and dialogue, particularly in high conflict settings where power imbalances are severe (Rao and Sanyal 2010). Tully (2004: 85), for example, argues that dialogue is essential for reconciliation as it allows for 'dialogical civic freedom of the agents engaged in and affected by struggles over intersubjective norms of mutual recognition'. The experience of imprisonment, as many council participants noted, was about 'silencing', stifling, or suppressing: silencing 'identity' ('the officer said I act too black'; 'I'm always told to speak English – one officer said I should stop reading books in Arabic because it looks suspicious'); opinions ('you just have to keep your thoughts to yourself – they [staff] view that as being disagreeable'); ideas ('I had this great idea to start a small business class … [the officer] just shut it down and said, 'if you're so smart, why are you in here?''); and personality ('I was told that I needed to be friendlier – smile at staff, say good morning and stuff; that's just not who I am'). Thus, being heard, being listened to, having the opportunity to express and share, were viewed as 'reminders of humanity' and of their individuality: 'it's like I'm reclaiming myself when I can be expressive, just be me, you know, and without getting into trouble'. Hopkins and Blackwood (2011: 215) have discussed a similar account of this reclamation of identity in their study of how British Muslims understand (mis)recognition through encounters with others, facing and confronting assumptions about their religious identity, and the ways in which this 'affected their abilities to act on terms that were their own and how this constrained their abilities to speak and be heard in the public sphere'. The authors argue that 'everyday citizenship' (how and where we belong, and are regarded) is 'manifested (and denied)' in everyday interactions as we make sense of how we are positioned (socially, politically) by others in ways that compromise our self-definition (ibid: 217; see also Sennett and Cobb 1972: 152).

One of the ways in which the men assessed how legitimate the council was came from how seriously it was taken by staff, and by extension, how staff treated and communicated with User Voice employees. As one council member explained:

> When they [UV] first came in I looked to see how staff responded. I knew that if they [UV] weren't taken seriously then the council was a no go; nothing would get done … As soon as I saw an officer bring [a UV employee] a tea and invite him into the office, I thought, wow! – maybe something can be achieved. (CP)

These were symbolic interactions for the men – observing ex-prisoners being spoken to politely and respectfully by prison staff, having their professional status and expertise acknowledged, and in some prisons, seeing User Voice employees carry keys, communicated hope and the *possibility* of 'being trusted' (Fried 1970: 144):

> I couldn't believe it – they gave an ex-con keys! You know what that says to me, it says they [the prison] are practicing what they preach; that when we get out we can have a future, that there is hope … By giving him keys, that says trust. I trust you – even though you're an ex-con – I trust you enough to give this a chance. (CP)

But when prisoners witnessed User Voice employees being dismissed, ignored, or treated poorly by staff, the pain was especially sharp, as these men attest:

> He [UV employee] was standing at the office door for ages and they [officers] totally ignored him, like he wasn't there. That's what they do to us – like we're ghosts … He's got a job to do, he's a professional … he's done his time and he's doing well, and they still treat him like that … That's not very encouraging, is it? It's fucking depressing, actually. (Prisoner)

> They've [UV employees] done everything right and they're still treated like shite … That officer just walked away from him; he refused to listen to him because he's an ex-prisoner … It makes you feel hopeless, like you'll never be good enough to be treated well. (CP)

Liebling (2015b: 260) notes that 'prisoners make refined evaluators of their social, relational, or moral environments'; they experience, and are exposed to, daily (in)justice. One of the aims of the council – to provide a space for recognition via dialogue and listening – is what Stauffer (2015: 67) calls 'reparative hearing', which takes place through mechanisms and practices that help to 'develop more robust understandings of what is lost by human beings who have been oppressed, abandoned by law and humanity, unprotected'. 'Hearing well', she contends, allows

those who have been previously unheard (or misheard) to 'rebuild a world' with others and break the 'isolation and dehumanisation' caused by the 'disintegration of the self' (ibid: 95):

> You know that saying, or whatever it is, 'if a tree falls in the forest and no one's there to hear it, does it make a noise'? Sometimes I feel like that in here. If I'm never heard, like, really listened to, do I still exist as a person? (CP)

The responsibility of dialogue

Martin Buber (1932) wrote of the importance of dialogue, particularly in the arenas of business and politics, and in role-oriented relationships where differences in power were significant (like teacher-student, therapist-client, or parent-child). It was his contention that one could 'practice the responsibility of dialogue' through everyday interactions by recognising that individuals possess 'faces and names and biographies' and are not simply an object to be managed (which is far from 'new penological management' techniques that are preoccupied with classification, risk levels, and standardisation; Feeley and Simon 1992; Liebling and Crewe 2012). It was especially critical that this moral 'tone' be established by the powerholder, he asserted: 'he practices it when he experiences it … he practices it when he is inwardly aware', when he sees another 'not as a number with a human mask, but as a person' (ibid: 204). Authentic and conscientious dialogue requires thoughtfulness (Giroux 2009: 142-143), a 'commitment to the idea that humanness is good' (Johannesen et al (2008: 44), citing Johnstone 1981), and it can only exist with humility (Freire 1970: 63). Such qualities are not easily found in prison. But like Wright and Gehring, some spheres of civility – along with the growth of civil dispositions (Jacobs 2013) – were generated from the council and its activities. At its best, the council and its participants (staff and prisoners) found meaning, purpose, and humanity 'just by talking – it's so simple, but it is everything … I feel like a human being when someone talks to me like a human being' (CP). Johannesen and his colleagues (2008: 56), as a way to illuminate dialogue, contrast it with the concept of monologue, which is 'equated with persuasion and propaganda', reflecting an *It* orientation, where the human is 'observed, classified, measured, or analysed as an object, not encountered as a whole person':

> In monologue we are primarily concerned with what others think of us, with prestige and authority, with display of our own feelings, with display of power, and with moulding others in our own image (ibid: 56).

Communication in prison is often monologic and presentational (and thus, 'inauthentic') – fronting for different reasons to different audiences (Goffman 1959; Crewe et al 2013). Dialogue can be risky. It can 'get personal', expose vulnerabilities, and surface 'truths' or differences that are difficult to address or manage (Rollo 2015). But dialogue can also be transformative, affirming, trusting, and convey worthiness (Gergen et al 2001). The literature on conflict resolution and peacebuilding that holds dialogue at the core of these processes is convincing confirmation of 'the power of talk' (see, e.g., Bhandari 2019, Omer et al 2015). The council gave individuals a reason and purpose to dialogue with others because it was a 'community project'[2] oriented toward action. This 'opened up' lines of communication and brought groups of people together 'in conversation', as I will show throughout this chapter.

The council at its worst, however, operated as an inauthentic performative stage that 'manipulated' and 'teased' prisoners without 'real' dialogue, deliberation, or listening: 'It's a show, a sham. The council makes them [management] look good but it's doing nothing for us – they don't want anything to change' (CP). Whilst all of the councils continually struggled with 'buy-in', 'faith in the process', openness, commitment, implementation, and legitimacy, Maidstone struggled the most. As noted in Chapter 3, the Governor in this prison was seemingly 'less excited' about the initiative, having inherited the council from his predecessor. On Arnstein's (1969) 'ladder of citizen participation', this council, most of the time, fluctuated between 'manipulation' and 'informing'. The former, being the lowest rung on the ladder (and thus classified as 'nonparticipation'), was experienced by the men as 'a tick-box exercise – they can say they 'consulted' with the council and move on, without actually doing anything' and 'we're fulfilling some target, I'm sure'. Arnstein describes 'manipulation' as a 'rubberstamp' activity that lacks transparency with little information flow. She writes:

> Instead it is almost typical of what has been perpetrated in the name of high-sounding rhetoric like 'grassroots participation'. This sham lies at the heart of the deep-seated exasperation and hostility of the have-nots toward the powerholders (ibid: 218).

'Informing', she argues, is the first step in the ladder toward participation, but it is most often reduced to one-way, top-down communication with 'no channel provided for feedback and no power for negotiation', where superficial information is offered, questions are discouraged, and irrelevant answers are given (ibid: 219). In Maidstone, dialogue between 'the state and

[2] A staff member used this phrase in response to me asking about the council as a 'political project'. His 'correction' to 'community project' was followed with, 'be careful with that word in here – staff get nervous when politics gets thrown around, especially in regard to prisoners'.

citizen' was rarely achieved. There were low levels of trust, a lack of desire to understand or get to know, and little commitment from staff and senior leaders. Meetings were often contentious, circular, and with little movement directed at action. The combination of the changing population at Maidstone (to all foreign nationals), the perceived lack of legitimacy in the treatment of prisoners, the handling of immigration issues, and the council's 'battle to be heard', generated a 'political charge' (Liebling 2015a, 2015b) that eventually resulted in a disturbance. What was especially offensive to prisoners (in this establishment and others) was the *expectation* that was *implied* by having a User Voice council. This made the lack of progress, engagement, and action effected *more* frustrating to prisoners than if a council did not exist. In other words, 'pretending' to provide a forum for collaborative dialogue directed at improvement was *less* legitimate than not 'having a say' at all. Council members described this in terms of institutional 'betrayal' and 'deception':

- It's being lied to … once again, being told one thing and they [the prison] do the opposite. And they wonder why we find it hard to trust them. (CP)
- What's most upsetting is that you get your hopes up – you think this [the council] is the real deal because it's not the prison running it … But then you're crushed because it's just a show. (CP)
- When you think your expectations can't get much lower, you realise they can because the prison is not invested in this. They've tricked us into thinking we can have a say … They do not care about us, or change, or making things better. They like how it is – they dominate in every way they can. Why would they want to change that? (Former CP)
- I'd rather have no say at all, no pretences. At least that's straightforward and honest. (CP)

Unfulfilled reciprocity from the prison, and dashed expectations, produced and fuelled disillusionment, alienation, anger, and mistrust. This is a dangerous mix with serious implications for the maintenance of order (Carrabine 2005; Bottoms 1999; Sparks et al 1996; Liebling and Arnold 2012), general wellbeing, and for any kind of democratic or civic capacity building (Malila and Garman 2016; Putnam 1993; Tunisia, following the Arab Spring, is a good example of this; see, e.g., Spierings 2019). Maidstone and its particular problem of order will be discussed further in the next chapter.

Time and 'slow democracy'

A pervasive critique of deliberative democracy is that it is unrealistic for the real world because of the time it demands from citizens (Parkinson 2006). However, time is also heralded as its principle strength: deliberation is advocated for as a form of 'slow democracy' (Clark and Teachout 2012). The deliberative process challenges the 'cult of speed' (Honoré 2004) in modern life by encouraging individuals to 'lose one's time' (Stenger 2018), to think, explore, digest, question, be driven by curiosity (rather than targets or outputs, for example; see Beyens 2013: 20), to act with purpose, reflect and dialogue, to attend to matters with 'care and attention' (Berg and Seeber 2016: 11), and as a means of exercising agency. Time is politically or 'culturally constituted', Saward (2017: 366) argues, which allows for it to be 'manipulated and parcelled', often to the benefit of 'fast capitalism' (Steele 2012). The 'slow' movement counters such institutional timescapes by reclaiming and reshaping them to the 'right tempo' in order to maximise quality (and the quality of one's life) (Honoré 2004). There was an inherent tension with time in the council though. The 'slowness' that came from deliberation and discursive processing was highly valued and was where the most impactful encounters and exchanges took place. But there was also a need for the council and its activities to generate quick and meaningful change to demonstrate efficacy and the council's legitimacy, especially to the rest of the prisoner population.

Time in prison, however, is problematic (Cohen and Taylor 1972). As one council participant, who was in the latter stage of a long sentence, remarked:

> Time is everything and nothing … there's a lot of it but it also slips by fast … It's survival when it's *their* time [the prison's] because they own and control that – you just get through it … but it's *life* – it's everything – when it's your own [time]. (CP)

The value of time, then, 'is dependent on whether the individual has control over' it, which means that time 'lost' is of great value (Wahidin 2006: para 5.4; see also Crewe et al (2020: 290) on 'losing time'). At one council meeting, 'time' took new forms as it became animated and ontological in real time.[3] The discussion was focused on the problem of visits. Prisoners were upset by the length of time it took to process visitors, which was resulting in their visiting time being cut short ('that's *my* time they're stealing') (see Hutton 2016: 356). In addition, there were some officers who, the men were convinced, were 'keeping their own time' by setting their watches five or more minutes ahead, further shortening the time for their visits.

[3] This prison was not one of the three primary field sites.

The men on the council had polled the prison asking for feedback, ideas, and how many prisoners were being impacted by this lag in processing. They had also installed feedback forms in the visitor's waiting area so friends and family could offer suggestions as well. From this, an apparently 'simple' solution was offered – mount a wall clock in the visits hall. Having a clock fixed in a high, central location, it seemed, could solve two problems: staff would be kept accountable, as everyone would have a single and shared reference point for keeping time (assuming the clock was not tampered with); and prisoners would be able to track the time, thus allowing them to note any discrepancy in allotted time. The senior managers at the table quickly agreed with the suggestion, presumably because it would be an easy 'win' and could be implemented immediately. But this issue quickly escalated into a long and powerful (and unanticipated) reflective group discussion about the significance of time, visits, unease, performance, and the 'pains' associated with 'managing time and managing expectations' with family members during visits.

The table of council participants were roughly, and initially, split regarding the clock. The primary objections revolved around how 'clock-time' intrudes upon and changes the visiting dynamic, with some expressing an 'obsession' with checking time:

- It's like the clock becomes another person at your table … It's there, like taunting you … You become obsessed with it. (CP)
- I don't wear a watch to visits anymore because it just became too much … I'd look at it more than my missus … counting minutes obsessively and not enjoying the visit at all … I'd think 'only 16 minutes left, better make them count' all the while I'm staring at my wrist [watch]. (CP)
- I'd get into a loop in my head – watching the minutes pass, really angry that time with my family has been reduced to this, but at the same time, just staring at those minutes go. (CP)

Other council participants reflected on how challenging visits and time were more generally:

> You have to fit everything into 50 minutes … practical stuff like the finances and bills, but also a little romance and trying to be 'normal', banter … I catch myself looking at my watch and being like, oh, 20 minutes more and I've still got to do xyz … I've scheduled in, like, make sure to hold her hand, compliment her outfit, ask about her mother … It's really unnatural … It is a performance. It feels fake. (CP)

This issue, of course, extends far beyond whether a wall clock was visible or not (see, e.g., Comfort 2007; Dixey and Woodall 2012). These 'pains', at least expressed this explicitly and candidly, took staff aback. Many sat listening intently, some taking notes, and no one interrupted. Occasionally one might say, 'I'd never thought about it like that' or 'that's interesting – I've never seen it from that angle'. The men who favoured the clock were more concerned about 'guaranteeing' they get the time they had earned and were entitled to, and that officers would be prevented from 'cheating' their time. After nearly 45 minutes of unscheduled, organic, 'free' dialogue, a decision was reached. A clock would be mounted, but the men would have the option of sitting with their backs toward it, should they not want 'the clock at their table'. This point was important for them, as such micro-choices – to wear a watch or not, to face the clock or not – were viewed, by some, as vital agential acts.

After this meeting I trailed a senior manager back to his office. He sat down and let out a sigh:

> That was really something; I feel like I need to digest all of that … We just assume visits are great and beneficial, and yeah, we know they can be tough sometimes, but I just had no idea about the depth of some of these issues … It really, it's made me really emotional. (Senior manager)

This example of the council 'at work' illustrates slow, deliberative democracy at its best. The clock was not part of the original meeting agenda, but the conversation was allowed to meander and take the group into unexpected and provocative territory. Misunderstandings and new understandings emerged, and were discussed, with senior managers later reflecting on how 'surprised' they were that such a 'banal issue' evoked the emotion and revelations it did. The presiding Governor took an ethical and political stance by allowing time to move at the pace that was needed (Lipari 2010). In this respect, 'time' was honoured and the council participants sharing their perspectives and experiences were recognised.

'Taking the time' was a common refrain amongst many council members when discussing the positive aspects of participating in council meetings: 'I like that they [senior managers] take the time to explain things in detail' or 'the #1 [Governor] really takes his time with us; I'm sure he's got more important things to do'. This was in contrast to everyday interactions throughout the prison that were often 'rushed', 'empty', thin, or 'sometimes it feels like they're [officers] just hurling words at you, not like an actual conversation'. The time that was taken on the council between staff and prisoners was seen as 'radically different' from those with other specialised staff, like psychologists and offender managers. These meetings were described as

'one sided' ('she just talks at me') and communicated (through body language and other encoded gestures) a lack of time or interest:

> It took me months to finally see someone [in mental health care] and then it was just a checklist thing – I don't think he even made eye contact with me … It was over in less than 10 minutes. (CP)
>
> She [offender manager] said we could do a 'walk and talk' because she was on her way to another meeting. That's the only time I've seen her … She couldn't even spare 5 minutes for me. (CP)

Taking the time, as Gutmann and Thompson (2004) and others have noted, is part of the legitimising process of deliberative democracy. Time was taken to discuss, but also explain and give reasons for decisions taken. Like Tyler's (1990) findings, even when the Governor made a decision that was not necessarily in favour of the council, or a proposal that was not or could not be actioned, participants were generally satisfied with the outcome because the process of decision-making was made transparent and explained in detail. However, there were occasions when a number of proposals were shelved or paused because changes in national policy were non-negotiable (like changes to the IEP structure or rules on personal property, for instance). It was at these times that 'inside' politics were mirroring what many had experienced in 'outside' politics: decision-making was in the hands of a disembodied bureaucratic machine totally disconnected from their lives and communities. What mattered most, and what grew legitimacy, was when democratic practices were kept 'local' (within the establishment), where some creative autonomy could be exercised, and when the men saw a direct and explicit link between their 'voice' and the change taking place around them.

Each of the prisoner population groups in this study were facing distinct temporal strains. Most of the foreign national men in Maidstone, for example, were experiencing the 'deprivation of certitude' (Warr 2016a) as they waited months or years in a state of indeterminacy related to both length of incarceration and the possibility of deportation (to countries they had never been to or could remember, were war torn, or often away from the families they had established or settled in England). In Birmingham, the average 'stay' was eight weeks, so most experienced this prison as a transitory stop before release, transfer, a hearing, or conviction. In Aylesbury, many of these young men were at the start of very long sentences, some of whom had tariff lengths that were twice their age. These council participants, as Crewe et al's (2020: 294) work notes, had highly circumscribed time horizons

that were typically oriented around 'getting through the day' or 'I just do one day at a time – that's what I focus on'. This orientation to time was not easily compatible with the slowness of deliberation, or the thoughtfulness it required. Both of the User Voice employees (Michael and Richard[4]) in this prison had served time as young men and thus carried a sensitive awareness of how imprisonment was being experienced: 'talking openly often leads to confronting realities you do not want to confront' (Richard). Council meetings in Aylesbury, in some ways, were patently different than in Birmingham or Maidstone. They moved at a faster pace, primarily because the men would speak briefly and there was less 'wandering' in the conversation. The men struggled to think or imagine beyond the immediate, so longer-term planning was a challenge, and it sometimes conjured negative feelings. One of the proposals the council put forth was about establishing special visiting days for fathers. Whilst this took several months to plan, and most looked forward to it, thinking this far ahead produced anxiety. One council participant, when contemplating seeing his small child and how much she would grow in a few months, remarked:

> I was just thinking how much she'll change in three months … I can't think like that. I'll spin out. [*What do you mean spin out?*] Like, three months? That's nothing. I've got (stops). You just have to shut that down. I can't think about it. (CP)

For others, particularly those not facing very long sentences, council activities were a way to be 'distracted', a way to 'count time' encouragingly ('seven more [monthly] council meetings and then I'm out'), and focus on the future toward release (see Crewe et al (2020) on 'time strategies' of denial and compression):

> I've got two years to do. When I think about what could be achieved on the council in that time, it makes me feel good – like I could use my time well here and make it manageable … and make a difference. (CP)

Deliberation – and the benefits of thinking, talking, and listening with others – for the men in Aylesbury, generally came not from council proceedings, but from interactions with the User Voice employees.

There were many subtle ways that ethical dialogue and deliberative listening were incorporated into everyday exchanges. At the end of a council meeting in Aylesbury, a modest and bittersweet celebration took place to mark the last day of one of the User Voice employees, Michael. The men asked for details on where he was going and what he was going to be doing.

[4] Pseudonyms.

Michael and the Governor then talked through, very deliberately, how 'all of the hard work Michael has put in over the years, all the education … has paid off. He's got the job he wanted at the start of this journey'. Michael then responded by sharing pieces of his own story, some of which many of the men already knew:

> You know I've been where you are, facing a very long sentence. I thought my life was over … Once I got into education though, I saw my way out. This was going to save me … I could not have imagined that I'd be where I am now. I found my thing, my passion, and just focused on that. (Michael, UV employee)

This went back and forth for a few minutes, with both investing great care in their words, tone, and 'the message':

> How many years did you have to study?
> A lot, and it was hard, but this is what I wanted and I wasn't going to be stopped.
> We're all so proud of you. You've really accomplished something major.
> Thank you. I am really proud of myself.

Although the young men remained rather stoic during this exchange, they did spontaneously erupt into applause at the end. In brief moments, contemplation, intrigue, and worry could be seen on their faces as we all rose and prepared to leave the boardroom. On our way out, several asked Michael for more details about his experiences in education and what he studied. In the weeks leading up to his departure, as Michael prepared the council members for his leave, it became evident that the men were finding it 'difficult to imagine a future' beyond prison, which was impeding their ability to plan, prepare, invest in opportunities, or locate sources of hope. Michael's story was profound for them – a long-term prisoner who not only survived and was released, but who was 'living a good life' and accomplishing his goals. Michael spent long periods with the men, in informal dialogue that sometimes felt like Q&A surgeries, talking through the incremental steps he had taken in his life. The men responded to this, partly because there was 'living proof' that it 'worked', and that thinking incrementally and cumulatively about how to work toward their aims was viewed as novel and helpful ('it's kind of like a roadmap') (see also Schmidt (2012: 26-29), on the role of User Voice employees in mentoring and modelling).

When I asked participants about the 'transferability' of their democratic engagement to the outside (voting, organising, working with local community members, attending council meetings, volunteering), most men expressed a strong desire to 'stay involved' and civically

active, but thought it was unrealistic (see also Chapter 5). Their time in prison, to some extent, was 'a luxury' because many of 'the typical pressures' of day-to-day life were alleviated. On the outside, 'the pressure to provide' ('I've got little ones to feed') and 'make ends meet' were pressing, and did not seem achievable alongside volunteer work, other civic activities, or mentoring (which many were especially keen to pursue, but again, viewed the idea of getting a paid position in this line of work as 'unrealistic'). As one council member observed:

> The time I've had in here is like the opposite of what 'real life' was like … I was homeless a lot because I couldn't find or keep steady work … I lived one day at a time, just trying to scrape by enough to feed myself and stay sheltered … Life was chaotic … Here, I'm settled and the basics are there. Because I don't really have to worry about when I'll eat next or where I'm sleeping tonight, I can focus my energy and attention on other things … Yeah, it is kind of messed up that I had to come to prison to become a 'good citizen'. (CP)

Everyday democracy and the 'House of Turbulence'

In Nils Christie's (2004: 3-5) vignette 'The Man in the Park', he presents a neighbourhood scene[5]: There is a small park with two apartment buildings on either side. One is the House of Perfection – a modern, move-in ready structure. The other, the House of Turbulence, had a very different and turbulent history. Its developer went bankrupt, leaving the building unfinished and the tenants, who had paid in advance, without an operating elevator, no entrance doors in the hallways, no kitchens installed – 'altogether a desperate situation'. These tenants were forced to remedy these defects (fixing floors, ceilings, plumbing) in joint action: 'It was heavy work and enforced sociability'. One day a man is seen in the park near a group of children. He is acting suspiciously. Decent onlookers from the House of Perfection rush to their telephones and call the police. A case of indecent exposure was registered. In the House of Turbulence, however, the response was different. The man in the park is Peter, the son of Anna, who had had an accident when he was young and is now prone to drinking too much and behaving a bit strangely. A call is made and Peter's family retrieve him, rather than the police. The moral of the story is that limited knowledge within a social system creates the possibility of 'giving an act the meaning of crime'. In the House of Perfection, residents were not forced to get to know each other or to create a system of cooperation. This prevented a stock of shared

[5] This is an abbreviated version.

information from being established. They lived a modern life isolated from their neighbours, which meant they also became isolated from information on local matters. Their only resource for managing the man in the park was the police. Christie's argument is that there are serious consequences for the perceptions of what is crime and who are the criminals, and what happens to those who may be slightly outside of the legally accepted zone: 'Acts *are* not, they *become.* People are *not*, they *become*'.[6]

Christie's account of social support (and problem management) is akin to Putnam's (2000) work on community capital, which is the collected and shared knowledge, resources, coordination, and networks between a connected group of individuals. The building of community capital comes from civic engagement, 'knowing your neighbours', social cooperation, working toward shared objectives (e.g. reclaiming derelict space for a public park), and ultimately, *investing time* in others and the community for mutual benefit. It is a 'moral resource' (Putnam 1994) that contributes to the growth of civic values and norms (like social trust) (Newton 1997; Uslaner 1999). Like Christie, Putnam argues that community capital is vitally important to local politics and the management of social problems. Through deliberation at the community level, Putnam writes, solutions to local issues can be addressed and managed 'on the ground': 'Politics without social capital is politics at a distance … Real conversations – the kind that take place in community meetings about crack houses or school budgets – are more 'realistic' from the perspective of democratic problem solving' (ibid: 341). This in turn lessens the dependence on formal criminal justice intervention. In Chapter 4, I discussed forms of 'mutual aid' and community capital that council participants were (in)formally building, organising, and distributing. Variants of community capital through 'everyday democracy' were also being established between the staff and prisoners who worked closely with each other on the council. Stear's (2011) concept of 'everyday democracy' is useful for the prison setting because of the importance it places on relational interactions. He defines this as 'the process whereby relationships between potentially adversarial individuals (or groups) enable us to overcome differences so as to generate common action in a range of everyday settings' (ibid: 27). Democratic relationships are democratic, he asserts, when individuals with different backgrounds, experiences, and understandings of their interests are brought together into a collective unit (ibid: 25). This unit is then capable of effecting common action. Stears further adds that:

[6] Emphasis original.

> [A] proper democratic relationship is never simply a transaction or a deal. It must go deeper than that. Nor is it ever compulsory or entirely unchosen. It must emerge from conscious commitments of the people themselves (ibid: 27).

Everyday democracy is about 'small politics, small projects', 'much improvisation', 'anathema to centralisation' (Dzur 2019: 11), and emphasises the importance of local, relational, and interactions that are beyond a 'transactional mindset' (Stears 2011: 25-27). Many such interactions sprang from the research that council participants carried out in the building of proposals. The driving question – *How can we pool our collective understanding, experience, and knowhow to generate change and improvement?* – brought 'unlikely' groups of men together to discuss, inform, share, and problem-solve together. For instance, when young, able-bodied men conferred with much older men with social care needs and mobility issues, unknowing forms of 'ethical listening' (Parks 2019) were exercised which allowed identities to emerge and connect through a 'moral understanding' (Etzioni 1999). These extracts illustrate the simple but powerful ways the men were able to find a common 'language' through the identification of 'what matters' to them:

- How do you shower with a walker? That must be really difficult. (CP)
  It is. And it's embarrassing because someone has to help me … it's really frustrating because staff won't always unlock him [the helper] when I get the chance to use the shower … I only shower about once a week because it's such a hassle. That's embarrassing too – I worry that I might smell bad. (Prisoner)

- It's hard to reach the phone [in a wheelchair]. Someone has to dial for me … I feel even more helpless. (Prisoner)
  I get that. My mate really struggles with his numbers and needs someone to dial for him too … It really bothers him [because] it makes him feel like a child. (CP)

- The medication situation is awful … I have to wait in line twice a day, sometimes for a long time … my feet throb and I'm exhausted by the time I get back to my cell. (Prisoner)
  My nan had diabetes and she struggled with her meds too … She said the same things – she was always in a lot of pain. (CP)

One prisoner shared that 'visits are impossible for me – I have bladder control issues and staff won't let me get up to go to the toilet' [once in the visits hall]. This was heart breaking to hear, both in that he was being deprived of contact with his family and how degrading this had been

for him. In a place where 'honesty puts you in jeopardy' (Cattermole 2019: n.p.), the vulnerability and sensitivity that came with these kinds of exchanges was affirming for both parties. I asked this man why he had chosen to share such a personal detail with another prisoner whom he did not know. He replied:

> Simply put, I'm desperate. I've tried the proper channels – officers think I'm being difficult and healthcare is impossible … I thought about adult nappies, but I was just too embarrassed to ask about them … You're the first people who have actually asked what my needs are and what we can do to address them … I feel like I've been seen now. Someone cares … That's why. (Prisoner)

After this exchange the council participant and I debriefed about the encounter:

> It puts things into perspective, doesn't it? That man is suffering in all kinds of ways … I get so angry about the indifference, that's what it is, that no one has even noticed that this man hasn't booked a visit in months … It's just wrong. (CP)

These mini-deliberative sessions reflect the same epistemic and pragmatic values as that of the council itself – the 'process of seeking', understanding, revising, and moving toward a resolution (Gutmann and Thompson 2004: 134).

The benefits of the 'coming together' of unlikely groups or individuals was apparent in other ways as well. In Aylesbury, men from 'rival' postcodes and communities had to work side by side and find common ground (see also Schmidt 2012: 31-32), and those with unalike backgrounds were exposed to other cultures, traditions, and histories. In one prison, the council took charge of organising and hosting a series of monthly cultural events that would celebrate the diversity within the prison.[7] As they planned each session, council members would share their own heritage and customs, alongside sourcing interest and suggestions from the general population – 'You've got Jamaicans over here and Travellers over there and Vietnamese over here. We're global! … And we've been swapping family recipes'.

These accounts bring us back to the issues raised at the start of this chapter related to recognition: the importance of being heard and the importance of listening. 'The continual experience of not being listened to, not being recognised, [and] not being understood' can profoundly 'diminish one's sense of self' (Moustakas 1995: 148), with serious ethical and psychological effects (Honneth 1995; Taylor 1994). For Taylor (1989: 32, 36), recognition and

[7] Not one of the primary field sites.

the becoming of a 'self', capable of self-understanding and achieving self-definition, flourishes from social relations with others in 'webs of interlocution'. But misrecognition is not just the inversion or absence of recognition, as Honneth (2003: 134) asserts, it is 'the withdrawal of social recognition, in the phenomena of humiliation and disrespect'. Prisoners are regularly subjected to forms of misrepresentation, indifference, indignities, and are continuously reminded of their untrustworthiness (e.g. Fassin 2017: 106; Liebling and Arnold 2012: 422; also McNeill 2019: 225). The informal but focused dialogue between prisoners oriented around *what matters to you as a person* communicated acknowledgement and regard (Liebling with Arnold 2004). Being heard was a form of recognition and justice, and equally, 'the effort of listening' helped the men to figure out 'what unites us' by 'exploring the common context, traits, circumstances, or passions', which is accomplished through the exercise of empathy (Barber 1984: 175, 184). Finding shared 'pains' was also valuable in this process:

> I really felt that man's pain … Before this [conversation] I don't think I really understood what it must be like to be old in here, without anyone to visit or care for you [through financial or emotional support] … He was just so lonely and ignored. I feel like that a lot too, but his must be so much more intense. That's heavy stuff. (CP)

The kinds of dialogic exchanges presented above are what Hendriks and colleagues (2019: 138) refer to as 'horizontal' modes of communication – that is, talking and 'listening *between* citizens'.[8] They contend that:

> Horizontal listening is crucial for democracies. When citizens listen actively and openly to each other in the public sphere, they are better placed to develop informed opinions, learn about different perspectives, understand and engage in conflict (Bickford 1996), address the issues of power and privilege (Bassel 2017) and contribute to public deliberation (Dryzek 2000). Listening in the public sphere also serves an important democratic function by facilitating the flow of diverse information and ideas between citizens, their associations, the media and policy-makers (Mansbridge and Latura 2016) (ibid: 138-139).

Community capital and (un)fairness

[8] Emphasis original.

As discussed in Chapter 4, some council activities (like athletic training and cooking) fostered relationships between staff and council participants that moved from 'distant and detached' (*I-It*) to ones with empathy and regard (*I-Thou*). Community capital grew from these interactions as staff and prisoners worked together on council projects and implemented the actioned proposals. The connections made from 'getting to know each other' developed into opportunities, the sharing of knowledge, and the building of skills (see also Best et al (2018: 395-396) and their formulation of 'recovery capital' and its links to desistance), but with some unintended consequences.

Staff would often advocate for, nominate, or encourage prisoners from the council to join other initiatives in the prison, like various peer mentoring schemes, or to sit on strategic planning committees or those targeting special issues (like Spice and other drugs, violence reduction, or suicide awareness). Some of these initiatives had limited places, which meant competition was high. For example, there were only so many slots available throughout the year to become a Samaritan Listener, for vocational training on the rail track course, or to be a biohazard cleaner (a high paid job, comparatively).[9]

This kind of capital operated in two ways. First, staff would often have knowledge of these openings or opportunities before prisoners would, thus giving some council members a 'head start' in applying or pursuing them. In one prison, a new certification course was soon to commence which offered barista training. The class could only accommodate ten men and it was in high demand, as prisoners felt this was a transferable skill into the job market that was realistic and accessible. Following a weekly preparation meeting, a staff member stopped one of the council members to inform him of this opportunity, told him he would be a 'great candidate' because he already had some other culinary training, and that he would 'put in a good word' for him. I later asked this staff member why he did this:

> I know him – he's a good lad with a lot of potential … He's a hard worker and I know about his past, that he's worked in kitchens and he'd like to open a café someday … This course would really round out his skills. (Staff member)

A similar exchange took place in another prison where a recording studio/radio production workshop was about to open. A residential manager, who often attended the monthly council meetings, nominated a council participant because of his knowledge that the prisoner 'loves

[9] Listeners are prisoners who receive training from the Samaritans to enable them to support their peers through listening.

music – he's a really talented songwriter; this would be a great thing for him'. There were countless other examples like this. Whilst these kinds of interactions are relatively common in prison – staff signposting prisoners to openings or courses – there seemed to be a much higher concentration of men from the council in such coveted positions that were well matched to their interests and skillsets. What is noteworthy about these examples is that staff were using *shared* knowledge – i.e. personal information that prisoners willingly disclosed – to connect prisoners to meaningful opportunities for future advancement ('this will be excellent for his CV'). This is equivalent to how social capital works in everyday life – jobs, flats, or other opportunities are often found through social networks. However, as will be discussed shortly, this kind of capital exchange becomes much murkier in the prison context.

The second way in which this capital operated was through a form of dynamic or relational 'authority' for maintaining order and limiting formal intervention. In one prison there was a council member who sometimes struggled with anxiety and depression, which would manifest into self-harming. He was frequently caught in a vicious cycle of 'feeling down', then taking his aggression and anger out on his cell, cutting, then being dropped to 'basic' (if he was not already there), and entering the segregation unit. Despite this persistent trouble and struggle, the Governor was keen to ensure that an inclusive council 'made space' for individuals like this. Council participants were often the only people this prisoner regularly interacted with, as he was disqualified from education and other activities. The men could sense when he was 'spiralling' and would attempt to intervene so as to prevent the cycle from repeating itself. They used their capital (i.e. as 'trustees' with greater mobility around the prison, and their regular contact with senior managers) to inform trusted members of staff or, if available, a User Voice employee to reach out to him. This could be as simple as letting him out of his cell to take a walk or have a cigarette outside, distracting him with an activity (like painting a corridor wall), or just sitting down for a bit with a cup of coffee. On other occasions, staff would be aware that council members had significant events taking place in their lives – an anniversary of a death, a pending divorce, a sick child was getting an operation, or a failed hearing – which could negatively impact their attitude, mood, or behaviour, and thus potentially jeopardise 'the good progress' they had made. These staff went out of their way to 'check in', 'touch base', and 'help to distract', if possible. Sometimes this turned into new projects so that 'he can throw himself into it and take his mind off of the other stuff'. In one prison, a man who had recently lost a child from a terminal illness 'coped' through opportunities offered by and co-produced with a staff member. This included the initial planning of a charity event to support the local

children's hospital (which eventually became a whole council project) and, because he was an avid reader, the identification of books written by BAME authors for the diversification of the prison library.[10] In the literature on prison suicide, these kinds of relational connections coupled with opportunities for 'distraction' and other forms of engagement have been linked to the prevention of self-inflicted harm and a reduction in distress (Liebling 1999b: 315-316, in particular; Ludlow et al 2015).

For the men on the receiving end of this capital, the care and compassion, as well as the enhanced possibilities for self-determination, were welcomed and praised (Petrich 2020). It not only made prison life more survivable, it made these individuals feel like 'someone is really looking out for me … they [staff] went out of their way to help me. That's not very common in here' and that staff were 'investing' in their future and helping them to achieve their goals. For others, it was an expression of faith: 'He thinks I'd be good on the course … he's put my name forward for it – that's kind of a big deal. It means he has faith that I'll do a good job'. The dynamics created from these relationships mirror 'high legitimacy' prison regimes described by Crewe and Liebling (2017: 897) where staff 'know' their prisoners, 'understand their moods and preoccupations', are supportive and challenging without being domineering, and with processes that are procedurally fair. Such 'light-present' models are deeply relational, where 'power undoubtedly flows', but does so 'almost imperceptivity' and with quiet authority (ibid: 896-897).[11] 'Light-present' regimes are most often found in small, well-staffed units (like PIPES[12] or TCs) or whole prisons with a therapeutic or 'enabling environment' orientation (e.g. HMPs Grendon and Warren Hill, see Chapter 2; see also Liebling et al 2019). However, these relational dynamics only existed between a handful of senior managers (and some specialised staff) and a small group of prisoners. Thus, it was experienced as a 'high legitimate' arrangement and regime for those in the network, but for those outside of it, the prison's legitimacy was further weakened.

It became apparent from this social capital network that most of the men benefitting from this connectedness already possessed strong or high 'capital'. As noted in Chapter 4, the men who were deeply rooted in, and committed to the council were generally settled prisoners with their affairs (domestically, legally, financially) in order, they had some life experience, the bulk of

[10] BAME: Black, Asian and Minority Ethnic.
[11] Crewe and Liebling's (2017) quadrant model combines an axis ranging from 'heavy' to 'light' and one from 'absent' to 'present'. These refer to 'moral' aspects of prison life: i.e. use of authority, how power is wielded, staff professionalism, and the quality of staff-prisoner relationships (see also Crewe et al 2014).
[12] Psychologically Informed Planned Environments.

their sentence (for the most part) was behind them, release was near but not too close, and overall, they had 'adapted' well to their environment. This is a paradox of deliberative democracy that was amplified in the prison setting. Whilst the intention is to flatten hierarchies, lessen elitism, 'counteract coercive power through inclusive and consequential reason-giving', and to redistribute power and equalise voice, choice, and opportunity, 'this same process creates power dynamics of its own' (Curato et al 2019: 173). In fragile, highly stratified, low legitimacy establishments which were already poor at delivering and distributing fair procedures, where racial discrimination and favouritism was perceived as rife, and where resources were scarce, the inequalities between 'the have and have nots' were unexpectedly increased, thus further concentrating capital and 'power' to a small group of individuals.[13] The risk with becoming a highly organised inclusive group is that it sharpens the 'pains' and increases the stakes for the 'out' group (Staples 2017: 179). This fuelled antagonism and friction between council members and other prisoners, as well as with officers (as discussed in Chapter 5). Somewhat ironically, this was most notable in Birmingham and Aylesbury, primarily because there were interested and invested staff members. In Maidstone, staff commitments to the council were much lower and the 'us vs them' divide was clearer. Here, prisoners generally felt uniformly disenfranchised and poorly treated by staff, especially when the population shifted to all foreign nationals. The 'in' group did not intend for, or endorse, this polarisation. Prisoners were more aware of this resultant effect because they felt the friction on the wings, whereas staff were less cognisant of it. From the 'out' group's perspective, the council was reinforcing structural, procedural, and distributive inequalities, thus distorting (and sacrificing) the preferences and needs of the majority to support those of an 'interested minority' through the control of the deliberative process (Tucker 2008: 127). In this respect, democracy was not democratised:

[13] MQPL scores for 'fairness' were low in Birmingham and Aylesbury (see Chapter 7 and Table 7.2, specifically). Mean scores for the item, 'In this prison things only happen for you if your face fits', were especially poor: 2.41 in Birmingham (2013; 52% of prisoners surveyed agreed or strongly agreed with this item) and 2.34 in Aylesbury (2014; 52% of prisoners also agreed). Whilst there is no available MQPL data for Maidstone during the fieldwork period, both groups of prisoners here regularly complained about discrimination, either because of their offence or their ethnicity. Foreign nationals, in particular, felt exceptionally aggrieved and discriminated against in part because of their 'foreignness' and skin colour, but also because of language difficulties. Many believed that they were bypassed for jobs or other placements because their English was not as advanced as their 'citizen' counterparts, even if the job did not require language skills. Compare this to HMP Warren Hill, a 'high legitimacy' prison: 'fairness' scored high at 3.49 and the item, 'In this prison things only happen for you if your face fits', was rated at 3.20 (less than 25% agreed with this) (see Liebling et al 2019).

> I thought the council was supposed to be about representing and supporting *everyone* in the prison … It looks just like typical politics now – all the wealth and power is at the top with the one percent. (Prisoner)

There is ongoing debate regarding the necessary (pre)conditions for deliberative democratic success and how redistributed power, resources, and voice can effectively operate within drastically unequal or stratified institutions or communities (e.g. Hooghe 1999; Pimbert 2001). But this is the fundamental tension within deliberative democracy that also gives it strength and revolutionary power (Fung 2005): the systems that have created and perpetuated inequality and marginalisation are the same systems that are to be transformed in order to promote more egalitarian, representative, and inclusive practices. Young (1990) highlights this circular dilemma within the debate:

> To suggest that the institutionalisation of participatory processes should wait upon the achievement of distributive justice ... is not only to postpone such democratisation into an indefinite utopian future, but to make the achievement of distributive justice equally unlikely. On the other hand, weakening relations of domination so that persons have greater institutionalised opportunity to participate in discussion about the making of decisions that affect them itself is a condition for achieving greater distributive fairness ... [E]qualisation and democratisation ... foster one another and should occur together to promote social justice (ibid: 94).

Like other reform processes in peacebuilding (Mac Ginty 2010), post-conflict democratisation (Mallet 2010), organisational change (Whiteley and Whiteley 2007; van der Haar and Hosking 2004), and social change (Wint 2002), the literature suggests that the most sustainable, legitimate, and embedded change comes from efforts that combine top-down/structural support and material resourcing with bottom-up will, ingenuity, and human capital. A current and growing body of evidence indicates that hybrid forms of governance and political order (via state and non-state actors) are critical for state (re)building and capacity development by highlighting the strength and resilience of alternative or reimagined sociopolitical formations (Boege et al 2009; Colona and Jaffe 2016).

There is, it should be acknowledged, another position to be considered, which comes from radical community activists and prison abolitionists alike who argue that 'reform' is not a suitable solution because such (political) institutions are not 'our' (of the people) institutions – they are capitalist structures that strengthen and extend systems of dispossession, oppression,

discrimination, and exclusion (Bond 2004: 3; Davis 2003; Sim 2009). Common ground can be found in the desire for increased social justice and equality (Ryan and Ward 2015: 108), and that transformative change *has* to start somewhere (Johnson 2008: 155). Although Howard Zinn was an unwavering prison abolitionist – he once wrote, 'prisons cannot be reformed any more than slavery can be reformed' (1974: 190) – he also believed that fundamental societal change comes from the people liberating institutions 'piece by piece from within' (2010[14]). Deliberative democracy, perhaps, is the needed catalyst at this intersection between radical-utopian and realistic change (see Fung (2005) on the 'revolutionary' nature of deliberative democracy in particularly unjust conditions). Liebling's (2015b) compelling work on 'failed state' prisons is also useful here because she approaches the subject appreciatively (in contrast to the 'preoccupation with failure') by identifying the 'kinds of conditions that support more legitimate and well-ordered regimes' (ibid: 263-264), like practices that promote and support recognition, humanity, help and assistance, and 'normative involvement' of prisoners in personal projects, activities, or the regime.[15] Legitimacy and organisational change will be further discussed in the next chapter.

Conclusion

This chapter has discussed the power and possibilities of dialogue and deliberative listening. 'Talking person to person' and bearing witness to others' experiences had the potential to transform individuals and relationships. Like Wright and Gehring's (2008a) prison classroom practice, work on and through the council created spheres of civility from 'ethical conversations', which led to 'confirmation of being' and other forms of recognition (ibid: 250). Those who worked closely together on the council reaped the benefits of 'shared knowledge' and cooperative engagement, and some community capital was built (Zeuli and Radel 2005: 47). This opened up new opportunities for prisoners to personally and professionally develop (from increased access to initiatives and training), and offered additional support networks of care and advocacy from staff (see Tait 2011: 444). However, there were some unintended and collateral consequences of this configuration. Instead of moving their respective prisons toward

[14] From his interview with Sasha Lilley, recorded shortly before his death (refer to *Theory and Practice: Conversations with Noam Chomsky and Howard Zinn*, PM Press DVD).

[15] Scores for the dimension 'humanity', like 'fairness', were low and under the neutral threshold of 3.00 (refer to Table 7.2 in the next chapter). The item, 'Some of the treatment I receive in this prison is degrading', was scored at 2.55 in Birmingham (2013; 47.3% of prisoners agreed or strongly agreed with this statement) and 2.76 in Aylesbury (2014; 42.7% agreed). In both prisons, this was the lowest scored item (out of eight) in the 'humanity' dimension.

a model of distributive justice that promoted equality and inclusivity, the councils, at times, produced an 'in' group effect that amplified perceptions of unfairness and illegitimacy for those in the 'out' group (i.e. the general population).

The councils at their best acted as a 'transformative project' (Ercan and Dryzek 2015: 244): participants felt heard, seen, and 'multidimensional', with some institutional practices, through the discursive process, becoming more 'humane' and *responsive* to prisoners' needs (Etzioni 1996). But councils at their worst could sharpen prison pains by further silencing, stifling, and disregarding individuals. In 'fragile' prisons where resources (time, staff, purposeful and meaningful activity) were already scarce, and order was precariously maintained, these additional or heightened slights generated a dangerous 'political charge' (Liebling 2015b; Sparks and Bottoms 1995; see also Chapter 7). Deliberation 'done right' had the capacity to be restorative, reparative, and as a source for 'reclaiming dignity' (Dzur and Wertheimer 2002; Stauffer 2015):

> You don't realise how powerful it is to be listened to until you're not … When it feels like you're shouting into a void and no one can hear you – that is despair. You feel so small and worthless. [*And what does it feel like to be listened to then?*] It confirms you're a person – someone can see me, hear me … It affirms you have a life and a story. (CP)

7. Legitimacy: Finding authentic 'free spaces'

> [This prison] is a very complex environment at present; overall confidence in the council is not high amongst wing staff and during my time I have had to listen to a lot of adverse comments from staff and also deal with some very adverse behaviour. Unfortunately, due to how I was consistently being treated by the gatehouse staff I had to, for the first time in any prison, put in a complaint ... This staff member was made to apologise for his behaviour, but this has only gone to totally alienate us [User Voice] from the majority of gate staff. Dirty looks and frosty receptions have become a norm. I have spoken with staff who are a little friendlier and it is very much the case that they do not like the fact that an ex-offender is working amongst them. (User Voice council facilitator, excerpt from his field diary)[1]

> What this project has taught us, is that prisons are especially morally dangerous places, that policy-makers and practitioners have made some alarming mistakes in their careless use of important ideas, and that as vulnerable human beings, we need to be in environments that acknowledge our dignity and permit our development. (Liebling 2004: 213)

The previous three chapters have emphasised the (inter)personal and relational dynamics related to the council. This chapter will shift perspective and examine institutional impact and the degree to which councils were perceived and experienced as legitimate. There were three primary ways in which this was assessed: in transparent, fair, and deliberative decision-making (the *means*); in the council's productivity and ability to effect change and 'humanise' practice (the *ends*); and, in creating space for dissent to be expressed, and for decisions and decision-makers to be challenged (the *ethos*). I consider prison climates and staff culture, and how they contribute to, or prevent, the ability of councils to produce lasting or meaningful institutional change. Finally, the chapter explores the council as a mechanism for prisoners to practice forms of 'productive resistance' in order to exercise some agency toward cultural change.

Deliberative democracy generates legitimacy from the process of collective and transparent decision-making (Cohen 1997a, 1997b), and the diffusion of power to enable all participants to have an 'equal say' (O'Flynn 2006: 45-51). Although User Voice's council was not designed

[1] I have chosen to keep this excerpt as anonymous as possible by not naming the prison.

as a deliberative democratic model – and thus there was no expectation that equality would be achieved or that decisions needed to be consensual – they nonetheless share several common aims: to be dialogic, to be inclusive, for the 'powerless' to have a voice, and for decision-making processes to be clear(er) and justified.[2] Both the council and deliberative democracy grow or lose legitimacy in similar ways. Throughout the dissertation I have highlighted several ways in which this occurred. Legitimacy was weakened, for example, when the council was perceived to be elitist, exclusionary, or serving their own interests, or management's, rather than the prison as a whole. For council participants, legitimation concerns were raised when the council felt tokenistic, manipulative, when senior leaders were unwilling to 'hear', or when staff did not take it seriously (see Chapter 6). For officers, the presence of a council was experienced as a 'threat' to their professional self-legitimacy, as it was seen to bypass and exclude them 'from the conversation' and 'everyday decision-making about [their] working conditions' (see Chapter 5). Council legitimacy, as Sparks and Bottoms note (1995: 49), was 'variously claimed, fought over, achieved, eroded and lost'. On the whole, Birmingham and Aylesbury were able to achieve and sustain some legitimacy at times (though always precariously) and more so than Maidstone, mainly because of commitment from senior leaders. Institutional and cultural change via participatory democracy required some 'readiness', openness, and a dedication to 'doing things differently'. At the time of fieldwork, this was not a priority for Maidstone. In their work on reconciliation in post-conflict communities, Bloomfield and colleagues (2003: 168) conclude:

> Good democratic politics – even the best politics – only work when relationships between the various actors are positive enough to permit basic trust, respect and cooperation. Bad relationships – those still built on distrust, suspicion, fear, accusation, even ignorance – will effectively and eventually destroy any political system based on respect for human rights and democratic structures.

Whilst prisons are built on distrust and suspicion (Hardin 2001: 511), they are also sites in which hope, care, cooperation, and innovation can take root (Wright 2004; Graham and White 2014). Some prisons, however, have more 'fertile soil' and enthusiastic 'gardeners' than others:

> That's what this is about – planting seeds. If we can get a few shoots to grow, that's what matters. Then maybe we'll get a few more and then a few more until the soil is

[2] It has been noted elsewhere in this thesis that User Voice views its council as a means for greater consultancy and as an advisory function, with no guarantees that the 'the prisoner's voice' would be incorporated into policy or practice.

> rich and fertile … You see my point though, right?! Change has to start somewhere and it will be small, but that's how we get things going – one seed at a time, one interaction at a time … You know, nobody ever thought we'd get to using first names, or go non-smoking, or even consult with prisoners! That was unheard of when I started [in the prison service]. (Senior manager)

Senior leaders were key in helping to grow legitimacy by how they interacted with the council, conducted themselves professionally, held staff to account, and in the tone they set for the wider prison: 'They look to us for messages – what matters, where do we focus our attention, what's the vision? … We hope that in time they'll adopt it too, if they haven't already' (senior manager). For prisoners, accountability was critical for legitimacy to be established. Because equal and active participation in decision-making toward consensus was not part of the council model (in contrast to deliberative democracy), accountability – through *answerability* and *enforcement* (Schedler 1999) – was needed to bridge this gap. In practice, this related to accountability in senior management decision-making (is the decision reasonable? justifiable? has it been explained?), follow-through and fulfilment (are staff completing tasks?), and acknowledgement of 'wrongdoing' in everyday dealings (for example, when a 'bad' officer was 'terrorising' prisoners, or when new programming was to be introduced but was not – 'promises are made, but not kept') or higher level 'state inhumanity':

> I know he [the Governor] can't change national policy or who's in government, but he could at least just say, 'listen, I know these policies are harsh and hurting a lot of people – I'm sorry'. Anything like that. Just some kind of recognition that there are harms being committed here and he is part of that structure. (CP)

> I do a lot of apologising and really then try to follow it up with, 'now, how can we make this a little better?' … I've had to do this with staff as well. I think just recognising and acknowledging that this is a very difficult, challenging time to be working in prisons is important … With the lads, especially on the council, I want them to know I am paying attention – I know how frustrating it is when someone doesn't do what they've been asked, when they've not followed through. When I say 'I'm sorry' to them, I think they take that to heart because they know I mean it. (Governor)

Prisoners were assessing (and experiencing) legitimacy at both the 'exterior' level (systemically/structurally, from national policies and directives) and the 'interior' level (locally/institutionally, within the regime; Sparks 1994: 17; see also Olsen 2015). Embedded

within their perceptions of accountability as a source of legitimacy were degrees of 'trust in justice' and justice players. Jackson et al (2011) argue that citizen trust in criminal justice institutions and actors is 'won' or built by:

> acting effectively and fairly, by taking the interests of citizens into account, and by communicating and engaging with citizens … trust is subject to revision through experience, whether direct, vicarious or mediated. Dynamic and situational, it can be enhanced or undermined by events or long-term processes (ibid: 270).

Council participants described 'little bits of trust' being grown through relationships ('he's [a staff member] not let me down yet – if he says he's going to do it I have faith that he will') and demonstrative gestures by senior leaders. For instance, when staff would hold each other to account in front of the men, it communicated 'seriousness and a commitment' 'to the cause'. When staff followed through with tasks and responsibilities on time, council members felt that 'accountability was going both ways', which signalled respect:

> We're [council participants] expected to do our part. We come prepared, we've done our homework. When they [staff] do the same, that shows that we're all working to the same goal and we're doing it together … That says to me, I respect you and your time and you're doing the same for me. (CP)

Accountability and legitimacy were generally more achievable at the (everyday) local/regime level because it was built through 'people to people looking each other in the eye'. However, local legitimacy could be undermined or eroded by national illegitimacy, or it could also be, to varying extents, protected from it.

Governors in Birmingham and Aylesbury, for example, attempted to insulate their prisons from the 'destructive directives' coming from policymakers at the systemic/structural level.[3] When the revised IEP strategy was rolling out, senior leaders in these two prisons distributed information about the changes months in advance, held Q&A sessions with prisoners to prepare them and make them aware of how these new policies were going to impact everyday life, as well as the implications for sentence planning and progression. These prisons slowly introduced the changes so that prisoners and staff could adjust. Managers did their best to positively influence what they could within the prison, in an effort to mitigate the 'harshness' of some of the policies ('we've developed some creative workarounds'). This included introducing more family days, involving partners and children in education and qualification

[3] Quote from a senior manager.

graduation ceremonies, creating various opportunities through peer-led work, new initiatives in the gym to broaden its reach and cater to the diverse population (a running group was started, yoga and tai chi were taught, senior sessions were introduced, and new athletic training certifications came in). In Aylesbury, staff expanded the prison's café for the teaching of culinary and service industry skills (like accepting and counting money, record keeping, customer service), and an enthusiastic staff member planted a garden and started bee colonies. The local, to some extent, was able to shield against the national.[4] But in Maidstone, illegitimacy was compounded at both levels (discussed further below).

When the council worked well, when respectful and fruitful dialogue flowed, this was due to the 'free spaces' created by those engaged with council activities. Evans and Boyte (1992) contend that democratic free spaces are communal and open: people are able to 'learn a new self-respect, a deeper and more assertive group identity, public skills, and values of cooperation and civic virtue … [they are] settings between private lives and large-scale institutions' (ibid: ix). They ask:

> What are the environments, the public spaces, in which ordinary people become participants in the complex, ambiguous, engaging conversation about democracy: participators in governance rather than spectators or complainers, victims or accomplices? (ibid: viii).

Such spaces are analogous to Goffman's (1961: 230-231) 'free places', in that they are 'backstage to the usual performance' and 'pervaded by a feeling of relaxation and self-determination, in marked contrast to the sense of uneasiness prevailing' elsewhere in the establishment. Free spaces were found within the council itself, though not necessarily as distinct or defined spatial arenas; rather, in the dialogic relationship and 'freedom' to exercise some 'civic agency'. The boardroom, which held great symbolic power for prisoners and staff, was often identified as a tangible free space, though it also came to 'represent' the broader importance of 'powerful talk', 'important work', and 'seeing' others 'eye-to-eye':

> It's a serious and important place – decisions get made there that impact the whole prison … But it also … represents something else – we're all at the table together. We're sat in the same chairs, at the same table. I can pour myself a glass of water if I want – in a real glass! … That's powerful. (CP)

[4] Though staff shortages (and the beginnings of Spice, other new psychoactive substances, and additional collateral consequences from austerity measures) were too severe to mitigate the damage done.

> The boardroom is a place of respect … everyone changes slightly once they cross that threshold … When the council meets [there] it's intentional that there's nothing separating 'us and them' – we're all in our 'normal' clothes, the men don't have to wear bibs [like in visits], there's no 'off limits' chairs … We come together as a group. (Staff member)
>
> It is a place of seriousness, but it's also a place about people coming together … The [boardroom] table is a symbol, isn't it? We're all sat at it together, able to see everyone else, look into each other's eyes when we discuss or debate. There's no hiding behind paperwork or a computer … In there we're no longer a file. (CP)

'Facing each other' and 'seeing' one another 'person to person' was at the core of the council. Getting things done, and maintaining accountability, could only be achieved through relational dynamics. Democratic and authentic free spaces, then, came to mean a coming together, where transparency and accountability worked in tandem to generate legitimacy (Boudreau 2007). As one Governor remarked:

> It's an exchange, isn't it? I know that engaging prisoners is the right thing to do and I know that it's critical for order ... We push each other to make this place better ... I've had debates with these lads about accountability, and legitimacy, and all that – they get it, they really do, but this is a different kind of world for them … I don't think they could have ever imagined sitting at a boardroom table with a Governor having a debate, a real head-to-head about prison issues ... They get a sparkle in their eye – they come to life. (Governor)

When the council struggled or was subverted though, these same 'spaces' became contentious and divided. In Maidstone, council meetings in the boardroom often looked like a standoff – prisoners sat on one side of the table with staff on the other, with little mingling, few pleasantries, and without the openness found in other prisons. Though all three prisons were having to manage and navigate national policy, these dialogues looked very different in Maidstone. In Birmingham, for instance, when prisoners sought clarification on eligibility for 'enhanced' IEP status, senior managers took the time to read through the new specifications with council participants and then 'translate' them – together and out loud – into practice: e.g., What do we mean and expect from 'active participation'? What kind of criteria would that entail? How can we create more opportunities for people to participate in the community? In Maidstone, responses from management regarding similar concerns were often brief and

tautological: 'policy is policy', 'those are the rules – now we've all got to follow them', or 'that's just the way it is'. Instead of a dialogue between invested and interested parties, top-down encounters within this council were often reduced to 'monologic displays' which lacked a spirit of mutual trust and presented a 'defensive attitude of self-justification' (Johannesen et al 2008: 57; see also Chapter 6). These issues, and differences in orientation, will be discussed further throughout this chapter.

Means, ends, and 'throughput'

Democratic legitimacy is often assessed through two criteria: *input* participation (*by* and *of* the people) and *output* effectiveness (*for* the people) (Bekkers and Edwards 2007). But as Vivien Schmidt's (2013c) work illustrates, there is a third area in which legitimacy can be grown or disrupted: the 'throughput' (*with* the people). This, she argues, 'consists of governance processes with the people, analysed in terms of their efficacy, accountability, transparency, inclusiveness and openness to interest consultation' (ibid: 2-3). Performance and participation-oriented legitimacy are enhanced further by process-oriented throughput (ibid: 5). Deliberative democracy manages to combine the three: means, ends, *and* throughput.

When a council was first introduced and in its developmental phase, prisoners were often motivated by, and placed value on, the *ends* – i.e. how can we improve practice and quality of life? As the council became embedded and deliberation commenced, participants *felt* the value of talk, interaction, and were able to witness decision-making processes. This made 'the prison machine somewhat more understandable':

> When someone looks you in the eye and tells you exactly why something can't be done, it makes a difference – that's person to person. It's reasonable. I get it … With government things it's always at a distance, like you get a letter that denies you of something and rarely do you get an explanation … This is up close. (CP)

Being 'up close' exposed the 'machine's inner workings' (see Dzur 2012: 41-61). Council participants were able to ask questions, often get answers, and an understanding of why decisions were made. For those within the council, especially at Birmingham and Aylesbury, the process of 'understanding' was a key legitimising feature:

> Just being able to ask questions and get an answer, an explanation from a person – that can change your whole day, your whole outlook … Trying to get answers in this place [prison generally] is like when you have to call Virgin [cable company], or whatever,

> and you're trying to navigate the automated system and then you're on hold forever and then you finally get someone but then they have to transfer you. (CP)
>
> There was A LOT of confusion around D cat – who can get it, what's the criteria, would you need to transfer [prisons] – and a lot of misinformation flowing. It was riling people up, especially when they saw someone get it who didn't 'fit' what people thought the eligibility was … so [the Governor] organised an informational session with the people who make these decisions so that we could go straight to the source to get accurate information … We then turned that into posters for the wings so everyone could have access to it.[5] (CP)

From within the council, participants were in close proximity to decision-makers and decision-making processes. This made adverse decisions or policies more 'digestible' and 'acceptable' because the men had access to inside knowledge and processes (Tyler 1990). This, however, did not radiate further into the prison, which meant that the general population usually felt disgruntled toward the policy changes without the 'backstage' understanding. As one council participant explained:

> We've had the chance to comb through the new policies and really understand what this is going to mean in practice. It's not that we like them or think they're fair – honestly, they're horrendous – but having the #1 [Governor] go through it, explain it, makes it somehow more okay … I guess because we know he's going to do his best to make it less harmful in reality. But the rest of these guys [general prisoner population] haven't had that same conversation with him, and if I try to explain it, it just doesn't carry the same weight, you know? (CP)

In both Aylesbury and Birmingham, a newsletter was created as a means for communication to flow better with wider dissemination. They contained various content – some jokes, recipes, poems, drawings, council activities and successes, a section for staff contributions, and a column for the Governor to share information or provide updates on new or changing initiatives. These small but significant attempts to engage with the community, keep people informed, and share the direct-action initiatives coming out of the council ('you said, we did') helped to expose the council and its work to a greater number of prisoners.

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[5] 'D cat' refers to being categorised to a lower security level that would enable fewer restrictions, less supervision, and more temporary leave within the community.

There were two interrelated qualities around staff engagement that council participants judged legitimacy by. These were how seriously the council was taken by staff and that it was *not just* an effort to 'please' (or appease) prisoners (Sparks and Bottoms 1995: 58-59). Participants strongly desired, and pushed for, collaboration. Most did not want a '*prisoner's* council', nor did they want to 'just be given things'. Rather, they sought joint cooperation:

> A *prisoner's* council is just a list of demands, really. You [the council] come up with all the ideas and then present them to the SMT [senior managers]. It's a yes or no. That's not very appealing or satisfying … I liked the idea of a *prison* council – that's about teamwork, engaging with different groups of people, talking to one another and solving problems together. That's what makes it rewarding. (CP)

> I've been on prisoner councils before. No one takes it very seriously; it's more like a little distraction for prisoners to keep busy with. It's not really seen as legit – it's 'busy work', yeah? … But when staff are equally involved, then it's a project, it's real, and real change can come from that. That's why I joined this council. (CP)

Thus, prisoners perceived the council to be less legitimate if staff were not 'genuinely involved'. If staff were involved and engaged, then that meant they were taking it seriously. The more engagement and cooperation there was, the more productive a council could be and perceived legitimacy could grow. In some ways, collaborative staff-prisoner work was the council's equivalent to deliberative democracy's consensus-making, in that 'togetherness' affirmed commitment and increased feelings of meaningful inclusivity (Hodgson and Reynolds 2005).

As noted earlier (see Chapter 3), several additional questions about the prison council were added to the staff (SQL) and prisoner (MQPL) quality of prison life surveys at Birmingham (2013) and Aylesbury in 2013 (I) and 2014 (II).[6] The results are presented below in Table 7.1. The surveys were completed by randomly selected prisoners from the general population and any willing staff member, uniformed or non-uniformed. There were high percentages of 'neither agree nor disagree' responses, which suggests respondents did not have strong opinions, or they were too unfamiliar with the council to select a different response. Prisoners in Aylesbury were more sceptical about the council than the men in Birmingham (which was also observed qualitatively). For the item, 'the work of the User Voice council benefits the

[6] Neither the prison service (NOMS/HMPPS) nor the Cambridge Prisons Research Centre team carried out an MQPL+ at Maidstone immediately before, during, or after the fieldwork period. Therefore, comparable data is not available for this prison.

whole prison', fewer than 30 percent of Aylesbury prisoners agreed or strongly agreed (though perceptions improved somewhat in the second year), compared to 45 percent at Birmingham.

Table 7.1: Prisoners and staff responses to User Voice questions at Birmingham and Aylesbury[7]

Item			% Strongly Agree/ Agree	% Neither Agree/ Disagree	% Strongly Disagree/ Disagree
The work of the User Voice council benefits the whole prison.	Prisoners	Birmingham	45.7	37.1	17.1
		Aylesbury (I)	21.0	58.0	21.0
		Aylesbury (II)	28.8	57.7	13.5
	Staff	Birmingham	40.7	31.5	27.8
		Aylesbury (I)	41.7	39.3	19.1
		Aylesbury (II)	31.8	50.4	17.7
The User Voice prison council strengthens staff-prisoner relationships.	Prisoners	Birmingham	30.7	45.7	23.6
		Aylesbury (I)	18.0	55.0	27.0
		Aylesbury (II)	21.4	68.8	9.8
	Staff	Birmingham	36.7	37.6	25.7
		Aylesbury (I)	36.1	46.5	17.5
		Aylesbury (II)	39.3	41.1	19.6
I am aware of User Voice prison council activities (proposals, outcomes, implementations).	Prisoners	Birmingham	44.0	27.7	28.4
		Aylesbury (I)	30.4	37.3	32.4
		Aylesbury (II)	28.6	50.8	20.6
	Staff	Birmingham	57.3	22.7	20.0
		Aylesbury (I)	33.3	28.9	37.8
		Aylesbury (II)	27.1	35.5	37.4
The User Voice prison council is just about pleasing prisoners.	Prisoners	Birmingham	22.7	45.4	31.9
		Aylesbury (I)	24.5	57.1	18.4
		Aylesbury (II)	18.7	67.0	14.3
	Staff	Birmingham	37.6	34.9	27.5
		Aylesbury (I)	21.8	39.1	39.1
		Aylesbury (II)	23.4	44.9	31.7
The User Voice prison council is taken seriously by staff.	Prisoners	Birmingham	27.5	45.1	27.5
		Aylesbury (I)	16.2	48.5	35.4
		Aylesbury (II)	13.4	61.6	25.0
The User Voice prison council gives too much power to prisoners.	Staff	Birmingham	45.0	25.7	29.4
		Aylesbury (I)	18.3	42.5	39.0
		Aylesbury (II)	14.0	56.1	29.9

Likewise, fewer than 22 percent of prisoners in Aylesbury agreed that 'the prison council strengthens staff-prisoner relationships', whereas over 30 percent of staff and prisoners at

[7] The survey sample at Birmingham (2013) was: MQPL N=164, SQL N=131. At Aylesbury: MQPL N=128 (2013) and N=113 (2014), and SQL N=90 (2013) and N=111 (2014). Items were rated on a 5-point Likert scale (strongly agree, agree, neither agree or disagree, disagree, strongly disagree). This table presents the combined percent of respondents who answered strongly agree and agree, and strongly disagree and disagree. The two data collection periods at Aylesbury appear in the table as Aylesbury 2013 (I) and 2014 (II).

Birmingham did. Fewer than 16 percent of prisoners in Aylesbury agreed that 'the council is taken seriously by staff', compared to nearly 30 percent of prisoners in Birmingham. Prisoners and staff at Birmingham were more informed and aware of council activities (44 and 57 percent, respectively) than staff and prisoners at Aylesbury (roughly 30 percent). Although 40 percent of staff at Birmingham believed that the council benefitted the whole prison and nearly 40 percent agreed that it strengthened relationships, they also held some negative or cynical views and more so than staff at Aylesbury. Nearly 40 percent of Birmingham staff (compared to less than 25 percent at Aylesbury) agreed that 'the prison council is just about pleasing prisoners', and 45 percent of Birmingham staff agreed that the 'council gives too much power to prisoners', compared to fewer than 20 percent at Aylesbury. As noted in Chapter 5, staff in Birmingham were the most openly obstructive and hostile to the council and to User Voice employees than the other two prisons. It could be that staff here viewed the council as more of a 'threat' because of the level of commitment it had from council participants and senior managers. Curiously, Birmingham was the only council in the study to (eventually) have discipline staff actively engage with proposal ideas and development. This is discussed further below.

Institutional reflexivity

Participatory governance is a model where maximum input (participation, deliberation, action) is required and where output includes not just policies (decisions, implementation), but also the growth and development of the social and political capacities of individuals. This creates 'feedback loops' from output to input (Pateman 1970: 43) with the ability to generate a revised, co-constructed world from joint individual and institutional reflexivity (Sparti 2001). It is apparent that the council had a significant and generally positive impact on individuals and the relational dynamics between those who worked closely together on it. That closed and 'internal' loop often worked well, producing personal and localised change. The council's aim to facilitate a dialogue between prisoners and prison managers was largely accomplished in Birmingham and Aylesbury. The institutional impact of the council, however, is less clear. There were two principal impediments that prevented or hindered widespread change. These were shifting national policies, that have been discussed throughout the dissertation, and the role of uniformed staff, who were generally excluded from council participation and activities. In Amitai Etzioni's (1975: 103-120) work on institutional reform, he describes how competing goals (i.e. future states of affairs to which the organisation is oriented) limit the ability for

change to be implemented, adopted, and sustained. He identifies three major types of goals, all of which were at play during the time of fieldwork. *Economic* goals, he argues, have a *utilitarian* compliance structure. This was reflected in the national agenda that focused on economic rationality and the tethering of austerity to punishment (Hayes 2017; see also Sparks 1996). *Culture* goals, which is what council members (and the senior leaders in Birmingham and Aylesbury) were working toward, are driven by a *normative* compliance structure. Lastly, *order* goals tend to have a *coercive* compliance structure. Discipline staff in each of the prisons was striving for and prioritising some semblance of order and control (in rapidly changing and 'uncontrollable', chaotic environments). Officers' concentration on the 'now' ('end the day without anyone getting hurt – that's my priority') and 'surviving the shift' disrupted feedback loops for longer-term cultural change; rather, 'loops' that 'worked in the past' ('grounded in experience') were reproduced to maintain a sense of immediate security (Liebling et al 2011: 185-186). Participatory engagement necessitates a threshold of involvement from all relevant stakeholders and a commitment to a process whereby everyone expects 'to learn something of the worldview of the other' in order to 'address structural issues that constrain them' and collectively 'strive to create some better outcome' (Bebbington et al 2007: 364). The prisons in this study were struggling to 'stay afloat'. Delivering 'the basics' and a consistent regime were a daily challenge. 'Imagining' revised institutional practices that would permit 'slow' deliberation and deep relational engagement was perceived as 'impossible' and 'unrealistic' (and for some staff, undesirable).

The goal to 'humanise' institutional practices was achieved on a limited scale, but the council was not successful in generating a widespread and sustained cultural shift. It is quite unreasonable to think that a small group of enthusiastic prisoners and staff could radically reform challenging establishments, though there was serious transformation within the council sphere itself. There were a number of council 'outputs' that substantially contributed to the betterment of the prison environment and to the quality of life of those living and working within them. In Aylesbury, for example, greater attention was paid to 'special' groups of prisoners who had previously been overlooked. At the time, roughly 10 percent of prisoners were fathers, but the prison had not acknowledged or recognised this. As one staff member remarked, 'I think we just never really thought about them as fathers – they're just boys themselves. That's why we've never had provisions to meet that need'. 'Father's Days' were established so that twice a year dads could interact with their children for several hours in a range of indoor and outdoor activities. Storybook Dads was brought in, which enabled fathers

(and older brothers) to produce a DVD recording of themselves reading books aloud to be shared with their families. More family days were also introduced, and the definition of 'family' was broadened (beyond immediate family). This allowed more men to participate because members of their family not typically eligible for family events in other prisons were now eligible (like aunts, uncles, grandparents, and younger siblings). It was only after several of these events took place that staff 'connected the dots' about the 'obvious importance' of providing opportunities for the men to 'see themselves as fathers and for us to see them as fathers, not just 'bad lads' or offenders' (staff member). Not only did Father's Days and other family days help the men to maintain ties to important support networks, they also acted as an avenue in which new (or revised) 'redemptive narratives' of their selves and their capabilities could be created (see Maruna 2001). In retrospect, one staff member commented:

> It's actually kind of shocking that we didn't provide these kinds of activities before … We know how critical these connections are to desistance – you know, family connections, but also the positive identity stuff … I guess we just didn't, I don't know. I guess it was a real blind spot. (Staff member)

'Lifer Days' were started, as well as a lifer group, and a peer support position was developed so that life sentenced prisoners were greeted by another life sentenced prisoner upon entrance into the prison ('it offers a little comfort, doesn't it – knowing you're not the only one'). This kind of peer work created a free space of sorts as well, as these young men facing 'unimaginable' sentences (and futures) were able to 'counsel' and 'console' one another (see Jang et al 2020). In addition, an informational section on life/ISP sentences was incorporated into the prison's induction booklet to help prisoners understand their sentences, their rights, progression, and relevant terminology.[8] 'E-mail a prisoner' was brought in, the exercise yards were spruced up with new equipment and seating installed, and designated smoking sections were created. These were just a few of the council's successes. Equally, however, there were dozens of proposals that were 'shelved' or stalled due to new restrictions from national policy or because of incompatibility with the revised core day regime schedules and limited staffing. Many of these proposals were geared toward improving staff-prisoner relationships but had to be curtailed because there was often not enough staff to run a normal or full regime. These included initiatives like staff-prisoner 'fun days' (e.g. playing football or volleyball together,

[8] Unlike a prisoner with a determinate sentence who must be released at the end of their sentence, those sentenced to life imprisonment or Imprisonment for Public Protection (IPP), collectively called indeterminate sentenced prisoner(s) (ISP), have no automatic right to be released.

or competing in obstacle course races), inter-wing competitions, and a mentoring scheme for struggling prisoners. Likewise, national directives prevented a 'local' pay review, a review of canteen prices (these were mandated centrally), and the management of property (possessing and wearing one's own clothing and the amount of property one could have in their cell, for instance). For Aylesbury, the council's successful outputs were primarily centred around *prisoner* issues with the whole-prison and cultural-change efforts being limited or restricted, due to external forces and politics.

In Birmingham, institutional impact from the council was more palpable, as a greater number of staff were involved with its proceedings and activities. But initially, the reception of the council was much frostier than it was at Aylesbury. One User Voice employee wrote that the council was 'rocking the boat on already very rocky waters'. User Voice facilitators spent many months 'working exceptionally hard' to engage with staff (as well as with 'a lot of apathetic prisoners'), build rapport, and to grow some trust. User Voice employees started a blog in the first year of implementation so that staff would get weekly updates on the council. This 'lessened opposition considerably' as staff began to see the council as 'helpful' rather than as a 'threat'. The blog and continuous communication between User Voice and the staffing group also shined a light on how the council 'picked up some of the slack' left by gaps in staffing shortages (like training other prisoners and managing many of the reception and induction processes). User Voice and council participants noticed the difference in attitudes from staff once the council entered its second year of operation. Officers and non-uniformed staff began to approach the council to have them put forth proposals, or to discuss prison issues more broadly. They started to present proposals of their own (this would have been 'unthinkable' months earlier), which included the idea to have council members help to train new staff. Whilst this did not fully develop into practice, some related interactions did occur. Council participants, for example, were invited (by staff) to address new staff graduates and their families at a welcoming and celebratory ceremony in the prison. The aim was to communicate the importance and positive role of good staff, as well as the complexity of the job. Some officers (some of whom had, historically, been very cynical), were moved by the 'toasts' given by council members and pleased that their families could get a better 'glimpse into the work' they did:

> I wish this kind of presentation was done when I graduated [from the training college]. To hear the men talk about how good officers, a positive interaction, can change their

> lives, that's really important to hear … I would have liked my children to know that I do this kind of work too, not just all the bad stuff they think I do. (Officer)

Although I was somewhat sceptical about the prison 'using' the men to 'put on a presentation' for the benefit of staff, council members enjoyed this opportunity[9]:

> I was honoured to make a speech. It made me feel trusted, to do a good job and say something interesting, but also that I could be trusted around their loved ones … I only said what I truly felt. There are some officers here that have made a massive impact on my life for the better … Maybe this will help the new ones [officers] to think about their impact on prisoners' lives. That seems like a win-win. (CP)

There was a wider cultural shift happening in Birmingham that was not present in Aylesbury.[10] User Voice was but one initiative within a suite of other efforts to improve staff-prisoner relationships, increase accountability, and move this 'archaic and barbaric' prison toward a progressive regime. Many members of the senior management team in Birmingham attended the monthly council meetings (as compared to a handful in Aylesbury) as well as several others in various departments. The Governor here took a hands-on approach and was 'tough' on staff and prisoners if tasks were not followed through with or if someone 'dropped the ball'. This was not well received at first, as staff found it 'humiliating' to be 'dressed down in front of prisoners'. But because this was equally distributed – 'everyone is accountable, and everyone has to play their part' (Governor) – it was eventually viewed by most as a necessary means 'to keep things moving in the right direction – it takes constant vigilance' (staff member). The Governor's mission was focused on staff-prisoner relationships, which was communicated across the prison: 'Relationships are at the heart of everything we do – good and bad. If we can get them right, I think we can transform the place'. He believed that 'building good relationships and a positive culture within the prison has long-term and short-term gains …

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9 I was uneasy about such a ceremony because it reminded me of the forced prisoner 'performances' I have observed in other places and prisons (e.g. Jefferson and Schmidt 2019: 162).

10 Discipline staff attitudes toward senior management were also shifting. In Aylesbury, 'attitudes towards the Governor' significantly declined from 2012-2014 – 3.46, 3.19, 2.93 ($p<0.05$) as did 'attitudes towards the SMT', though to a lesser extent (these scores were already quite low to begin with) – 2.59, 2.57, 2.36. In Birmingham, 'attitudes towards the Governor' was rated 3.03 in 2011, dropped to 2.79 in 2012, then increased to 3.24 in 2013. 'Attitudes towards the SMT' exhibited a similar pattern – 2.43, 2.35, 2.84 – though the mean score in 2013 was notably higher than in Aylesbury. Taken together this shows growing trust or distrust amongst officers, which had an impact on staff receptivity to new ideas and initiatives coming from senior leaders. All dimensions (and items) are scored positively from 1.00-5.00, with a neutral threshold of 3.00. Scores above 3.00 indicate positive practice or areas that are working well. Scores below 3.00 highlight areas for improvement. A score close to 2.00 is worryingly low. Refer to Chapter 3 for a more detailed description of MQPL analyses.

The benefit of the council is in a way of culture, a way of thinking, a way of being' that would lead to longer-term goals. He made his commitment clear to both staff and prisoners, 'in word and action':

> I have tried hard to ensure that we listen to the views of prisoners and make changes where we can. I also try to explain why certain things cannot be done, and look for alternative [solutions] where possible … From a starting point of little buy-in from many quarters, the council has established itself as an integral part of the working of the prison, and is seen as being able to provide a forum to debate, consider and implement change (Governor, User Voice Annual Council Report 2013: 3).

Like in Aylesbury, Birmingham's council had many successful outputs.[11] These included the introduction of a hot brunch on Sunday (for staff and prisoners), replacement of bibs to be worn on visits (the new ones – which were sashes – were sleeker and less 'degrading'), improvements to the induction process (with an informational video), special 'themed' meals served on Saturday nights (as a way to break up the weekend and to showcase different international foods that corresponded to groups within the prison), new gym equipment was purchased with the year-end fund (there was a majority vote on this action), monthly staff-prisoner football matches started, and new peer work was created. One of the first proposals to be put forth by a member of staff was about D cat prisoners and their quality of life. The proposal suggested that this small group of prisoners have the option of moving to the social care unit within the prison, which had a more relaxed, free flowing, and laid-back regime. This would act as a reward and enhancement and allow these lower categorised prisoners a little more 'quiet and freedom'.

Compared to Aylesbury, staff in Birmingham (uniformed and non-uniformed, and of varying grades and roles) became much more involved with, and aware of, council activities over time. One of the strategies adopted by senior leaders, in partnership with User Voice, was to continuously track and 'broadcast' (via e-mails, through the prison newsletter, on the wing kiosks, and in notices at the gate) outcomes and successes that were not only beneficial to prisoners, but also to staff and the institution as a whole. This clever (and simple) effort fused together positive performance and feedback, which heightened perceptions of council legitimacy for both staff and prisoners (the beginnings of Gilley's (2009) 'virtuous cycle of legitimation'). One example of this was in the reporting of decreases in violence. From the year

[11] Also like in Aylesbury, the Birmingham council had a number of proposals or ideas stalled due to newly imposed national restrictions.

before the council was introduced to one year into implementation (2011-2013), total assaults on staff fell by 22 percent, other assaults on staff (actual bodily harm and other) fell by 26 percent, there was a 43 percent decrease in the use of force, and a 25 percent reduction in serious prisoner-prisoner assaults.[12] Reporting these decreases served a psychological purpose for staff, as it made them *feel* safer even if their immediate circumstances were not overtly 'safer' (e.g. staffing numbers and resources remained fairly consistent (up until 2014), nor did the prison's population radically change). There was 'reassurance from the numbers' that staff were 'in control' and (re)gaining confidence in their authority.[13] This was a positively reinforcing loop that *implied* the council was bringing about real and important change, including increased safety, which was making staff feel more confident in their professional practice, thus contributing to enhanced professional competence and better use of authority (Steiner and Wooldredge 2017: 340-343).[14] 'Green shoots' indicating cultural change at Birmingham were evident in some notable patterns in the data, which showed opposite trajectories to Aylesbury. The SQL dimension 'safety, control, and security', for instance, went in a statistically significant downward direction for discipline staff in Aylesbury, from 2.57 in 2012, to 2.32 in 2013, and 2.04 in 2014 ($p<0.01$). Birmingham's starting mean score was the same at 2.57 in 2011, it dropped to 2.00 in 2012, and then rose to 2.84 in 2013.[15] The results for the statement 'I feel safe in my working environment' were telling: fewer than five percent of discipline staff in Aylesbury (2014) agreed with this item (which was rated at 1.48) whereas nearly 60 percent of staff in Birmingham (2013) agreed (this was the first time in the three-year study that this item scored above the neutral threshold at 3.32). Alison Liebling and colleagues have written extensively on how staff perceptions of safety can significantly impact orientations to their work, to prisoners, their openness to new initiatives or change, and attitudes towards managers (i.e. how well they feel supported or 'backed up' by senior leaders; see, e.g., Liebling 2007).[16] This may account for the differences in how well the council was

[12] These statistics were reported and reviewed at several council meetings and appeared in the Birmingham council's annual report (2013: 8). Whilst these are compelling numbers, and they certainly mark a sea change within the prison, it is not clear how far these improvements can be directly attributed to the council and its work.
[13] See Liebling et al (2015) for a fuller description of the loss of professional confidence amongst Birmingham staff following the transfer of the prison from the public to private sector in 2011, and the reductions in staffing levels and pay that followed later.
[14] This is not to suggest that the workforce, or prison practice more generally, were dramatically reformed in Birmingham. As the next section details, many aspects of the prison were improved, but Birmingham remained at the poor end of a quality continuum.
[15] The full findings from Birmingham's three-year MQPL+ study can be found in Liebling et al (2014, 2015).
[16] See also, for example: Liebling (2011); Liebling et al (2011); Liebling et al (2005); and Crewe, Liebling and Hulley (2011).

embedded, adopted, and employed, and its ability to shape the prison's culture and practices in the long-term.

Comparing MQPL and SQL scores at Birmingham and Aylesbury show other noteworthy trends and distinctions in their attempts to 'rehabilitate' their respective establishments.[17] Table 7.2 (below) presents key MQPL dimension mean scores for these two prisons.

Table 7.2: Key MQPL dimension means with discipline staff 'traditional culture' and 'punitiveness'[18]

	HMP Birmingham			HMYOI Aylesbury		
MQPL Dimension	2011 *N=111*	2012 *N=142*	2013 *N=164*	2012 *N=125*	2013 *N=128*	2014 *N=113*
Staff-prisoner relationships	2.91	3.07	3.11(+) ŧ	2.85	2.80	2.90
Humanity	2.76	2.90	2.97(+) *	2.87	2.75	2.85
Help and assistance	2.85	2.92	2.95(+)	3.06	2.96	3.06
Staff professionalism	3.14	3.20	3.13	2.93	2.82	2.93
Bureaucratic legitimacy	2.59	2.62	2.57	2.43	2.45	2.43
Fairness	2.60	2.70	2.77(+) ŧ	2.51	2.43	2.46
Organisation and consistency	2.46	2.49	2.61(+)	2.32	2.20	2.34
Personal development	2.68	2.73	2.77(+)	2.79	2.69	2.73
Wellbeing	2.56	2.56	2.63	2.54	2.51	2.53
Discipline staff	*n=82*	*n=66*	*n=71*	*n=43*	*n=39*	*n=27*
Traditional culture	2.61	2.19	2.69	2.62	2.53	2.29(-) ŧ
Punitiveness	2.59	2.49	2.62	2.84	2.79	2.74(-)

These dimensions were identified by council participants as those that 'mattered most' to them and reflected the issues that their parties were aiming to improve (like fairness, opportunities for personal development, and staff-prisoner relationships). These dimensions have also been empirically linked to levels of prison order and perceptions of legitimacy (Liebling with Arnold 2004; Crewe and Liebling 2017; Liebling 2015b). At the start of each of their three-year MQPL+ studies, prisoner dimension mean scores were similar and low – few dimensions scored over the neutral threshold of 3.00.[19] This suggests that the prisons were unable to deliver 'the basics' (there was a lack of 'organisation and consistency' in regime delivery, which was

[17] The prison service (then NOMS, now HMPPS) did not carry out an MQPL at Maidstone during the time of fieldwork, or immediately before or after. Thus, no comparable data is available for this prison.

[18] The following notation is used to indicate statistical significance: ŧ < 0.1; * < 0.05; and ** < 0.01. Basic linear trends are highlighted with (+) to indicate upward improvement or (-) to indicate downward decreases.

[19] See also Chapter 3, which details the MQPL process and data analysis. All dimensions (and items) are scored positively from 1.00-5.00, with a neutral threshold of 3.00. Scores above 3.00 indicate positive practice or areas that are working well. Scores below 3.00 highlight areas for improvement. A score close to 2.00 is worrying.

rated poorly at 2.46 in Birmingham and 2.32 in Aylesbury). Prisoner 'wellbeing' and 'personal development' both scored well under 3.00 at both prisons. Over the three years, Aylesbury did not see significant change. Many scores dipped at year two (2013) and then improved slightly in 2014. There were no statistically significant linear trends at Aylesbury, whilst there were three at Birmingham: in 'staff-prisoner relationships' (from 2.91 to 3.11, $p<0.1$); 'fairness' (2.60 to 2.77, $p<0.1$); and 'humanity', which nearly reached the 'neutral' point in 2013 (2.76 to 2.97, $p<0.05$). Birmingham also saw steady improvement in three other dimensions, though not to a significant degree: 'help and assistance', 'organisation and consistency', and 'personal development'. Although this upward trajectory confirmed that progress was being made, the scores overall remained low (see also Liebling et al 2015).

Table 7.2 also draws attention to two staff dimensions: 'traditional culture' (a negative orientation towards prisoners and managers) and 'punitiveness' (feelings of cynicism and resentment towards prisoners). These scores from discipline staff emphasise the critical importance of staff attitudes and staff culture, and their role in institutional change processes. In their evaluation of the Safer Locals Programme, which aimed to increase safety, care, and wellbeing, and promote suicide prevention in prisons, Liebling and colleagues (2005) found that cultural attitudes could enhance or inhibit successful implementation of change (ibid: 219). Specifically, they identified the role of 'traditional culture' in the change process. They write:

> Traditional culture … is highly correlated with staff perceptions of their working environment, their perceptions of the prison service, and their feelings of safety. It is negatively related to very positive ratings of peer relationships, and sympathetic attitudes towards prisoners (ibid: 196).

In their study, prisons with strong traditional (negative) cultures 'suffered from greater problems of implementation' (ibid: 14). This was characterised by the over-use of authority, maintaining distance from prisoners, distrust of 'outsiders' (volunteers or third sector workers, including specialists, like psychologists), and an avoidant approach to prisoners' problems. They further note that 'cultural problems could counteract the positive efforts of caring staff' and that the under-use of authority in neglectful ways was also possible (in the current study, staff in all three prisons, to varying degrees, retreated to offices) (ibid: 23; see also Crewe et al 2014). Liebling et al's (2005: 196) evaluation highlighted HMP Wandsworth, one of their pilot prisons, as an example of a site where 'cultural attitudes improved (they became less negative) but not enough to reach the apparent threshold at which care for prisoners can be shown'. Wandsworth's scores for 'traditional culture' moved from 2.57 to 2.86 in two years (2002,

2004; p<0.01) (ibid: 197). Birmingham and Aylesbury's scores were much lower than this. 'Traditional culture' in Birmingham decreased from 2011-2012 (2.61 to 2.19) and then increased from 2012-2013 (2.19 to 2.69).[20] In Aylesbury, both 'punitiveness' and 'traditional culture' moved in a downward linear direction, with the latter being statistically significant (from 2.62 to 2.29, p<0.1).

Officers' attitudes and orientations impacted how well the council was able to function – in practical ways, like unlocking prisoners so they could attend meetings, and in implementation of proposed initiatives (see Chapter 5) – but also in creating climates that were more or less legitimate, relating to the council and the regime more generally (Liebling et al 2011). It is not a coincidence that all of the prisons in this study were poor and struggling. At the time their respective Governors contracted with User Voice, they were actively seeking change and improvement, with all three indicating that their prisons had 'cultural problems'. The council was a good (and sometimes great) initiative in 'bad' circumstances (White and Graham 2015: 847). Prisoners clung to it because it was a 'refuge'; it offered glimpses of hope, meaning, and humanity in otherwise bleak environments (Liebling et al 2020: 42). In prisons that are above a 'crisis threshold' (Lindley 2014: 4), councils and consultative committees have fewer invested parties and less intensity because they are not needed in the same ways. In these establishments, prisons have multiple avenues of support and engagement, material and human needs are met, and staff and prisoners are already working toward the same goal (Liebling et al 2019).

'Sabotage' and 'ill communication' at Maidstone

Like Aylesbury and Birmingham, Maidstone was undergoing significant and difficult changes during fieldwork for this study (especially from 2013-2014). Two Governors and several senior managers came and went, a number of staff took Voluntary Early Departure (VED) throughout the benchmarking process, there were outstanding senior manager vacancies, and the prison re-rolled at a rapid pace. This was all alongside major policy revisions at the national level which impacted in-prison practice (discussed in Chapter 4). There was an inspection carried out the year before fieldwork commenced (2011, when the population was still mixed), which noted an upward and hopeful direction of change, and there was an inspection conducted the

[20] This 'elbow' shape, with a substantial dip in 2012, was reflected in nearly all Birmingham staff scores; see Liebling et al 2015.

year after fieldwork concluded (2015, when the population was all foreign nationals). This later report (HMIP 2015b) painted a grim picture of the prison:

> Overall this is a disappointing report. The prison was … unsure of its role – something for which both local managers and NOMS must take responsibility. As a consequence, outcomes in a number of key areas were seriously lacking … The management of resettlement overall was poor and not well understood, with no local strategy or effective coordination of services. There was an unacceptably high number of prisoners with no current OASys assessment, reflecting the very low priority afforded these prisoners by sending establishments. The general quality of offender management and supervision was inadequate (ibid: 5-6).

In sum, 'safety' outcomes for prisoners were reasonably good, 'respect' and 'purposeful activity' were not sufficiently good, and 'resettlement' was poor. Staff-prisoner relationships were described as 'generally courteous' and 'relaxed', but superficial and 'not meaningful' (ibid: 30). The personal officer scheme was ineffective, and staff lacked understanding of the foreign national population (ibid: 13). For the Inspectorate's question, 'have you been treated fairly in your experience of the incentives and earned privileges (IEP) scheme?', 14 percent of respondents replied that they didn't know what the IEP scheme was, 35 percent answered 'yes', 38 percent 'no', and 13 percent 'didn't know' (ibid: 87).[21] This account of Maidstone reflected the prison I had come to know during fieldwork. The prison lacked an identity and focus, communication was poor, and staff were unsure of what they were working towards or why:

> I don't really know, to be honest – I don't know what my job is now. We've not been trained in immigration things and I honestly don't know how many of these men will be deported or not … I think this is probably more like containment, if I'm being honest. The programming isn't really here anymore, or the courses. We're kind of supposed to be resettling, but not really … I don't know. We try to be pleasant enough, but we can't answer any of their questions about their status or options … I'd prefer if we went back to being a straightforward prison. (Officer)

Interior *and* exterior legitimacy at Maidstone were exceptionally low. At the beginning of the re-rolling process, there was some hope that as the prison became 'specialised' and tailored for a specific population, expert and relevant knowledge would come along with the shift. But it was apparent early on that this was not the case. Due to the thoughtlessness (or indifference)

[21] Out of 155 men surveyed.

in planning or implementation of the 'new' Maidstone, much of the programming that had been in place was taken out just as the prison moved to all foreign nationals. This, from the view of prisoners, was 'not accidental' or a poorly timed consequence of benchmarking, it was an intentional move to send a clear message:

> You think it's a 'coincidence' that all the courses and good programming went away when we [foreign nationals] arrived? I don't think so. They [the prison service/the government] know *exactly* what they're doing … We are nothing to them. They are *encouraging* us to leave. (CP)

> They've stripped the prison of anything helpful and kept staff in the dark and uninformed. That says it all, doesn't it? … They [the prison] keep telling us it's not a removal centre, but it's also not a place of 'rehabilitation' or 'training' … This is a temporary layover. A holding cell – a whole prison holding cell.[22] (CP)

> It's a funny place, really. I mean, not funny as in humorous, but funny as in fucked up or mad … Everyone is confused. Staff don't know what they're doing or what they're supposed to be doing, so they don't really do anything but the absolute basics … We're confused about our status, our cases, the [immigration] system, what we're supposed to be doing … There are no answers and no information … They're [UKBA] quick to respond and helpful if you're willing to be deported, but otherwise, nothing … We're all trapped in a constant state of uncertainty and anxiety. (CP)

Staff retreated into offices and prisoners and officers came to 'co-exist'. Prisoners were left 'in the dark' with little clarity about their legal situation – both in terms of their criminal sanction and their immigration standing. At one council meeting, when tensions were especially high, the men asked for concrete information they could share with their families, who were also suffering with anxiety and uncertainty. The UKBA immigration officer responded that it was not her job to deal with prisoners' families or domestic issues arising from their circumstances, but to remove them from the country (see also Warr 2016a: 308[23]). This double deficit – a lack of political and moral legitimacy (Buchanan 2002) – produced a charged environment 'marked by resistance and creativity as well as vulnerability' (Bosworth 2013: 150). Exterior and interior acts of indifference, disregard, inconsistency, and perceived discrimination fuelled

[22] Maidstone was classified as a category C training prison at this time.
[23] Warr and I witnessed this exchange together at the council meeting.

anger, alienation, and frustrations (Liebling 2015b). Whatever local legitimacy had been previously established through and from the council, was all but completely eroded.

Council participants in Maidstone were fiery and committed, and generated their own kind of group legitimacy from the informal mutual aid and support networks they had been developing (see Chapter 4). Despite deep frustrations with the prison, and a lack of resolutions or action coming from the council, the alternatives (i.e. 'giving up', 'being silenced', or 'acting out') were not viewed as desirable:

> If we [the council] give up, they [the prison] win. They've pushed us far enough and I think that's exactly what they want – if they just eff [fuck] us off enough, we'll finally get tired and back down …. That's what keeps us going. We've been silenced in too many other ways. (CP)

> What are the alternatives? Nobody wants to resort to a massive protest or violence, but we're just *so* frustrated. Nobody is listening and I don't think anyone cares. We're just 'foreigners' … It sometimes feel like they're winding us up on purpose, like encouraging us to lash out or riot. Incitement – that's it. That's what it feels like. They just keep pushing the wasp's nest to see what will happen. (CP)

Most participants viewed the council as the only legitimate avenue to generate meaningful change:

> If we protest, we'll get into trouble and probably get locked up longer with more punishments ... We want things to improve in the right way. We want to work with staff, but they don't seem to want to work with us. (CP)

> Many of us are angry enough to act out, to bust something up, but we know that will end badly for us … We're all on shaky ground and don't want to jeopardise our release or [immigration] case … The prison knows that too. They're using our vulnerability against us. (CP)

The prison's Independent Monitoring Board report at this time described it as a 'period of turbulence' and highlighted the confusion arising from a lack of clarity in the prison's 'purpose': 'no statement of intent has yet been ratified by the Public Prisons Board, making it difficult for staff and prisoners to understand the change' (IMB 2014: 5; see also Brouwer

2020).[24] A contributing factor to the continuous erosion of legitimacy was the obfuscation of decision-making at all levels and general practices that were perceived as 'harm with intent, not just ignorance or ambivalence, or accidental harm – it feels like intentional, pointed indifference'. There was an acute pain from having a council that was seen to be 'used as a platform for their [management] own agenda':

> Is it irony? I don't know, but there's something very sinister about having a council – that could be great, it could be the vehicle for change this place needs – but instead it's being used against us. We show up each month with expectations and hopes, ready to talk these big issues through, and every month, it's a show of mockery … It sometimes feels like they get off on it – never giving us answers, making us put on this whole production to never get anything cleared up or clarified. It's torturous. (CP)

The word 'mocking' was used with some frequency, as many men in Maidstone detailed encounters that were experienced as racist or discriminatory. All of the senior leaders in the prison were white, as were most of the staff. Many officers used euphemisms like 'language barrier' or 'differences in culture' to discuss 'odd', 'strange', or unfavourable prisoner behaviour amongst themselves. They also, perhaps unintentionally, but sometimes on purpose, made statements to and in front of prisoners that were derogatory and hurtful. The IMB report (2014), for example, referred to the growing foreign national population as 'volatile in temperament' (ibid: 9) and 'less skilled' (ibid: 12). Staff comments ranged from unknowing or ignorant, to hostile:

- A lot of them [prisoners] are illiterate [*You mean in English?*] Well, yeah, of course. [*But some know multiple languages?*] Maybe so, but English is the only language that matters here. (Staff member)
- I've never even heard of that country. It sounds made up. (Officer)
- They keep requesting books in their own language, but they really should be practicing English. [*I imagine it's quite comforting … and a distraction*.] I think it's disrespectful. (Staff member)
- I don't want to get into politics here, but we've got a problem. I don't think we should have 'foreign national' prisons or immigration centres. Why are we spending

[24] As one staff member noted: 'Our job changed like literally overnight. It's totally overwhelming … Yesterday we had mostly sex offenders and today we're shipping them out and receiving a dozen foreign nationals. We don't even know what this prison is supposed to be doing … Are we a deportation centre now?' In the quick changeover there were some days when up to 15 men from other prisons were being received at Maidstone.

> the money to keep them in this country? … Break the law, get deported immediately. That makes the most sense to me. (Officer)

Prisoners were, to varying degrees, sympathetic toward staff because they could see that they were struggling with their new working worlds and also 'getting screwed over' by national and organisational politics, just like the men were. But goodwill was evaporating quickly. As Sparks and Bottoms (1995: 60) note:

> [E]very instance of brutality in prisons, every casual racist joke and demeaning remark, every ignored petition, every unwarranted bureaucratic delay, every inedible meal, every arbitrary decision to segregate or transfer without giving clear and well founded reasons, every petty miscarriage of justice, every futile and inactive period of time – is delegitimating.

Illegitimacy was accumulating within Maidstone, with little effort to ameliorate or mitigate it. The council went dormant for several months between late 2013 and early 2014 in order for the prison to stabilise and for staff 'to catch their breath'. Two noteworthy 'events' led up to this 'pause', both of which contributed to the delegitimisation of the council and instability within the prison.

Like in Aylesbury and Birmingham, prisoners in Maidstone were keen to integrate staff into the council. It was believed that a more inclusive practice should extend to officers ('it's their community too'). It was hoped that by including them, communication could flow better, some consistency in regime delivery would be established, and it might 'get everyone working to the same page'. The Governor, who did not often preside at the monthly council meetings (his Deputy did), encouraged this effort and 'permitted' the two User Voice facilitators, with council members, to begin targeted outreach and engagement with staff. This was a long-term effort throughout 2013. Eventually, eight members of staff put themselves forward as potential 'council advocates' to act as departmental liaisons or as 'helpful' points of contact. Shortly thereafter, two staff members approached a specific party ('community and residential') to discuss an issue regarding scheduling and the new core regime. The party leader then raised these staff issues at the following monthly council meeting after all 'official business' had concluded. The Deputy Governor, who was presiding over this meeting, stated rather tersely that this was not the forum for staff issues and that he would deal with them later. This was despite the Governor endorsing staff involvement in the council. Prison staff later informed the User Voice employees that a senior manager gave the party leader a verbal reprimand in the

wing office, within hearing of the staff who had originally raised the issue. The party leader was accused of having overstepped boundaries and acted in a way that could be considered 'seditious'. This resulted in the prisoner resigning from the party and the council, and all staff withdrawing their involvement and interest from the council. Because there were so few opportunities to 'feel human', 'acknowledged', and 'worthy' within Maidstone, prisoners seized every possibility that arose to have a meaningful dialogue. Having these staff step forward and place some 'faith' in the council, after months of engagement, was crushed within a matter of minutes. Gilley (2009), in his work on state (re)building and governance, makes clear that 'like trust, legitimacy is difficult to build but easy to squander'.[25]

The second event took place later in 2013. Over a weekend in early November, Maidstone reportedly had a 'disturbance'.[26] Prisoners on Thanet wing were let out of their cells one hour late for association. They had not been informed that there was to be an early lock-up that evening, so when officers began announcing that association was over, the men became agitated and refused to return to their cells. They eventually (and peacefully) did so a short time later, which would have been the normal end to association time. There was no violence, destruction of property, or injuries. Officers on this wing had advanced knowledge of the early lockdown, as notices had been sent around, but these were never posted in Thanet. In conversations afterwards, this 'event', according to the men from Thanet, was an organic, non-confrontational, non-violent exercise of 'voice' to reclaim time and space that was felt to have been illegitimately taken from them (an example of Lewis' (2017) 'good trouble' through civil disobedience). The prison's enduring problem of poor communication – though many men believed much of this to be intentional acts of 'sabotage' – and general disregard for prisoners had reached a tipping point. As one prisoner explained:

> This was another example of the lack of – I don't know if this [expression] really exists or not – but that's what I think it is: *ill communication*. It's poisoned; intentionally harmful … It's like misinformation plus ill will.[27] (CP)

Unlike in Aylesbury and Birmingham where communication, especially within the council sphere, flowed, led to more transparency and 'better understandings', communication in

[25] Quoted from an interview with Bruce Gilley about his book, *The Right to Rule*, by Columbia University Press. Accessed here: https://cup.columbia.edu/author-interviews/gilley-right-to-rule.
[26] See, for example: https://www.independent.co.uk/news/uk/crime/disturbance-involving-40-inmates-from-the-same-wing-at-maidstone-prison-is-resolved-8919115.html.
[27] The word 'sabotage' came up with some regularity at Maidstone. During one group discussion a participant began singing the Beastie Boys song of the same name. This led him to conceive of 'ill communication' (the album name in which *Sabotage* is featured) in terms of the 'poisoned communication' coming from staff.

Maidstone was felt to be weaponised in order to distort information and keep the men 'uninformed' (Kreitem 2020). This, many thought, was the most successful way for the prison to control prisoners and maintain (coerced) order:

> I've been in prisons where staff talk to you, yeah, where they manage the wings through relationships, through talking through issues, problems, concerns. It is the *opposite* here. They go out of their way *not* to talk to you … Nearly all the problems and anger in this place would go away if they just talked to us, reasonably, with some care, and [with] some answers … It's like they don't know how else to run a prison. The only authority they have, yeah, their power – it comes from withholding information; keeping us deaf, blind, and dumb. That's it. Totally corrupt. (CP)

> They keep us in a very precarious place. They know most of us won't fight back because we're constantly threatened with deportation, and that's how they manage – basically through fear and, like, subtle [legal] intimidation … They make sure we're ignorant to how legal processes work. They hold that over our heads. (CP)

The 'disturbance' on Thanet led to the prison having national resources deployed to 'manage' the situation and 'restore order'. A few days after this event, I entered the prison with User Voice to observe a 'post-riot summit'. The morning was spent with the council itself, discussing what happened, next steps, feelings, and the mood in the prison. Most were 'horrified' by the reaction of the prison – 'it was essentially a peaceful protest during normal association time' – but was met with: 'a tornado team busts in shouting, all kitted up, and for what, guys casually hanging out, just wanting their allotted social time?'. The 'overreaction' was simultaneously viewed as 'ridiculous' and 'laughable', but it amplified anger and frustrations in the prison, in part because it 'reflects how poorly management deal with things in here – they can't even be bothered to talk to their own prisoners even when they have the chance [like through the council]'. In the days following the event the Governor had gathered party leaders and asked them to 'talk down' other prisoners – to try and 'calm things' down' – but without addressing the real issues or reciprocating in action. Prisoners had lost confidence in the council and were now 'taking matters into [their] own hands'. Some thought this would be a 'wake-up call' to senior leaders and would now spark a dialogue ('I think it's really shaken things up – maybe management will actually do something now'). The prison had been 'bubbling for weeks'. Staff were unsure what to do with this more vocal and assertive population. Officers were hesitant to intervene and instead retreated to offices, which left prisoners to police themselves (Crewe et al's 'absence'; 2014: 397-398). Tensions were rising

and violence was increasing. New immigration policies had recently been rolled out, which staff were not familiar with (offender managers had not caught up either), making prisoners feel even more alienated, frustrated, anxious, and unable to progress or plan for the future (Warr 2016a).

The summit was disappointing. It was not dialogic, or solution-focused. The Governor chose to open the discussion by talking about 'catering issues'. The pressure in the room immediately rose – the men looked quizzically at each other, as they began to realise that this was another 'ruse'. One council member whispered to me, 'Does he really think this a major concern? This is a sham'. Maidstone's 'wicked problems', as Nancy Roberts (2004: 339-340) argues, required more than technical resolutions or routine decision-making. Such intractable and difficult problems, as many social scientists have concluded, can only be coped with through 'increased doses of participation' (Day 1997: 430). The summit was one-sided and was perceived to be thinly veiled placation (Arnstein 1969: 220). One of the User Voice employees' field diary states:

> Being a very troubled prison at the moment it is difficult to state what has been a highlight. However, it must be noted that many of the council members are rightfully vexed at the inaction of previous chairs and SMT members. To such an extent was this discontent that before the November meeting [the summit] they, collectively, announced that at the first sign of inaction or non-attendance from the Governor they would all resign. Effectively this would end the council at the prison … It has been claimed to both [UV] facilitators by both prisoners and staff that the likelihood of further trouble is high. All the key ingredients are present: a perceived failure to meet basic needs and a predictable regime, lack of communication, loss of bureaucratic legitimacy, poor quality of life, threat and insecurity, little incentive to comply with the regime, hopelessness, and ineffectual policing. (UV employee field journal entry)

Shortly after the summit the council took its 'pause' and reconvened a few months later. The prison's level of political charge continued to simmer, which was further fuelled by two deaths in quick succession (these were seen to be 'shrouded in secrecy'). All of the fundamental issues prisoners cared most about – sentence progression, immigration, transparency, and the regime – had not moved any closer to being addressed[28]:

[28] There were high levels of suspicion and paranoia within the prison, from all sides. Since the re-role to all foreign nationals, there had been four deaths (within a six-month timeframe; one of these deaths was self-inflicted). The two recent deaths occurred within six weeks of each other. Prisoners were convinced that medical neglect and

> This is not a quid pro quo system. It's not a legitimate process. They are manipulating us and just trying to maintain a basic level of information disbursement. That is not a council … We are not getting accurate information. We are being ping-ponged between MoJ, UKBA, and the prison … There is no hope here. (CP)

In Birmingham and Aylesbury, the council allowed the space for dissent to be expressed; participants were able to question and 'push back'. This enhanced perceptions of legitimacy and increased transparency, as powerholders were 'held to account' by having to justify decisions (Sparks and Bottoms 1995: 55). The senior leaders in these two prisons, as discussed in Chapter 4, encouraged such expressions because it kept management, and the institution's 'conscience', 'in check'. This required humility, honesty, a willingness 'to hear what you may not want to hear', and co-intention (Freire 1970: 43). These Governors were committed to 'good order', by which they meant 'right order':

> I want them [prisoners] to have a say – this is their community and they have a stake in it just as much as I do … We could use force, we could manipulate, or we could sit down together and figure how this prison can be run so that it is experienced as fairer, responsive, and supportive … If we do our best to get it *right,* everyone wins. (Governor)

This point is related to Liebling's (2011) analysis of 'good' and 'right' staff-prisoner relationships. Right relationships, she argues, are relational:

> They are sat somewhere between formality and informality, closeness and distance, policing-by-consent and imposing order. They [are] respectful, but incorporated a quiet flow of power … the best officers are prepared to use their authority, but are good at using it (ibid: 491).

Right relationships produce an environment with right order. An elemental feature absent from Maidstone's council was relational dialogue, one of the most vital aspects of legitimate authority within the prison. This prevented any 'democratic work' from getting done (between individuals or within the institution). From the prisoners' perspective, Maidstone 'did everything wrong': 'no one talks to you', 'it's impossible to get information', 'they hide everything', 'there's no help', 'no consistency', and 'you get no answers and no reasons' (see Liebling 2015b). This was experienced as a model of procedural *injustice* (Jackson et al 2010)

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inattention from staff led to one of the deaths, which they believed could have been prevented. This was viewed as 'another form of punishment'.

whereby individuals were being treated 'as objects of legislation, as passive subjects to be ruled' rather than 'autonomous agents' invested in taking part in the governance of their community (Gutmann and Thompson 2004: 3).

Productive resistance and counterveillance

Towards the end of my fieldwork I began spending time in another User Voice establishment, HMP Oakwood, for a separate research project. At this time, Oakwood was the newest and largest prison in the UK, was privately run by the same management company as Birmingham (G4S), and the council was facilitated by a User Voice employee I knew well.[29] Oakwood's council was vibrant, enthusiastic, and had good buy-in from staff and prisoners. The council had been established early on, in part to help stabilise the prison after a turbulent opening and as a way to assist staff and managers through 'the teething process' (Schmidt 2013b, Schmidt et al 2014; also Chambers 2014). Like other private prisons at the time, and many public sector prisons currently, prisoners were integral in the daily running of the prison due to low staffing numbers (Crewe et al 2011). The men (in Oakwood and elsewhere) assisted with tasks ranging from mail delivery, to helping to induct new prisoners (with informational packs or PowerPoint presentations), to distributing other basics (like toilet rolls, sheets, blankets, application forms, and signposting prisoners to activities or services), as well as various 'buddy', 'insider', and peer-led schemes (Crewe and Liebling 2017: 907-908). One of the explicit functions of the council in Oakwood was to assist the prison in meeting its contractual obligations to the state, which were monitored with intensity and subject to fiscal penalty if not met (see Taylor and Cooper 2008: 11-12; Hargreaves and Ludlow 2020). Council participants in Oakwood had begun to speak in managerial terms about 'key performance targets' (KPTs) and meeting quotas (for example, time out of cell, work placements, or education enrolment): 'hitting targets benefits everyone – it means they're [managers] doing their job and there's more money to be reinvested back into the prison' (CP). I worried that this use of the council was an adapted 'technology of citizenship' (Cruikshank 1999: 4) where governance was shrouded in a discourse of empowerment ('we're helping the men to help themselves'), but the real goal was to advance a neoliberal agenda (Hannah-Moffat 2000: 52; Arnstein 1969: 218). This arrangement raised uncomfortable questions about prisoners actively assisting private industry to profit, when the money spent per prisoner within the establishment was especially low, and

[29] Oakwood was a new build prison in the Midlands, opened under the management of G4S in 2012. At that time, it was able to hold just over 1,600 adult men.

where corporate motivations may be suspect or be in conflict with 'rehabilitative' aims (see Genders 2002).[30]

When I asked participants about this, they unanimously challenged my interpretation, and countered it with impassioned arguments centred around institutional 'accountability' and ensuring that 'the truth is being reported as truth – there's no more fudging the numbers'. For many of these men, they saw this as:

- It's not exactly 'resistance', is it? But we are pushing back; we're resisting the status quo. We're pushing them [management] to be honest and accountable. (CP)
- I think it is kind of like a protest … we're shining a light on things that aren't right and making sure the authorities explain themselves and their actions. (CP)
- We're definitely not working *for* the prison, not like that anyway … We're working to make this place more fair and accountable. We're resisting what they typically feed us. [*What do you mean by that?*] We know that a lot of their targets are about bums on seats, 'the numbers'. But we want that to be about quality and truthful reporting … Before we got involved, on paper this prison had like 70% [of prisoners] in purposeful activity, but when I looked around, I saw loads of guys just hanging around not doing anything … Going to the library for 30 minutes once a week should not count as purposeful activity. We've pushed them to question this and make it better. (CP)

Whilst participants in all of the councils included in this study made similar remarks about keeping the prison and the senior leaders accountable, it was striking in Oakwood how prisoners became 'experts' in contractual and administrative language. For senior managers, this was a beneficial configuration because the men were assisting them in meeting their targets and carrying out much of the groundwork to achieve this. For instance, council members helped to create and lead (or assisted others in generating) new and desirable programming, which in turn increased participation rates. Initiatives around renewable energy and recycling, small business and entrepreneurial start-ups, and mediation groups (between prisoners, and between staff and prisoners) were established. Many men were able to deploy existing expertise from previous employment experience (e.g. small business owners, accounting, investing, teaching)

[30] At the time of the prison's opening in 2012, Edwards (2012: 12) reported that Oakwood had 'the lowest operational unit cost in the estate at a contract price of £11,000 per prisoner per year'. This was compared with the average of £27,400 per prisoner per year in England and Wales at that time.

or learn new skills that felt more relevant and transferable than what is typically offered in prisons. Whilst I felt some unease that these men were induced to craft and operate their own 'rehabilitative' regime, they did not view it like this. For them, in many ways, it increased perceived legitimacy because prisoners were able to exercise some agency through the establishment and pursuit of meaningful opportunities. This demonstrated an institutional responsiveness that reflected the men's needs and desires (which were often disregarded). Instead of feeling used, exploited, or manipulated, the men felt genuinely 'empowered' and with a strong belief that their participation in managing the prison's contract was some form of 'resistance'. This was not resistance to undermine authority or the institution, per se. Rather, it was to 'push back' and 'question' actions from senior leaders for the purpose of improvement (not eradication or removal):

> I don't care about their ideas of 'rehabilitation' – that's rubbish. This is about us finding a way to do our time that makes sense *to us* and can maybe be useful when we get out … Maybe they think they're using us, but actually, we're using the system against itself. I am doing my time quietly and compliantly, but, like, with an edge. I'm conforming to what they need from me, but on my terms. [*Can you say a bit more on that – your terms?*] I'm bettering myself, learning new skills and all that because *I* want to. That's my decision. It just happens to fit within their aims, right? (CP)

Crewe (2012: 152) describes different types of adaptation and resistance, translating Merton's (1938) 'innovation' to prisoners who are 'innovators': they have 'accepted official objectives but rejected the institutional means of their attainment'. This is a bit closer to how these men positioned themselves, though few expressed complete adherence or acceptance of the prison's objectives. Most refuted the prison system's notions of rehabilitation ('this is the opposite of rehabilitation – they're teaching us how to be even more antisocial') or the fact that they 'needed to be rehabilitated' in the first place ('if I am broken, I doubt very much that a prison could fix me'). Many did not wholly object to their incarceration or punishment ('I accept it; I did the crime now I've got the time'). This may have been more significant in Oakwood – a category C, lower security 'training' establishment – as these men were nearing release and 'on the way out'. No one wanted, or were willing, to jeopardise their standing and progress ('the gate's in sight and I'm not doing anything to mess that up, no matter how angry or frustrated I am'), though council members remained committed to 'holding a mirror up to the prison' in order to 'fight against nonsense policies and bad practice'. This was not Mathiesen's (1965: 12) 'censoriousness', however. This was a collective endeavour to right wrongs, in

collaboration with the authorities, toward positive change. In this respect, the council acted as a forum for 'counterveillance', which Welch employs to refer to 'a form of protest that reverses the visual field not only as a challenge to penal power but also toward institutional reform' (2011: 304; drawing on Foucault's (1977) notion of counter-power).[31] This, Welch (2011: 304) argues, turns the panopticon into a space for '*watching the watchers'* (the many watch the few), where 'neglect and abuses of state power are exposed to a wider audience; therefore, contributing to greater transparency of the state's penal operations'.[32] But council participants were not simply interested in 'exposing' the wrongs or failures; they were actively seeking to right them through improvement:

> It's important that we identify what's wrong – where they've [senior leaders] gone wrong, and make that known … But just shaming them isn't going to solve the problem, is it? That's why all this media coverage is only partially helpful. It does expose the problems, but then what? The problems need solutions.[33] (CP)

This orientation, observed in other councils, spoke to a form of 'productive resistance', which Nocon (2005: 193) argues is the struggle for identity, autonomy, and voice, based on the assumption that 'resistance is a natural and desirable reaction to coercion and/or oppression'. Resistance is *productive* when it confronts inequities in power (Gutiérrez et al 1995; Schutz 2004) and acts within a process of cognitive and cultural change (Kindred 1999: 218). Kindred (1999), in her study of industrial workers, contends that although resistance is often considered a sign of disengagement, it can also be understood as the opposite:

> It is not only change that workers resist, but also and more so the status quo of daily working relations. Instances of transition can bring this to the surface, out of its hiding places, and into a dialogic, developmental, and even therapeutic space. Workers are disappointed by false promises of change, as they regularly seek opportunities to participate in their work in more engaged and empowered ways … [resistance] can in fact be a form, as well as a signal, of intense involvement and learning. In the

[31] See also Foucault's involvement with the Prison Information Group in France (e.g. Zurna and Dilts 2016; Brich 2008); Martin's (2015) use of counter-surveillance in social movements and activism; and Meriluoto's (2019) work on 'counter-conducts' in participatory social policy.
[32] Emphasis original.
[33] During its first two years of operation Oakwood was under considerable media scrutiny following a difficult opening, controversy over its size and private management, and a damning Inspection ('This is unquestionably a concerning report', HMIP 2013b: 5; see also Jewkes and Moran 2014).

> simultaneity of negation and expression, it is an active dialogue between the contested past and the unwritten future, between practice and possibility (ibid: 218).

Whilst resistance is frequently regarded as an act of taking negative positions *against* something (Courpassson 2016: 98), it can likewise be seen as a *negotiation* toward new goals (Nocon 2005: 198-199). When reframed, 'resistance' – instead of being viewed as a sign of failure, or as a problem to be eliminated, minimised, or suppressed – can 'represent novel ideas for change' (Giangreco and Peccei 2005: 1816). Responsive and progressive organisational change, Thomas and Hardy (2011: 322-323) assert, can arise:

> By emphasising power-resistance relations, we shift the focus away from questions of who resists change and why, to questions of how relations of power and resistance operate together in ways that are constitutive of change. Change involves new understandings, new practices and new relationships.

In Aylesbury and Birmingham, both prisoners and senior leaders acted as change agents (negotiating, together, toward new practices), whereas in Maidstone, staff and management were change resistors who prevented the change agents (prisoners and council members) (see also Thomas and Hardy 2011: 325). This became clearer when unrest was brewing (as in Maidstone, described above). In Aylesbury, for instance, a particular wing had seen an increase in verbal assaults and threats toward staff, as well as some low level non-compliance, like prisoners 'dragging their feet' at lockdown time and some destruction of communal property (a pool table cover was ripped and a table had been broken). Senior leaders asked council participants for their insights regarding this matter, and some small and informal focus groups were held with residents from that wing. It surfaced that there was an officer who was particularly abusive ('he gets off on making us suffer'), intimidating other staff, and bullying prisoners.[34] He had recently been working overnight shifts and disturbing the men while they slept by opening and closing cell flaps loudly, jangling his keys up and down the landings, and whistling. Tensions and aggravations percolated and eventually 'blew up' during the day shifts. The officer was eventually moved off of the wing and into a different (low contact) position within the establishment. This was seen as a major coup for the council, with many prisoners on that wing commenting on how 'they're [managers] really listening now'. This was a sign of care:

[34] Some of these details have been anonymised.

> That officer has been terrorising us for months … finally someone has noticed and taken action. I feel safer now, and like the #1 [Governor] has got our back. He's looking out for us. (CP)

This is in contrast to Maidstone, where the council was reduced to threatening collective resignation from a lack of recognition, communication, and action. The example in Aylesbury highlights a desire for understanding (as the Governor asked, 'Why are tensions growing? Why are prisoners acting up? What's behind this behaviour?') and responsible resolution. Strong and accountable leaders were more receptive to dissent and 'being challenged' because they recognised their own limits ('I can only see what I can see') and reframed 'resistance' and 'push back' into an opportunity to have a problem-solving conversation, rather than interpreting it as personal or institutional failure (Connelly 2011). Similarly, in Birmingham:

> The men seriously pushed back about the new IEP restrictions – it was about the treatment of those on basic and how the rules were being applied. A lot of people were unhappy and there were some rumblings of discontent … The guys [council members] articulated very clearly how unfair application of the rules had made [wing] into ground zero …. So now you've got two dozen angry men, frustrated and bored, banged up in empty cells stewing. Bad combination … We took the council straight to the wing and had a 'community' session, right there, with staff and prisoners. Let's get it out in the open and talk about what needs to happen to make this situation better for everyone. (Senior manager)

The Governors in Birmingham and Aylesbury believed that legitimate authority was challengeable (Warren 1996: 47):

> I need them to tell me when I'm wrong, when I've made a bad decision, or I didn't get the full picture. I make mistakes. And that's okay. But I am accountable to a lot of people, and I take that very seriously … I need their feedback to make me a better and stronger leader *for* them. (Governor)

This echoes Valerie Braithwaite's (2009: 108) contention that 'in a democracy, resistance is much-needed feedback … resistance subsides when an authority takes responsibility for improving its performance'.

Conclusion

This chapter has described the exterior and interior layers and processes (deliberation, action, implementation) of legitimacy building and erosion. Councils were perceived to grow and promote legitimacy when dialogue, accountability, productivity, and 'free spaces' for agency and dissent were honoured and practiced. Delegitimisation occurred when staff and senior leaders were not 'seriously committed', when cooperation failed, and when too little trust and 'willingness' was present (Liebling and Arnold 2012: 421). The dynamics of order and relational orientations observed within each council largely reflected the wider prison they operated in. In Maidstone, for example, autocratic and 'monologic' communication prevailed, further silencing and marginalising prisoners. This led to worrying levels of 'political charge' (anger and alienation) and eventually resulted in prisoners exercising their 'voice' and temporarily withdrawing their compliance (Tilly 2004; see also Hirschman 1970: 33). Evans and Boyte (1992: xix) remind us that 'democracy', like organisational change, 'is a journey' that needs to be 'thought of and approached as a philosophy and a cultural mentality rather than an occurrence' (Khattab 2012: 8). Birmingham was beginning to show signs of an emerging cultural shift as staff-prisoner relationships, along with other vital aspects of prison life (like fairness and humanity), improved. The senior leaders in this prison understood that 'you cannot stand still if you want to keep evolving'. This is evidenced in Gilley's (2009) work on democratic legitimacy. He illustrates how legitimacy seems to adjust to higher expectations. As citizens see legitimacy successes elsewhere, or experience it themselves, they come to expect the same and consistently (ibid: 78-79). Within the prison setting this was especially dangerous as many prisoners' 'hopes and faith' were firmly attached to council work. When those were unfulfilled, mismanaged, or carelessly neglected, frustrations and despair grew.

The prison councils in this study were on varying 'roller-coaster[s] of waxing and waning legitimacy', with some better able to recover it when threatened (Sparks and Bottoms 1995: 49). Council practice – at its best – illuminated the conditions in which legitimacy, even within coercive and undemocratic settings, could be experienced. But institutional impact, from widespread and embedded change, remained somewhat elusive. These three prisons, each distinctly challenging, were unable to progress over a 'crisis threshold'. Many council participants (and some staff) strongly believed that if the councils and their 'best' work were 'amplified' and more inclusive, that radical (individual *and* institutional) transformation could take place.

8. Conclusion: Can prisons be democratised?

> How is such radical transformation of value and culture possible? Where do ordinary people, steeped in lifelong experiences of humiliation, barred from acquisition of basic skills of citizenship … gain the courage, the self-confidence, and above all the hope to take action on their own behalf? What are the structures of support, the resources, and the experiences that generate the capacity and the inspiration to challenge 'the way things are' and imagine a different world? (Evans and Boyte 1992: 2)

> [*What does democracy mean to you?*] I think part of it is about care. The government *should* care for their people … support them, advocate for them … and the same for the people. They should care about their institutions, invest in them, nurture them, make them better … so they can both grow together in supportive ways – like a good marriage! … But what we've got now, this is a case of spousal abuse. (Council participant)

This dissertation sought to explore and understand the impact of deliberative democratic engagement – via collaborative prison council work – on individuals and institutions. Experiments in prison democracy, as described in Chapter 2, have a long history rooted in assumptions that penal democratisation represents an ethical 'good' with educational, political, and moral value (Scharf and Hickey 1977: 3-4). But, as Stastny and Tyrnauer (1982) point out, unanswered questions about the efficacy, purpose, and desirability of co-governance arrangements persist. Their historical analysis suggests there are several contributing factors that have prevented prison democracy reform efforts from succeeding: prisons possess intrinsic and intractable contradictions that produce dissonant aims and practices (i.e. attempting 'rehabilitation' within retributive structures); 'external assaults' from policy changes or public scrutiny limit 'acceptable' levels of prisoner involvement; and participatory forums themselves can be corrupted or mismanaged, leading to heightened 'threats' to the establishment's order and stability. They conclude:

> We cannot say conclusively whether 'democracy', any more than other forms of remediation, can be rehabilitative. We can only observe that, like 'treatment' in general, it has yet to be fully tried (ibid: 211-212).

The findings presented in this thesis have echoed some of these issues, especially in regard to internal 'conflict' and external political forces. There was widespread agreement from those who worked closely on the council that this 'political' or 'community project' had not yet been fully realised:

> This project in 'democratisation', it needs to go further – it's not there yet … A lot of us [council members] have had our eyes widened and our minds awoken; we think different, we speak different … We've been – can you be radicalised in democracy? (laughs) … But the council has to have broader reach and more participation from all groups; that means officers … This *could be* genuine reform – of the prison! And maybe some people, including staff (smirks), could be 'rehabilitated' along the way too. (CP)

> There is so much more potential with the council, but it is a slippery slope … There is pressure from every direction to keep order plus deliver rehabilitation, but we also have to 'communicate' punishment. [*What do you mean by that?*] The public doesn't want to know that a group of prisoners are helping to make decisions in the running of the prison, do they? (Governor)

'Democratising Democracy', and the narratives documented within it, constitute what Les Back (2020: 16) refers to as 'a hopeful scholarship':

> [T]o portray and document an inventory of those moments of repair that suture damage, where hate gives way to love, convivial coexistence bridges divisions and exclusions, and where 'islands of hope' emerge from within the midst of despair.

Through the process of democratic participation (dialogue, debate, reflection, action), many lives were 'transformed', consciousness was raised, revised or restored identities emerged, and some civic agency was exercised. Participative enfranchisement, according to most council members, enabled a sense of self to be retained or strengthened from 'having a voice and having someone on the other end *listening*'. In Aylesbury and Birmingham, in particular, the council and its activities offered prisoners a 'light' (Baker, quoted in Ransby 2003: 105) in otherwise bleak environments. Deliberative exchanges were experienced as a form of 'recognition' and confirmation of one's 'personhood', which ameliorated some of the dehumanising – or 'thingification' (Césaire 1972: 42) – encounters and treatment prisoners were often subjected to. When 'democracy' was conceived of and practiced through everyday interactions (Stears 2011), it was viewed as 'achievable' and 'doable' rather than a 'pipedream' or 'too radical'. Dzur's (2018: 7) examination of the work between democratic professionals and citizens

‘rebuilding public institutions together’, serves as a reminder that ‘participatory democracy is no utopian dream, but rather a lot of small, imperfect, fluid, sometimes time-consuming efforts’.

In Chapter 4, I discussed how simple acts of dialogic and spatial inclusion (‘a seat at the table’) enabled relationships to be reimagined. Networks of mutual aid between prisoners developed, which assisted individuals in getting some of their material needs met through peer support (needs previously overlooked or ignored by the institution). These small but significant exchanges allowed the men to be ‘seen’ and have their suffering acknowledged (Stauffer 2015: 29). Many staff-prisoner relationships between those working on the council evolved from *I-It* (distant, unconcerned, or hostile) toward *I-Thou* (empathic, supportive, understanding) orientations. Council participants found meaning and purpose from exercising their ‘voice’ as a mechanism of agency (reasserting the self) and for advocacy ‘to right the wrongs’ of the prison. Chapter 5 detailed the ways in which prison councils provided a ‘civic education’ and helped to grow citizenship skills and ‘democratic character’ (see Jacobs 2020: 17). It highlighted how current interpretations of prison-based ‘active citizenship’ (tied to incentives, privileges, and punishment) pervert or distort the values that prison managers and others are attempting to instil (like respect, trust, and pro-social behaviour). Prisoners wanted to ‘do good’ and ‘be helpful’ because it was ‘the right and decent thing to do’, but not when this was weaponised for coercive compliance (Eyakuze and Said 2020). The council confronted – and for discipline staff, threatened – existing power structures within the prisons. This, to varying degrees, exacerbated tensions between officers and council members, and staff attitudes towards senior leaders. Deliberative democracy, as a transformative project, seeks to flatten hierarchies and diffuse power (Healy 2011; Curato et al 2017). Whilst this was accomplished, to some extent, in the relational dynamics between those directly involved in the council, co-governance configurations produced new power structures, which are discussed in Chapter 6. In this chapter, ‘deliberation’ is examined in terms of dialogue, but ‘ethical listening’ (Beard 2009) and ‘taking one’s time’ also emerged as important aspects of this practice. Council work was a form of ‘slow democracy’, which placed value on deliberate, thoughtful, and person-centred collaboration (Clark and Teachout 2012). For those in the council, high levels of legitimacy were generated as prisoners were able to increase their social capital through supportive networks, opened lines of communication, and access to information. But for those outside of the council (the general prisoner population), legitimacy was significantly weakened or diminished, as perceptions of unfairness and favouritism grew. In fragile prisons where time,

staff, and material resources were already scarce, this distributive *injustice* intensified inequality and bred unrest.

Lastly, in Chapter 7, council impact was considered at the institutional level. Legitimacy was assessed through the *means* (the deliberative process and transparency in decision-making), the *ends* (council productivity and change effected), and the *ethos* ('authentic' engagement and the ability for dissent to be expressed). Each prison had distinct council strengths and challenges, though all three establishments were struggling to deliver 'the basics' and cope with difficult – and rapidly shifting – national policies. Birmingham's council was the most robust and embedded, despite being the newest council contract. This was largely due to a committed Governor and group of enthusiastic senior managers who sent a clear message to staff and prisoners that the betterment of relationships was a high priority. It took nearly two years of focused and sustained engagement by managers and User Voice to achieve this. The council was one of several strategies the prison implemented to work toward 'rehabilitating' their prison's cultural problems. The MQPL and SQL data showed steady improvement in important areas (like humanity, fairness, relationships, and staff safety). Aylesbury was successful in delivering a number of council 'outputs', but the young men in this prison had difficulty engaging with the talk-centric (slow, deliberative) aspects of the council. The council here was operating within an environment that was 'deteriorating' (HMIP 2013a: 5) and where staff shortages were described as 'debilitating' (HMIP 2015a: 5). Aylesbury's council had relatively low visibility and buy-in from staff and prisoners within the wider prison, though the council participants themselves found hope, meaning, and reassurance (as well as some legitimacy) through their connections with User Voice staff. In Maidstone, interior and exterior illegitimacy compounded prisoners' anger, frustration, and alienation (Liebling's (2015b) 'political charge'). Senior managers sent 'mixed messages' to an already confused and uncertain staffing group who were struggling to understand their 'new' roles working with foreign nationals (Brouwer 2020). The council in this prison came to be viewed as a 'deceptive' and 'cruel' performative 'show' where the means, ends, and 'throughput' (Schmidt 2013c) were rarely achieved.

Like previous work in this area (see Schmidt 2012, 2013a; Barry et al 2016; Solomon and Edgar 2004), this study also found that council 'success' required top-down support and strong leadership (with accountability measures in place), as well as ground-up interest and energy. Though Birmingham came the closest to inclusive practices that encouraged and engaged discipline staff, this remains an enduring challenge for co-governance configurations (Stastny

and Tyrnauer 1982: 58-59). Staff needed to be 'part of the conversation' and the 'democratic journey'. Uniformed staff, like prisoners, experienced procedural injustice from the lack of transparency, care, or understanding about their (working) lives and conditions. When they were further excluded from the dialogue within their respective prisons, they in turn developed their own 'political charge' which was expressed through everyday forms of defiance directed at the council and its members, and withdrawal from the landings. This dissertation has illuminated the ways in which reform efforts and legitimacy can be subverted through staff resistance, poor staff and management cultures, and organisational indifference. Institutional commitment to change and participatory values required some 'cultural conduciveness' (Verba 1967: 67; see also Dzur's (2018: 35-41) description of prisons as 'repellent institutions').

Similarly, the wellbeing of staff (like that of prisoners), was significantly compromised when their (working) environments were perceived as unsafe and uncertain, when mandates were unclear or contradictory, and when resources and support were insufficient. Officers, in particular, often struggled to appreciate the council and its potential benefits because their professional ontological security was precarious. This is noted in Liebling's (1992: 223) study of prisons and suicide, where she reports that staff, too, felt vulnerable, frightened, and helpless. This hindered their ability to care for prisoners and adopt or implement new strategies.

The councils in these three prisons carried such critical importance for prisoners because they were operating within regimes that offered few opportunities for (inter)personal development, meaningful activity, or avenues in which to explore or expand new knowledge or interests. Many of the proposals put forth by participants reflected a desire to construct an active and diverse civic society, similar to what Gill had created in the Norfolk Colony (described in Chapter 2). These included suggestions for: film, cooking, and debating clubs; reading and discussion groups around history, philosophy, and current affairs; new forms of athletics, bodywork, and mindfulness; and forums for creative writing and other artistic endeavours. Some of these ideas were realised informally amongst small groups of men, but most were 'unimplementable' due to staffing shortages or curtailed regimes. Active citizenship, for the men in this study, was about finding their 'place within a community', where they could meaningfully contribute and be valued, and have some kind of purpose (Frankl 1959: 152). This, they believed, produced good citizens, as compared to the alternative:

> Forcing us to comply through threats and negative reports makes people angry and frustrated. It reinforces negative attitudes towards authority that a lot of us already have. How is that encouraging us to be 'good citizens'? … When we've [the council] been

> able to get on with things, pursue areas [of research] that interest us, talk to people, work with staff, come up with ideas … that's not only working towards making me a better person, but also the community. Give us a little hope, a little support, a little independence, some guidelines … and see what happens. Sometimes little miracles occur. (CP)

In their introduction to a special issue of *The Prison Journal*, dedicated to 'The Paradoxes of Democratic Prison Reform', Peter Scharf and Joseph Hickey (1977: 13) wrote:

> In order for democratic rights to be extended and maintained behind prison walls, there needs to be a near total reconceptualisation of the purpose of punishment as well as the idea of imprisonment. The routinisation and legitimation of democracy as a process requires fundamental reform of the prison as it now exists. To attempt democratic reform in the present prison structure, is in effect, an act of existential hope.

This hope, and the struggle, persists. This dissertation has shown that the appetite for serious democratic prison reform is alive and thriving in some local practices. The Governors who contracted with User Voice were intrigued by, and open to, the curation of a quasi-democratic prison. They understood that achieving 'right order' and growing legitimacy required carefully managed, interactive hybrid governance (a well-balanced blend of security and harmony values; see Crewe and Liebling 2012: 178). Penal power is continuously reconfigured, as Crewe and Liebling (2017: 909-911) have observed. But in the current climate, and following many of the damaging policy changes described throughout this thesis, modes of authority and order in many prisons have veered toward opposite ends of an illegitimacy spectrum. However, deliberative democratic work through the council, at its best, produced spheres with high levels of legitimacy from staff professionalism, competent and confident use of authority, relational dynamism, and within spaces that were 'enabling' and supportive to prisoners (Crewe and Liebling's 'light-present' model (ibid: 895-896); see also Liebling et al 2019).

Deliberative democracy, even within the micro-experiment presented here, had the capacity to 'politicise' prisoners into becoming invested community members who voted, were dedicated to improving 'prison social justice', kept each other and the institution to account, mobilised networks of support for their neighbours, and stimulated creative problem-solving for 'local' issues. But, this surely contributes to the inherent antagonism between prison(er)s and democracy. 'Good citizens' are not 'docile' or lulled into 'dull compulsion'; rather, they work toward the betterment of their communities and their institutions. This sometimes entails acts

of civil dissent (or forms of counterveillance, as discussed in the previous chapter), which force the state (or the prison) to re-examine its policies and practices (Velasco 2016; Johnson 2020). This study provides some compelling evidence suggesting that democratic participation improves citizens, who in turn improve their institutions (Dzur 2012: 45).

APPENDIX I: Consent form for prisoners

UNIVERSITY OF CAMBRIDGE

Democratising Democracy: Reimagining Prisoners as Active Citizens

INTERVIEW CONSENT FORM

Name of Researcher: Bethany Schmidt, Institute of Criminology, Cambridge

1. I confirm that I have read and understand the information sheet for the above study, and have had an opportunity to ask questions. ☐

2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, without my parole, standard of care, rights or privileges being affected. ☐

3. I understand that my interview transcript may be looked at by the researcher or her PhD supervisor, but all personal information will be anonymised and kept confidential. ☐

4. I agree to take part in this interview. ☐

_____		_____
Name of Participant	Date	Signature
_____		_____
Bethany Schmidt *Researcher*	Date	Signature

APPENDIX II: Information sheet for prisoners

UNIVERSITY OF CAMBRIDGE

Democratising Democracy: Reimagining Prisoners as Active Citizens

INFORMATION SHEET

This study explores User Voice and their prison council model, and in what ways, if any, participating in the council has impacted you, your life, or experience within this prison. I am hoping to understand how the presence of an active council may influence the ways in which the prison is run and how valuable this type of activity is for prison regimes, staff, and prisoners. The study will focus on questions around feelings and experiences related to perceived legitimacy, inclusion, prison culture and relationships, and how the User Voice council interacts with the prison environment.

Other than having the opportunity to discuss your experiences and life within this prison, especially as they relate to User Voice and the council, taking part in this study will have no direct benefits to you, nor should it carry any risks. Participation in this study will have no effect on the course of your sentence, your IEP standing, or your parole hearings.

You can end the interview, withdraw from the study, or refuse to answer any questions at any point during the interview. If you want to withdraw completely from the study, you are welcome to do so. If you do withdraw, any information collected during your interview will be destroyed, and will not be used in this or any future research project. Participation is voluntary.

All information from your interview will be completely confidential and anonymous, unless it seriously affects the security of the prison, is relevant to any serious unsolved crimes, or suggests serious harm to self or others; in this case, I will have to inform the prison authorities.

With permission, interviews will be recorded. No one within the prison will have access to the recordings, and what is said in the interview will not be discussed with other prisoners or with staff. Transcripts will be accessible only by me (the researcher) and my supervisor, Professor Alison Liebling, and recordings will be kept in a locked cabinet. You will be given a code name or number, which will be kept separately from your name. If any details or quotations are used from the interview in reports or publications, these will be anonymised and details will be changed so that you are not identifiable.

If you have any complaints, questions, or concerns about anything to do with the research process, please contact me or Professor Alison Liebling at the Institute of Criminology (address below).

Thank you for considering participating in this study. I would be very appreciative for your involvement, which will hopefully help to develop a better understanding of how the User Voice prison council is experienced and the potential value it may contribute to the prison and how it is run. If you have any questions about participating in this study, please feel free to ask me at any point.

Bethany Schmidt, Institute of Criminology, Sidgwick Avenue, Cambridge CB3 9DA.

APPENDIX III: Interview schedule for prisoners (User Voice council participants)

Background

1. Could you start by telling me a little bit about yourself and your background? What was life like for you outside before you came to prison? (home area, family/children, citizenship status, schooling, hobbies/interests/work)
2. Do you mind telling me how long your sentence is? And how long you've been in prison (in total)?
3. How long have you been in this prison?
4. Have you been in prison before? Have you been in this prison before?
5. How does this prison compare in general to other prisons you've been in?
6. How would you describe life in this prison generally?
7. Did you have any particular problems or concerns when you came in, and, if so, were staff helpful/sympathetic?

Staff-prisoner relationships

8. What are relationships like between staff and prisoners here?
9. Do you feel treated with decency and respect? In what ways? Can you give me an example?
10. How safe do you feel here?
11. Are there members of staff here who you trust?
12. Are there people here you can go to if you are having problems?
13. How well controlled is this prison? Is it organised (is the regime consistent)?

User Voice

14. When did you become involved with User Voice? How did you find out about the council?
15. When you first heard about the council, what did you think?
16. Have you ever participated in a prison council, committee, or similar type of initiative? How does the User Voice council compare?
17. Which party are you a part of? What are the primary concerns of your party?
18. What is your role in your party? Do you attend the monthly council meetings?
19. What is your impression of NAME (User Voice employee)?
20. Do you think it makes a difference that they served time?
21. Does their (ex-prisoner) status influence how staff and prisoners interact with them?
22. Does it feel like mentoring? How would you describe your relationship with NAME (User Voice employee)?
23. What are some of the proposals your party has put forward? What was the outcome?
24. How does your party develop a proposal? Where do the ideas come from?
25. How well does your party work together on council activities?
26. Do other prisoners on your wing know that you are on the council? Do they talk to you about it?
27. How do you think the council is impacting PRISON? What changes have you seen since you've been here?
28. Are staff and other prisoners aware of these changes?
29. Do you think the council can impact staff-prisoner relations? If so, in what ways?

30. Have you noticed a difference in the way you interact with staff involved in the council?
31. Has the council had an impact on general prisoner attitudes? Do they feel like their concerns are being heard/addressed?
32. Do you feel any difference in the overall atmosphere here? (e.g. less tense, less hostile)
33. Do you feel that staff really listen to you and your concerns? Do they take the council seriously?
34. Part of what I'm interested in is understanding the council as part of a democratic process – does it feel like that? Does it feel like you're legitimately participating, deliberating, and being heard?
35. Do you think the council could be better run, led, or implemented? If so, how?
36. Do you think you've gained any skills from being involved in the council (speaking, writing, interpersonal)?
37. Has participating in the council impacted you personally?
38. Have you told your family about your council activities? How do they feel about it?
39. What are the most positive features of the council or participating it in? What are the most negative features of it?
40. Do you think being involved in the council will help you after you've been released? In what ways?
41. Before coming to prison had you ever voted? Or been involved in politics, elections, or campaigns? Had you ever taken part in a protest? Volunteer/community work?
42. Do you think prisoners should have the right to vote?
43. Do you think you'd get involved in local elections after your release?
44. What does government or politics mean to you? In general, do you feel heard or represented? When in your life did you really feel like your voice was heard? Is there a way prisons could better tap into this? Or is 'being heard' totally incompatible with imprisonment?
45. Part of my study is examining the idea of citizenship and how that extends to prisoners. The punishment is loss of liberty, but sometimes deprivations extend further – like losing the right to vote, lack of autonomy or decision-making, the inability to protest, etc. What do you think about this? What do you think loss of liberty means and what should be included in that? How might these 'rights' get restored after prison?
46. What – at any time in your life – has made you feel like a citizen? What does citizenship mean to you? How would you define it?

<u>General questions</u>

47. What kinds of things could the prison do better in terms of helping you in the future (e.g. making sure you don't end up back in here – housing, employment, etc.)?
48. What are the 3 main strengths of this prison?
49. What are the 3 main weaknesses?
50. If you were the Governor here, what would you try to change?

<u>Conclusion</u>

51. Are there things I haven't asked you about that would be useful for me to know in order to understand this prison and how it works? Or about the council?

APPENDIX IV: Interview schedule for prison staff

Background

1. Can you tell me a bit about how you came to work here, how long you have been here, and what your current role is?
2. Which aspects of your work give you the most personal satisfaction?
3. Which aspects of your work give you the least personal satisfaction?
4. What does a good day look like? Can you give me an example of a good day that you've had recently?
5. Can you tell me what the main purpose of this prison is? Can you give me an example of where the prison meets this purpose?
6. What values matter in this prison? Where do these messages come from?
7. Do you personally identify with the prison's/Governor's philosophy (if there is one)?
8. Do you have any particular views about what prisons should be doing and how prisoners should be treated?
9. How much emphasis is placed on 'rehabilitation' and reducing offending behavior here? What are your views about this? What does 'rehabilitation' mean to you?

Stress/morale

10. How is staff morale here? How has this changed over the past couple of years?
11. What would most improve the overall quality of your working life?
12. What are the main causes of stress for staff here?
13. Do you feel that your opinions and experiences are valued by management? Do you feel heard?

Relationships with prisoners

14. How would you describe staff-prisoner relationships in here?
15. Can you give me an example of staff-prisoner relationships at their best in this prison?
16. What do you find is the most effective way of maintaining good relationships with prisoners?
17. Do you generally feel safe here? What is it that keeps you safe here?
18. What do you think are the main frustrations for prisoners here?
19. How well are order and discipline maintained here? What do you think are the most effective ways of maintaining discipline and order?
20. What are the main sources of tension and conflict between prisoners? Is there much bullying/threatening/violence? What do you think can be done to reduce these kinds of problems?

User Voice

21. How did you become involved with User Voice? Was this by choice or appointment?
22. What is your role with the council?
23. When you first heard about the council, what did you think?
24. Have you had a role with other prison programs or initiatives? How does your experience with the User Voice council compare?
25. Do you attend the monthly council meetings? Do you attend any of the preparatory meetings?
26. What is your impression of the User Voice employees? At what point did you find out they are former prisoners? How did you find out?
27. Do you think it makes a difference that they are former prisoners?

28. Does that status influence how staff and prisoners interact with them? If so, how?
29. What has been the general feeling towards User Voice and the council amongst staff?
30. What are some of the proposals the council has put forward?
31. How well do the prisoners work together on council activities?
32. Do you think the council is impacting the prison? If so, in what ways? What changes have you seen since the council was enacted?
33. Are other staff and prisoners aware of these changes?
34. Do you think the council can impact staff-prisoner relations? If so, in what ways?
35. Has the council had an impact on general prisoner attitudes? Do you think they feel like their concerns are being heard/addressed?
36. Do you feel that staff really listen to the prisoners' concerns? Do staff take the council seriously? If not, why?
37. Does the council give too much power to prisoners?
38. Do you think prisoners can gain any skills from being involved in the council (speaking, writing)?
39. Has participating in the council impacted you professionally/personally?
40. What are the most positive aspects of the council? What are the most negative aspects of it?
41. Do you think being involved in the council could help prisoners after they've been released? If so, in what ways?
42. Did you vote in the last User Voice election? Why or why not? Will you vote in the next election? Which party did you vote for?
43. What is your opinion on prisoner's voting rights – should incarcerated prisoners be allowed to vote? Why or why not?
44. Part of my study is examining the idea of citizenship and how that extends to prisoners. The punishment is loss of liberty, but sometimes deprivations extend further – like losing the right to vote, lack of autonomy or decision-making, the inability to protest, etc. What do you think about this? What do you think loss of liberty means and what should be included in that? How might these 'rights' get restored after prison? (social contract – how is that reciprocated)

<u>Conclusion</u>

45. In your opinion, what are the main problems of this prison?
46. What are the main strengths of this prison?
47. Is there anything else you want to add? Or comment on?

APPENDIX V: Interview schedule for Governors

Career

1. Can you talk me through your career history – your original motivations for joining the service, anything you did before, highlighting any major turning points or changes in your views and priorities as your career developed?
2. Can you tell me a bit about how you came to work here and how long you have been in this prison?

Style and values

5. What kind of a Governor are you? How would you compare your style to other Governors? How do you differ? How has it developed?
6. What distinctive personal values do you bring to your work? Can you give an example of how you try to communicate them?
7. What are your main sources of job satisfaction?
8. What are your main sources of (a) stress (b) frustration? How satisfied/stressed/frustrated are you currently?
9. How would you describe the key values coming from the top?
10. Where are your primary loyalties? Prison Service? Prisoners? Personal morality? The public?

User Voice

11. How did you first hear about User Voice? What attracted you to this organisation and their prison council model?
12. What led you to contract with them? What did this process look like? How long have you contracted their services for? Thus far, does it feel like value for money? Why or why not?
13. What were your motivations/expectations in introducing this type of initiative to the prison?
14. What made you believe that this prison was a good place for a council?
15. Did you have any initial concerns when contracting?
16. What is your impression of the User Voice employees? Were you ever apprehensive about their (ex-prisoner) status?
17. Do you think it makes a difference that they served time?
18. Does their (ex-prisoner) status influence how staff and prisoners interact with them? In what ways? (ask about keys – do they carry them, are they allowed to, etc.)
19. What has been the general feeling towards User Voice and the council amongst staff?
20. In your opinion, what are some of the most meaningful proposals put forward by the council? Have any proposals or ideas surprised you?
21. Is there any issue you will not allow to be discussed at the council meeting?
22. How well do the prisoners work together on council activities?
23. Do you think it should remain as a predominantly prisoner oriented initiative or should staff be more involved?
24. Is the council is impacting your prison? If so, what changes have you seen since the council was enacted?
25. Are other staff and prisoners aware of these changes?
26. Do you think the council can impact staff-prisoner relations? If so, in what ways?
27. Has the council had an impact on general prisoner attitudes? Do you think they feel like their concerns are genuinely being heard/addressed?

28. Do you feel any difference in the overall atmosphere here? (e.g. less tense, less hostile)
29. Do you feel that staff really listen to the prisoners' concerns? Do staff take the council seriously? If not, why?
30. Do you think the council could be better run, led, or implemented? In what ways?
31. Do you think prisoners can gain any skills from being involved in the council (speaking, writing)?
32. Has participating in the council impacted you professionally/personally?
33. What are the most positive aspects of the council? What are the most negative aspects of it?
34. Do you think being involved in the council could help prisoners after they've been released? If so, how and in what ways?
35. Did you vote in the last User Voice election? Why or why not? Will you vote in the next election? Which party did you vote for?
36. Do you think there is anything gained by having prisoners participate in democratic activities like voting, deliberation, proposals, etc.? Would you describe the council and its activities as 'democratic'? Why or why not (explain)? Are democracy and imprisonment compatible ideas?
37. What are your long-term expectations / hopes for the council and its impact on this prison?
38. Would you recommend UV to other prisons? Why or why not?
39. What types of prisons would it work best in?
40. How do governors/staff at other facilities perceive UV and their council model?
41. Part of my study is examining the idea of citizenship and how that extends to prisoners. The punishment is loss of liberty, but sometimes deprivations extend further – like losing the right to vote, lack of autonomy or decision-making, the inability to protest, etc. What do you think about this? What do you think loss of liberty means and what should be included in that? How might these 'rights' get restored after prison? [social contract – how is that reciprocated]

Social and political context

42. Do you worry about the broader social and political context – for example, the expanding prison population, longer sentences? How confident are you about our political leaders when it comes to prisons?
43. What's your view of criminal justice policy over recent years: for example, privatisation, ensuring value for money, etc.?
44. Can prisons be benign, constructive places to send people?
45. Would you consider yourself a liberal in terms of your views on prison and imprisonment? What does that mean in practice? (probe on whether people are fundamentally good or bad/selfish)
46. Do you feel compassion or sympathy for prisoners? Are you in favour of things like prisoner voting rights or conjugal visits?
47. What's your view on the increasing emphasis on prisoner 'responsibility', and the increasingly demanding expectations being placed on prisoners to comply in certain ways? Are you comfortable wielding state authority and power in these ways?
48. How would you describe yourself as a person (how confident, energetic, task-oriented, ambitious, intelligent, people-oriented, caring, pragmatic, socially involved, etc.)?

This prison

49. Can you tell me what the main purpose of this prison is? Can you give me an example of where the prison meets this purpose?

50. What do you think your main purpose is? Can you give me an example of when you have met this purpose recently?
51. What values matter in this prison? Where do these messages come from? How do you communicate your values to the staff (and prisoners)?
52. Do you have any particular views about what prisons should be doing and how prisoners should be treated?
53. How much emphasis is placed on rehabilitation and reducing offending behavior here? What are your views about this emphasis?
54. What is unique about this prison?

Relationships with prisoners

55. How would you describe staff-prisoner relationships in here?
56. What do you find is the most effective way of maintaining good relationships with prisoners?
57. Are there any aspects of the staff-prisoner relationship you would like to change?
58. Is there anything distinctive about staff-prisoner relationships, or about prisoners, in this establishment?
59. What do you think are the main frustrations for prisoners here?
60. How well are order and discipline maintained here?
61. What do you think are the most effective ways of maintaining discipline and order?

Conclusion

62. In your opinion, what are the main strengths of this prison? What are the main problems of this prison?
63. What are you most proud of in your own work to date? How would you rate your career success so far?
64. Is there anything else you want to add? Or comment on?

APPENDIX VI: Questions added to MQPL/SQL surveys[1]

This section asks how you feel about the User Voice prison council in this prison. Please circle your answer.

The work of the User Voice prison council benefits the whole prison.	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The User Voice prison council strengthens staff-prisoner relationships.	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
I am aware of User Voice prison council activities (proposals, outcomes, implementations).	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The User Voice prison council is just about pleasing prisoners.	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The User Voice prison council is taken seriously by staff. *(MQPL survey only)*	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The User Voice prison council gives too much power to prisoners. *(SQL survey only)*	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

[1] This section of questions was added to the MQPL and SQL surveys for the MQPL+ study in HMP Birmingham (2013) and HMYOI Aylesbury (2013 and 2014).

APPENDIX VII: A note for prison practitioners

In Albert Dzur's book, *Democracy Inside: Participatory Innovation in Unlikely Places* (2019), he chronicles the lives and work of 'democratic professionals' – agents of change and 'reform-minded innovators' operating in various fields, including criminal justice. They are 'democratic professionals not because they do democracy professionally, but because they do professionalism democratically' (ibid: 1). They help people solve problems together and recognise the kinds of problems that need to be solved. They are 'everyday makers' who are 'project-oriented and want to deal with common concerns concretely and personally rather than abstractly and ideologically' (Bang 2005: 167, quoted in Dzur 2019: 19). I encountered many democratic professionals throughout this study – prison staff who co-produced meaningful events and projects alongside prisoners, and who crafted opportunities for collaborative work. From my experience through fieldwork for this dissertation and my research in prisons since, I have come to understand some things that 'matter most' about prison(er)s and 'democratic participation'. Constructed from prisoners' voices, these key tenets are as follows:

- Active citizenship wings (which typically require 'enhanced' IEP status) have a tendency to reproduce hierarchies of inequality and to concentrate resources. Prisoners have many good ideas about how to flatten such hierarchies so that (fairer) distributive justice can be practiced.
- Linked to the above, a number of prisons have established, or are looking to grow, activities or opportunities centred around 'good citizenship'. Prisoners can find such initiatives frustrating because eligibility criteria are often too narrowly defined (and may exclude prisoners at the 'margins'). Eligibility could be broadened to take into account a range of individual strengths, challenges, accomplishments, and engagements.
- Marginalised prisoners are citizens too. They need opportunities and 'free spaces' to exercise their 'voice' (as well).
- Everyday democratic projects are built around the values discussed in this thesis – inclusion, participation, deliberation, and legitimacy – rather than 'rehabilitation', individualised responsibilisation, or tethered to sentence progression.
- 'People just want to be people'. The expression and retention of agency, even in small decision-making processes, can militate against institutionalisation and dehumanisation.

- Finally, ‘give people light and they will find a way’.[1] Meaning and purpose can be found and experienced in a myriad of ways – ‘staff just need to ask’.

[1] Ella Baker (1944), quoted in Ransby 2003: 105.

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