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Long term prisoners' accounts of their sentence

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Doctor of Philosophy

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Declaration of Original Work

I hereby confirm that I have composed this thesis and that this thesis is all my own work.
I also declare that this work has not been submitted for any other degree or professional qualification.

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Abstract

This thesis examines how long-term prisoners make sense of their sentence: what they see as its purpose, whether they think it fair and how they integrate their sentence in their life story. Its findings are based on narrative interviews with six men at the start of their sentence, twelve men who were about to be released and nine men who were under supervision in the community. The men interviewed felt the prison largely failed in its purposes of reform, rehabilitation and deterrence, even though these outcomes were much desired, as almost all wanted to desist. Reformatory efforts were seen as overly relying on cognitive behavioural courses in the prison, which, because they were compulsory for progression within the prison, were attended by many who were not motivated to engage with them. Furthermore, the men felt that they were treated as an aggregate rather than as individuals with individual needs and that this meant the necessary supports upon release were often not put in place. Meaningful communication about the relationship between the offence and the sentence was largely lacking. Any moral communication in the courtroom was hampered by the emotional demands on the men at the sentencing stage, their wish to manipulate the outcome in their own favour and their perception that court actors, too, manipulated processes, thereby lessening the moral standing of the court. However, despite the common perception of sentences failing to achieve any desired outcome and other complaints - about the inconsistency of sentencing, the standing of the court to judge and miscarriages of justice - almost all the men nevertheless positioned their sentence as fair (enough) in their narrative. While some referred to normative reasons to explain the legitimacy of their sentence, for others their acceptance was determined by their need to cope with the lived reality of imprisonment. This led to a strategy of 'getting your head down', which included accepting the 'justice' of one's sentence, but also limiting thoughts of the outside world and minimising contact with family. Others positioned their prison sentence as transformative in order to be able to construct a progressive narrative and make sense of a desired future of desistance. However, the men on license after release generally struggled to maintain a projected upward trajectory and only felt able to desist by isolating themselves, thereby avoiding further trouble. The thesis concludes that long-term prison sentences could be rendered more meaningful through greater individual input and a dialogue about questions of purpose and meaning, possibly initiated by community criminal justice social workers. In order to promote desistance, it is important that those who are released have better chances to secure an alternative identity for themselves so that they can move into a new stage of their lives, rather than withdrawing from the world in order to desist.

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Chapter 1 Introduction

I have long wanted to research offenders' perceptions of their sentences. As an undergraduate student in Stirling I took a philosophy unit on Crime and Punishment. The professor teaching the course was Antony Duff. I liked his theory of criminal punishment as communication (2001) because it gave a justification for punishment that linked it to the offence committed but also made sense of my strong feeling that any punishment needed to (aim to) bring about some good. But I wondered if this was ever how punishment worked; whether the punished ever saw their sentence as communication. Then, while reviewing the literature for my Masters dissertation a few years later, I found that there was very little research on offenders' perceptions of their punishment. This surprised me, because given that criminal punishment is one of the most intrusive actions the state takes into the lives of its citizens and one that most would agree is aimed at changing their conduct, it seemed this process should be underpinned by knowledge of how it is experienced. Quite a few more years later, during which I worked as a researcher, I started my PhD in order to explore this topic. At the start, I had no firm preference to study one type of punishment over another, but had a sense that it might be interesting to compare experiences of probation (the most overtly rehabilitative disposal) with long-term imprisonment (sentences of over four years, the most punitive disposal). I also decided that, as so little is known about the lived experience of criminal punishment, I would focus on men, who make up most of the punished population, rather than trying to capture both men's and women's experiences in the research. As described in Chapter 5, my interests changed over the course of the research and in the end I interviewed male long-term prisoners at different points in their sentence. The aim of the research remained, however, to uncover how they made sense of their punishment. The research questions formulated before the start of the fieldwork were:

- What meanings do offenders give to their sentences? Do any of these meanings align with normative theories? How are these meanings ascribed?
- Do offenders' accounts indicate that any of the stated aims of punishment are achieved?
- What unintended meanings and consequences do sentences have for offenders?

- Do offenders see their sentences as justified? Why (not)? What implications does this have?

The cross-sectional design of interviews at different stages of the sentence was decided upon because, based on early findings, I wanted to find out whether meanings ascribed to sentences changed over time. Ideally, this would have been answered using a longitudinal design, but this was impossible within the time frame of my PhD and, having interviewed those at the end of their sentence first, it was impossible to go back in time to capture their earlier accounts. I was aware from the start that, as meanings of sentences ascribed by the punished have been studied so little, the research questions might not capture all that was relevant. Partly for this reason, and to answer the question of how meanings are ascribed, I chose a narrative methodology. As Polkinghorne writes:

The storied descriptions people give about the meaning they attribute to life events is ... the best evidence available to researchers about the realm of people's experience (2007, p.479).

This introductory chapter will first set the scene for the research by briefly considering the criminal justice context in Scotland. I will then make a few points about the use of language and the meaning of my results before setting out the structure of this thesis.

1.1 Context

Scotland, while part of the United Kingdom, has its own legal and criminal justice system, distinct from that in England and Wales. It was previously administered through the Scottish Office, before it became a matter for the Scottish Parliament after its creation in 1999 (McAra 2008). The imprisonment rate in Scotland (154 per 100,000 in 2011 (Scottish Government 2012b)) is higher than for most other Western European countries, and has increased by more than 30% since 1999-2000 (Scottish Government 2009), despite a decrease in overall crime in the same period (Scottish Prisons Commission 2008). In 2010 to 2011 there were 2,268 long-term adult prisoners in Scotland (Berman 2012). Recently there has been political will to tackle the high rates of imprisonment, which a report commissioned by the Scottish National Party (SNP) government has

acknowledged constitutes the warehousing of ‘the damaged and traumatised’ (Scottish Prisons Commission 2008, p.13). In February 2011 the Criminal Justice and Licensing (Scotland) Act 2010 came into effect, which includes a presumption against prison sentences shorter than three months.

A much vaunted difference between Scotland and England and Wales is that Scottish probation services are located within local authority social work, rather than in a separate probation service. Many have argued that this has led to a greater adherence to a welfarist ideology in Scotland, while English criminal justice practice became more risk-based and punitive in the 1980s and 1990s (McAra 2008; Munro & McNeill 2010). Nonetheless, in the early 1990s, a requirement for prisoners serving sentences of over 4 years to be subject to compulsory supervision by criminal justice social workers after release came into effect, and more generally criminal justice social work also became more focused on risk and public protection and more managerialist than it had been hitherto (McNeill & Whyte 2007). There is debate amongst academics whether devolution in 1999, when Scotland gained a Parliament and greater independence in policy, led to a more punitive and populist stance in criminal justice policy (McAra 2005; 2008) or whether Scotland, at least to some extent, managed to maintain a divergent trajectory (McNeill et al. 2009; Munro & McNeill 2010).

The conditions and safety in prisons have improved significantly over the past decade, and the way prisoners are treated by staff have been transformed over the last 30 years, to the extent that now only 3% of prisoners rate their relationships with staff negatively (HM Chief Inspector of Prisons for Scotland 2009). The prison in which the interviews with men at the end of their sentence took place¹ was particularly praised for its positive relationships between staff members and prisoners in its latest inspection report, which also noted that there was little violence between prisoners.

High levels of imprisonment have, along with other social problems, been linked with the level of inequality in a society (Wilkinson & Pickett 2010). The Gini coefficient is one of

¹ Research sites are not identified in this thesis, in order to protect the anonymity of the participants.

the measures used to indicate inequality, with 0 representing perfect equality (where the wealth is shared equally amongst people), and 100 perfect inequality (where one person holds all the wealth). Scotland's Gini coefficient in 2010-2011 was 30, compared to 34 for Great Britain as a whole (Scottish Government 2012a). When looking at slightly older European figures (2010), this places Scotland at about the average for European countries, with most Southern European and former Soviet Bloc countries showing higher levels and most Northern and Eastern European countries lower levels of inequality (www.poverty.org). Within Scotland, it is the most deprived areas in which most police recorded crime takes place (Mooney et al. 2010). Research has also shown a linear correlation between the level of deprivation in neighbourhoods and the number of their residents in prison (Houchin 2005), indicating that the most disadvantaged are imprisoned disproportionately. The research I conducted with men after their release took place in communities with income deprivation levels of almost 25% (compared to 16% nationally) and employment deprivation levels amongst those of working age of almost 20% (compared to 13% nationally), which placed them amongst the 15% most deprived areas in Scotland (Scottish Neighbourhood Statistics).

1.2 Use of language

Those who have previously been incarcerated have written that they find the term 'offenders' offensive, because it categorises and dehumanises the people at the receiving end of the criminal justice process (Richards & Jones 2004). I therefore have tried to avoid using this term, although having used it frequently in the past, some instances may have escaped my attention. Also, in the discussion of literature that relies on this term, mostly in Chapter 3, I have chosen to mirror the language used, in order to avoid convoluted sentences. Although the term 'prisoner' is seen as less problematic by the same authors, where possible I have used 'men' (all those I interviewed were male) or 'interviewees', both for the sake of accuracy (not all those I spoke to were still incarcerated) and to emphasise their wider identities and their role as facilitators of the research. In my descriptions of those who had been released from prison but were still

under supervision, I have tended to use the term 'on license', but have also occasionally used 'on parole'.

The aim of the research was not to find out what a certain proportion of the whole prison population might feel about their sentence, as it might have been for a large quantitative study, but rather to elicit and examine the connections made by my interviewees within their narratives. Therefore I focus on these connections in the rest of this thesis, rather than on how many of the men I spoke to said similar things. On the other hand, I cannot but have paid more attention to certain responses when they appeared again and again across interviews. Still, to emphasise that findings that were common amongst my interviewees is not necessarily to claim that they are common amongst adult male long-term prisoners as a group. Thus I have attempted not to use language indicating proportions, such as 'most', or 'the majority of'. Where this type of statement is used, this should not be read as aimed at generalisation beyond my respondents, but merely a description of how common a certain stance was amongst them.

1.3 Thesis Structure

The body of this thesis has three parts. The first part provides the theoretical and empirical background of the research. In Chapter 2, I discuss normative theories of punishment and consider what meanings might be communicated by the criminal justice system to the person punished. In order to do so, I examine what purposes of punishment are evident at the policy level and among criminal justice actors. This chapter also explains why it is important to study the experiences and views of the punished. Chapter 3 sets out what is known about the meanings ascribed to punishment by the punished, with a special focus on (long-term) imprisonment.

The second part of the thesis describes the research approach and process. Chapter 4 examines what narratives are and what they can tell us. It explains how the view of narratives taken in this thesis brings together two different narrative approaches. Any narrative is seen as a situated performance, influenced both by its audience and its setting, but as also drawing, to varying extents, on an underlying life story. Chapter 5 explains the

decisions made in the research process and highlights both weaknesses and strengths in the way the research was conducted.

The third (and crucial) part of the thesis contains the research findings. The first two chapters, Chapter 6 and 7 describe evidence within my interviewees' narratives relating to the different purposes of imprisonment. Chapter 6 discusses what purposes were most salient in my interviewees' accounts, with a focus on reform, rehabilitation and deterrence. Chapter 7 examines in what ways the men's views of their sentence aligned with communicative theories of punishment, and with Antony Duff's work in particular. The last two findings chapters focus on legitimacy. In Chapter 8 I argue that the prison environment made it difficult for many of my interviewees to oppose their sentence, leading instead to a form of acquiescence that was often presented as endorsement of the sentence's legitimacy. In Chapter 9 I examine how the need for a positive narrative led some of the men to embrace their sentence (at least in hindsight) as a fulcrum for change and the catalyst of their transformation. In both these chapters I also consider the differences between the accounts of the men on license and those coming to the end of their prison sentence. On license, many of the men presented their earlier adaptation to the prison environment as institutionalisation, and there were indications that transformation narratives might have stalled because of a lack of opportunities to develop or cement new identities. The concluding chapter, Chapter 10, draws the findings together, considers their limitations and their significance beyond the research setting and sets out implications for policy and practice.

Limits on thesis length mean that I have not been able to include everything I would have liked to write. The main casualty has been a planned chapter describing the narratives of three or four of the men in greater depth. This would have been valuable in allowing the reader a greater understanding of some emblematic stories (one of prison as transformation, one of opposition to the sentence, one focusing on the obstacles encountered on license), but given the considerable space such a chapter would require I have decided to try to publish this as a journal article in the future. Instead, the reader is referred to the narrative vignettes in Appendix I, which, while short, should provide enough of the story of the men whose accounts feature the most in this thesis to give their

quotes some context. A further planned chapter reflecting on the match between the research topic and the narrative methodology has been included as Appendix II. It considers why many of the interviews failed to take the form of narratives as usually conceived by the methodological literature and the implications of this for my findings.

Chapter 2 The meaning of punishment

2.1 Introduction

As stated in the introduction, the aim of this thesis is to investigate the meanings long-term prisoners ascribe to their sentence. This chapter is intended to provide most of its conceptual background by fulfilling three functions. Firstly, it examines what ideas and concepts judges may have in mind when sentencing (and which we might therefore expect prisoners also to draw upon in making sense of their sentence) by giving an overview of the philosophy of punishment. This overview is also intended to provide the conceptual underpinnings of Chapter 6 and Chapter 7, which examine prisoners' views on the purposes of their sentence. The chapter then moves on to consider the purposes and justifications of punishment evident in government policy and criminal justice practice, and considers to what extent these are likely to influence prisoners' views. Finally, it provides a more extended rationale than was possible in the introduction for taking prisoners' accounts seriously. As this is not a thesis of philosophy, I will only briefly discuss the more mainstream philosophical justifications. Thereafter, those that focus on moral communication will be considered in more depth, as these overcome some of the problems of the mainstream theories. They explain both the backward looking elements of punishment (its connection to the crime committed) and the forward looking elements (the idea that punishment should have some impact on the future), which makes them more persuasive (Rex 2005). Furthermore, although some of these theories have had an impact on the field of criminal justice (Lewis 2005; Rex 2005; Robinson 2008), they are less integrated in our common understandings of punishment, and therefore less easily comprehended. While this chapter provides the main conceptual underpinning of the research, some of the concepts outlined here will be discussed in more detail in Chapter 6, in relation to my interviewees' views on the purpose of their punishment.

2.2 Consequentialism and retributivism

There are two main schools of thought in the justification of punishment: consequentialism and retributivism. Consequentialist theories state that we should always aim to bring about the best possible consequences and that any action that does this is by definition right. Punishment, on this account, is justified if, and to the extent that, it has a positive effect on the world. If the consequences are better if we punish than if we let the criminal go unpunished, for example because the punishment leads to crime reduction or another desired consequence, then doing so is justified. Some ways in which punishment might reduce crime are deterrence, incapacitation, rehabilitation and reform (Walker, 1980). Deterrence relies on the notion that when someone is punished, this might make them and others less likely to commit the same offence (again) because they know that this action can lead to bad consequences for themselves. Incapacitation is achieved when someone is put in prison or constrained in other ways (for example, through electronic monitoring) so that it is impossible or more difficult for them to re-offend for the duration of their sentence. Rehabilitation and reform make further crime less likely by changing the circumstances (rehabilitation) and the mindset and values (reform) of those who have offended, in order to reduce their inclination, desire and need to offend.

The main objection against consequentialist theories from retributivists is that they fail to treat the punished with the respect that is due to them as rational and moral agents, thus offending against Kant's moral imperative that we should 'act in such a way that [we] ... treat humanity.... never simply as a means, but always at the same time as an end' (1948, p.91). Retributivists argue that general deterrence uses the punished person as an example to the end of stopping others from committing crime. Moreover, by trying to individually deter an offender from committing future crimes we presuppose that he would otherwise have offended again in the future; by pre-empting his future decisions we have failed to treat him as a free agent (Rotman 1994). Furthermore, by deterring offenders, we are giving them reasons not to offend that are irrelevant to the situation: we are trying to instil fear of punishment rather than appealing to moral reasons, thereby not showing the proper respect for individuals' moral agency (Duff 1986). Incapacitation, like deterrence,

is seen as pre-empting decisions, as it only has an effect if the punished person would have offended again during the period they are incarcerated (Duff 1986).

Reform and rehabilitation have also been characterised by retributivists as disrespecting the moral agency of the punished, especially past rehabilitative practices that demanded compulsory personal change before release. For example, CS Lewis wrote that ‘to be “cured” against one’s will ... is to be put on a level with those who have not yet reached the age of reason or those who never will’ (1953, p.228) However, this argument only applies to forms of reform that the person can neither resist nor refuse. Several authors have conceptualised reform and rehabilitation differently (Lewis 2005; Lynch 2000; McNeill 2012b; Robinson 2008; Rotman 1994) and have argued that it should be seen as a *right* of the offender to be rehabilitated (Rotman 1994) and to be restored to full citizenship (McNeill 2012b). This kind of reform and rehabilitation would be voluntary and rather than ‘brainwashing’ would try to equip the offender for a life without crime through ‘educational opportunities; vocational training; justly remunerated work; ... treatment; ... post release support [and the] elimination of hindrances to reinstatement in the community’ (Rotman 1994, p.286). However, such a programme of rehabilitation could not be imposed on people, but only offered (Duff 2001). It therefore cannot serve as a justification for punishment, as it cannot in itself be seen as punitive and punishment would not be an essential part of the reformatory process. In fact, it is well recognised (that the punishment aspect of) imprisonment detracts from rehabilitative efforts (Carlen & Tombs 2006; Pollack 2009; Roberts 1995).

Retributive theories, rather than looking forward to the effects of punishment look backward to the offence and justify punishment with reference to the crime committed. They hold that there is an intrinsic link between wrongdoing and punishment, with the sentence seen as the offender’s ‘just deserts’. However, in order to be plausible retributive theorists have to explain why this link between crime and punishment exists. One such explanation proposed by various writers is that the offender takes an unfair advantage when he commits a crime, and that the balance is restored by the punishment (Kemshall & Maguire 2001; Murphy 1994; Rotman 1994). However, when we look at

the types of crime that might warrant imprisonment, such as murder or rape, it seems inadequate to characterise the crime committed merely as the disturbance of a balance, rather than as harm done to the victim (Hampton 1988). Furthermore, by focusing solely on the link between crime and punishment, many retributive theories fail to make sense of the idea that punishment should bring about at least some future good (Duff 1996; Rex 2005). These problems are addressed by some of the communicative theories discussed in the next section, which explain the link between crime and punishment as a need for moral communication, while also making sense of the forward looking element of punishment.

2.3 Censure and communication

There is a growing emphasis on censure and communication in the philosophy of punishment. Feinberg (1994) writes ‘that the expression of the community’s condemnation is an essential ingredient in legal punishment is widely acknowledged by legal writers’ (p. 75). Similarly, von Hirsch (1994) asserts: ‘that punishment conveys blame or reprobation is ... clear enough’ (p.119).

Censure and communication have been central in theories that attempt to unite the connection to the crime committed and the need for positive impact. Several authors have proposed that it is the need for censure following wrongdoing that explains the intuitive link between crime and punishment (Duff 2001; Morris 1994; Narayan 1993; Von Hirsch 1994). Some authors combine this with a consequentialist element in order to make sense of the forward looking aspect of punishment. Narayan (1993) writes that the harm done to the victim demands both recognition that this harm was someone’s responsibility and the subsequent denunciation of the person responsible. Treating the offender as a rational moral agent requires that he is informed of the fact that his act is disapproved of, and that he hears the reasons for this judgement, which constitutes censure. She and von Hirsch (1994) argue that the ‘hard treatment’ element of punishment (the imposition of a painful burden, such as the loss of freedom or money) can only be justified in consequentialist terms; as an extra prudential deterrent for people who are tempted to commit crimes

despite being aware of the moral reasons to desist (Narayan 1993; Von Hirsch 1994). However, since they write that this consequentialist element of punishment should not be allowed to overwrite the moral reason for not offending that is appealed to by the moral censure expressed, it is difficult to see how they can justify onerous sentences like imprisonment (see Duff 1996, p.44). Furthermore, von Hirsch's (1994) argument that hard treatment should be abolished in a society where crime is minimal (p. 124) suggests that this type of hybrid justification, in the end, is just as guilty of sacrificing the interests of offenders for the greater good as consequentialist theories, as their punishment seems to depend on how many others should be deterred.

Others have been more ambitious and have formulated theories which explain both the link to the offence and the intention to have a positive impact without reference to consequentialist elements. Morris (1994) provides an account of state punishment as analogous to the punishment of a child by its parents: in effect, the state punishes offenders for their own (moral) good, with the punishment fulfilling the functions of

- Helping the offender to understand the limits on conduct
- Showing the offender (and others) the level of attachment to values underlying these limits
- Indicating the character of the wrongdoing through the type of punishment
- Righting the wrong by providing closure, with the offender perceived as having paid their debt after the punishment.

Here, the hard treatment is part of the expression of censure and while the desire for a positive impact is not explicitly stated, the whole process is intended to improve the moral understanding of the offender, which should have a reduction of offending as a consequence, just as parents punish a child at least partly in the hope that this will curb their undesirable behaviour.

Duff also positions the hard treatment element as communicative of the nature of the wrongdoing. In his very carefully elaborated theory of communicative punishment (1986; 1996; 2001) Duff argues that when serious wrongs are committed, more is needed than just verbal censure and an apology. He writes

to think that [the offender] could just apologise, and then return to her normal life, would be to portray the wrong as a relatively trivial matter that did not seriously damage the victim or their relationship (Duff 2001, p.95)

The inadequacy of mere apology also means that in Duff's view even offenders who have repented should still be punished because 'some penance is still needed to reinforce that repentance and to manifest its sincerity to others' (p. 54). Duff's account of criminal punishment focuses on community penalties, which he argues are by far the best suited to fulfilling the role of 'communicative penance' (Duff 2003, p.192) and should be used much more extensively. Imprisonment should only play a very small role in the kind of criminal justice system he envisages, as punishment for the most serious of crimes. He writes:

The message of imprisonment is that the offender has not just damaged or threatened, but has *broken*, the normative bonds of community. He has made it impossible for us to live with him in the ordinary community of fellow citizenship unless and until he has undergone this penitential punishment (2001, p.150, emphasis in original).

Imprisonment, on Duff's account, communicates a need for exclusion to the offender, although he stresses this exclusion should always be temporary.

In Duff's theory, besides its communicative function, hard treatment is also an enforced secular penance, which ideally leads to the offender repenting and accepting responsibility (1996). However, while this is an aim of the punishment, it is not the justification (this is not a consequentialist theory) and the enforced penance cannot be continued simply on the basis that the offender has not repented. The punishment is intended as a two-way communication: it demonstrates to offenders the extent to which they have done wrong and focuses their attention on their crime and its consequences. At the same time, the hard treatment constitutes a message from the offender. Duff writes that it is

a material and forceful expression of the apology that [the offender] owes to those whom she wronged – to the direct victim of her crime, if there was one, and to the wider community whose values she flouted (Duff 2003, p.300)

The wording here is important: hard treatment is an expression of the apology that is *owed*, but this does not make it necessary that the offender is actually repentant. When this is not the case, the sentence is still seen as having given adequate weight to what has happened.

2.4 What is communication?

As this thesis is in part an attempt to see to what extent long-term prisoners' views of their sentence align with normative theories, including those focusing on communication, it is important to specify what form this communication is intended to take within criminal punishment. Narayan (1993) points out that most offenders will already be aware to some extent of the fact that what they did was wrong, but that what should be communicated are the reasons for and the extent of the disapproval of the act (p. 173). Tyler writes that each time offenders come to court this is an opportunity to increase their perceptions of the legitimacy of the law (Tyler 2006). In either case, what is happening is not so much the communication of a new piece of knowledge (education) as an attempt to change the way offenders think about what they have done (persuasion). Weijers (2002), who has developed a communicative account for the sentencing of young offenders, writes that there is an educative element in this process, not in educating offenders about what is right and wrong, but in encouraging the offender to consider questions about their behaviour that they may not have asked themselves before. However, this in itself could be seen as a form of persuasion to change attitudes by presenting new aspects of and questions about the offence. Duff agrees that the communication inherent in punishment should be seen as persuasion rather than education, writing that in most cases offenders know they have done wrong but 'do not care enough about it, or fail to attend to that aspect of their conduct, or give into temptation' (Duff 2001, p.91). Even if they were unaware of the wrong inherent in their conduct, Duff thinks seeing their punishment as education is overly paternalistic and inappropriate (*ibid.*).

None of the theorists discussed above has elaborated exactly *how* communication within the courtroom or during the sentence will be accomplished, although there seems to be an

implicit emphasis on the words spoken by the judge at the sentencing stage. Mathiesen (1994) writes that the communication process in the courtroom is a complex process of interaction between the judge and the offender. He sees communication as ‘the transfer of meaning between interacting parties’ (p. 222). To accomplish this, ‘carriers of meaning’ or ‘signs’ (which can be words, pictures, facial expressions) are transferred between the sender and the receiver, who then recreates their meaning. This recreation of meaning is necessary because signs do not have meaning in and of themselves, but only because they are part of a ‘sign-structure’ against the context of which they can be interpreted. Therefore the sender and receiver of the message have to share a common context of symbolic understanding for the message to be interpreted in the way it was intended. Mathiesen points out that this common context may well be lacking, especially between judges and those who are most commonly judged in courts. Those who live in deprived circumstances, which partly constitute their context of interpretation, may see any message uttered by the judge as oppressive, because it does not acknowledge or take into account their circumstances (ibid.).

2.5 Communication in this thesis

This thesis is not a technical account of communication and I therefore do not want to go into much more depth about its processes. However, it is worthwhile to consider briefly what ‘communication’ means in the chapters that follow. Where direct contact is involved between two people, one of whom wants to communicate to the other, Mathiesen’s (1994) definition seems correct. However, this thesis also discusses instances where elements of the courtroom process or the sentence are interpreted as ‘signs’ or ‘carriers of meaning’ where no communication was explicitly intended. These are instances where meaning is not transferred between interacting parties, but where the receiver in effect creates meaning out of elements which appear to be meaningful within their ‘sign-structure’ but which have no obvious sender. Of course, work on degradation ceremonies in the courtroom, prisons and other institutions (Braithwaite 1989; Garfinkel 1956; Goffman 1968) suggest that features of these processes are far from unintentional, even if they do not originate clearly with a ‘sender’ of communication and therefore do

not fit with Mathiesen's (1994) schema. Not being given the chance to speak in court, being stripped of one's own clothes and being subjected to strip searches are likely to have as great an impact, if not greater, in how prisoners make sense of their sentence than body language or words spoken by the judge. As the research this thesis is based upon examined offenders' interpretations, these originators of meaning are taken as seriously in the findings as explicit communication.

For clarity, I should make a distinction here between the forms of communication discussed in this thesis. The discussion above has focused on moral communication and this thesis examines whether prisoners perceived this. In examining moral communication, the thesis focuses on Duff's work, as this has the most bearing on the whole sentence, rather than just the court process, and is the most clearly elaborated in a series of articles and books (Duff 1986; 1996; 2001; 2002; 2003), making it easier to compare offenders' accounts against detailed theory. Research on whether moral communication takes place in our present system is discussed in the next chapter, in section 3.4, as this fits with the research that exists on how offenders perceive their sentence. However, also relevant to this thesis is the communication of other purposes of punishment: for example, how do prisoners come to see their sentence as rehabilitation? Section 2.7 in this chapter looks at the communication of purpose – it discusses whether our current criminal justice practices make it likely that prisoners will have a clear idea of the intended aim of their sentence. This shapes the context in which the punished make sense of their sentence, alongside sentencing policy and the views of punishment held by criminal justice actors, which are discussed in the next sections.

2.6 Intended purposes

This section discusses the 'official' sources upon which the punished may draw in determining the purpose of their sentence. Although it is likely that many sources beyond the justice system (e.g. family members, neighbours, life experience etc) will influence prisoners' views of their sentences, it is difficult to assess what rationales for punishment (if any) these sources will support. Furthermore, by examining the rationales supported

by the government and criminal justice actors, it is possible to examine to what extent any *intended* purposes, as formulated or held by officialdom, might have an impact on prisoners' views of their sentences. This depends on whether criminal justice staff members are likely to have formulated a clear aim (or aims) of sentencing themselves, which in turn may depend on policy guidance, and on whether they communicate this to the offender. As my research focuses on long-term prisoners, the following discussion concentrates on policies related to imprisonment and the criminal justice actors whose views are most likely to have an influence on the imprisoned; namely sentencers and prison staff.

2.6.1 Government

In Scotland the rationale for imprisonment has relatively recently been outlined in two reports *Scotland's Choice - report of the Scottish Prisons Commission* (Scottish Prisons Commission 2008) and *Reforming and Revitalising: Report of the Review of Community Penalties* (Scottish Government 2007). The Scottish Prisons Commission report states that imprisonment should be used only for 'punishing serious crime and protecting the public' (Scottish Prisons Commission 2008, p.3) while the Scottish Prison Service should also 'incentivise prisoners to come off and stay off drugs ... and ... provid[e] and prioritis[e] rehabilitation' (ibid., p. 45). The Community Penalties report similarly states that

serious and dangerous criminals should be sent to prison, to protect public safety... but if we are to allow our prisons to carry out effective rehabilitative work with serious criminals, we need to make sure that they can dedicate time to that work. (Scottish Government 2007, p.6)

The reports agree that imprisonment should be used only to punish serious crimes. Both see prison as aimed at both incapacitation and rehabilitation, with the Prisons Report also mentioning retribution as a rationale for 'ideal' prison sentences.

Neither report claims that these ideal functions of imprisonment are currently achieved. The Prisons Commission report candidly describes prisons as warehousing 'the damaged

and traumatised' (Scottish Prisons Commission 2008, p.13), and the Review of Community Penalties report notes that

while [short-term prison sentences] clearly punish, they would appear to fall short on the objectives of improving public safety in the long term, allowing an offender to pay back and helping the offender reintegrate into a law-abiding lifestyle. (Scottish Government 2007, p.5)

These quotes, as the reports that contain them, focus on the failure of *short-term* sentences to deliver their intended aims, with long-term sentences largely left uncriticised. The only indication that these, too, may be less than successful comes from descriptions of the impact of the high number of short-term prisoners on the prison system's resources.

To allow this situation [of overcrowding] to continue is to compel the Scottish Prison Service to divert time and energy away from detaining and rehabilitating serious offenders to dealing with the troubled and the damaged. (Scottish Prisons Commission 2008, p.55)

Both these reports, but especially the Scottish Prison Commission's fed into the Criminal Justice and Licensing (Scotland) Bill, which eventually became the Criminal Justice and Licensing (Scotland) Act 2010. The original Bill was supposed to include an overarching statement of the purposes of sentencing, namely:

the punishment of offenders, the reduction of crime (including its reduction by deterrence), the reform and rehabilitation of offenders, the protection of the public, and the making of reparation by offenders to persons affected by their offences. (Section 1.1)

Hereby it continued the mixing of rationales present in the reports. The Bill also stated that sentencers 'must have regard to' these purposes when imposing a sentence (section 1.2), which presumably meant that the onus was on them to weigh up the different purposes when these conflicted. However, the whole section on the principles and purposes of sentencing was removed from the Bill under Amendment 38 (Munro 2010), leaving overarching purposes of sentencing unspecified at the national level.

Even more coy about the purpose of the sentences it administers is the Scottish Prison Service. Its mission statement and aims on its website (www.sps.gov.uk) carefully avoid

statements of wider purpose, beyond achieving the successful imprisonment of prisoners, with statements such as:

- We will deliver an estate fit for purpose and the 21st century.
- We will work in partnership with other organisations in the public, private and voluntary sectors that deliver services to offenders and play a full role in the integration of offender management services.
- [We aim] To keep in custody those committed by the courts
- [We aim] To maintain good order in each prison
- [We aim] To care for prisoners with humanity

The exception is the aim of rehabilitation, which is included in both the mission statement and aims as:

- [We aim] To encourage prisoners to take opportunities which will reduce the likelihood they re-offend and help reintegrate them back into their community.
- We will deliver offender management services, programmes and activities which address the causes of offending and re-offending and work to improve the 10 outcomes for prisoners.

The ten outcomes for prisoners referred to here are less prominently displayed, included only as an Annex in the Scottish Prison Service Delivery Plan 2011-2012 (Scottish Prison Service 2011). They are:

- Sustained or improved physical and mental well being
- Reduced or stabilised substance misuse
- Improved literacy skills
- Employability prospects increased
- Maintained or improved relationships with families, peers and community
- The ability to access and sustain community support, including financial advice and education
- The ability to access and sustain suitable accommodation
- The ability to live independently if they choose
- Improvements in the attitudes or behaviour which lead to offending and greater acceptance of responsibility in managing behaviour and understanding of the impact of offending on victims and families.

It is of interest that these outcomes are all related to the purposes of rehabilitation or reform. If reform is defined as changing the way offenders think and react, with rehabilitation changing their circumstances such as housing and employment (following Carlen & Worrall 2004; Duff 2001; Rex 2005 as well as others, see section 6.2), then it seems that rehabilitation (first nine outcomes) takes precedence over reform (last outcome). Moreover, not all of the outcomes are clearly related to criminogenic needs, or those needs that are 'functionally related to criminal behavior' (Andrews & Bonta 2010,

p.45), definitions of which tend to exclude ‘the ability to live independently’ and ‘sustained or improved physical and mental wellbeing’. This suggests that rehabilitation is, to some extent, an end in itself for the Scottish Prison Service, rather than merely a means to reduce reoffending (see Robinson 2008). Notably, the mission statement and aims of the SPS do not include explicit references to incapacitation, punishment or deterrence, at least the first two of which the SPS could plausibly claim to deliver successfully. For example, the list of offender outcomes does not include statements such as ‘reduced inclination to reoffend because of fear of further punishment’ or ‘prevented from offending against the general public for the duration of their incarceration’. The same is true for the whole Delivery Plan Document (Scottish Prison Service 2011), in which there is much reference to ‘protecting the public’ and ‘managing risk’, but the reduction in reoffending necessary to achieve this is only framed as a result of rehabilitative efforts. All in all, despite its reticence on matters of purpose, the Scottish Prison Service seems to have a remarkably rehabilitative vision of the sentences it delivers.

2.6.2 Criminal Justice staff

There is evidence to suggest that rationales for action held at the governmental or institutional level do not necessarily filter down to the practice level or determine how programmes are implemented (Wandall 2008). Lipsky (1980) argues in his book *Street-level Bureaucracy* that those who ‘deliver’ government policy, or ‘street-level bureaucrats’, have a lot of power in determining how it is implemented. Given that the police, court actors (including public defenders) and corrections staff are all street-level bureaucrats, this leaves a lot of space for them to influence the meaning of sentences. This reasoning has been applied to the area of corrections by Cheliotis (2006), who argues that, while those working in this field have had their job descriptions narrowed, with those at the coalface no longer having any influence over overarching policies, there is space for them to resist new managerial penal practices and deliver services in a way that is more in line with their own values. This assertion is supported by empirical studies. Lynch (2000) found that while the parole service in California maintained a

rhetoric of rehabilitation, practice did not focus on individual transformation, but on coercive control and emphasising offenders' own responsibilities. Conversely, in the UK, Robinson & McNeill (2004) found that, even though practitioners accepted the official discourse of public protection as the main aim of probation, they were creative in their interpretation of this and used it to legitimise other aspects of their practice, such as rehabilitation.

But are criminal justice actors likely to formulate clear rationales for different sentences in their day-to-day work? Rex (2005) found that magistrates and probation staff agreed on the purpose of prison, which most thought was to express disapproval of the offenders' actions, followed by incapacitating the offender. The third most popular aim of imprisonment amongst magistrates was general deterrence (showing other people that crimes are punished) while probation staff preferred retribution. However, similar research in the USA with prison staff reveals the shortcomings of this type of survey research (Tewksbury & Mustaine 2008). While prison staff most often selected rehabilitation as the most important aim of imprisonment when presented with a list of rationales, followed by retribution and incapacitation, when answering an open question on the main aim of imprisonment it was incapacitation that was most often mentioned, followed by rehabilitation and retribution. The authors write:

This may imply that correctional staff members are not certain about what rationales are behind each correctional goal. Alternatively, it may mean that many correctional staff members are in support of various goals, in theory, but when they are forced to pick just one goal they go with more practical goals. (Tewksbury & Mustaine 2008, p.221)

Equally, it is possible that they had no clear conception of what sentences should accomplish at all. This demonstrates the shortcomings of quantitative research in this area: when presented with different statements to endorse, most participants will endorse most statements, even if these do not tap into any deeply held conviction about the purpose of the sentence in question.

Other studies' findings confirm that normative purposes of punishment may not play a crucial role in criminal justice staff's day-to-day interactions with offenders. Wandall's

research in a court in Denmark (2008) suggests that sentencers thought philosophical justifications for sentences were irrelevant in individual cases; instead they focused on the practicalities of the case at hand. He argues that different ideologies of sentencing instead played a role as underlying values guiding the judges' sentencing patterns. But even these are unlikely to be coherent. Wandall writes that 'it is revealing how wide and unguided the ideological spectrum that applies to the sanctioned choice is' (Wandall 2008, p.129). Hutton (2006) points out that normative considerations are far from the only influence on judges' sentencing, considering that they act within the culture of their profession and that they are influenced by other professions and wider society. He also argues that in most cases judges do not deliberate, but 'know' what the right decision is; only when they are asked to explain their decision do they construct a post hoc account of their thought processes (ibid.). Findings from a Scottish study support this, showing that making sentencing decisions had become a routine activity for the sentencers who were interviewed (Tombs & Jagger 2006). Overall, it seems that criminal justice actors are unlikely to have coherent or strongly held views of the purpose of the punishments they deliver.

2.7 The communication of the purpose of sentences

Even when the sentencer or corrections staff have a clear intent in sentencing or handling of the sentence, it is open to question whether this intent is communicated to the offender. There is evidence that, within a normal court setting, effective communication between the sentencer and the offender is unlikely to take place. Carlen (1976) analysed interactions in magistrates' courts in the 70s and found that defendants were at a disadvantage throughout, being the only actors who did not know the rules to the 'information game' played out in court. She argues that proceedings in the magistrates' courts were unintelligible to the defendant, who therefore often ended up being led out of court without even knowing what sentence had been passed. More recently Hudson (2002) has written that sentencers, rather than discussing the reasons for selecting a sentence only deliver a 'highly ritualised homily during the pronouncement of sentence, which is almost inevitably lost on the offender as he gives his attention to the sentence'

(p. 631). Furthermore, research on the communication between the sheriff and the offender in special problem solving courts often contrasts these with the proceedings in traditional courts. For example, McIvor (2009) in an evaluation of Scottish Drug Courts writes that offenders appreciated the opportunity to have a dialogue with the sheriff, but initially found it difficult because they had not experienced this before. Research on whether and how staff within the prison communicate with prisoners about the purpose of their sentence has not been carried out, as far as I know.

A further limit on any transfer of meaning between criminal justice staff and prisoners is that the former may have little motivation to communicate the purpose of the sentence (or anything else) to individual offenders. As Lipsky (1980) has pointed out, street-level bureaucrats usually focus on their own needs and the objectives of the bureaucracy they work for, rather than on those of individual clients. As they work with involuntary clients who do not pay or hire them, their clients' evaluation of their performance is irrelevant. Often this means that street-level bureaucrats want to process cases as quickly as possible, often going so far as putting clients 'in their place' by teaching them to limit their input, thereby making case-processing more swift and 'efficient' (ibid.). Street-level bureaucrats' objectives often exclude obtaining the best outcome for the client, but include finishing early and career advancement (as supported by Carlen's (1976) and Casper's (1972) findings in the court room), meaning that they will focus more on other street-level bureaucrats, who they will encounter again and may have power over their future prospects, than on the individual offender. Furthermore, much discussion in contemporary criminology has focused on the rise of a new penology (Feeley & Simon 1992), which has arguably shifted the focus from rehabilitating or punishing individual offenders to managing the risk presented by offenders *en masse*. While this shift may not have filtered down completely to the practice level (e.g. Robinson & McNeill 2004), it may be a further limiting factor on the extent to which an individualised purpose is communicated to offenders by any of the representatives of the criminal justice system.

2.8 The relevance of the experiences of the punished

The previous sections have set out the ‘official’ context in which prisoners make sense of their sentence. In this section I want to explain in more detail than was possible in the introduction why I think their views matter. Criminal punishment is one of the most serious intrusions by the state in the lives of its citizens, but the experiences of those undergoing it have been little studied (Krohn & Stratton 1980; Larson & Berg 1989; McGinnis & Carlson 1981; Rex 2005). While new sentences, such as Community Reparation Orders, are often evaluated (Curran et al. 2007), in the course of which the views of those serving them are usually solicited, this kind of evidence is not available for more traditional sentences, including imprisonment. With long-term imprisonment the most serious sentence available in most Western jurisdictions, and a very costly one at that (the annual average cost per prisoner is £32,146 (Scottish Prison Service 2012)), it is important that we know more about how this sentence is experienced. More practically, perceptions of the (in)justice of a sentence have been theorised to have implications for the way in which authorities are perceived and for offender compliance with the sanctions imposed (Robinson & McNeill 2008). Ultimately, perceptions of (un)just treatment may have consequences for future offending behaviour (Sherman 1993).

Furthermore, it is important to see whether the borders of the punishment lie where intended. For example, many believe that imprisonment should only be punishment in that it takes away prisoners’ liberty (see e.g. Liebling, 2004, p. 305). However, it is well known that imprisonment has additional adverse consequences for many prisoners, in their personal and working lives, and long after they have been released. The stigma of imprisonment makes it more difficult to find employment (Pager 2003; Schneider & McKim 2003; Social Exclusion Unit 2002). Imprisonment can have long-term negative health consequences (Massoglia 2008; Schnittker & John 2007) and released prisoners are at much higher risk of dying during their first two weeks of freedom, notably because

the risk of a drug overdose is high (Binswanger et al. 2007; Bird & Hutchinson 2003). Being imprisoned makes divorce more likely (Apel et al. 2010) and has further negative consequences for the partners and children of prisoners, such as stigma, mental health problems, financial strain, (future) unemployment and an increased likelihood of drug use or involvement in criminal activity (Murray 2005; Murray 2007; Murray & Farrington 2008). All in all, punishment places a burden on the prisoner (and his or her family) that extends far beyond (the period of) loss of liberty (Ewald & Uggen 2012; Liebling & Maruna 2005; Petersilia 2000). Conversely, some people may actually find life in prison easier than life on the street (Halsey 2007) and may welcome imprisonment as a respite from their problems. In this case, ‘punishment’ will not have taken place – or at least not punishment as intended. Part of the purpose of this thesis is to see what exactly criminal punishment encompasses in the eyes of those who experience it, and how this affects their sentence’s legitimacy in their eyes.

A final aim of this thesis is to bridge the gap between normative theories and the experiences of the punished. As the rationale for this relies on a more complicated argument than the ones outlined above, the rest of this section is dedicated to a defence of the importance of normative theories and an examination of the ways in which they are dependent on the views of the punished. As Rex has written, the views of those making or affected by criminal justice decisions cannot disprove normative theories: ‘you cannot prove an “ought”’ (Rex 2005, p.3). Even a finding that no prisoner has ever seen themselves as rehabilitated does not show that criminal punishment *should not* be justified by its rehabilitative function. However, I would argue that if the views of those undergoing sentences have no relationship to certain philosophical justifications, then this limits the value of these justifications as rationales for current practices of criminal punishment.

This is more relevant for some aims than for others. Consequentialist theories are the most dependent on the outcome of the sentence, as positive outcomes are their only justification. In-depth interviews are not the best way to assess whether the ultimate aim of a reduction in reoffending has been achieved. To do so would necessitate large scale

research with long follow-up periods, in order to ascertain whether the people undergoing a certain punishment have reoffended less than the predicted average. Even then, such research is problematic, relying as it does on officially recorded offending (usually police data) thereby failing to capture undetected offending, which constitutes the bulk of crimes committed (Friendship et al. 2002; Maguire 1997). It also often does not allow for an examination of the seriousness or rate of offending, instead focusing only on whether someone has committed a new crime over a certain period (ibid). However, for most of the consequentialist aims to be achieved, they have to be reflected in the experiences of the punished. Deterrence depends on people being aware of the threat of punishments, finding these punishments sufficiently aversive and thinking they are likely enough to get caught to refrain from offending (in the future). Reform and rehabilitation require that people think, or at least act, differently than before in relation to offending. Of the main consequentialist rationales for criminal punishment only incapacitation could be said to work independently of people's internal worlds, in that it controls their external one, although research by Wood et al. (2010) suggests that even this is only partially true. But I am not only interested in whether these deterrence, rehabilitation, reform and incapacitation are achieved according to individual prisoners, but also what influences their views on this, whether they wish they were achieved and, if so, how they could be achieved better in their eyes.

Retributive theories in general depend in two ways on offenders' experiences. If the aim is to inflict a burden in order to restore balance, but offenders actually experience their sentence as preferable to their usual life (for example, because they are institutionalised and find life in prison easier, or because they want to gain a certain status in the eyes of their friends) then the punishment cannot be justified with reference to the burden inflicted. Perhaps more importantly, their insistence on treating the guilty as rational moral agents discussed above means that offenders should at the very least understand why they are being punished, even if this is not the whole justification for the punishment. For example, if one takes the view that guilty deserve punishment because they have taken an unfair advantage (e.g. Kemshall & Maguire 2001), it seems that the offender would not be treated as a rational moral agent if they were just picked off the

street once guilt was established and imprisoned without another word or an explanation of why their taking advantage was unfair.

Justifications which conceptualise punishment as having the forward-looking aim of instilling repentance should also find reflection in the lived experiences of the punished. While Duff (1996) writes that his theory does not rely on repentance actually coming about in individual cases, if repentance is not a common or even occasional consequence of the message sent by the punishment, it is difficult to see how the punishment can be defended with reference to repentance. Von Hirsch and Narayan's accounts rely less on punishment as the communication of censure to the offender as on punishment as the *expression* of censure in recognition of the harm done, and therefore do not rely explicitly on the reaction of the offender. However, Narayan (1993) writes:

What censure does is to deliver the condemnation, whose warrant has been established in a manner which the perpetrator *can understand*. (p. 174, emphasis added)

Therefore, even though these theories do not require that the offender repent, the offender still needs to understand the punishment as censure.

Several of the writers referenced above are explicit that their accounts do not justify punishment as it is practiced in our current society. For example, Duff writes

My account of punishment is a normative, ideal account of what punishment ought to be... it is not intended as either as a description or as a justification of our existing penal practices.(2001, p.175)

Does it matter, then, whether offenders who are punished under the current system feel that communication is an element of their punishment? For some writers, who would like to see their theory as something the current system should aspire to, it does. For example, Morris writes 'the theory may serve as a guide in our attempts to adjust present practices so that they more closely accord with moral dictates' (1994, p.108). In this case we should examine to what extent the perceptions of the punished match theories in order to find out how far we have to travel to attain the system justified under these theories. Also, various writers have pointed out that, even if theories only justify an ideal system of

punishment, they do need to be applicable to the world we live in. For example, Murphy writes 'a theory may be formally correct (i.e. coherent or true for some possible world) but materially incorrect (i.e. inapplicable to the actual world in which we live)' (1994, p.58). In fact, theorists have criticised each other's theories on this pragmatic basis. For example, Duff casts doubt on whether von Hirsch's prudential hard treatments would actually deter anyone from crime (Duff 1996, p.45), and Narayan in turn questions whether anyone is more likely to be penitent after hard treatment, as Duff's account suggests, given that people under duress tend to think more of themselves than others (and the harm they may have inflicted on them) (Narayan 1993, p.178). This makes it of interest whether censure or other moral messages actually play a part in the meanings prisoners ascribe to their sentence and, if not, whether it is features of the current system or features inherent in the practice of punishment by the state that prevent this from happening.

Sociological literature on the practice of criminal punishment has suggested that theoretical justifications actually have little, if any, bearing on current sentencing practices. As already noted above, several authors have pointed out that theoretical justifications of punishment may not play much of a role in judges' decision making, which is instead a routine activity, characterised by boredom and a product of wider social processes, as well as a collaboration with other professionals (Hutton 2006; Tata 2007). Moreover, sociologists have problematised the extent to which criminal punishment's purpose is to impact on offenders at all. For example, Garland has written of punishment as a social institution, shaped by society and shaping society in return (1990) and as a vehicle for the state's demonstrations of its power (1996). He writes:

Harsh punishments and the forceful rhetoric of 'law and order' are deployed by the state as a commanding gesture of lordship and popular reassurance and find support in the general public for whom this process of condemnation and punishment serves as an expressive release of tension and a gratifying moment of unity in the face of crime. (Garland 2000, p.350)

In such conceptions of criminal punishment the state and the general public are its actors and audience, with the punished merely collateral bit-players necessary for the performance. Wacquant (1999) has argued that imprisonment, in particular, is a way of

managing the bottom end of the labour market, which has otherwise been left in a vacuum with employment ever more precarious and welfare provision largely withdrawn. Feeley and Simon (1992) similarly have influentially argued that the criminal justice system is no longer concerned with individuals, but instead is a way of managing 'criminal classes' through containment and surveillance. If these analyses are correct, they make the question of how punishment can be justified in relation to the individual offender seem irrelevant and, perhaps, naive. However, as Duff and Garland write:

State punishment is a practice that claims to be structured by certain definite aims and values. Its officials justify the institution, and their activities within it, by reference to those legitimating aims and values, and often draw on normative philosophical theories of punishment to do so. Philosophy thus enters directly into this practical context... and any sociology which disregards this normative dimension, or treats it as mere rhetoric, is liable to misunderstand the nature of the institution. (1994, pp.1–2)

Despite criminal justice policies having become more managerial and focused on risk-management, governments still justify criminal punishment with reference to retribution, rehabilitation, incapacitation and condemnation. Furthermore, normative theories discussed here have been used to change penal practices. Von Hirsch's emphasis on proportionality was influential in the inclusion of the 'just deserts' principle in the Criminal Justice Act 1991 in England and Wales (Lewis 2005). Duff's emphasis on the moral education of the offender through 'transparent persuasion' has found an expression in the cognitive behavioural programmes that are now being run for prisoners and probationers as part of the 'What Works' agenda (Robinson 2008). But this type of influence, where aspects of a theory are taken on board or borrowed by policy makers, necessitates examination of whether other aspects of the theory (which the theory's justification of punishment depends upon) are already in place or need to be operationalised, if the theory is to justify the practice of punishment.

2.9 Conclusion

The first part of this chapter has provided the conceptual underpinnings of this thesis, by examining how criminal punishment is justified in philosophy. It discussed consequentialist theories of punishment, which see punishment as right only when it

brings about positive consequences, and contrasted these with retributivist ones, which see punishment as an inherently right response to crime. It then examined communicative theories, which unite elements of the two, in more depth. In doing so, it furthermore provided the start of an examination of what concepts prisoners themselves may draw upon in making sense of their sentence. The consequentialist justifications of incapacitation, reform, rehabilitation and deterrence and the view of punishment as retribution all inform common sense views of punishment, as well as policy, but, unlike in the theories of individual philosophers, a clear overarching justification is lacking. Policy and criminal justice actors seem to operate with mixed rationales, aspire to different aims in different cases, or do not refer to the purpose of punishment at all (Hutton 2006; Scottish Government 2007; Scottish Prisons Commission 2008; Tombs & Jagger 2006; Wandall 2008). In policy, the need to marry punishment's connection to the crime with desired positive consequences seems to be accommodated by the mix of rationales referred to, rather than by adopting one theory wholesale. For example, this chapter has discussed how the Scottish Government refers to incapacitation, rehabilitation and retribution in its descriptions of the purpose of imprisonment, with the former two looking forward to positive consequences and the latter looking backward to the offence. The one exception discussed in this chapter is the Scottish Prison Service, which in its official statements of its aims (Scottish Prison Service 2011) focuses more on rehabilitation than on any other purpose. However, it is unlikely that this has a great impact on those it incarcerates, considering that its vision will be filtered by prison staff (Cheliotis 2006), who research suggests will additionally have little motivation to explain themselves (or the sentence) to prisoners (Lipsky 1980). Therefore, prisoners seem to be in a position where they make sense of their sentence in a vacuum of meaning – with a clear rationale neither likely to be evident for their sentence, nor to be expressed by penal actors, they will have to render it meaningful through their own interpretations.

The last part of the chapter has set out the argument for studying the lived experience of punishment. This is an under-researched area that deserves attention (Krohn & Stratton 1980; Larson & Berg 1989; McGinnis & Carlson 1981; Rex 2005). Furthermore, with the unintended side effects of imprisonment well documented (Ewald & Uggen 2012;

Liebling & Maruna 2005; Petersilia 2000), it should be investigated whether these play a large role in prisoners' accounts and affect their perceptions of legitimacy. I have also argued that it is important to bridge the gap between theoretical justifications of punishment and how those being punished experience this. Many (if not most) of the normative theories discussed make assumptions about the reactions or experiences of those undergoing them, but with certain notable exceptions, this connection has largely been neglected. The next chapter discusses what *is* known about the experiences of the punished, thereby providing the rest of the background for this thesis.

Chapter 3 Experiencing punishment

3.1 Introduction

The previous chapter has set out the theoretical and policy context for the research. In this chapter, I discuss what is already known about offenders' perceptions and experiences of their punishments, and further justify the research focus by pointing out gaps in the existing knowledge base. Many authors have recognised the importance of examining the views of offenders of the criminal justice process. Rex (2005) has argued for the need to see how well their views accord with justifications of punishment. Others have written that soliciting offenders' accounts is necessary in order to describe the system accurately, examine and possibly change it (Casper 1972), to promote respect for the system (McGinnis & Carlson 1981) because disrespect for the system may lead to further crime (Alpert & Hicks 1977; Krohn & Stratton 1980) and to make the desistance or rehabilitation more likely (Larson & Berg 1989). Despite this, the literature on offenders' experiences, and especially their view of their sentence, remains patchy and fragmented, with few coherent bodies of literature developed. An exception may be the work on 'procedural justice' (Casper et al. 1988; Jackson et al. 2010; Sunshine & Tyler 2003; Tyler 1990; 1997; 2006; 2010). Recently, there has also been some evidence of increased interest in Scotland in how punishments are seen by those who undergo them (Armstrong & Weaver 2010; Weaver & Armstrong 2011). This chapter will first discuss research that is directly concerned with offenders' views of their sentences in terms of fairness and purpose. As the purposes researched by most studies do not include moral communication, a separate section examines the literature on such communication in the courtroom. Finally, the most relevant literature on experiences of the particular sentence of interest here, (long-term) imprisonment, is discussed. As some of my findings go beyond the initial research questions, literature relevant to unanticipated findings will be discussed alongside these findings in later chapters, especially Chapter 9.

3.2 Perceptions of fairness

Early efforts to study how punishment is perceived concentrated on offenders' views of the whole criminal justice process. While this entails a different emphasis, it is likely that offenders' views of the way they were treated in court before the sentencing stage influence the way they see their sentence. As long ago as the 1950s, a project initiated by the prison system in the Netherlands resulted in the publication of a book of excerpts from letters prisoners were invited to write about their views on the criminal justice process (Rijksen 1958). Because the passages included were selected to represent the range of opinion found in the 901 letters submitted, and no further analysis was carried out, the book contains often opposing views on different aspects of the process, including arrest, remand, the preparation of reports, the trial, imprisonment and release. However, overall the views expressed were negative enough for the Dutch Ministry of Justice to have bought the entire first edition in an attempt to suppress the findings (Kelk 1978). As Rijksen writes in the introduction:

From the experiences recounted it appears that in many cases the prisoner feels treated without dignity at different stages of the criminal justice process. ... How can we expect a released prisoner to return as a full member to society when during the criminal justice process he is repeatedly given the impression that he is unworthy? What else can we expect than that he ends up in an ever more extreme oppositional stance, that he keeps placing himself outside of the community, and after a time is unable to find his way back? (1958, p. xii – my translation)

In the course of the court process, respondents often mentioned feeling ridiculed by criminal justice personnel, or belittled in other ways. A few respondents made mention of the communication between the judge, prosecutor and themselves, but mostly in negative terms, feeling they had been intentionally degraded through the use of profanity and been portrayed as a bad person. The prison sentences imposed were seen as inconsistent by several respondents.

A book with a similar subject matter but considerably more analysis was written by Casper in 1972. He interviewed 71 men about their views of the different stages of the criminal justice process, including arrest, plea-bargaining, interactions with the attorney,

prosecutors and judge, and of the law in general. His findings, like Rijkse's, were mostly negative. Casper writes that, while the criminal justice system *should* teach the offender moral lessons about how to behave, the system was perceived by his interviewees as an extension of life on the street, with the police, prosecution and public defenders driven by a 'production ethic'; merely doing their jobs and trying to dispose of cases as quickly and easily as possible, while pursuing their own interests. The judge was not seen as an impartial figure who cared about offenders' circumstances and delivering justice, but as a largely irrelevant figurehead who merely accepted the recommendations made by the prosecutor. In order to secure the best possible outcome defendants felt they had to bargain, manipulate the situation as best they could and have luck on their side, which mirrored their experience of life outside. The police were also perceived as adversaries in a game, with defendants' reporting feelings of pride and satisfaction if they outwitted them. On the other hand, when the defendants were not guilty of the particular crime for which they were arrested, they referred to their 'general guilt', the fact that they *had* committed similar crimes in the past, to explain why they probably deserved some form of punishment. Casper writes that defendants found it difficult to judge the fairness of their sentence in abstract terms:

Many were uncomfortable and confused in considering the question, 'do you think your sentence was fair?' Fairness is a concept which is not - except in an often somewhat hollow and even wistful fashion - especially salient to the men with whom I spoke. Although a few had real concern about abstract concepts such as fairness or justice, most were concerned with the world as it is rather than as it might be. Thus, a 'fair' sentence was measured not against some abstract notion about what is just (e.g., 'the punishment fits the crime' or 'equal punishment for crimes causing equal harm') but rather against reality. Thus, a 'fair' sentence meant largely two things to the men: (1) a good deal - something less than they might have gotten; (2) the going rate for an offence. (Casper 1972, p.89)

He found that defendants generally supported the existence of the laws they had offended against, and wished that they themselves could be law-abiding. However, this latter point, including the argument that defendants wished the criminal justice system was more effective in keeping them from the behaviours that they found hard to control is less well supported by references to his data than his other findings. Despite his assertion that the criminal justice system should teach offenders moral lessons, Casper's book makes very

little mention of judge-defendant interactions or moral dialogue, which may be an indication that such dialogue seldom occurred.

Much of the subsequent research on offenders' perceptions of fairness is based on large-scale surveys instead of in-depth interviews. Casper himself conducted a research study in which 812 men were interviewed just after they were charged, 628 of whom were re-interviewed after their case had been completed (Casper 1978). In this study he conceptualised fairness as having three dimensions: just desert, or the appropriateness of the treatment in each case, equality and the adequacy of the process by which decisions were made. He concluded that his interviewees used all three dimensions when deciding whether they thought their sentence was fair.

A body of research that has emerged out of this work by Casper, but has been largely driven by Tyler is the one on procedural justice (Casper et al. 1988; Jackson et al. 2010; Sunshine & Tyler 2003; Tyler 1990; 1997; 2003; 2006; 2010). Procedural justice is defined as 'the fairness of the manner in which the authority was exercised' (Tyler 2010, p.127) and encompasses both the way in which decisions were arrived at and the way people felt they were treated in the course of this process (Tyler 1990). The quality of decision making is perceived as high when authorities appear unbiased and give the case the attention it deserves (Tyler 1990; 2003). Interpersonal treatment is perceived as positive when people feel treated with dignity and respect (Tyler 2003, p.298). The main conclusion of this literature is that procedural justice rather than the favourability of outcome is the most important determinant in whether people see the way they are treated as fair (Sunshine & Tyler 2003; Jackson et al. 2010). This literature has come to largely define the meaning of the term 'legitimacy' in the field of criminology, as:

the widespread belief among members of the public (and inmates) that the police, the courts, the prisons and the legal system are authorities entitled to make decisions and who should be deferred to in matters of criminal justice (Jackson et al. 2010, p.4)

This definition of legitimacy explicitly excludes whether the decisions by authorities align with people's personal morality - the feeling that a law should be obeyed because it

is just (Tyler 1990) - although recently there have been attempts to re-integrate these concepts (Jackson et al. 2012).

Issues with the definition of legitimacy will be discussed in greater detail in Chapter 8, but here I would like to examine whether this posited dominance of procedural justice is likely to be true in the case of long-term prisoners. If someone has received a sentence of ten years and thought the way he was treated in court was fair, but that his sentence is overly harsh, will that make him see his case overall in a more favourable light than if it was the other way around? Or will it be the content of the sentence (as a lived experience), rather than either consideration which determine his overall views? In the case of long prison sentences, where the outcome of a case lasts so much longer than the court process, it is questionable whether procedural justice in arriving at the sentence will weigh more heavily than distributive justice (and just deserts) in the offender's mind. In addition, as Bottoms and Tankebe (2012) have pointed out within prisons the outcomes of decisions by the regime are likely to weigh more heavily in prisoners' evaluations of these decisions, because they are often known about by large numbers of prisoners and therefore can be compared for fairness. The same is true for sentences; prisoners are often in a position to assess distributive justice because they discuss and compare their sentences in relation to their offences. If Bottoms and Tankebe (2012) are right, this is likely to make the sentencing outcome more important. Finally, other authors have pointed out that existing procedural justice and legitimacy research is limited because it has focused predominantly on one society (the US) at one time and has not considered all the factors which may play a role in building legitimacy, as well as neglecting the possibility that legitimacy is ascribed differently in individual cases than by the aggregates investigated (Smith 2007). For these reasons, the findings of the procedural justice literature will not form a major part of the analytical framework used in this thesis, beyond the recognition that procedural justice is likely to play a role in shaping people's view of their sentence.

While the importance of procedural justice has been studied extensively, the importance of perceptions of just deserts in sentence evaluations seems to have received little

attention. I am aware of only a handful of studies that have attempted to separate just deserts (i.e. whether the sentence was substantively fair in its own right, given the offence) from offenders' expectations and comparisons of their sentences with those received by others. Krohn and Stratton (1980) asked 153 adult males questions about their views of their offence and found that, while 83% admitted they were guilty and 70% thought the law they had offended against was fair, only 22% thought their actions had caused real harm and only 42% that their punishment was fair. These results beg the question why people think laws are fair when they think offending against them does not cause harm, and whether it was the perception of not having caused harm, or considerations of distributive justice that meant many thought their sentence was unfair.

In a more recent study fifty-three Canadian young male offenders, who were either imprisoned or given probation, were surveyed to find out what they thought of their sentence (McWilliams & Pease 1990). It was found that 62% thought the sentence was what they deserved for their crime, while 70% said their sentence matched their expectations. Fourteen and 19% respectively thought that their sentence was less than they deserved or expected. This suggests that the participants in this study *expected* slightly more punishment than they felt they *deserved*, but also that it may be the case that a sizeable minority of offenders feels that they deserve *more* punishment and not just because they had expected a harsher sentence. Their reasons for thinking this were unfortunately not explored in this study. The authors of a further study objected to sentences being seen as only a good or bad deal, rather than as just or unjust in each case, because they felt that this could lead to disrespect for the criminal justice system (McGinnis & Carlson 1981). However, they also admitted having themselves focused more on offenders' expectations based on comparisons with other sentences than on their expectations based on what they thought was appropriate for their offence. They found that while 19% of the 100 offenders surveyed thought their sentence was lenient and 41% thought their sentence was severe, 40% felt it was very fair. Their subjects' expectations of their sentence were generally inaccurate (especially when they were based on feedback from their lawyers), which contradicts an earlier finding that 70% of offenders' expectations were similar to the median sentence for their offence (Casper, 1978).

Briefly, in other studies researchers in New Zealand found that 75% of 387 people on periodic detention thought their sentence was fair (Searle et al. 2003), while half of 36 Norwegian prisoners felt it was right that they were in prison, but two thirds thought their sentence was too long (Kolstad 1996).

In the above studies, the proportion of offenders who thought their sentence was fair varies widely (from 40% to 75%), along with the proportion considering their sentence lenient (from 2% to 19%). A further study focusing on the experiences of offenders found that 'the vast majority of both males and females felt that the sentences they received were too harsh' (Kratcoski & Scheijerman 1974, p.73), which does not align well with the other research findings. These discrepancies may be due to local differences, or changes over time, but may also be seen as revealing a problem with using survey methods to explore topics of fairness and meaning (Liebling 2004, p.367), especially when these have not previously been investigated in an exploratory way. Asking a question such as 'do you think your sentence was fair', when so many little understood factors are likely to play a role, means that people may interpret the question in different ways and that slight alterations in formulation can lead to quite different results. When participants do not have the opportunity to elaborate their thinking it is unclear, for example, whether they thought their sentence unfair because they did not feel they had done any harm, because they had been promised a lighter sentence by their lawyer, because they felt the court procedures were flawed or because they felt they should have been excused considering the circumstances. I would argue that, because knowledge of how sentences are experienced by the punished is relatively underdeveloped, exploratory research is needed before questionnaires, with their restrictions on what can be asked and answered, are used to refine our understanding of questions that are already known to be meaningful in this context (see also Cohen & Taylor 1972).

I now want to turn to research that has investigated perceptions of fairness using qualitative methods, even where this might not have been its main focus. One qualitative study was carried out in Australia (Indermaur 1994). Fifty-three offenders were interviewed using a questionnaire that included some open-ended questions. When asked

what 'fairness meant', respondents most often mentioned consistency (35%), 27% mentioned leniency or compassion, with 19% feeling that for the sentence to be fair the judge had to take account of all the factors (and offenders' needs) in each case. Only 11% felt that the punishment had to be proportionate to the crime committed. Fifty-eight percent of respondents felt their sentence had been unfair, with the most common reason being that their personal circumstances had not been given sufficient consideration. Indermaur points to a tension between the emphasis placed on consistency and on the need to take individual circumstances into account, which arguably pull in opposite directions. This tension has also been observed by prison studies, in which prisoners wanted prison regimes to be flexible, making decisions on the individual merits of each case, but also consistent (Crewe 2009; Sparks et al. 1996). Other qualitative research on offenders' perceptions has taken place in the course of evaluations of particular sentencing initiatives. For example, an evaluation of the pilot of Community Reparation Orders in Scotland found that offenders who had been given this new sentence on the whole did not understand what the sentence meant or what it was meant to achieve. Also, more than half felt that the sentence had not been the right response to their crime (Curran et al. 2007). Even though in such research the discussion with offenders about the legitimacy or purpose of their punishment is often limited, it is still regrettable that these types of investigations are only carried out for new sentences.

Recently, a research project in Scotland has compared the views of community and short-term prison sentences by interviewing offenders who had experienced both, some in prison and some in the community (Armstrong & Weaver 2010; Weaver & Armstrong 2011). Because those in prison usually had a long history of short-term sentences, for them it was not so much their most recent sentence, but rather the *accumulation* of sentences that had a negative impact on their lives. Most reported only having been given one or two community penalties before a long list of periods of imprisonment. They felt that they were being judged on their criminal records, rather than on any positive changes they might have made in their lives. While some felt that prison had been positive and life-changing because it had allowed them to engage in programmes or because it had given them motivation to kick their drug habit, most endured their time in prison

passively, enduring routine and boredom. For many, imprisonment had just become a feature of their lives, and there was evidence of a progression towards anger and hopelessness with a greater accumulation of sentences.

Other research has focused on prisoner attitudes towards the criminal justice system, rather than towards their sentence. The consensus seems to be that such attitudes tend to deteriorate during incarceration due to the adverse conditions experienced, at least in the USA (Franke et al. 2010). In a recent narrative research project violent offenders positioned the criminal justice system as one of their main enemies in their tales of heroic struggle, in which they struggled 'alone, against particular, and particularly formidable forces, to achieve their goals' (Presser 2009, p.106) and in which 'the wrongdoing the men had done was dwarfed by the greater wrongs done to them by the justice system' (Presser 2009, p.120). These findings suggest that many prisoners feel that they are treated unfairly, but it is not clear whether this is due to their treatment in the prison or their perception of their sentence as unfair.

3.3 Perceptions of purpose

Few studies have examined the purpose of prisons (or other punishments) in offenders' eyes in-depth, but many have touched upon questions of purpose. This section will first briefly discuss those studies that used survey methods, and are therefore affected by the problems with such research in a little developed area of knowledge noted above, before discussing the qualitative evidence available.

Kolstad (1996) reports that his 36 Norwegian interviewees saw prison as failing to rehabilitate them; many saw themselves as having become more hostile to or critical of society and thought their prison sentences were boring and unnecessarily long. Almost all agreed with the statement that the prison was 'a university for offenders'. Patrick and Marsh (2005) surveyed 80 prisoners to find out whether they saw their sentence as aimed at rehabilitation or punishment and found that the majority of prisoners experienced their sentence as punitive. They report that prisoners were more likely to see prison as

rehabilitative when they respected other prisoners and saw prison staff-prisoner relationships as positive and marked by cooperation rather than conflict. Further studies have tried to determine what imported factors determine how prison is perceived by prisoners (Henderson 2000; van Voorhis et al. 1997). These found that young, uneducated prisoners from minority backgrounds who took responsibility for their crime were more likely to perceive rehabilitation as a purpose of prison, as well as generally agreeing more with all the suggested purposes of imprisonment (ibid.)

Others have examined the views of offenders serving community sentences. Rex (2005) interviewed 13 such offenders and gave questionnaires to 143 to solicit their views on how criminal justice *should* function. In the same study she also solicited the views of magistrates, probation staff and victims in comparable numbers. The offenders felt that rehabilitation should be the main aim of criminal justice, followed by incapacitation, education and reform. However, even the least popular aim of sentencing on the questionnaire (retribution) was still supported by 40% of offenders, compared to 79% supporting rehabilitation, indicating that the differences in support for the 13 aims mentioned were relatively small². Interestingly, the offenders thought the main purposes of imprisonment were retribution and deterrence rather than incapacitation, while community service was seen as aimed at reparation, probation at rehabilitation and curfews at incapacitation. They generally supported reformative aims, followed by other aims that involved reducing offending, with the least support for moralising and exacting recompense for their crimes. Accordingly, when asked what they thought the penal process should express, offenders felt they should be told they had one last chance to do well, rather than that their actions were wrong or needed to be redeemed.

Applegate et al. (2009) surveyed 369 probationers in England on the purposes of their sentence. They found that more than 90% felt that their order had deterred them from future crime, over 60% felt probation was rehabilitative and over half thought it made them pay back for their crime. Just under half felt they deserved to be on probation.

² Victims' views were even less differentiated, with 59% supporting the least popular aim of retribution, compared to 85% supporting the most popular of persuasion ('make them see why what they did was wrong', p. 81)

However, these seemingly high levels of support for different functions of probation are contradicted by the same study's results showing that over half of the participants felt that there was no purpose to being on probation and 44% responded that probation did not help them or society in any way. This, and the unfeasibly high number of offenders who said they would refrain from offending in order to avoid a future probation order, highlight a further problem with the use of survey to investigate attitudes. Rex (2005) and Applegate (2009) asked offenders to agree or disagree with statements reflecting possible purposes of their sentence. While participants were able to say whether they thought their sentence did or should aim to achieve this aim, it is neither clear whether they would have thought of these aims independently nor whether any of them played an important role in the participants' own sense-making of their sentence.

These limitations may be overcome by more qualitative studies, but such studies are rare. A recent Australian study on the meaning young men ascribe to their incarceration investigated this through narrative interviews (Halsey 2007). The participants recounted that they thought the *intended* purposes of their incarceration were deterrence and rehabilitation. However, they did not feel that it achieved these aims because the environment was counterproductive. Deterrence was not achieved because the environment was familiar and not aversive for those in a young offenders' institute, where many described activities being on offer that they could not access elsewhere. Its conditions were even experienced as providing a degree of respite from a more difficult life on the outside. Those interviewed in an adult prison did experience their incarceration as deprivation, because there was so little on offer, and many of them regretted not having changed their lives around in time to avoid this environment. The participants felt that they were not rehabilitated in the course of their confinement, because they talked (and learned) a lot about crime, which Halsey posits is inevitable within an environment where many have to perform a suitably 'tough' self in order to survive. Furthermore, rehabilitative programmes were seen as inauthentic because they did not match the participants' reality and were delivered by professionals who were seen as having no real understanding of the problems faced by offenders. Finally, the fact that the young people

interviewed felt that authority in the prison was exercised inconsistently and without respect for prisoners led the author to write:

if incarceration is designed to 'teach young men a lesson', then the curriculum, to continue the metaphor, is presently structured and relayed in a manner which elicits an abiding disrespect for and loss of faith in experts, authority, and so-called rehabilitative processes. (Halsey 2007, p.359)

With custody mostly seen as respite or as useless by young people who are incarcerated, these findings suggest that, amongst this group of people, imprisonment does not manage to fulfil the purposes by which it is often justified.

Another qualitative research project with young offenders, conducted in the UK, also touched on perceptions of sentences (Hazel et al. 2002). Participants saw all the disposals mainly as punishment, including activities intended to bring about reparation or mediation. Only community orders were at the same time seen as 'a second chance'. Unfortunately, this research was never disseminated beyond the summary report to the ESRC, so cannot provide more detailed insight on the factors shaping these perceptions. In Scotland, Barry's (2006; 2007) research with young offenders suggests that some did perceive criminal punishment as a deterrent. Detection and the possibility of criminal punishment were seen as the main disadvantage of offending and fear of imprisonment was one of the reasons given for wanting to desist. The participants felt that, in terms of rehabilitation, they had to decide to change themselves, but others, including professionals, could support them after they had made this decision. It was important to the interviewees that their workers talked and listened to them 'about the problems, fears and consequences of offending' (2007, p.416) in a non-judgemental manner. Focusing on the period of supervision after imprisonment, rather than the imprisonment itself, Appleton (2010) interviewed 28 men on life license, who at the time of interview had been free for 8-13 years. She found that her participants generally saw the supervision they received as care, with their probation officers genuinely interested in helping them, or as a benevolent mixture of care and control, with only a minority feeling that their supervision was overly focused on control. They therefore perceived their supervision as rehabilitative, rather than as just managerialist or punitive.

Other work has highlighted that it is not only the punishment and its conditions that shape people's perceptions. Comfort (2008) interviewed 10 couples, in which the men had recently been released from prison. She found that some of her interviewees described their experiences as rehabilitative, despite a lack of useful programmes or other intervention on the part of the prison regime. She writes:

finding deliverance in merely having time to think quietly about one's life, deciding to adhere to a certain code of masculinity, and articulating that decision to loved ones opens the potential for betterment to virtually all inmates, paradoxically leading them to cast an environment barren of social welfare services as fertile ground for redemption (p.272).

Because sentences happen in the context of wider lives, factors beyond the prison regime and the criminal justice system can have a crucial impact on how sentences are perceived and may well be more important than any communication or expression of purpose inherent in the sentence. Similar findings were reported by a phenomenological study of the experiences of 16 young offenders. Despite generally adverse conditions, including bullying, and a lack of rehabilitation work, most thought that they had changed for the better because they had had time to think or because they had not been able to take drugs (Ashkar & Kenny 2008). This perception of rehabilitation existed in conjunction with their view that they had been deterred by the adverse experience of imprisonment. Conversely, in Presser's (2008) narrative study of 27 violent offenders, many 'criticized the rhetoric of treatment, which they said contrasted with a reality of actually facilitating recidivism' (p. 119). Again, the meaning ascribed to sentences may be very different from the stated intent or conditions of imprisonment.

3.4 Moral communication in sentencing

It is clear from the discussion above that the literature has largely focused on experiences of reform and rehabilitation, compared and contrasted with punishment and deterrence. Newer communicative theories have received little attention, except for in Rex's (2005) study. As these theories are the only ones to bring together the forward and backward looking elements of punishment and therefore are the most promising, what the literature can tell us about their match with reality deserves greater attention. In the absence of

research directly examining prisoners' experience in this regard, I will digress slightly and focus on research on communication in sentencing per se. All of this research has focused on communication in the courtroom.

In general, communication with the defendant appears to be little researched. Studies have focused on communication between different courtroom actors, such as the defence agent and the sentencer, and on the persuasion of jury members (e.g. Bülow-Møller 1991; Janney 2002) but few studies have examined communication with the defendant in the courtroom. Carlen's observations in a magistrates' court (1976), already mentioned in the previous chapter, also suggest that the defendants in the cases she witnessed were not in a position to receive any communication. They were placed the furthest away from the magistrate, aggravating the difficulty in following proceedings caused by the often poor acoustics, and were not allowed to use their usual conversational or presentational style, making it difficult for them to effectively take part in the proceedings. While defendants were often asked if they understood what was happening, any negative responses were met with impatience and irritation. Many defendants pretended to understand because they wanted the generally negative experience of being in court to end, because they did not want to look incompetent or because they were too nervous to do otherwise. In short, Carlen argues that proceedings in the magistrates' court were unintelligible (absurd) to the defendant, who therefore often ended up being led out of court without even knowing what sentence had been passed. However, she acknowledges that her findings are likely to have been affected by the pressure of business in magistrates' courts, and they may to some extent be dated.

More recent research focusing on problem-solving courts tends to compare these positively to more traditional courts in terms of communication with the accused, suggesting that opportunities for the accused to take an active part in the proceedings exist in some cases, but usually remain limited. McIvor (2009) carried out an evaluation of Drug Courts in Scotland and found that offenders appreciated having a chance to speak to 'their' sheriff at regular review meetings, but initially found this difficult, because they

were used to only being spoken to. Professionals interviewed also acknowledged the distinction:

The sharp contrast between Drug Court dialogues and the brief and rather stilted exchanges between Sheriffs and offenders that typically took place in other courts was widely alluded to by other professionals associated with the Drug Courts. (p. 40)

McIvor only obliquely refers to the type of communication taking place in the courtroom. Most offenders saw the review meetings as therapeutic: as an opportunity to identify problems and renew their motivation to become or stay drug-free. In line with this, sheriffs' comments were found to be mostly encouraging. When someone seemed to be failing their order, the sheriff would threaten more serious sanctions and talk to offenders about the need to stay away from temptation, but McIvor presents no evidence of a moral dialogue about the original offence. This may be because these reviews focus on current non-compliance or drug use, rather than looking backwards to the offence. Dzur and Mirchandani (2008), in a discussion of the increased democratisation of courts in the US through jury reforms and the introduction of problem-solving courts, do claim that the latter involve moral communication. They see these courts as 'remind[ing offenders] of the law's rationale and their own appreciation of the values that the law embodies' (p. 21) and report that defendants had reflected on the immorality of their previous conduct as a consequence. However, they do not spell out in detail *how* the defendants were encouraged to do so. They highlight the difference with normal court proceedings, indicating that usually little dialogue between offenders and sentencers takes place:

the asymmetry of the relationship between judge and defendant is still present, of course, but this dialogical quality between judge and defendant is far closer to Duff's notion of treating the offender as a fellow citizen by being communicative in a two-way sense ... than in traditional courts. (Dzur and Mirchandani, p. 21-22)

Further studies have focused on statements made by the judge to the offender, usually in the adjudication of young offenders. Kupchik (2004) examined how young offenders were spoken to at the sentencing stage in an adult (but specialist) court. He found that, because sentencers had to balance the principle of proportionality and the reduced responsibility that is generally accorded to the young, they often admonished the

offenders in very strong terms, but then gave them a reduced sentence, seeing their 'rhetorical punitiveness' (p. 168) as a supplement to the sentence. The judges said the aim of their admonishments was to *scare* the offender into changing their behaviour, which is notably not the aim of persuasion advocated by Duff (2001; 2002) and Weijers (2002). There was nevertheless some evidence of moral dialogue, but this was largely restricted to the judge asking defendants how they would feel if someone victimised their family members in the way they had victimised others. Daly and Bouhours (2008) examined the sentencing comments made by the judges in 55 sexual offence trials in youth courts and found that, while judges very rarely criticised the offender personally, instead encouraging them to distance themselves from the crime (thereby avoiding 'degradation ceremonies'), very little dialogue took place between the judge and the offender. Also, judges sent different moral messages: in most cases they explained why the offence was morally wrong (usually with reference to the violation of the victim), while in other cases (usually consensual sex with an underage partner) they only expressed the crime as a legal wrong (referring to statutes). Interestingly, no moral message was expressed in several cases where the offender had previously committed offences and was seen as 'beyond help' and where the offender showed remorse already and had changed their ways. Similarly, previous research has suggested that sentencers emphasise moral messages more to female and young offenders and male offenders who they are not incarcerating, because these groups are seen as still reformable (Daly 1994; Kupchik 2003; 2004). These findings are in contradiction with the normative argument that even remorseful and intransigent offenders should be censured (Duff 1996; Von Hirsch 1994). While Daly and Bouhours (2008) refer to other studies examining sentencing remarks in the cases of juvenile offenders, they also note that they were unable to find any research into the effect of these remarks on offenders (p. 502).

Scottish research studies on communication in Children's Hearings and Youth Courts have found limited evidence of moral communication. Separate research studies have found that, while the involvement of children and their parents is greater in Children's Hearings than in English Youth Courts (Bottoms & Dignan 2004), the style of the hearings varies greatly (Hallett & Murray 1998; Martin et al. 1981; Petch 1988). Petch

(1988) assessed hearings from the parents' perspective and found that while 37 out of 96 hearings contained elements of constructive dialogue (she classified them as 'supportive' (25), 'open-exchange' (6) or 'parent dominated' (6)) the rest were either formal and ritualised (16), characterised by indecision (11), challenging/humiliating (11) or probing (9) towards the offender³. Similarly, Martin et al (1981) found that, while 90% of the hearings could be classified as encouraging, more than a third also contained shame or guilt-inducing elements and in 22% of hearings panel members were contemptuous of or sarcastic towards the child. Subsequent analysis (Erickson 1982) showed that around 80% of the 105 children interviewed thought the decision reached was fair and the majority was happy with the extent of their own participation in the process. Meanwhile, an evaluation of the Scottish Youth Court pilots has found that the young offenders appearing before the court are 'seen and not heard' (p. 53), are positioned so that it is difficult for them to hear what is said and often do not understand what they do hear (Piacentini & Walters 2006), confirming that Carlen's (1976) findings discussed above still apply to current criminal justice contexts.

A recent comparison of youth justice in ten Western European countries examined the extent to which the court process could be seen as a meaningful pedagogical process (Rap & Weijers 2011). The authors evaluated the systems on seven dimensions, one of which was the extent to which an appeal was made to the young person's moral conscience. The Scottish Children's Hearing system scored well on all dimensions except for moral communication, although the authors note that this was a consequence of the Hearings' focus on the care for and protection of the child rather than their offending. On the other hand, in accordance with Piacentini and Walters' findings (2006), the Scottish Youth Court sessions, which take place in an adult setting and otherwise also resemble adult criminal courts (Piacentini & Walters 2006), were rated in the bottom category on all the dimensions, except for the motivation of the decision made. Moral communication observed in other countries often took a paternalistic form, with young people being lectured and in some instances shouted at. Judges in Greece and Germany appealed to

³ With no further information given on the different classifications, it is difficult to say whether the two final categories may have contained (helpful) elements of moral communication to the child.

feelings of shame and regret by focusing on the consequences of the offence, while Italian judges tended to try to elicit empathy for the victims by asking the young person how they would feel if they or their families were victimised. However, the authors did not feel that the judges' communication with the young person in any of the countries examined stimulated genuine reflection on the offence.

3.5 The experience of (long-term) imprisonment

In contrast to the scarcity of research on perceptions of the sentence imposed, there is an extensive literature on 'how the prison experience is lived and what shapes it' (Liebling 2004, p.145). With the focus of this thesis on long-term imprisonment, some of this literature is pertinent to its research questions. As this is such a well-developed field of research, however, I can only provide a brief overview and discuss the findings most relevant to this thesis.

Earlier studies (e.g. McCorkle & Korn 1954; Sykes 1958; Wheeler 1961) focused on subcultures in the prison and the way men organised themselves when forced to live together. They examined the way in which prisoner relationships with other prisoners and with staff were constituted, how an inmate code developed and whether this was a result of the institution or the values prisoners brought into the prison with them (importation). Prison studies have also been interested in the problem of order; why there is not more disorder in prisons given that people are held against their will, and what leads to order breaking down (Carrabine 2004; Mathiesen 1965; Sparks et al. 1996; Sykes 1958). Some of these texts have focused on the legitimacy of the regime, linking this to staff-prisoner relationships, the provision of material goods and visits and the way in which power in prison is operationalised (Carrabine 2004; Sparks et al. 1996). Alison Liebling and her research group at the Prisons Research Centre at Cambridge have taken this work forward by arguing that there is more to the quality of prison life than legitimacy and have developed new methods to study what they call the 'moral performance' of prison regimes (Liebling 2004; 2011). Through the use of appreciative enquiry, they have explored with prison staff and prisoners what the prison experience and prisoner-staff

relationships would ideally be like, comparing this with what they were like at the time of research in different prisons. This work is an example how mixed methods research can make a huge contribution to our understanding of prisoners' experiences. Through initial qualitative work a questionnaire was developed and then piloted. The eventual questionnaire made it possible to ask large numbers of respondents about aspects of their experience that were demonstrably meaningful to them. This research identified four aspects of the prison experience that determine the quality of prison life: dimensions of staff-prisoner relationships, regime dimensions (the level of family contact, opportunities for personal development and feelings of personal safety, amongst others) social structure dimensions (power and social life) and individual items of meaning and quality of life. Interestingly, the single item on the final questionnaire investigating whether prisoners found their imprisonment meaningful was often answered with 'neither agree nor disagree', leading Liebling to conclude that questions of meaning might be difficult to answer using structured responses (2004, p.367).

An ethnographic study by Crewe (2009) has drawn the different strands of prison research together by examining adaptation to imprisonment, the social world within prison and how power within the prison is used and perceived. As the title of his book *'The Prisoner Society'* suggests, his findings aim to provide an overall picture of prison life as it is in the 21st Century in one prison in England. The main argument of his book is that the way penal power operates has changed from authoritarian but consistent decision-making, with little input from the prisoner, to more discretionary decisions which are based on all aspects of the prisoner's conduct. This change, he argues, has significant consequences for the experience of prisoners.

This body of work, while not directly related to prisoners' perceptions of their punishment as a sentence, does provide some insight into the experience of imprisonment. It especially supports the finding by Patrick & Marsh (2001) and Halsey (2007) discussed in section 3.3 above, that the way in which prisoners are treated during their sentence has an impact on how they make sense of it, and highlights that this can vary from prison to prison. Sparks et al (1996) examined experiences of the regime in

two different long-term prisons, comparing a relatively 'relaxed' prison, Long Lartin, with one where the regime was seen as much more austere, Albany. Their respondents are quoted as seeing Albany as a 'punishment' prison, rather than as the 'rehabilitation' prison they think the management would like it to be (pp 189-190). Similarly, Liebling (2004) researched the different cultures in five different prisons and found substantial differences in staff-prisoner relationships and regime dimensions between the prisons. Prisoners in prisons where there was little interaction or trust between staff and prisoners, where they were shown little respect and felt that procedures were unfair were more likely to agree with the statement 'my time here seems very much like a punishment' (p. 348). She also reported that, while some prisoners found meaning in their sentence because they felt they had been listened to, had progressed on educational goals, or had avoided a worse fate of death or continued drug addiction, over a third agreed with the statement 'my experience of prison is meaningless' (p. 367), although many neither agreed nor disagreed, as discussed above.

A purely qualitative study of staff-prisoner relationships in Whitemoor (a high security prison) by the Prisons Research Centre (Liebling et al. 2011), supports Comfort's (2008) and Ashkar and Kenny's (2008) findings that many prisoners have a wish for rehabilitation, which is not supported through rehabilitative input from the regime. The long-term prisoners interviewed wanted to 'reinvent' themselves during their long-term sentence, in order to make a positive future more likely (p. 34). However, the resources necessary to capitalise on this willingness to change and the crucial positive recognition of their motivation from the regime were largely lacking. Both staff and prisoners wished that Whitemoor were a more rehabilitative institution and felt that in order for it to become so, more attention would have to be paid to the individual prisoner and their situation, rather than the institution relying solely on cognitive behavioural programmes.

The research on imprisonment furthermore suggests that features of the prison environment might make a critical examination of one's sentence difficult. Carrabine (2004) and Sparks et al. (1996) have pointed out that the reality and imposed routines of imprisonment can make power relations in the prison seem inevitable, which means that

these often go unquestioned. Prisoners accept them as such, rather than as legitimate. Crewe's findings (2009) suggest that the actual sentence may also remain unexamined by many prisoners. In his typology of coping with imprisonment, 'enthusiasts' accept their sentence as fair and denounce their former self, while 'pragmatists' do not reflect on the morality of their crime or the legitimacy of their punishment, but take their situation for granted. 'Stoics' are critical of the way power is exercised in the prison, but keep quiet in order to make life easier for themselves. 'Retreatists', often drug addicts, are resigned to a life of repeated imprisonment and therefore do not question their sentence. Only 'players' (about one in four of the prisoners Crewe came across) really resist the regime, but do so covertly; they try to manipulate systems in place to their own advantage. Crewe argues that, with the incentive schemes currently in place in prisons and collective time reduced through the provision of televisions and Play Stations in the cells, there is now little prisoner solidarity and therefore little collective resistance (p. 231). His typology means that only stoics and players might oppose their sentence on moral grounds, since enthusiasts accept it for moral reasons and pragmatists and retreatists do not reflect on the fairness of their sentence at all. Earlier research also suggested that opposition to one's sentence may be rare: Sykes wrote that 'the criminal in prison seldom denies the legitimacy of confinement' (1958, p.47) and that prisoners see their sentence as a consequence of their own mistakes, the police outwitting them or chance.

3.6 Conclusion

This chapter has outlined what is known about the way offenders evaluate and give meaning to their sentence. As noted above, the literature is fragmented, with papers reporting similar findings not referencing each other. While there is some excellent qualitative exploratory work available (e.g. Comfort 2008; Halsey 2007), this has tended to address questions of fairness and meaning only in passing. A comprehensive picture of how people understand their sentence has yet to be developed, but there are recurring themes. Feeling treated unfairly and disrespectfully during the court process (Casper 1972; Rijksen 1958; Sunshine & Tyler 2003; Tyler 1990; 2003), not feeling like the case is being treated on its individual merits (Armstrong & Weaver 2010; Indermaur 1994;

Weaver & Armstrong 2011) and perceptions of inconsistency (Casper 1972; Indermaur 1994) are all associated with feelings of injustice. During the prison sentence a lack of structured activity and adverse conditions are likely to lead to feelings of hostility towards the justice system (Franke et al. 2010; Presser 2008). The link between offenders' own views of the morality of their conduct and perceptions of fairness is less clear.

In terms of purpose, the literature so far suggests that rehabilitation is the aim of punishment most supported by offenders (Ashkar & Kenny 2008; Comfort 2008; Liebling et al. 2011), followed by deterrence (Halsey 2007; Rex 2005). Within prison, perceptions of rehabilitation are linked to positive staff-prisoner relationships (Liebling 2004; Patrick & Marsh 2001; Sparks et al. 1996), but often offenders feel rehabilitation is not achieved due to a lack of constructive activities (Halsey 2007; Kolstad 1996; Liebling et al. 2011). In the community, staff-offender relationships are also important; those that are genuine, care-oriented and non-judgemental are experienced as most rehabilitative (Appleton 2010; Barry 2006; Barry 2007). Deterrence is seen by some as an important factor in their decision to move away from crime, but is not achieved at times because, in the context of bleak lives outside, the prison environment is not sufficiently aversive (Halsey 2007). Prisons research has shown that prison conditions (including its dull routines) (Carrabine 2004; Sparks et al. 1996), adaptation strategies and the lack of time prisoners spend together (Crewe 2009) can limit (collective) opposition to sentences. Moreover, the literature suggests that it is not only features of the court process and imprisonment that shape prisoners' views of their sentence, but also their own motivations and hopes (Ashkar & Kenny 2008; Comfort 2008).

Against the background of existing knowledge and theory described in this and the previous chapter, this thesis aims to bring together the different research strands discussed and to fill in some of the significant gaps in the literature. For example, why might someone feel that their sentence is fair when they think do not think they harmed anyone? Or how do prisoners themselves balance their wish for consistency with their wish for consideration of their circumstance? And how are prisoners' interpretations of

their punishment shaped by their wider lives? In order to find answers to such questions, it was important to solicit prisoners' own views, rather than asking them to select from a set range of responses, and to gain an understanding grounded in their own narrative about their lives. The next chapter discusses in depth how these requirements, as well as others, led to the choice of a narrative methodology. Furthermore, as discussed in the introduction and the previous chapter, this thesis is also an attempt to see in what ways lived experience mirrors normative accounts of criminal punishment, with a focus on moral communication. In this, it asks new questions not previously addressed in the literature. Existing research suggests that little meaningful moral communication takes place in courtrooms. Where communication does take place (and is researched) this tends to be in problem-solving courts (McIvor 2009; Dzur & Mirchandani 2008) or those for young offenders (Daly & Bouhours 2008; Kupchik 2004; Rap & Weijers 2011), although it tends to only take the form of meaningful dialogue in the former (McIvor 2009; Dzur & Mirchandani 2008). In youth courts where moral communication is attempted this tends to be a one-way process, with the judge asking the young offender how they would feel if someone committed a similar crime with one of their family members as its victim (Kupchik 2004; Rap & Weijers 2011). All in all, there have been very few descriptions in the literature of moral communication taking place in the courtroom or during the sentence in the way envisaged by Duff and other communicative theorists. This makes it unlikely that my interviewees, who were tried in traditional adult courts (albeit the higher level ones) will have been the recipients of intentional moral communication.

Chapter 4 Narrative methods

4.1 Introduction

Chapters 2 and 3 have shown that the meaning prisoners ascribe to their sentence and the sources of meaning they might draw upon have not been investigated in great depth. I have argued that what is needed is exploratory research, using methods that allow prisoners to frame their own responses. This chapter discusses the narrative methodology that was chosen as a result.

I believe that there are some things that have a reality independent of interpretation, while others depend on meanings ascribed to them for existence. In this, I agree with the Oxford Companion to Philosophy that

[n]ot everything is in every way independent of minds; if there were no minds there would be no pain. Not everything depends in every way on minds; if I forget that Halley's comet exists, it does not cease to exist. (Honderich 1995), p. 746)

However, the topic of my research is people's perceptions of their experiences, which quite obviously depend on the meaning people ascribe to social interactions and events (Presser 2008). Therefore, I approached this research from a constructivist epistemological standpoint. This means that my research is not intended to uncover an objective reality (i.e. what 'really' happened), but will instead focus on how long-term prisoners' views of their sentence are constructed. The overall aim of the research was to explore the meaning my interviewees ascribed to their sentence, in their own terms. This is abductive (Blaikie 2000, p.114) or interpretive research, where the researcher does not aim to detect patterns in the data (as with inductive research), but aims to understand the social world from the point of view of those who inhabit it. As Blaikie notes, 'this can only be discovered from the accounts which social actors provide' (2000, p.25). These considerations determined the research strategy adopted. Different qualitative research approaches were considered at the design stage of the study, but in the end there were multiple reasons for choosing a mainly narrative methodology.

The terms 'narrative' and 'story' have distinct meanings in different disciplines, with stories being one particular kind of narrative in sociolinguistics (Riessman 2008) and the building blocks of narratives in linguistics (Franzosi 1998). In practice, however, they are often used interchangeably, and they will be in this thesis. This chapter discusses the reasons for choosing a narrative methodology, as well as looking in depth at the form and function of narratives according to two different approaches, both of which have informed the research. Implications for the analysis stage and the claims that can be made about the standing of its findings are considered. The final section considers the impact I, the audience, will have had on the narratives the men constructed in the interviews.

4.2 Rationale for narrative methods

As is evident from the literature review, most research conducted on offenders' views of their sentences has been based on surveys or very brief interviews. The results are aggregated and thereby reported out of the context of the totality of each participant's views. Furthermore, because questionnaires and structured interviews provide all possible answers or presume that the questions asked are the only ones relevant, they should only be used when the researcher knows enough about the topic under investigation to 'tap meaningful areas' (Cohen & Taylor 1972, p.39). I would argue that prisoners' views of their sentence have not been sufficiently researched to provide the grounding these surveys and brief interviews needed. A narrative methodology overcomes these restrictions, more so than other qualitative methods, by allowing the interviewees to present the meaning life events had for them in their own terms (Polkinghorne 2007), allowing the audience 'to enter the perspective of the narrator' (Riessman 2008, p.9). Furthermore, narrative analysis leaves the stories told intact, rather than fragmenting them in order to compare them to fragments of other interviews (Lieblich et al. 1998). This was essential in order to consider what meanings prisoners ascribe to a long-term sentence and how these and the sentence's legitimacy are interpreted in relation to their wider life story.

Besides maintaining the integrity of the interviewees' views, Riessman (2002) has argued that displaying or describing narratives in research findings often creates empathy for the narrators, more than the use of fragmented snippets of conversation divorced of their context, and has the ability to bridge the gap between people from different social backgrounds or groups. This is invaluable in this research project, as offenders' views on their sentence have largely been ignored and are likely to be seen as immaterial by a large proportion of the public and criminal justice staff. As Maguire (2003) has argued in relation to ethnography, presenting offenders' accounts provides a reminder that offenders are people, not just numbers to be managed; something that is in danger of being forgotten within criminal justice policy. In fact, Feeley and Simon (1992) have influentially argued that criminal justice practice no longer focuses on individual offenders and their outcomes, but instead on managing them as an aggregate, and have called this the New Penology (see also Cheliotis 2006; Crewe 2009; Robinson 2008). Garland (1992) has furthermore accused criminology as a discipline (with exceptions) of tending 'to generalise, to stereotype, to reduce, to objectify, and to silence the human beings who fall under its gaze' (1992, p.419), thereby underwriting the notion that offenders are 'alien others' (1992, p.418), fundamentally different from the law-abiding public at large. This is even more the case for long-term prisoners, who are often presented as 'the worst of the worst'⁴. The prescribed length of this thesis regrettably means that the reader cannot be presented with extended whole narratives, though I hope to do this elsewhere. I have provided short summaries of participants' stories in Appendix I in order to provide some context to the quotes elsewhere in this thesis.

Furthermore, narrative analysis makes it possible to investigate what type of identity participants present. For example, Riessman (2002) describes how narrators can position themselves as active agents or passive victims, or both in different domains, within their stories. Maruna (2001) has applied this type of analysis fruitfully to people desisting from offending (who he found distanced themselves from their previous offending but saw

⁴ For example, in the otherwise very sympathetic report of the Scottish Prisons Commission (2008), there is an implicit distinction made between short-term prisoners, who should not be incarcerated, and long-term prisoners 'whose crimes are serious and violent, and ... who present a real risk to our safety' (p. 13).

themselves as actively shaping their new, non-offending future) and those who persisted (who saw themselves as powerless to stop offending). This type of analysis is also of interest in my research, which examines, amongst other topics, the difference between the men in prison and those on license in the extent to which they presented themselves as in control of their destiny (see Chapter 9).

However, despite these benefits of narrative research, I anticipated that some of the main topics of interest, especially the intended purpose of the sentence, would not necessarily feature heavily in my interviewees' accounts (see also Appendix II). Rather than pure narrative research, then, where respondents are asked to tell stories 'about some life experience that is of deep and abiding interest to the interviewee' (Chase 1995, p.2), the present study also included a more structured element. If questions around legitimacy and purpose were not addressed (in any depth) in narrative responses, these were explored through more specific questions at the end of the interview. The optimum form this part of the interview could take was not an extended turn-taking on the interviewees' part, but instead a discussion in which both interviewer and interviewee explored different aspects of legitimacy and purpose. Equally, there were aspects of the research questions that were anticipated to necessitate thematic coding: going through each interview transcript and seeing if instances of certain views or language use occur, under what conditions and how they relate to each other; in other words, a thematic analysis much like in grounded theory (cf. Strauss & Corbin 1990).

There is some disagreement about the combination of a narrative approach with other methods. For example, Chase (1995) emphasises the importance of asking only questions that have relevance for the respondent and do not 'pull them away' from their own story. On the other hand, Riessman (2008) writes of a combination of methods that '[e]ach approach provides a different way of knowing a phenomenon, and each leads to unique insights' (p. 12). The intention was, where possible, to solicit narrative accounts first and to ask supplementary questions later, so that the 'flow' of the narrative was as uninterrupted as possible (but see section 5.5). As it was narrative theory that most informed the study, this will be the focus of the remainder of this chapter.

4.3 The narrative turn

Different authors locate the origin of narrative research in different times, depending on their discipline. Some refer to the life-stories examined by the Chicago School of Sociology (Chase 2005), while others go further back to the Russian formalists (Franzosi 1998) or Freud's case studies (McAdams 2001). However, there is broad agreement that it was with the 'narrative turn' in the 1980s that interest in narratives really burgeoned in psychology (McAdams 2001), social science, various other disciplines and as a focal point in popular culture (Riessman 2008; Stanley & Temple 2008). As a consequence, narrative approaches have proliferated, often with different conceptions of what narratives are, how they should be analysed and what they can tell us (Stanley & Temple 2008). At present, narrative research 'remains a relative open intellectual space characterized by diversity but also fragmentation' (Stanley & Temple 2008, p.276). There is no unifying theory and, accordingly, little guidance on how to conduct 'proper' narrative research - methods endorsed by one author are often called into question by others (e.g. Atkinson 1997; Riessman & Quinney 2005). This means that starting to conduct narrative research can be daunting, with attacks on one's methods from different sides all too easily imagined. Therefore it was important that I formulated my own perspective on narratives and what they can tell us, as described in the rest of this chapter.

4.4 What are narratives?

An influential definition of narratives formulated by Labov states that narratives are 'one method of recapitulating past experience by matching a verbal sequence of clauses to the sequence of events which (it is inferred) actually occurred' (1972, pp.359–360). In line with this, Labov insists that it should make sense after each narrative clause to ask 'what happened then?', with this question providing the link to the next part of the narrative (2010). While most authors agree that there has to be *some* logical connection between different parts of a narrative, and many still insist on temporal ordering (Franzosi 1998),

others have argued that this focus on time is a feature of the dominant Western form of storytelling (Pavlenko 2002). Research with school children from different ethnic backgrounds in North America has shown that narrative clauses can be linked by theme or space as well as time (Michaels 1981; Michaels & Cazden 1984). Narratives also do not necessarily refer to a single chain of events that 'really' occurred. Alternative types of narratives have been identified, such as habitual narratives, where ongoing and repeated events are described, and hypothetical narratives about wished for events that never took place (Riessman 1997). Labov's structural definition of narratives also left out elements that others consider essential. Aristotle recognised that narratives are inevitably built around characters enacting a plot (McQuillan 2000). There is also an expectation that these characters undertake purposive actions. As McAdams writes

in virtually all intelligible stories, humans ... act to accomplish intentions upon a social landscape, generating a sequence of action and reactions extended as a plot in time (2008, p.250).

Furthermore, children as young as five already expect stories to have a clear beginning and middle and an ending that resolves the complications and tensions introduced during its telling (McAdams 2008). Narratives, then, describe events which are linked in some way (in time, by theme or spatially) and are initiated and reacted to by the characters involved. Earlier parts of the narrative explain what follows, while the ending typically rounds off the story by providing a resolution of some sort.

4.5 What do narratives achieve?

Labov's (2010) view of narratives as reflecting events that actually happened, has been called into further question in discussions of the purpose of narratives. Writers on qualitative research warn against seeing interviews as 'pipelines' (Holstein & Gubrium 1997) that transfer information held by the participant on what happened to the researcher. Instead, interviews are sites of meaning construction; the participant is not a passive 'vessel of answers', but

in the very process of offering up [experiences], constructively adds to, takes away from, and transforms them into artefacts of the occasion (ibid., p. 145).

Two main interpretations of the way in which narrators shape and use narratives, have informed the discussion here. The constructivist perspective sees narratives as a situated performance, with its form dependent on the circumstances and the audience (e.g. Labov 2010; Norrick 2005; Polanyi 1985; Riessman 2008). On the other hand, those who emphasise the importance of narrative identity, hereafter called the identity perspective, see each narrative as part of an ongoing project by the narrator to integrate their different experiences and behaviours into a coherent life story (e.g. Josselson 1995; Maruna 2001; McAdams 2008; Pavlenko 2002; Singer 2004).

Emphasising the persuasive purpose of narratives, Riessman defines narratives as connecting

events into a sequence that is consequential for later action and for the meanings that the speaker wants listeners to take away from the story (Riessman 2008, p.3).

Polanyi (1985) similarly argues that narrators generate stories themselves and take responsibility for their relevance. Labov (2010) stresses the importance of what he terms evaluative clauses in the narrative, in which the speaker justifies the relevance of their story to the audience, thereby pre-empting the potential question of 'so what?'. According to these constructivist perspectives, the narrator moulds the narrative in order to communicate a point, but the audience or interviewer also has an active role in the construction of meaning. They shape the narrative first of all through their characteristics as an audience (Presser 2008). Riessman (2002), drawing on Goffman (1959), describes the construction of narrative as a performance with participants presenting a preferred version of themselves, rather than some 'true' version of themselves or their experience. This aspect of narratives may be especially salient in the case of offenders, who may find it more necessary than others to shape their narratives so that they are not perceived in an overly negative light (Riessman 2002, p.701). What version of themselves they see as 'preferred' will depend on the audience. Besides having certain characteristics as an audience, the interviewer asks questions and reacts during the interview, which will have an impact on the narrative told. Norrick (2005) discusses some of the ways in which audiences provide feedback to the narrator about the acceptability and relevance of their

story, which include (not) interrupting, body language such as facing the narrator and nodding, making appreciative noises such as ‘mmm’, and laughter. Such signals will influence the length of the narrative, but also which parts of it will be most developed. In a research setting the narrative, then, is constructed between the interviewer and the interviewee, and a product of the encounter, although influenced by forces and events beyond the interview setting.

The alternative perspective, which emphasizes narratives’ role in the formation of identity, sees separate narrative occasions as drawing on a life story that the narrator has constructed to make sense of their lives (McAdams 2008). The life story is seen as a life-long project, which brings together our disparate experiences and roles, explains how one led to another and connects these with our goals and motivations (Habermas & Bluck 2000). In this way, we come to know who we are and give our lives meaning (McAdams 2008). This in turn influences how we behave, because we tend to act in ways that are in keeping with who we think we are (McAdams 2001). There even is debate about whether we *interpret* experiences in a narrative form or whether narratives *constitute* reality, because we cannot experience events without narrating them (Presser 2008). Either way, some strong claims have been made for the importance of life stories. For example, McAdams claims that, along with dispositional traits and characteristic adaptations, the type of narrative a person constructs about their life explains the differences between individuals (2001). This demands considerable constancy from such life stories, suggesting that narratives generally do not vary excessively in different contexts.

However, the two perspectives are not as disparate as they seem and some researchers see narratives as both being essential to identity *and* a situated performance (e.g. Presser 2008). I also believe that both approaches have much to contribute to my research project, but in combination. It seems to me that, while people do construct some sort of internal life story, this might never come to be narrated as a whole, and may be a lot less coherent and all-encompassing than the identity perspective suggests. While older experiences may be given a comprehensive place in this underlying life story, newer events may still be interpreted in a more fluid way. Josselson (1995) found, when

interviewing women several times over 20 years, that elements that were important in a story at one point disappeared from view later, only to sometimes re-emerge as significant as interviewees' view of themselves and their life story changed. Narratives are revised as the future becomes our present and fails to unfold exactly as we imagined it when we told our earlier stories. I would argue that recent events are not only more sensitive to changed interpretations on the basis of further experience, but also to the impact of the audience, their questions, and so on. This was borne out by my interviews. One participant, Peter, switched from one kind of account of his sentence to a completely contradictory one because he could not maintain the coherence of the former (see section 8.5). Also, the men who were coming to the end of their sentence had more freedom to project possible futures upon release than those on license, for whom the meaning of their sentence was more determined by their current circumstances (see section 9.4).

In addition, when given different prompts by their audience, narrators may tell stories that highlight different aspects of their identity, which could to some extent be contradictory. For example, a long-term prisoner might portray himself as a 'hard man' who does not care about others' feelings to one kind of audience, while he might present himself as a caring father to another. However, he might still draw on his sense of who he is and therefore his life story, or at least on identities he feels he can convincingly claim. Narrating a story can be as much a testing out of an identity as the presentation of a settled identity based on a life narrative. Narrative identity scholars who hold that life stories are constructed and sustained in social interaction with others (Gergen & Gergen 1997) would agree. Pasupathi and Rich (2005) found that if a story was told to a distracted audience, the narrators felt their behaviour in the story was less typical of them afterwards, because they felt the identity they had presented was rejected. They claim that, thereby, social feedback feeds into the life story. I do not believe that this is necessarily the case in an interview setting, where the audience does not know the narrator well. Not being known also gives the narrator the opportunity to tell stories that are less in keeping with their internal life story, if they so choose, and to claim new identities for themselves which they may not have drawn upon before.

Finally, people may vary greatly in the extent to which they construct a coherent life story for themselves. While parts of lives are probably given a definite meaning by most people (e.g. an unhappy childhood), some people may have had less opportunity and inclination to reflect on their lives and integrate its different parts than others. With offenders often compared to teenagers in terms of impulsivity, risk taking and being easily influenced (Moffitt 1993; Walters 1990; Fabiano et al. 1991), and living lives that are often characterised as 'chaotic' (Social Exclusion Unit 2002), it seems reasonable to suppose that they especially might not have a fully integrated life story underlying their narratives. Indeed, Vaughan has argued that some offenders may be what Archer calls 'fractured reflexives'; because they lead such hand-to-mouth existences, their 'capacity to hold an internal conversation with themselves in relation to their circumstances, which has any efficacy' (Archer 2003 cited in Vaughan 2007, p.397) is eroded. On the other hand, long-term sentences might provide offenders with the reflective space and time they need to (re)consider their lives. The variability in the coherence of life stories is acknowledged in the literature on narrative identities, with stories of greater complexity and coherence seen as indications of greater maturity of the narrator (McAdams 2008).

In sum, the view of narratives underlying this thesis is that they are a performance, influenced by its audience, context and setting, but a performance that will draw to varying degrees on an underlying inner self story constructed by the narrator to make sense of their lives. In the paragraphs above I have identified some factors that influence the extent to which this is the case, including the narrator, when the events narrated happened and the familiarity of the audience, but it is likely that there will be many others.

4.6 Other influences on narratives

While the above discussion focuses on the influence of the immediate research setting and the narrator's sense of self, there is broad agreement that narratives are also influenced by other forces. Silverman (2001) points out that underlying any story are 'widespread cultural assumptions' (Silverman 2001, p.96), which put constraints on what

can be told. While stories told by North Americans, for example, tend to focus on significant events in the narrator's life and their actions and emotions, those told by Chinese narrators tend to be less self-focused, centre around historical or social events and emphasise relationships (Wang & Conway 2004). Even within one culture, dominant discourses change over time: Pavlenko (2002) points out that in the early 20th century in the USA narratives of immigrants tended to draw on the 'rags-to-riches' theme, whereas in the 60s and 70s, when ethnicity and race were becoming more salient in the wider culture, stories were much more likely to draw on these.

What can be told is also influenced by institutional and group discourses. Miller and Glassner (1997) distinguish between cultural and collective stories, which participants draw on, but can also resist, in an interview. Cultural stories, as the name suggests, are those prevalent in the wider culture (in relation to offenders, for example, that crime should be punished). Collective stories are those that are subscribed to by the group(s) of which the participant is a member (for example, that the best way to get through a prison sentence is 'to get your head down'). Cultural beliefs and those held in the group may overlap, but collective understandings may also oppose cultural beliefs.

Narratives are further influenced by the narrator's position within their society. If they belong to a marginalised minority, their story may be less 'tellable', because it is in opposition to the dominant discourses favoured by the powerful. In the case of prisoners, for example, McKendy (2006) found that there were gaps and inconsistencies in their accounts of their offence, because their lived experience of deprivation did not match the officially approved discourse of taking responsibility for one's actions. Again, prisoners and those on license may be particularly vulnerable to the suppression of their own version of events in favour of the version they feel is expected, as resisting the desired version can have an immediate and serious impact on their lives (such as not being given parole, a negative assessment by a supervising officer and so on).

Finally, there are issues of memory and limits on human communication. Polkinghorne (2007) points out that narratives are limited by what participants are willing and able to put into words and what they can remember. It is especially difficult for people to

remember their attitudes and beliefs (rather than events) over long periods (Ruspini 2000). Narratives do not uncover what people thought at the time of the events they are describing, but their current views of their past states (Hindley 1979).

4.7 Narrative analysis

The perspectives on narratives outlined above all informed the analysis of the accounts obtained. Prisoners' stories were not taken at face value but were examined for the impact of the audience, social context, and group and cultural discourses. Participants' motives for telling their particular story were also examined and contradictions explored.

At the analysis stage, insights were also borrowed from a further approach to narratives, the psychosocial approach, which is linked to the narrative identity approach, but takes things one step further at the analysis stage. It investigates narratives as expressions of *unconscious* identity investments of the interviewees (Hollway & Jefferson 2000). While this approach does not neglect the interviewer's impact on the produced account, it uses the associations made by the interviewee as clues to unconscious states, which are seen as stable. This approach was helpful in its treatment of contradictions in the accounts solicited. Rather than seeing these as undermining the coherence of the narrative and therefore the quality of the research, as suggested by Lieblich et al (1998), inconsistency is seen as illuminating the pressures upon the narrator. I borrow both terms and insights from this approach, but I do not adopt the overall vision that it is possible for me to come to understand truths about the participants to which they themselves are not party. As others using the psychosocial approach have noted (Gadd & Farrall 2004), to do so would require training in psycho-analysis. When I discuss a psychosocial strategy like 'splitting' in my findings, this is not intended as a psycho-analysis of my interviewees' subconscious, but as an analysis of the tactics they have employed in the interview setting. How far these findings apply beyond the interview setting depends, again, on the extent to which the narrative told taps into an underlying life story.

On Lieblich et al's (1998) classification of research, the analysis carried out was both categorical and holistic: findings arose from comparisons between interviews as well as from comparing extracts of an interview with other parts of the same interview, and trying to integrate the whole. While the emphasis was on content analysis, form was also considered, especially whether interviewees talked about a topic at length and without prompting.

4.8 What can the research tell us?

While there is broad agreement that narratives are shaped by aspects of both the immediate and the wider context in which they are told, the construction of meaning in an interview is not completely independent of the participant's life. Glassner and Loughlin (1987) recognise that our thoughts and what we express are derived from our experiences. They argue that it is not necessary to embrace either the idea that interviews produce uncomplicated insights into people's lives, or the opposite extreme, that all meaning in interviews is constructed with no relevance beyond the immediate context. Lieblich, Tuval-Mashiach, and Zilber (1998) similarly write:

We do not advocate total relativism that treats all narratives as texts of fiction. On the other hand, we do not take narratives at face value, as complete and accurate representations of reality. We believe that stories are usually constructed around a core of facts or life events, yet allow a wide periphery for freedom of individuality and creativity in selection, addition to, emphasis on, and interpretation of these 'remembered facts'. (p. 8)

Whereas the above quote allows for individual creativity, it does not mention the many local and cultural influences on narratives. However, it is precisely the opportunity to investigate *why* offenders narrate their sentence and locate them within their lives the way they do that made a narrative methodology ideal for at least part of this research.

Given the nature of narrative research, which typically involves only a small number of participants, the aim of the research was not to generalise from the interviews conducted to make claims about what 'all long-term prisoners' or a certain proportion of this group thinks. In fact, because participant selection was not random, any such generalisations to

parent populations are impossible, even if the sample size had been many times larger (Ritchie et al. 2003). The aim was instead to begin to describe the contours of possibility in long-term prisoners' accounts of their sentences, or the repertoire of narratives that can be told (Silverman 2001). This constitutes what Lewis and Ritchie call theoretical generalisation: using findings to identify concepts upon which theories can be built that apply to other contexts than just the research setting (i.e. in this case the views of other prisoners) but which need further testing (2003, p. 267).

4.9 Impact of audience

Given my view of narrative interviews as at least partly constructed in the encounter between researcher, interviewee and context, it is important to address the impact I might have had on the narratives produced. Yet, just as each of the men responded in their own individual way to their imprisonment, so they will each have responded differently to me and I will not have been exactly the same during each encounter. For example, my notes on an interview conducted late in the afternoon, the third of the day, when I was four months pregnant read 'I was too tired by this point to effectively steer the interview', while at another time I noted 'I should use longer silences, especially in the part of the interview on legitimacy and purpose to see if I can't get people to reflect more'. Obviously I was a much more active audience in some interviews than in others. Despite this variability in the way I will have influenced the narratives produced, the below is an attempt to assess how my characteristics may have impacted the findings.

As a female PhD researcher, coming from a comfortable, if foreign and therefore less classifiable, background, there was considerable social distance between my interviewees and me. This has often been seen as problematic, as there may be a tendency to see those who belong to a different social group as more constrained by their circumstances (which loom large because of their unfamiliarity) than they really are and because their responses, including jargon and gestures, are less easily understood (Bourdieu 1999). Social proximity also makes it easier to know what questions to ask, and respondents may be hesitant to divulge information to people perceived as a member of an oppressive

group (Miller & Glassner 1997). While I could not alter the fact that I was a PhD student, and therefore lived in a different social world with different expectations of life than my participants, I had a fair understanding of prison jargon, having interviewed many short-term (ex)prisoners previously. My understanding was not perfect, however, as the following surreal exchange illustrates:

Devan: And one day, now, he was picking the sky and when he was picking the sky/

M: /Yeah, what does that mean?

Devan: Nah, sorry, it's just me. Aahm, he was picking the sky and when he was picking the sky.

M: But was does that mean?

Devan: Hah? No, nothing, nothing. [both laugh] no, nothing, nothing, nothing. He was genuinely picking the sky, because you get to choose the sky.

M: OKAY, Sky TV channel. I thought you were making a reference to some weird drug use.

Despite the problems involved in social distance, not being a member of the same social group can also have advantages. Participants have the opportunity to feel like an 'expert' on their experience and to 'teach' someone who occupies a more powerful position (Miller & Glassner 1997). Some of my interviewees clearly relished the occasions where they had a chance to educate me. For example, my notes on my interview with Ian record:

At times, though, very kind smile, despite all the violence he told me about ... Reacted well to my not understanding what he was saying at times, this was often when he smiled. I wish I could have recorded how his face changed then.

In addition, with increasing social distance, less common understanding is assumed, which means that participants may elaborate more on ideas that are taken for granted within the group (Miller & Glassner 1997). Because the interviewer lacks a common understanding, they are also more likely to ask participants to expand on statements that someone within the group would have understood. Bourdieu (1999), who trained people with close social proximity to his informants to carry out interviews, found that much of the resulting data was uninteresting. He comments:

One of the major reasons for these failures undoubtedly lies in the perfect match between interviewer and respondent, which lets respondents say everything ... except what goes without saying. (1999, p.612)

My interviewees acted very differently in relation to social distance. Some took great pains to explain what they said. Neil took the most responsibility for rendering his account intelligible, even apologising for his use of language.

Well, I've just had my parole review there, I got a KB, which, sorry, is a slang for knocked back.
(Neil)

Here, my foreign nationality seemed to play as much a role as the social distance between us, with common Scottish terms also explained for my benefit.

I used to take my boys there, just wee things like that, little things like that, you sort of miss. (Neil)

Others seemed much less aware or worried that I might not understand them. But when I asked for clarification, this often did produce a more elaborate explanation of the topic at hand.

Graham: There's just, I'm not interested in other people in the jail, you know, I'm doing my ane sentence, I'm not wanting to do anybody else's, you know what I mean?
M: Somebody else said that, so what does that mean, doing somebody else's sentence?
Graham: Doing their, going into their wee cliques, if something happens, you're going to have to back them up. No matter, if anything goes down, y'know, you're going to have to do damage to somebody, or somebody is going to do damage to you. That's how it's in the wee cliques, I'd rather keep myself to myself, y'know?

Bourdieu (1999) writes that any research encounter will fit somewhere between the two extremes of perfect social proximity, where nothing will be questioned, and total distance, where a relationship of trust and understanding cannot be established. With my position somewhere in between, it seemed that at least some of the men trusted me enough to speak about themselves and their activities openly.

One aspect of my identity which is likely to have impacted on the way the men spoke is that I am not myself involved in offending. This may have highlighted to the men the need to tell a story of reform or to appeal to a non-offender status in their narratives (Presser 2010, p 51), and indeed, very few told me accounts in which they condoned their own offending. For example, Andy said in relation to his conduct in court:

I pled not guilty... I went up to the dock and I lied an everythin', honestly it's horrible.

To another audience, for example a fellow ex-prisoner, he might not have condemned his behaviour in court. There were many such instances where the men distanced themselves from their own behaviour, very possibly in part for my benefit. However, as Presser (2010) has pointed out, any narrative has an audience that shapes what is told. So, while I will have had an impact on what was said, this does not discredit the interview, but does make it important to examine what I brought to the encounter.

A further aspect of my identity which cannot fail to have had an impact, albeit a different one in different interviews, was the fact that I was a woman interviewing men. This seemed to make some of my interviewees protective, especially those who were older, which was expressed in taking responsibility for the intelligibility of what they were saying, as outlined above, and, less tangibly, in the way they spoke to me. Crewe (2006) and Liebling (1999) have noted that male prisoners are more likely to disclose emotions to women than men. Some of our interviews did contain emotional moments, although not one of the men let it go so far that I had to stop the interview process in order to provide appropriate support. Ultimately they all took responsibility for managing their emotions (see section 5.3). In other interviews, the male-female dynamic meant that there was a definite tension resembling that of a flirtation or start of a relationship. This dynamic has also been noted by Crowley (2007) and Ezzie (2010), who both describe how they were invited out by interview participants. However, neither author took any responsibility for this outcome or examined why this might have happened; they only record that they 'politely declined' these invitations. Others have highlighted, however, that as researchers we demand high levels of intimacy from qualitative interviews. The ones that feel the most intimate, because the interviewee is genuinely reflecting on their life and motives (the interview as self-observation (Enosh & Buchbinder 2005)) and reveals much of themselves, are often also the ones that feel the most 'successful' (Birch & Miller 2000). I would argue that in this sense the best interviews can simulate the intense conversations that often happen at the start of a romantic relationship, which might lead to some confusion for both parties. The interviewer displays levels of interest in the interviewee that would not be acceptable in normal social situations, asks highly

personal questions and generally reacts positively and in an understanding manner to whatever the interviewee chooses to disclose. Cohen and Taylor wrote that, while they were holding classes in a high security wing that evolved into a research encounter, ‘for long periods of time we have probably talked more intimately to these men than to any other people we know’ (Cohen & Taylor 1972, p.33). While in my research most of the self-disclosure was on the part of the interviewees, in some of the interviews the intimacy of the conversation led to something very akin to romantic attraction. While this *might* have put more pressure on both interviewer and interviewee to present a more attractive self, instead it seems to have led to a virtuous cycle of further openness. For example, my notes on one of the interviews records:

Before the start of the interview, he said he was going to Amsterdam with some friends, but in the interview he admitted to having very few friends and being lonely. After the interview the trip to Amsterdam sounded a lot more doubtful. Example of how rapport leads to more self-disclosure.

While this interviewee’s social life was only marginally relevant to my research, his openness in admitting to being lonely, not an easy thing to admit to at the best of times, does illustrate how the interview setting had become one in which it was safe to make such disclosures. Although no ‘inappropriate’ proposals were made at the end of any of my interviews, one or two represented the most intense conversations in my life at the time and I fell a very little bit in love with the openness and thoughtfulness of one or two of my interviewees. For me, these interviews required some time for emotional decompression afterwards, and they might have had the same effect on my interviewees, although I have no way of knowing.

Ezzy (2010) argues that it is important to reflect on the emotions one feels about a research topic or situation before the actual interviews. My stance on imprisonment was fairly clear before I started interviewing. As an undergraduate I had written my philosophy dissertation on ‘The Justification of Imprisonment’ and concluded that imprisonment can only be justified (as exclusion) when offences are so grave that they make it impossible to live in community with the offender. Having interviewed many short-term prisoners for previous research projects, including one using a longitudinal design, I had also seen the adverse impact of imprisonment on their lives. But because

long-term sentences are usually positioned as less unfair than short sentences (Scottish Prisons Commission 2008; Scottish Government 2007), and as being only imposed in serious cases, I was expecting to interview people who had committed crimes sufficiently serious to at least warrant imprisonment in my eyes, if not necessarily a long-term sentence. In the end, this was not the case (see also section 0.): some of those I interviewed were imprisoned for couriering drugs for others, throwing one punch at a man who subsequently died, being involved in street fights and causing death by dangerous driving. My view that these offences should not be responded to with imprisonment influenced the way I felt in these interviews and often meant with those at the end of their sentence that my view of their sentence as too harsh and unfair given the circumstances was in conflict with their need to accept their sentence in order to cope. At times I was perhaps too critical an audience for them to freely share their views (see my exchange with James in section 8.4). However, through reflection and thorough analysis, I feel that my view of their sentence has not overshadowed my interviewees', although my critical stance did motivate me to look for explanations for their relatively accepting one, something that may not have happened had I been more pro-imprisonment.

4.10 Conclusion

The choice of a mainly narrative methodology was informed by the abductive nature of the research question and the lack of previous coherent literature on prisoners' views of their sentence. Narrative analysis was also anticipated to be beneficial in that it encourages consideration of the whole interview, rather than separated snippets, allowing for the investigation of contradictions and tensions. In this chapter I have attempted to outline my views on narratives and their function, as developed in the course of my PhD. I have attempted here to reconcile approaches that see the telling of narratives as a situated performance with those that emphasise the connection between the told narrative and the life narrative that underlies our identities. As a consequence, the men's narratives are seen as influenced by me as their audience, our interaction, the context of the interview and wider group and cultural discourses, but also as drawing on their internal life story, constructed to make sense of their lives. Reflecting on my characteristics as an

audience, I have noted that I will have had a different impact in each encounter, but that my identity may have meant that some of the men felt the need to explain their world, defend their sentence and condemn their offences. While the demands of the narrative methodology informed research design decisions, many other considerations also influenced the project, which are the focus of the next chapter. The findings chapters thereafter will draw to varying extents on the discussion here, and provide support for my argument presented in this chapter that the meaning of recent experiences is still mutable, while the meaning of the distant past seems more fixed. However, they will also show that even our recent past may often remain unexamined, thereby leaving its meaning unchanged over time.

Chapter 5 Research design and process

5.1 Introduction

After the theoretical discussion in the previous chapter, this chapter details the practical aspects of the research process. It describes the design of the study, problems encountered and solutions decided upon. As there was a shift of focus during the fieldwork period, the discussion will be largely chronological, outlining decisions in the order in which they were taken. However, at times there will be jumps forward in time, in discussions of how decisions worked out in practice. Throughout, I consider in what ways the research may have been improved.

5.2 Initial selection of participant groups

As the focus of the research was on how sentences are given meaning, I wanted my selection criteria to be related to the sentence, rather than other criteria (such as age or offence type). Although gender was not explicitly a selection criterion, I did anticipate that men and women would make sense of their sentences in different ways, especially considering that among female prisoners substance abuse and mental health issues are even more prevalent than among male prisoners, and that they are more likely to be the main caregiver for their children (Commission on Women Offenders 2012; HM Inspectorate of Prisons 2010). With adult male offenders the most numerous and access to multiple settings difficult to obtain (see below), it was decided to focus on this group. The original intention was to solicit both long-term prisoners' and probationers' accounts of their sentence, for two reasons. First of all, these sentences illustrate the range of sentences in Scotland in terms of punitiveness. Recent Scottish government and special commission reports have positioned imprisonment as being more suited to punishment and 'protecting the public', while seeing probation as more rehabilitative and focused on helping the offender (Scottish Government 2007; Scottish Prisons Commission 2008; Commission on Women Offenders 2012). Secondly, the selection of these groups

constituted the purposive sampling of critical cases (Ritchie et al. 2003) in terms of communication in sentencing. Long-term prisoners are more likely than short-term prisoners to receive programmes related to their offending in the prison and have more time to reflect. Probationers have contact with a criminal justice social worker who could help them to consider the meaning of their sentence. Therefore, if these two groups were unclear about the communication inherent in their sentence or did not perceive such communication, it seemed less likely that those serving other sentences (e.g. community service or short-term prison sentences) would. In order for people to have sufficient experience of their sentence to be able to incorporate their content in their accounts, only those who had served at least half of their sentence were to be recruited. It was expected that, given the severity of long-term prison sentences and their generally negative impact on prisoners' lives (Haney 2003; Schnittker & John 2007; Hockey 2012), there would be some opposition, bitterness and anger about features of the prison experience which could be examined fruitfully against the presumably less adverse experience of probation.

With some tension between the narrative and more thematic parts of the research (see Appendix II), the decision on how many participants to interview had to suit both approaches. While narrative studies often involve only a few cases (Riessman 2008), qualitative research studies using thematic coding, at least those taking the grounded theory approach, keep adding cases until new accounts do not add anything further (Blaikie 2000). Considering the heterogeneity of the participant groups (within each group there were likely to be differences according to background, the offence committed, whether the law offended against was seen as fair, how court proceedings were experienced, all of which were anticipated to impact on perceptions of the sentence), I expected that this aspect of the study would require quite a large number of participants; as many as 20-30 per group. In the end, it was decided in discussions with my supervisors that this would create too great a burden in terms of the narrative analysis necessary, and so a compromise target number was decided upon of 30 participants in total - 15 per group.

5.3 Ethics

Given that the research involved in-depth interviews about personal issues with potentially vulnerable participants, an in-depth assessment of the ethics involved had to be submitted to the Director of the Graduate School, as demanded by the School of Social and Political Science Ethics Policy on projects with potential ethical risks. A proposal was submitted on 3/6/2009 and approved on 9/6/2009. The main ethical concerns addressed were those of informed consent and possible adverse consequences for the participants.

In order to obtain informed consent, an information leaflet and consent form (see Appendix III) were designed, both written as simply as possible, so as to be easy to understand (Schlosser 2008). When participants had problems with reading, which was frequently the case, I read out both documents to them. The information sheet was meant to be given to the potential participants to help them make up their mind about whether to take part (but see section 5.8) and set out the aims and potential outputs of the research, as well as how confidentiality would be maintained. Nevertheless, having interviewed short-term prisoners before, I was aware of the difficulty in ensuring that participation is strictly voluntary with offenders, and especially prisoners, as the nature of the prison staff-prisoner relationship or the perceived benefits of complying with research requests may mean that prisoners feel that it is in their best interest to take part. Extra care was therefore taken at the start of each interview to emphasise to participants that engagement in no way influenced the progression of their sentence and that they were perfectly at liberty to withdraw. Equally, it was made clear to prison staff and criminal justice social workers that (non)participation should not carry any consequences. In the end, while no potential interviewees declined to take part after showing up to be interviewed, there were several occasions where someone was due to meet me, but decided not to attend. In my research notes it says, for example:

19/11/2009 One interviewee did not show up. Initially this worried me, because it means I will have to come through (to the prison) an extra time, but it is also a good sign that prisoners can resist previously made appointments if they do not feel like attending them.

There were also many who declined to take part earlier in the recruitment procedure (on which more below):

3/12/2009 A few refused to be interviewed today, because of activities. ... Refusal rate is about 50-50. The ones who are coming out soon seem more likely to say yes.

A second ethical consideration was whether taking part could lead to emotional distress, given that the interview touched on some sensitive topics. To mitigate this, plans were made with prison staff and criminal justice social workers before the interviews started on how best to deal with this. In the prison, the Listeners (prisoners trained by the Samaritans to provide support to other prisoners) were available for upset participants, while in the community social workers were always there to see interviewees afterwards, if they so wished. In the event, however, many of the participants managed to downplay the more difficult aspects of their story in such a way that they could be told within the interview setting without any obvious disruption or display of emotion. Mohammed, for example, talked about being suicidal in prison:

There was a lot of guys from my area that I didnae really like and get on wi' and I couldnae escape them, they were everywhere, they were every place in the prison, they were all over the place. And eehm, so they kinda made my life a bit difficult and it was really hard, I ended up feeling a bit suicidal at one point and I got moved away down to the surgery where they've got cells down there.

By playing down his distress ('*kinda made my life a bit difficult*', '*feeling a bit suicidal*') he made it possible for the interview to continue along the expected lines. Several of my interviewees did show emotion, but this was often quickly masked and never reached the level where offering to stop the interview or offering additional support felt appropriate. The following passage, where Chris described the death of his father, is a good example:

'Cause I actually had to give my dad mouth to mouth and it was all a bit sort of like/ my mum was like (./) and my mum screeching, screaming and there was only me and my mum, it was quite intense and that really. But eehm, eehm (.) and then/ so I don't know, my sisters and brothers, they never sort of/ you know, they don't really know about that, you know what I mean? So, I mean it opened their eyes a little bit as well to why. Anyway I'll have to stop talking about it cause I'll start crying [laughs, but tearful].

This is not to say that the interview had no emotional impact on the participants, but that I did not feel in a position to address it, since they so obviously tried to mask it. For example, my notes about Peter's interview say:

12/12/2009 At the end of the interview he asked 'right, is that us?' and was keen to get away - almost like he was escaping. Maybe some of this interview is a bit too hard?

My discomfort about the way Peter's interview ended did inform my conduct in later interviews, where I tried to be more sensitive to the interviewee's mood and probed inconsistencies less, as this seemed to be what had made the interview difficult for Peter (see section 8.5).

5.4 Access

In order to gain access to both groups of participants a formal application had to be made to a central committee (within the Association of Directors of Social Work and the Scottish Prison Service) which had to deem the research of sufficient interest to allow it to proceed. Local managers or governors also had to give their consent. This made it initially desirable to plan the research in only one location for each group.

I was lucky enough to have supervisors who had a positive relationship with the governor of a prison housing long-term prisoners, thus making access much more likely (King & Liebling 2000; Patenaude 2004). I approached this prison governor and after a very positive meeting in the prison, during which I provided a more in-depth explanation of the aims of the research to him and other members of the management team, he promised to facilitate the research and notified the Scottish Prison Service of this intention. In the meantime, I also made contact with the research manager within SPS, to ask for feedback on submitting my research proposal to the Research Access and Ethics Committee (RAEC). In order to balance out some of the time the SPS would have to dedicate to my research, I also volunteered one day of my time to help with administering the Prison Survey in Polmont YOI. This was never explicitly discussed as related to my research

proposal, and the Prison Survey took place after my research was approved, but it did allow me to build up a more positive relationship with the research manager.

An official research proposal was submitted to the RAEC and approved with one condition; the Scottish Prison Service was interested in hearing from prisoners what they thought of the Integrated Case Management⁵ (ICM) in the prisons and asked for this to be incorporated in my research. In discussion with personnel in the prison where the research was to take place, this was expressed in two questions to be asked at the very end of the interviews: one about ICM and the other about the personal officer system (see Appendix IV for the final interview schedule). Patenaude (2004, p.75) recommends asking prison staff what questions they would like to see included in the research in order to make continued access and positive relationships more likely, while King and Liebling (2000) discuss instances where researchers' interests can be pursued within the confines of officially funded and defined research. In accordance with these views, I felt that asking the ICM-related questions, albeit not directly related to my research topic, would not be so distracting or time-consuming as to be too high a price to pay for access.

To facilitate access to probationers, I approached a criminal justice social work team leader, with whom I had previously had positive contact while working as a researcher for the Criminal Justice Social Work Development Centre for Scotland - again this was a matter of using existing relationships to gain access. While she, as a group-work team leader, was not able to facilitate the number of interviews needed for the project, she put me in contact with two casework team managers in her area, who said they would be able to host the research and recruit a suitable number of participants. A research proposal was then sent to the Association of Directors of Social Work and a message communicating approval was received with the conditions that the university approve the research and that I negotiate access to probationers with the relevant social work teams.

⁵ A process where outside agencies and the Scottish Prison Service work together to assess any risks, set up support and put a plan in place in order to reduce the likelihood of the prisoner reoffending once they return to the community.

5.5 Interview schedule

The interview schedule went through several cycles of design, with input from supervisors, practitioners and other academics. It was designed to let my interviewees first talk freely about their sentence and, if they wished, their life beyond it, by starting with:

I am interested in hearing your story about your sentence, so I can hear what you think is important about it. Can you tell me about your sentence? [PROMPT: some people find it easiest to start at the beginning; what were things like when you were sentenced?]

In the initial version, the schedule had no further narrative questions and moved onto more structured questions about legitimacy and purpose. I expected the interviewees to produce a narrative encompassing all parts of their sentence after just this one question. When the interview schedule was piloted, it became clear that this way of questioning did not work. It was too much to expect interviewees to speak at length right after only a brief introduction and the informed consent procedure (see also section 5.8). Instead, I had to supplement the initial question with many other questions to get some kind of narrative from my interviewees, which in any case often remained relatively underdeveloped (see Appendix II on the tension between the narrative approach and the focus of the research).

In order to ease the telling of stories in subsequent interviews, the interview schedule was redesigned to start with more factual and easy to answer questions about the routine in the prison. The intention was to put the interviewee at ease (Arksey & Knight 1999; Rubin & Rubin 2004). Another possibility would have been to ask the structured questions about legitimacy and purpose before moving onto eliciting narratives, but I felt this would overly constrain how the interviewees framed their narratives, and it would prevent their thoughts on legitimacy and purpose from emerging spontaneously. In addition, many narrative prompts were added to the interview schedule. These prompts were mostly chronological; asking the participant to reflect on their sentencing, their first year in prison and then their later sentence. Most of the time, the interviews did not follow this structure exactly, as participants answered some questions before they were asked and

different lines of questioning were developed in response to what was said. Nevertheless, the final version of the interview schedule (to use at the end of the sentence – see Appendix IV) solicited more extended answers than the earlier version.

5.6 Change in focus

As access to the prison had progressed further by the time approval had been gained from all the necessary parties, I decided to interview long-term prisoners first. Interviews were carried out with twelve prisoners, between August 26th 2009 and March 4th 2010. Interviews were analysed as they were transcribed. The findings were surprising. Even those prisoners who maintained they were innocent justified their sentence in some way, with reference to possible future offences or offences which they had committed but of which they had not been convicted (see Chapter 8). There were very few participants who had maintained a sense of injustice or anger against the system throughout their sentence. On the basis of these early findings, it was decided to change the focus of the research. The high levels of acceptance of long-term prison sentences meant that a meaningful comparison between probationers and long-term prisoners on the basis of the content of their sentence would not be as fruitful as hoped. On the other hand, interviews with long-term prisoners at the start of their sentence and after their release could yield interesting insights into how perceptions might differ over time and in different contexts. Therefore the research design was changed to focus solely on long-term prisoners and to include interviews at different stages of the sentence.

Ideally, this new design would have been longitudinal, with the same prisoners interviewed repeatedly. This would have made it possible to draw firmer conclusions about changes in perceived meanings and attitudes over time, as participants' views could have been compared with their own, rather than those of others at a different point in their sentence, making it impossible for any differences in the accounts collected to be due to the different individuals making up the two groups (Ruspini 2000). Unfortunately, however, those prisoners already interviewed were not asked if they would be willing to be interviewed again once on license, so that new participants had to be recruited for the

license stage. More obviously, it was impossible to go back in time and interview them at the start of their sentence. Given the time frame of a PhD, it would in any case have been impossible to carry out a fully longitudinal design, given that long-term prisoners by definition spend at least two years in prison. As a consequence, the design was cross-sectional, with different individuals making up the three different groups. Given that twelve prisoners at the end of their sentence had been interviewed at this point, it was decided to recruit nine or ten interviewees at the other stages in their sentence, so that the total number of interviews would still be around 30. One interview was carried out with a prisoner who had served 10 months of his sentence, but both the content of this interview and feedback from prison staff suggested that prisoners settle into their sentence quite quickly, so that it would be more useful to target prisoners within the first six months of their sentence. As the prison did not receive long-term prisoners straight from the courts, it was necessary to negotiate access to a reception prison.

5.7 Renewing access

An altered proposal was submitted to the Scottish Prison Service and approved. This and gaining access to a reception prison proved to be time-consuming, but was eventually achieved, thanks to considerable support from the governor of the original prison. One of the managers of the interested criminal justice casework teams was also approached to see if he could facilitate interviews with people on license, instead of with people on probation.

A first round of seven interviews with people on license was carried out May 12th – 14th 2010. It was decided to interview more intensively at this stage, to minimise travel as the interviews were taking place in the West of Scotland, and in order to still be able to round off the fieldwork before the end of the summer. Similarly, interviews with prisoners at the start of their sentence were set up for the week of July 5th, which resulted in five interviews. When I approached the reception prison to set up further interviews, access was denied when I disclosed I would be visibly pregnant when carrying out these interviews. The response dated 21/07/2010 stated:

unfortunately due to health & safety and associated risk issues we do not permit anyone who is pregnant access to prisoners or any area where prisoners may be.

Later consultation of the actual SPS policy revealed the following statement:

On notification in writing of pregnancy, expectant mothers in operational roles ... may be removed from direct prisoner contact, dependant on the outcome of the risk assessment process (Scottish Prison Service 2005)

While in principle the decision not to allow pregnant women access to prisoners should be the result of a risk assessment, other sources within the SPS confirmed that in practice pregnant staff members are excused from prisoner contact automatically. Different ways of dealing with this were considered, including asking another researcher to carry out the additional interviews, or setting up some kind of virtual link and carrying out the interviews remotely. However, in the end it was decided to abandon attempts to increase the number of interviews with prisoners at the start of their sentence. It was felt another researcher would introduce too much confusion into the methodology, as they would not have the same approach or the same interest in the topic, and a virtual link would not allow for sufficient rapport to be established.

When the original casework team was approached for more interviews with people on license, they passed on this request to another team in their area, as they doubted they had more clients who would be interested in taking part. Interviews in the second team were carried out on September 1st, 2010, bringing the total number of interviews with men on license to nine.

Access issues had a significant impact on the research, both in terms of limiting the number of interviews that could be carried out per day (see below) and in terms of the total number of interviews achieved. However, eighteen interviews with prisoners and nine with licensees was felt to be sufficiently close to the thirty interviews envisaged to not pose a significant problem for the methodology. The small number of interviews with prisoners early on in their sentence, though, means their accounts are only used as illustrations of findings that relate to all interviewees, while comparisons made between

different stages focus on the accounts of prisoners at the end of their sentence and licensees.

The process of gaining access for this research also illustrates how even places that tend to be difficult to access can become quite accessible. Prisons are notoriously hard to access for research purposes (King & Liebling 2000; Carlen & Worrall 2004). In the past I had both been refused access (for my MSc research) and been granted it without having to go through the proper process because the SPS was a partner in the project I was evaluating (Routes out of Prison). I had also conducted research in social work settings, which equally can be difficult places to access (Munro et al. 2005). Perhaps more than most PhD students, I was well aware through my previous research experience of the demands placed on staff in both settings by having to facilitate the interviews and realised that, as this was not part of their core duties, they might not always be able to meet these demands. Therefore, I did not have high expectations of the speed and efficiency with which the research would be facilitated, if it was going to be facilitated at all. In this, I turned out to be overly pessimistic. Because of the existing positive relationship between my supervisors and the prison governor, the ease of access for the initial phase of the research with prisoners at the end of their sentence exceeded all my expectations. It was clear, though, that this was in part due to being in the right place at the right time. My notes after my initial meeting at the prison say:

28/4/2009 I think they are interested in the topic, but are mostly keen to put [the prison] on the map a bit more - things are very quiet there. In fact, [the governor] is actively trying to get academics to bring their students in for visits etc.

So, in the prison context, timing and existing relationships facilitated access more than the research topic or the way I presented myself. This is also illustrated by my experience in the second prison, where these relationships were perhaps stretched too thinly; those on who the burden of facilitation fell had no personal relationship with either me, my supervisors or the governor of the first prison. In relation to the license interviews, the positive relationship I had with one group-work team manager meant that she made contact on my behalf with the manager of the team in which I conducted the research, who in turn facilitated my access to the second team. Here, then, it was positive

relationships between the managers of different teams as much as my own relationships which allowed the research to take place. The managers who helped me with my research never clearly articulated why they had decided to help me, and did not seem overly interested in my findings, so that their efforts on my behalf are more likely to have been a goodwill gesture than motivated by their own concerns and interests.

5.8 Recruitment

Initially, staff were to give all those who were eligible an information leaflet about the research (see Appendix III) at an appropriate meeting, to see if they were interested in taking part. For prisoners this was their yearly Integrated Case Management (ICM) meeting, for probationers/parolees their supervision appointments or group-work sessions. The names of those interested were to be passed on to me, after which I would arrange an interview within the prison or criminal justice social work office. This was to ensure that participation would be strictly opt-in. However, as soon as fieldwork began it became apparent that this recruitment process was difficult to put in place in the prison. It was impossible to contact prisoners directly by phone or email and it was felt to be an unduly onerous burden on staff to act as a go-between. Other possible ways of communicating with those who wanted to take part were discussed, such as a message box, but dismissed as impractical. Therefore, it was decided that it would be best for staff to arrange interviews with those interested on my behalf and to schedule one for the morning and one for the afternoon of each day I was in the prison. This did have the consequence of removing me from the recruitment process and meant I had little insight into how potential participants were approached. An initial pilot interview was set up after a second meeting with prison staff, in order to test out the interview schedule. After this interview, I was still under the impression that later participants would be recruited through the ICM process, even if the pilot interviewee had not been. My notes read:

26/8/2009 Seems to perhaps have been hand-picked because of his positive views. The danger of this will hopefully be addressed to some extent through the ICM recruitment procedure.

However, after the next interview it was clear from my notes this was not the case:

3/10/2009 He said he was asked to do the interview after football, not during ICM meeting.

It is not unusual for staff to pass on letters or information leaflets to prisoners on the researcher's behalf (Carlen & Worrall 2004, p.189). However, it became clear from feedback from those taking part that most of them had *not* been given the information leaflet about the research and that they therefore came to the interview with very little idea of what to expect. This demonstrates how compliant prisoners can be with staff requests to take part in research; they were willing to do so in the absence of any more detailed information.

At this point in the research, my main points of contact in the prison were an ICM case coordinator, responsible for most of the recruitment, and a reducing reoffending manager. Although they were helpful, they did not appear as committed to the research as the governor, with the ICM case coordinator especially sceptical about the process. Given that I only saw these staff members very briefly before my interviews I had little opportunity to ask them face to face how people were recruited. I was also wary of seeming too critical, feeling a real need to keep them on board and to avoid alienating them, thus jeopardising access (a concern also reported by Cowburn 2007; Liebling & Stanko 2001). Therefore, it took some time before I had a direct conversation with the ICM case coordinator about how he recruited prisoners. Again, from my notes:

3/12/2009 Recruitment strategy: he looks around the flats to see who is coming out (at flat boards and case conferences). He usually knows them and speaks to the Hall staff. Do not give me prisoners who have nothing to say. (He knocked on the wood of the table to show they are thick?). Recruitment in this case is interesting, because I'm not in charge of it and it just happens, I can't observe it.

Despite the realisation that recruitment was not happening as planned, I failed to reflect sufficiently on the implications of this at the time and instead let things continue as they had, although I did emphasise the need for potential participants to see the information leaflet before deciding to take part. My time in this prison was coming to an end (I would only conduct four more interviews there) and my interviewees had been sufficiently interesting and critical of the regime to counteract any worries that they were being handpicked for their positive views as I had initially feared. Instead of insisting on a more

formal method of recruitment, I took more time at the start of each interview to explain what my aims were and to ask if the participant had any questions and was still sure they wanted to be interviewed. This will have only partially been effective because by the time they had arrived at the interview they had already invested significant time and most likely missed any other activities they might have otherwise attended. Nevertheless this was as much as I was able to do towards assuring myself that my interviewees had given their informed consent. No interviewees refused to take part after having the purpose of the research explained.

More problematically, I also accepted this recruitment method as ‘the way things are done’ and therefore let the same process take place in my subsequent research locations: the reception prison and two criminal justice social work offices. Here, too, potential participants were approached on my behalf and then scheduled in to see me if they were interested. Especially in the reception prison this very impersonal recruitment method had implications for the success of my research. The induction officer asked new long-term prisoners (who were in their first or second week of imprisonment) whether they would like to take part, but other convenient prisoners, for example, those who worked in the Links Centre⁶ where I conducted the interviews, were also recruited. Again, this sometimes happened in a very informal way, which will not have given participants much time to reflect on whether they would like to take part.

Malcolm: An Officer approached me in the hall and asked if I wanted to take part and that was it, I just agreed, I said ‘aye I’ll take part’.

Perhaps as a consequence of this recruitment procedure, people failed to attend for interviews several times, which considering that only two interviews could be conducted each day (see below) and that travel to the prison took considerable time, was a substantial setback. My exasperation is clear from my notes:

7/7/2010 I got to the Links Centre this morning and the staff there told me that the guy who was supposed to be interviewed didn’t turn up. I was kind of happy about this, as it showed that the

⁶ A Centre within the prison where outside agencies either have bases or come in regularly to work with prisoners before their release.

others had come voluntarily. [One staff member] though, said that sometimes when there is a staff shortage, prisoners are just recorded as refusing meeting, when they haven't. Another no show in the afternoon. Two hour each way trips for 0 interviews. ... This time staff said they had tried to confirm whether he was coming – the extra mile, indicating that it's not a case of covering up staff shortages?

8/7/2010 Got here this morning and another no-show! A member of staff who runs programmes came and talked to me and said that all three no-shows are known to be involved in organised crime in the prison, which might mean that they're busy and also that they're afraid of meeting enemies in the corridors or the Links Centre. Suggested that if I come back, I try to speak to a group or something and recruit people that way.

These notes clearly illustrate that there may be reasons for prisoners failing to attend that have nothing to do with the research project. The suggestion referred to at the end of this quote, of speaking to and recruiting prisoners directly, was a good one, and one I was planning to take up, if possible. However, because the staff in this prison were much less motivated to facilitate the research, and felt that it had been imposed upon them from above, it was not possible to quickly schedule in more days to make up for lost time. By the time this was possible (after discussion with my supervisors), I was no longer allowed to have direct contact with prisoners because I was pregnant (see above).

The implications of the recruitment method, combined with having a limited amount of time with my interviewees (see below), most of whom I only saw once, meant that no rapport was built up before the actual interview. Therefore I had to work quite hard in some of the interviews to establish some sort of trust or openness within the interview setting, in order to allow the participants to speak their mind.

1/9/2010. At first circled around his offence without telling, later on, when the rapport had built up, happier to talk about this.

The lack of rapport and understanding of the research aim before the research also meant that the interview schedule had to be revised, as described above.

There would have been alternatives to the recruitment process adopted. As mentioned, one possibility would have been to speak to groups of potential participants and recruit in this way. However, this would have been arguably easiest to achieve with those early on in their sentence (who form a more natural group, for example during induction) than

with those at the end of their sentence or on license, who had no reason to come together. Another possible option would have been the method used by Blagden and Pemberton (2010), who set up one appointment with potential interviewees to establish that they understood what the research was about and to obtain consent, which was followed by another appointment during which the actual interview took place. This might have led to some drop-out, with people failing to attend the actual interview, but would have enhanced the extent to which interviewees were giving their informed consent (Crow et al. 2006) and allowed me to do some of the work of establishing rapport during the first appointment.

It is difficult to assess the eventual impact of the recruitment process on the findings. Some participants happily told stories and/or talked about quite private issues during the interviews, so not all of them were inhibited by the way they were recruited and the limited time period they had with me. For those who did not, it is not immediately clear that an extra appointment would have made them much more comfortable to do so, but it may have made a difference for some. As for the possibility of cherry-picking by staff of the most compliant or positive interviewees: again, plenty of opposition and bending of the rules was disclosed in the interviews. Nor were the licensees recruited those who were the most successful. One licensee who was lined up to be interviewed missed his appointment with his social worker that day and was subsequently breached (for other reasons as well as the missed appointment). Another turned up quite obviously under the influence of drugs and the interview had to be stopped. He, too, was later breached. Maybe not much more can be said than that it would have been preferable to have used different recruitment methods from the ones employed, since there is a possibility this might have resulted in more developed and spontaneous narratives and made the interviewing process more comfortable for participants.

In total, using the recruitment methods outlined here, twenty-seven participants were interviewed. In order to provide some context for the men's quotes in the rest of this thesis, Table 1 summarises their main characteristics. If more in-depth information is

desired, Appendix I contains short vignettes summarising the accounts of the men who are most often quoted in this thesis.

Table 1: Participants' characteristics

| Start of sentence | | | | |
|--------------------------|------------|-------------------------------|---------------------|------------------|
| Pseudonym | Age | History | Offence type | Sentence |
| Alan | 40s | Previous short-term sentence | Drugs | 4-5 years |
| Chris | 40s | Previous short-term sentences | Drugs | 4-5 years |
| David | 35-39 | No previous convictions | Driving | 6-7 years |
| Malcolm | 30-34 | Previous long-term sentence | Drugs | 6-7 years |
| Paul | 40s | No previous convictions | Driving | 6-7 years |
| Walter | 30-34 | Previous short-term sentences | Threats | 4-5 years |
| End of sentence | | | | |
| Alex | 35-39 | Previous long-term sentence | Violence | 10 years |
| Colin | 30-34 | Previous short-term sentences | Drugs | 4-5 years |
| Dan | 60s | Previous long-term sentences | Violence | 5-6 years + ext* |
| Devan | 20-24 | No previous convictions | Drugs | 7-8 years |
| Doug | 25-29 | Previous short-term sentences | Violence | 4-5 years + ext |
| Gordon | 20-24 | No previous imprisonment | Violence | 4-5 years |
| Graham | 30-34 | Previous short-term sentences | Violence | 4-5 years |
| Ian | 30-34 | Previous long-term sentences | Theft | 7-8 years + ext |
| James | 35-39 | Previous long-term sentences | Drugs + violence | 10 years |
| Neil | 40s | Previous long-term sentence | Drugs | 10 years |
| Peter | 20-24 | Previous short-term sentences | Violence | 10 years |
| Robert | 60s | Previous short-term sentence | Drugs | 4-5 years |
| License | | | | |
| Andy | 25-29 | Previous short-term sentences | Violence | 4-5 years |
| Jack | 40s | Previous long-term sentence | Robbery | 8-9 years |
| Lino | 35-39 | Previous long-term sentences | Weapon | 4-5 years |
| Mark | 35-39 | Previous short-term sentences | Violence | 5-6 years |
| Mohammed | 30-34 | Previous long-term sentence | Violence | 8-9 years |
| Smitty | 25-29 | Previous short-term sentences | Drugs + driving | 5-6 years |
| Stephen | 50s | Previous long-term sentence | Violence | 4-5 years |
| Tim | 25-29 | No previous imprisonment | Murder | Life |
| Tony | 50s | Previous long-term sentences | Robbery | 10+ years |

* + ext = plus extended license: a license period beyond the end of the sentence was imposed

5.9 Time restrictions on interviews

The interviews in the prisons were severely curtailed by the prison routine. Instead of being able to conduct open-ended interviews, I was limited to two and a half hours in the morning and an hour and a half in the afternoon. Often prisoners would arrive late, so that these periods were even shorter. While the morning time slot usually proved adequate for the interviews, in the afternoon time felt more pressured and on occasion I had to move people along to finish in time, which did not sit easily with the narrative methodology. Most interviews lasted between one and one and a half hours, with the shortest interview 39 minutes and the longest two hours and twenty minutes.

It was difficult in the prison context and with people often interviewed shortly before release to re-interview participants, so when most of the topics had been covered no attempt was made to speak to people again, even when the interview had been cut somewhat short. This, again, is not in keeping with an ideal narrative research design, but when only some of the structured part of the interview had not been completed, I felt it was unfair to ask participants to miss an entire morning or afternoon of activities in order to be briefly re-interviewed. I was also concerned that participants would feel they had not answered the questions properly the first time if I returned to ask them some of the same questions again, in order to obtain more sustained narratives.

In the social work offices, there were no such constraints on interview length; here the only consideration was what time the next interviewee was scheduled to come in. As there was two and a half hours between the starting times of interviews, there was much less pressure here to finish at a certain time, except for in one case, where the interviewee turned up an hour late.

5.10 Location of interviews

The first round of interviews was conducted in the education department of a prison that mostly housed long-term prisoners. As the prison was being renovated, classes were taking place in temporary buildings. There were only a few rooms in which interviews

could take place, most of which were located between the hallway and staff offices. This meant that staff had to pass through these rooms to access their office, resulting in periodic interruptions in the interviews. Staff intruding was obviously not ideal from a confidentiality point of view, or for providing a comfortable space for people to speak. Before the interviews, I would warn the participants that this might happen and emphasised that they should stop speaking if they wished when staff were present. Yet, most seemed to hardly notice the interruption. For example, it is clear from the interview transcript that Doug did not pause when a staff member was in the room, even though he was expressing negative views:

Doug: I realised I had an issue with anger at the time of my sentence, so everything I said was the truth eh, cause I wanted tae see what course that/ if this course can help me, it can help me wi my anger. I'm no an angry guy, now, it was just, at the time cause life was the pits basically.

[Staff member enters here: sorry to interrupt just passing through]

Doug: So I thought `right I'll do the course and I'll tell them everything, tell them the truth and everything' but, end of the day, it's got me nowhere.

MS: But you also didn't feel the course actually ended up helping you?

Doug: No, no really.

MS: So (.)

Doug: Some things it was saying (.) say, change your negative thinking an all that, that's just the way a person thinks, everybody thinks different know what I mean so/

[people talking in background here]

[Staff member passing back through: right sorry about that]

Doug: /everybody thinks different and then you can throw alcohol into the mix

This lack of guile may have been the result of good staff-prisoner relationships in the prison where the interviews took place. This was noted in the most recent inspection report of the prison and I also observed that prisoners were quite open with the staff.

3/12/2009. Prisoners greet each other in the hallways, but there are also recognised and spoken to by staff. P2, when he was taken to the interview, apparently told [staff member] that now he could see the light at the end of the tunnel, because he's going to the open estate tomorrow.

In addition, the staff members who interrupted never appeared to pause to listen or to take anything in of what was being said.

In the second prison interviews took place in small rooms in the Links Centre, where there were no disturbances from staff. Similarly, in the social work offices I was given a private room and one that participants could reach without first having to go through the

social workers' offices, usually accompanied by a receptionist rather than a social worker. In no instance was I confused for a social worker and some interviewees, though far from all, were critical of the support they received from the social work department.

5.11 Is true informed consent possible?

The above discusses issues specific to my research some of which limited the informed consent and rapport established. In addition, though, it is my impression that interviews, and especially more open-ended ones, are problematic in any case in terms of informed consent. Some of my participants worked quite hard to provide a 'good' interview and were anxious to do so. For example, the end of the interview with Chris included the following:

MS: Okay, is there anything else?

Chris: I think you've worn me out. [both laugh, the interview has lasted over two hours]

MS: It is a long interview to do in one go.

Chris: Yeah.

MS: But, thank you very much.

Chris: Was that alright? Yeah, was that any good?

MS: Yeah.

He was not the only one to want an evaluation of his performance as an interviewee. Dan said towards the end of his interview: 'I don't know, I wish I was sitting where you are and try to figure out what it is that you are actually looking for'. Both these quotes demonstrate a real desire to please. Others have noted the desire on the part of participants to please the interviewer, in terms of providing 'correct' answers (Jackson & Mazzei 2008), shaping their narrative (Bauer & Gaskell 2000) or making their life stories more dramatic (Lyon & Thurgood 2007). While these focus on the quality of the data, I think there also are implications for informed consent, in that the desire to please might spur participants to answer questions or develop thoughts that they would otherwise not have wanted to confront or share.

Furthermore, the act of talking itself (and perhaps thinking aloud) sometimes seemed to lead participants to say more than they had originally intended. It is difficult to illustrate

this with one quote, but some interviewees opened up about quite vulnerable parts of themselves, not because they had decided to do so at the start of the interview, but because this was where their previous talk and my questions had led them. This may be especially likely to happen in interviews within the prison, where opportunities to talk freely and openly (especially to a woman, as discussed in section 4.9) are far and few between. As Alan noted:

But again, you've listened to me but I don't get asked these questions anywhere else in the jail, so nobody really (.) I mean your Social Worker fair enough, but she just takes what information she has, she won't sit like this and listen.

While some, like Alan, welcomed this opportunity to talk, other comments illustrated how exceptional, and to some extent artificial, the situation of a narrative interview is. Talking to a stranger about personal and potentially shameful issues, such as the experience of a prison sentence, is unusual. As Paul said when I asked what he would tell others about his prison experiences:

Em, it depends who was asking me, to be honest with you. I mean, I wouldn't try (and go into) detail about it, if it was/ you know, because it's quite a personal question, you know. If it was an outsider, I would basically tell them to mind their own business, to be honest with you.

With the interview situation an unpredictable one for participants, who have no way of knowing exactly what they will be asked or where their talk will lead them, especially in an open-ended interview which has no set schedule that is adhered to, it is difficult to see how they can ever really give informed consent for what they do not know will follow. The consent form did clearly say that they could refuse to answer questions, something which I emphasised verbally as well during the consent procedure, but in all the interviews I have conducted no one has ever done so. Still, in most cases participants seemed to have enjoyed the interview and left in good spirits. Presumably, then, they did not regret their decision to take part. Nonetheless, a few participants had obviously found the interview process uncomfortable, notably Peter who became angry at one point in the interview (see section 8.5) and left as quickly as he could (see the research note in section 5.3 above). During the interview, his body language also suggested that he was uncomfortable:

At times he bent way backwards in his chair and stretched so that his face was pointing up and towards the wall -- attempts to distance himself from the interview?

A greater sensitivity to when the situation was uncomfortable for participants and inviting them to break off the interview at those moments might have been a more ethical way of conducting these interviews. However, the question is whether they would have taken up this invitation, or whether the pressures of the situation would still have compelled them to continue with what they found uncomfortable.

5.12 Transcription

Interviews were transcribed as soon as possible afterwards, so that there usually was less than a week between any one interview and the completion of its transcription. The following transcription notation, adapted from Banister et al. (1994) was used:

| | |
|------------|--|
| (.) | short pause |
| (2) | longer pause (number indicates duration in seconds) |
| (xxxx) | unintelligible speech |
| (judge) | doubtful transcription (best guess) |
| [laughs] | non-verbal utterances |
| [town] | substituting generic labels for specific names, to safeguard anonymity |
| / | overlapping speech or aborted statements |
| UPPER CASE | emphasis in speech |

This allowed pauses and interruptions to be recorded, which were felt to be important in considering *how* things were said, but was not so detailed as to be overly burdensome. Initially I transcribed all the interviews myself, but as my pre-existing Repetitive Strain Injury worsened, this became impossible and, supported by a disabled student grant from the ESRC, the rest of the interviews were sent to a transcriber. This had the disadvantage that I knew the interviews less well before starting analysis. To overcome this, I listened to the interviews repeatedly and changed and added to the transcripts, to bring them more into line with mine; for example, by adding pauses in the notation. The advantage of having a Scottish woman transcribing the interviews was that she was much better at capturing Scottish speech. While I had made an attempt at times to do so, I did not do this consistently and, not being familiar with how best to express Scottish pronunciation,

often made up my own words. When the transcriber started, the transcripts immediately captured much more closely what had been said. Compare, for example, an excerpt from Ian's interview, transcribed by myself, with an excerpt from Andy's interview, by the transcriber.

And they just took me back up to the hall, locked me up for a couple of days and then put me in the seg. And that's, he says 'aye, you have been doing this and doing that'. It was a drug free flat I was on. Aye, I was booted aff that and I was down the seg for a month and that gave me the time to get my heid together, stay aff the drugs. (Ian)

Yeah, at first I thought when I came out that would have been the thing that sorta kept me out of trouble, knowing that that was o'er your heid but it's no, it's/ you just forget about it,. I mean it's just something that's sorta there in the background, you need tae come and see Jimmy an that but it just feels mare sorta/ just mare a routine thing know what I mean. (Andy)

While I made an attempt to accurately transcribe words that are clearly said differently from their usual spelling, such as 'aff' and 'heid', in the second excerpt the phonetic spelling is used much more consistently throughout, for words such as 'o'er', 'about' and 'mare'. This captures the flavour of the speech produced by the men much better.

5.13 Analysis

Interviews were imported into QSR NVivo 8 qualitative analysis software as they were transcribed. NVivo allows the researcher to quickly code text by assigning different passages to different nodes, which can then also be hierarchically linked into 'tree' and 'child' nodes. I had used this software extensively in the past and had found it saved a lot of time compared to the alternative of copying and pasting within Word and afforded a better overview for the researcher.

Silverman (2001), drawing on Pike (1954) distinguishes between 'emic' and 'etic' analysis. Emic analysis employs the language used by the interviewees themselves and highlights concepts that would be meaningful to them – they come from 'inside' the research. Etic analysis, on the other hand, uses concepts that originate elsewhere, outside the research, and might use an analytical framework developed in the literature. I would argue that there is a middle ground, where concepts are isolated that originate with the

utterances of the interviewees, but are identified as meaningful and given a name by the researcher, without recourse to sources more external to the research and where the interviewees would still find the concepts developed.

In this research, the analysis involved an interplay between these three different levels of coding. This was a consequence of the research's dual aim: to test the applicability of philosophical justifications of punishment to prisoners' lived experience while also exploring more generally how prisoners experience and make sense of their sentence.

Initial coding took place soon after transcription for each interview. This round of coding was mostly 'emic' in that it produced nodes referring to the topic under discussion, usually in the participant's own words. Rather than going through distinct stages as advocated by grounded theory, for example, of open coding followed by the development of categories and an explorations of the relationships between different codes, I used what NVivo calls Tree nodes from the beginning, categorising nodes as they were developed. For example, under the tree node of prison, created on 31/08/09 and one of the largest within the project, there was a list of child nodes (many of which were also created on 31/08/09), including the 'emic' nodes of:

| | |
|-------------------|--------------------------|
| courses | positive features |
| education | prison locations |
| health | other prisoners |
| ICM | routine |
| negative features | short-term vs. long-term |
| open estate | staff |
| parole | time |
| plans for release | work |

These allowed the researcher to quickly find what different interviewees had said on these topics, but many of them proved not to be of abiding interest in the long run. The development of these very descriptive nodes was due, at least in part, to my experience of conducting contract qualitative research, in which findings were often written up on the basis of one round of coding into basic topics. However, this initial way of coding did allow me to capture almost all of the transcriptions' content somewhere for easy retrieval later. In fact, many nodes were later developed into more conceptually interesting 'etic'

nodes: for example the node 'negative features' was separated into bits of talk that related to niggles and painful aspects of imprisonment and combined with part of another node (the impact of the sentence, which was also split up into the impact during imprisonment and later impacts) to form the node for 'pains of imprisonment', which was then added to by further coding.

While the first round of coding focused on the 'emic', after having coded a few interviews a further level of coding was employed, which tended more towards the 'etic' side of the spectrum: here recurrent themes across the interviews that seemed of interest were added as nodes. Under the 'prison' node these included:

- adaptation
- categories (of prisoner)
- freedom and self-efficacy
- head down and get on with it
- sedated by authorities

These nodes were still based on what was said by the interviewees, and sometimes closely quoted them, such as in the case of 'head down and get on with it'. However, the node of 'freedom and self-efficacy' built more upon the literature available and highlighted bits of talk where the interviewee was describing ways in which he had managed to resist the control of the prison, for example, by refusing to share a cell and opting to be put into solitary confinement (or 'the digger') instead.

From the beginning, though, for the testing of philosophical theories, an 'etic' level of coding was also employed. For example, the 'sentence' tree node included as child nodes 'legitimacy' and 'purpose', which had many child nodes in turn. In the case of 'legitimacy' these child nodes were once again more 'emic' in that they referred to concepts that had emerged from the interviews, such as 'method of arrest or prosecution'. On the other hand, the 'purpose' child nodes were much more based on the literature that formed the basis for this study, including 'rehabilitation', 'punishment', 'incapacitation' and 'deterrence'. Of these, only rehabilitation was regularly used as a term by the interviewees, and these categories were obviously derived from the literature, rather than the research, as was the tree node of 'purpose'. However, here too the two types of

analysis interlinked, as the tree node of ‘purpose’ also included the nodes ‘time to think’ and ‘prison as a safe place’ – concepts that came from the interviews. In essence, from the beginning analysis was a constant interplay between the content of the interviews, my own insights and the literature.

This is not to say that all analysis happened in one round. As more interviews were transcribed and the analytical framework became clearer, nodes were added, deleted, combined, split and regrouped. The modelling feature of NVivo was used to explore the connections between the nodes, and was used to construct the model in Figure 1 in Chapter 10.

5.14 Narrative analysis

As noted above, I had used NVivo extensively in the past, but never for narrative analysis. It appears less suited for this type of analysis, as it encourages users to ‘fragment’ text into so-called nodes, which contain quotations about the same topic. To overcome this, I started to use annotations and memos to record observations about the narratives. Annotations usually apply to sections of the text, but are attached to the whole interview and the relevant text is highlighted, so that they can be seen and reflected upon in the context of the totality of the narrative. For example, a quote in Ian’s interview about the pains of imprisonment

MS: And what have been the worst moments?

Ian: (2) My partner fucking me about with the phoning, stuff like that, just playing mind games, just playing mind games all the time

has the following annotation:

In this interview the meaning of the prison seems to be that it has more or less become normal, but the stand-out moments, both positive and negative, are still about people outside.

This observation does not refer just to the highlighted text it is linked to, but to statements made throughout the whole interview, which suggest the meaning of the prison sentence to Ian.

Ian's quote above was also linked to statements in the interviews with the other men in which family ties were described as both positive and negative. Memos allow the researcher to record notes and reflections on the whole of the data, or can be linked to one source or node. An important memo in my project was one where all the interviews were summarised very briefly on whether they contained an element of transformation within the prison, and how this was conceptualised in each. An excerpt of this memo:

Jack - is doing better than previously (spent most of adult life in prison) but due to better support, being older and loss of mother and father, not prison.
Stephen - no transformation, merely deterred by prison, still quite angry about lack of help etc.
Tony - transformation BEFORE prison, in police cell (see recidivism node)

Memos were also used to summarise the kind of narrative told about the sentence in each interview. For example:

Graham describes his life as pretty much going downhill from the beginning, with no notable positive periods (also illustrated by him committing other offences, or being accused of doing so around the same time). Prison is on the one hand a natural occurrence in this kind of life, and in some ways a saviour. However, on the other hand the circumstances of the offence mean that he feels his sentence is long and that he has been unlucky. Overall, he feels worse for his transgressions towards his family (asking partner to take in drugs) than he does about his offence.

Doing this for each interview allowed me to reflect how the interviewee characterised their sentence *throughout* their account and to highlight any inconsistencies or ambiguities.

The narrative analysis was not only carried out using annotations and memos as described above. Codes relating to narrative concerns were also created, such as ones that brought together bits of talk about identity or occurrences of laughter. Others focused on problems of narration, such as gaps or pauses in the talk or the difficulties in narrating a prison sentence.

5.15 Conclusion

This chapter has described in some depth the decisions made and problems encountered throughout the research process. The main weaknesses of the research design are to do with the shift in focus and conducting the research in (otherwise unfamiliar) institutional settings. If I had known that the eventual focus in my thesis would be on men nearing the end of their sentence and men on license, I would have preferred a longitudinal design to assess how narratives change over time. However, my original intention to compare long-term prisoners' accounts with those of men on probation, combined with my pregnancy preventing an adequate number of interviews with men at the start of their sentence, meant that this focus only became clear after research design decisions had already been implemented. Any future research on narratives of punishment should aim to be longitudinal if at all possible.

The fact that I was researching in settings of which I was not a natural member and that were not transparent to me meant that I did not tackle the problems with recruitment that are now apparent. If I had been more familiar with either setting, I might have felt able to be more involved in the recruitment process and less wary of threatening my access to participants. On the other hand, second and third degree connections allowed me to access the settings I needed much more easily than would have been the case if I would have had to rely on only my own connections and the interest of my research project to the relevant gatekeepers. The research process thus presented a mix of opportunities and obstacles, as always, and while the opportunities were well utilised, some of the obstacles could have been better overcome.

This and the previous chapter have provided the background for the findings chapters to come. As all the data on which those chapters are based has been collected and examined through the process described here and with the assumptions described in the previous chapter, the reader needs to keep in mind the weaknesses and strengths identified. Problems in the research process have also informed the shape of the findings chapters. For example, the limited number of interviews with men at the start of their sentence has meant that this group is never considered separately. However, I hope that the discussion

above in concert with the quotes used and findings reported will convince the reader that, while the way in which the research was conducted was far from perfect, it was nonetheless robust enough to lead to research findings that are reliable and of interest.

Chapter 6 Purposes perceived in the sentence

6.1 Introduction

The first of the findings chapters, this chapter and the next examine to what extent philosophical conceptions of punishment find expression in prisoners' accounts of their sentence. Consequently, the starting point for analysis is rather 'etic' (Silverman 2001) – it largely draws on concepts originating from sources external to the research. The section headings in this chapter are largely based on these external concepts, even when the exact terms were not used by the men I interviewed. However, there was much my interviewees had to say about these concepts, especially in relation to rehabilitation and reform. Therefore, two chapters are dedicated to the match between justifications of punishment and my interviewees' accounts. This chapter focuses on the most commonly cited justifications: the consequentialist ones of rehabilitation, deterrence and incapacitation and the non-consequentialist one of retribution. Perhaps because (a mix of) these are also most often cited as the purpose of punishment in the public domain and have currency in our cultural discourse (Miller & Glassner 1997), these aims could all be detected in my interviewees' statements about the purpose of their imprisonment. In order to reflect which purposes were most (spontaneously) represented in their accounts, the discussion starts with the most salient one (rehabilitation) and moves towards less well developed themes, ending with incapacitation. In the next chapter the purpose that was of special interest to this thesis, namely moral communication, will be discussed at length.

In exploring the links between philosophical justifications of punishment and the lived experience of those who are punished, it was necessary to recognise instances of the former in the talk of men who only rarely use terms such as 'rehabilitation' or 'incapacitation'. In doing so, I draw upon the work of Rex (2005). She expressed each justification into simple statements, in order to survey different groups of criminal justice actors about their views and preferences. Her definitions are used as a starting point in each section, as they were usually quite close to the conceptions of the different

justifications that my interviewees seemed to hold. Where the way my interviewees' spoke about their sentence differed significantly from her definitions, this is discussed.

6.2 Rehabilitation and reform

Rehabilitation has many different, sometimes contradictory, meanings (McNeill 2013). These include effecting change (or reintegration) for the offender's own good, motivated by concern for their welfare; managerialist approaches focusing on risk management and harm reduction, motivated by consequentialist considerations (Robinson 2008) and restoring offenders to full citizenship (McNeill 2012b). Besides differences in motivation and ultimate purpose, many writers (Carlen & Worrall 2004; Duff 2001; Rex 2005) make a distinction between reform, which Rex expressed as 'get them to change their ways' (p. 86) and rehabilitation, expressed as 'help them with problems behind their offending' (ibid). Other relevant texts (Crewe 2009; Comfort 2008; Scottish Prison Service 2011) do not make this distinction⁷, instead referring to both aims as rehabilitation. In the interviews, these distinctions were also not made explicit. The men tended to use the term 'rehabilitation' (no one mentioned reform) or more descriptive phrases, such as 'change me as a person' (David) or 'anything to benefit myself' (Gordon). From what they said, though, it was usually clear whether they meant reform or rehabilitation, as defined above. In the following discussion I will use both terms in order to make the distinction clear, even though this means at times that the word used in my discussion is different from that in the relevant quote or source text.

Rehabilitation, in any of its guises, played a part in almost all the interviewees' accounts and was brought up spontaneously as one of the (desired) purposes of imprisonment by those early on in their sentence as well as those at the end and those on license. Of all the possible purposes of criminal punishment, it played by far the largest part in the stories told and held the most meaning for my interviewees. However, many were disappointed in the efforts made by the prison to achieve it. In fact, this was where most of the anger

⁷ Or make a different distinction, where rehabilitation concerns efforts to change people's psychology and reform concerns efforts to redeem their moral character (McNeill 2013).

and criticism of the regime contained in the interviews was expressed. This appears to be in contrast with Rex's findings (2005), where offenders did not perceive rehabilitation or reform as the main purposes of imprisonment. The following focuses first on the reform of character, temper, reactions and thoughts. After this I will examine the extent to which the interviewees felt they were rehabilitated; supported practically to successfully move away from their previous lives.

6.2.1 *Reform*

Most of the men supported the aim of reform; they wanted help with their offending behaviour, their explosive nature, unhelpful thoughts or a combination of these. Dan was somewhat unusual in that he presented himself as *still* in need of reform:

Dan: It would be nice if we could come up with a technical answer or even a medical one, they can give you injections, it would stop Dan to be the Dan before he got the injection. If I was returned to being a normal member of society.

M: Then you would take that injection?

Dan: Well, I would jump at it, I would volunteer to try the first one. I don't want to be in prison, I don't want to assault people, but (.) I've done it, I can't change it, I can't turn the clock back.

In contrast to Dan, most of my interviewees told a story of having already been reformed in one way or another (see section 6.2.5), presenting themselves as 'good' at the time of the interview (Presser 2008) or at least better than they were.

Aye, I think I've changed, you know what I mean, I really do think I have changed. I think this sentence has opened my eyes up to a lot of things. Just, the way I look at life, stop being selfish, stop thinking about myself all the time. (Graham)

There also were several interviewees who felt that reform was not a proper purpose for imprisonment in their case, because they had never been 'bad people' or criminals. This included all the interviewees who were imprisoned for their first offence, namely Devan and Robert⁸ (at the end of their sentence) and David and Paul (at the start of their sentence). Alan (at the start of his sentence), who had had a conventional career and life

⁸ Actually, Robert had been convicted of offences when he was much younger but not been in trouble for 40 years before his current imprisonment.

outside of prison, had been convicted once before but also felt that he was essentially non-criminal and did not need to be reformed. Denying the reformatory purpose of imprisonment often made it difficult for them to make sense of their sentence, illustrating how pivotal reform (or rehabilitation) is in this process:

I've asked myself [what my sentence is meant to achieve], well not [sighs] (.) I've sat down and spoken about it with my boss and he's asked me/ he's/ in his own words 'it was a pointless sentence', because it's not going to change anything, it was an accident. (David)

The fact that David needed to quote a third party suggests that he found it hard to declare his sentence pointless himself, but his lack of disagreement suggests that, without reform, he does indeed see his sentence in this light.

6.2.2 Cognitive behavioural courses

Reform in the prison was seen by the men as almost exclusively delivered through cognitive behavioural courses. Several of my interviewees credited the courses they had taken with having changed their views. They often referred to a particular interaction they had had with course facilitators, which had forced them to re-examine the way they reacted to things.

So we end up/ they challenged me on it again and we're fighting through it and fighting through it. I was adamant it was the right thing to do, was to attack the person and all the thingy. So I says 'she's sitting there with a guy having a drink, why did she not tell you that on the phone? When she phones you 'I'm sitting here with such and such'. And they said 'what about if that person that she is sitting there drinking with, it turned out it was her cousin?' I was stuck in that position like that [freezes] I'm caught out there, you know what I mean, there was nothing I could say or do, because I've already done the guy, but that was the sort of scenario they put you in, you know? (Gordon)

The detail in this description shows how important the interaction described was in initiating change for Gordon. The ease and enthusiasm with which he told this story, not being a great storyteller in the rest of the interview, suggests that he had told it before (Hydén 2008), reflected upon it and saw it as a pivotal moment. A few others also recounted moments in which their world-view had been challenged by cognitive behavioural courses.

On the other hand, the majority of the men felt that the reliance on cognitive behavioural courses to deliver reform was problematic. The assessment procedures for courses were seen by some as less than robust, with psychometric tests easily subverted.

I know for a fact everybody was just writing/ see the, just putting the answer in they obviously knew they wanted tae hear. It's like you're manipulating the system, the prisoners, you know what I mean so for me that's no a good sign. (Andy)

Furthermore, several interviewees questioned the courses' efficacy because, like Halsey's participants (2007) they felt the courses did not go into enough depth and were unrealistic about situations outside the prison.

Useful information, but to be honest I think (.) in the heat of the moment, I don't really (2) when I think back to all the times I've lost my temper, the things that you're taught in anger management don't pop into my head, so I don't really see it as helpful, to be honest. (Mohammed)

A commonly expressed view was that, rather than being truly aimed at reform, the purpose of cognitive behavioural courses was to keep the government or the electorate happy.

But my opinion and for what I've seen through the years, generally I think the courses that they've got in prison tae/ for them tae say tae people that they were trying tae rehabilitate people. It's just number crunching really, it's just eehm making them look good. (Lino)

See ah' like these daft courses and all that, that's just (.) that's just for (.) so the newspaper cannae write stuff about the jail, so it covers the jail like `aye we're helping them wi courses and that'. (Doug)

Here the men's accounts seemed to match sociological theories of criminal justice in which the state is described as posturing to emphasise its own efficacy and power (Garland 1996) more than to enact normative theories. This was interesting, as overall they were not critical of the use of imprisonment and drew very little on sociological understandings. In this respect they did not differ from the informants in other pieces of prison-research (e.g. Crewe 2009; Mathiesen 1965; Sykes 1958).

One reason for the critical tone was the tension between the importance of attending courses and the unresponsiveness of these courses to individual timelines and needs. Attending required courses played a large role in the progression to a lower risk

classification, open prison and parole (see Crewe 2009 for an in-depth analysis of how a shift towards neo-paternalist power in prisons has transformed the way prisoners have to engage with their sentence). Courses therefore also became an *obstacle* to progression when it was not possible to access them in time for significant moments in the sentence, such as becoming eligible for a move to the open estate. Chris's account provides a good example of how courses could prove to be more of an obstacle than a support:

Basically as soon as I've finished the course then I can move on to trying to get the open and trying to get this College thing done, but my timing is a bit off, so, because you need to put in for it before September so if I don't get it in, then whatever, ... I've only got to do certain courses so it's only ten weeks I've got to do but it's just (.) actually just trying to get onto it, you know what I mean. (Chris)

Chris said that his timing was 'a bit off', ostensibly resigned to the way the prison works. However, for him as well as for others, it was not only the timing but also the lack of fit between the way he saw his situation and the resources on offer that rankled. Later in the interview Chris expressed frustration that he was being held back from accessing the support he thought he needed.

cause it's a bit weird really, something I want to do that will help me with my drug problem, but they're holding me back from doing it, to do a drug course, you know what I mean? So but/ well you can't do anything and you can't actually/ there's nobody you can speak to or anything to actually speed things up, apparently it just works on your parole date, so however far your parole date away is, it works on that really so.

Chris's frustration, although gently expressed, was palpable: the system did not respond to his individual needs and he was powerless to change this. Several others had been assessed as needing a course they felt did not apply to their situation. For example Alan, who had been convicted of a drug offence but did not have a drug problem himself, was unsure why he needed to take the Substance Related Offending Behaviour (SROB) course. Lino questioned why he had to attend a course on violence when he had not violently offended for years and had already completed the same course in the past. These kinds of issues fed into the view that courses were not truly aimed at helping individual prisoners (see also section 0).

Making courses essential for progression inevitably meant that many prisoners attended them solely for this reason, rather than a desire to actually take anything away from them. This in turn was perceived as having a negative impact on what could be achieved in the classroom.

No, it's sort of that, up there, it's just a numbers game. And they [sort of try to frighten you with] you don't do that, you don't get your parole. People do it and people just go on and sit in a class and just say nothing. And they cannae do nothing because the boy's just sitting there, y'know. (Graham)

Graham's quote illustrates how, by making courses compulsory for progression, formal compliance (meeting the minimum requirements, i.e. 'just sitting there') rather than substantive compliance (actively engaging with what is on offer (Robinson & McNeill 2008)) is encouraged. In addition, courses being compulsory meant that they were often oversubscribed so that those who wanted the intervention on offer (and would have substantively complied) but were not assessed as such were not able to get a place. Finally, because prisoners attended courses in order to progress, they evaluated them on this basis:

They may work for some people, but then again, we were all different people. In my case, they done nothing for me, I mean I got nothing out of the system for [biding] all they courses, I got no parole, I got no open estate. (Dan)

The question arises whether, when the course has been successful in making the prisoner reflect on their behaviour or thoughts (as it was for Gordon) but then does not deliver in terms of progression, the prisoner continues to make the effort necessary to achieve permanent behavioural change, and thereby perceives himself as reformed, or retroactively dismisses the course as useless and returns to his previous behaviours.

Conflicting views about whether cognitive behavioural courses achieved reform did not only occur across the interviews, but also *within* them. This warrants attention, for inconsistencies can provide clues about the influences on what the men were able to say on this topic. One of those with contradictory views, Graham, who was quoted as saying courses are 'just a numbers game' above, also said:

Aye, that was a SROBS course, it's substance related offending behaviour and it (.) it made me look at (.) I didn't think about the boy's family I had killed, you know, and it made me look at that, y'know, and it asked how do I feel and what bits are my triggers and all that ... I don't know, [this sentence] has made me look at things a lot, a lot clearer (.). Maybe had a good look at my life and do I want to keep on using drugs. I don't, that's why I done the course, the drug course, to give me a better [xxxx] what my triggers are.

When the inconsistency was pointed out to him, he tried to make his views compatible by saying:

No, aye, 'cause I, [the course] was good/ everybody all get getting on and interacting with everybody, y'know, that was good y'know, but you have to get in with certain boys, that you can get on with, y'know.

In Graham's case, his view of the courses as helpful seemed to play a bigger part in his overall account than the more critical view of courses as a cynical SPS exercise. He mentioned having benefited from attending a course right at the start of the interview and generally told a story of having changed because of his imprisonment that was in keeping with this. The more critical view surfaced in the interview as follows:

So, [a long term sentence] is totally different (.) and it's better, y'know? And now, now that I've done, there's courses to do, but (.) but it's obviously about what it's/ it's a number game for them, for the courses. That's all, they just want to fill the seats, and they're (.) they've been 'oh you do that and you'll get your parole'.

In this one short quote, it seems like there are two voices speaking: an enthusiastic and hopeful one until 'there's courses to do, but (.)' and from there one sounding like a cynical old prison-hand who knows what is what and sees through the intentions of his jailors. From this and other interviews, it seems likely that an institutional or group discourse (Miller & Glassner 1997) about the courses exists amongst prisoners. They are likely to discuss courses amongst themselves, and the similarity in the men's depictions of the true purpose of courses being the placation of the government or the public suggests that negative views may predominate in these discussions. The discrepancy between the dominant group view and his own experience may have led to Graham's conflicted account.

On the other hand, the courses themselves influenced what my interviewees had to say about them at times, as was clear from the use of words such as ‘triggers’, ‘impulsive behaviour’ and ‘problem solving’. It was those who were most positive about the reform achieved who most adopted the courses’ language. However, the course discourse (so to speak) also seemed to lead to contradictory accounts. Some of the men apparently felt a need to be enthusiastic about courses, but provided impoverished accounts of how they had benefited.

James: I never thought about the long-term. It was the problem solving course that I done that helped [me over] that.

M: So did the course make you think about that? How did it do that, how did it help you?

James: It made me think about (.) foreseeing problems in the future. And what can be causing those problems. I thought you’re supposed to write all this down? [laughs]

Malcolm: But as I say, I done cog skills before eh, I benefited that, like I thought it was alright ken, I thought it was alright.

M: How do you think you benefited?

Malcolm: Mmm (2) I just (.) I learned about a lot mare ken about all your problem solving and just eeh/ och I don’t know basically just (.) phew, honestly I don’t know, I cannae/ I just DID, I just did benefit out of it, it just made me kind of a better person, ken.

The way in which James closed down the discussion of the benefits of the courses he had taken makes it clear that this is not a topic on which he had a lot to say or had reflected much. Similarly, Malcolm was not able to articulate an answer to my question. This mirrors McKendy’s (2006) findings that men in prison often tell fragmented and inconsistent accounts because they have to marry their own experiences with the discourses promoted by the prison, such as being responsible for their crimes. The desirability of having successfully completed cognitive behavioural courses will be very clear for prisoners hoping to progress in their sentence. They therefore might try to incorporate this into their account, even though they are not sure *how* exactly it has benefited them. A further factor may also play a role in my interviewees’ positive descriptions of courses, namely their desire to tell a positive story about their imprisonment (see Chapter 9).

6.2.3 *Individual approaches vs. managerialism*

The only other reformative effort made by the regime mentioned by the men was individual support from staff members. This type of support was desired more by my interviewees than it was delivered, but there were some instances, albeit mostly in the past, where interviewees felt this had benefited them.

I think I got a lot of help when I was in Barlinnie with seeing a psychiatrist and that, all through your sentence. I think that helped, talking to, meeting somebody once a week talking to them and getting a bit of talk, communicating, going. But in here you get nothing. (Ian)

My interviews with those with long histories of imprisonment may have captured the posited shift from penal welfarism to managerialism (Cheliotis 2006; Crewe 2009; Feeley & Simon 1992; Robinson 2008), which holds that the logic underpinning prisons has moved from one that saw crimes as stemming from social problems, therefore necessitating an understanding of individual prisoners' lives, to an economic logic with a focus on being cost effective, measured through performance targets rather than outcomes (Crewe 2009). Whether this change is really as all-encompassing and clear-cut as this suggests is a subject of much debate (Crewe 2009; Kruttschnitt & Gartner 2005), and, as has been discussed in detail in section 2.6, there is no one clear rationale underpinning imprisonment in Scotland or elsewhere. However, the transition to managerialism did find expression in my interviewee's accounts. None of the men had benefited from the kind of sustained professional attention described by Ian in their most recent sentence. Mark's experience with a social worker came the closest.

I had a relationship with a Social Worker in Barlinnie for about 16 month and he had a good impact on me because he actually pointed out the `poor me' the `selfish me' you know, actually starting to think about other folk wi' my actions.

While this relationship was relatively enduring, it is not clear how intense the support was and Mark, out of all the interviewees, was the most likely to take other people's moral messages on board (see Chapter 7), so he might not have needed much input to reflect on

his own responses. Others who credited interactions with prison staff tended to refer to either prison officers or education staff and did not go into detail about how these had changed them, but emphasised the importance of feeling that someone was interested in them personally.

Yeah, just they take an interest in where you are going and that and what you've got to do, whereas in Aberdeen they never, they didn't. (Colin)

However, the majority of descriptions of interactions within the prison with social workers⁹ were negative – and often highlighted that the men felt that even in these one-to-one encounters they were not seen as individuals.

But again, you've listened to me but I don't get asked these questions anywhere else in the jail so nobody really (.) I mean your Social Worker fair enough, but she just takes what information she has, she won't sit like this and listen, so you don't/ you get (.) categorized, you know what I mean, you're not how bad a drug dealer are you, you're just a drug dealer. (Alan)

The tension between my interviewees' wish for individual attention and its scarcity echoes others' findings that many prisoners want help and are frustrated by the prison's focus on risk assessment and cognitive behavioural courses (Crewe 2009; Liebling et al. 2011). The discrepancy is especially troublesome considering that the men I spoke to generally presented themselves as being highly motivated to change. When people want to turn their lives around but are disappointed by the help on offer, an opportunity might be missed. Crewe characterises his prisoners' wanting help as evidence that they had been 'subsumed by official discourse' (2009, p.120). I have also discussed above how the language of cognitive behavioural courses might influence what my informants had to say. However, for several of my interviewees their problems in coping with the world, and especially avoiding conflict, were important themes in their accounts and added difficulty to their lives beyond the more structural constraints they experienced. These problems may have very well been a consequence of disadvantage and social exclusion, although they themselves tended not to make this link, but would need addressing over and above issues such as poverty and homelessness. In addition, the fact that my

⁹ Those on license, with one exception, appreciated the support they received from their community social worker, see section 9.4)

interviewees did not accept that courses were the best way to address their problems shows that they had not completely accepted the prison's conception of their deficits and the ways to overcome them. Several of the men described how they thought reform *should* work, which always involved intensive individual input.

They should try and rehabilitate you. If they can't rehabilitate you, talk to you and see what's going on in your head and try and get the right people in the right positions to help you and try and help you not to come back. (Stephen)

The more managerialist approach taken in prison was explicitly noted and regretted by many.

Well, that's it, yeah, everyone's kinda classed as a group rather than as an individual. They don't have the resources tae kinda really study on one person. (Paul)

In fact, it was in describing their view of the prison's input in reform (and rehabilitation) that my interviewees were at their most critical, even though few went on to create a sustained critical account throughout their interview (see Chapter 8). Usually the language in which the men expressed their views on this topic showed they felt that their lives were being dealt with much too lightly.

Andy: [Imprisonment] it's/ we'll no deal wi it we'll just lock you away then we'll pap you back out in a few years, you know what I mean, hopefully you've changed that's the way I see it.

M: So you just have to do it on your own, type thing?

Andy: Change if you can, if you cannae, we'll see you again once you come back.

Andy's 'we'll *just* lock you away' and 'we'll *pap* you back out' were mirrored by similar expressions by others, such as Chris saying that in prison 'people can be *brushed* away and ... took out of people's minds'. Being treated as mere parts of an aggregate was painful to my interviewees, who not only felt treated without the respect due to individuals, but also that the managerialist approach meant prison failed in its aims of rehabilitation and reform, with consequences for their lives beyond prison:

I've been in the jail four year eight month, I'm getting out of the jail with £52 nothing, one set of clothes, that's it, yous are flinging me out the door with nothing ... and it's always the same when you say (.) they always turn around and say to you 'Oh aye, you slipped through the net this time' you know what I'm talking about, *you're just like a wheel in a cog*, that's what more or less it is [sounds the most aggressive here, also visibly upset]. (Ian, emphasis added)

In this they agreed with the participants in other research projects, who also overwhelmingly felt that their imprisonment did not achieve rehabilitation (Crewe 2009; Halsey 2007; Liebling 2004; Liebling et al. 2011). In total, eight interviewees characterised their incarceration as a managerialist project, similar to the Scottish Prison Commission's (2008) view of imprisonment as warehousing. The Commission report applies this concept to short-term sentences rather than to long-term ones, which it portrayed as having much greater input and opportunity to change prisoners. My interviewees' experiences suggest, however, that despite the availability of courses, the prison experience of at least some long-term prisoners is also one of little meaningful input into rehabilitation and reform.

Unlike the critical comments about cognitive behavioural courses, the critical views around managerialism drew on the men's own experiences. They also expressed slightly different views, which centred on the same theme, rather than repeating more or less the same point. These critical views are therefore much less likely to have been the result of a group discourse. There were again occasions, though, where the critical view sat in uneasy tension with more supportive views of reform or rehabilitation within the prison (for example, compare Andy's quote above with the ones in the following section).

6.2.4 *'As if' reform*

Several of the interviewees perceived reform in elements of their imprisonment where there was perhaps none intended. The main such element that was imbued with reformative powers was having time for reflection. While this used to be a major and intentional feature of penitentiaries, where the incarcerated were kept in almost total isolation (Garland 1990), now time spent alone in the cell is more often characterised as detracting from the aims of imprisonment. For example, a recent Inspection Report noted:

Opportunities for work and education are insufficient, causing long periods when ... prisoners are 'locked up'. This situation is particularly *bad* for prisoners ... on remand and at weekends. (HM Inspectorate of Prisons 2010, p.1, emphasis added)

While this negative view presumably only applies to excessively long periods of time in one's cell, given that time 'locked up' is a basic feature of imprisonment, it is notable that time spent in solitary reflection is not mentioned in relevant SPS documents as a mechanism through which change may be effected (Scottish Prison Service 2011). Nevertheless, having time to think was mentioned in passing as a purpose or effect of imprisonment by nine interviewees and played a major role in the understanding of their reform for James and Dan, both of whom were coming towards the end of their sentence.

But (.) that's one thing about prison, you have plenty of time on your hands to think. You do an awful lot of thinking in prison. If you can maybe apply that principle outside, you wouldn't even be in prison, but we don't spend the same time to think outside. Life is too full of other things, here you've got plenty of time on your hands. (Dan)

These views are discussed in more detail in Chapter 7, as there are shades of penitence through hard treatment in these accounts. This view of reform, though, closely echoes the findings of Comfort (2008) in her work on Californian prisoners. Some of her interviewees also latched on to having had time for reflection to make an account of successful reform possible, even in the absence of actual reformatory intervention. Comfort writes that her interviewees 'retroactively make sense of periods of incarceration, and in so doing salvage aspects of that experience that can be recast in a positive light' (2008, p.259), and thereby draw on 'as if' discourses of reform. Ashkar and Kenny (2008) also found that prisoners, in their case young offenders, looked for meaning in their sentence and often saw it as affording time for reflection and leading to positive change. Dan and James did the same, although only James actually constructed an account of personal change; Dan's account was much more ambivalent and fatalistic, as illustrated by his quote in section 6.2.1.

Time for reflection was not the only aspect of imprisonment imbued with reformatory power. Andy's account provides a good illustration of how elements of imprisonment could be made to fit individual needs (or even vice versa), so that on the whole he was able to see his prison experience as positive. Andy spent a substantial part of his interview trying to explain how the discipline in prison and access to the gym had made

him a better person. In essence, he felt the discipline had put him in his place, while the gym had given him much-needed self-confidence. Compare the following:

I think it's discipline, I think that's what a lot of people's missing, I think that's what I was missing eeehm, and the jail gi'd me that, because I'd nae choice but tae just dae what I was told and it taught me sort of to comply wi' the rules and dae whatever people wanted, do you know what I mean. ... My dad had left the hoose, I was like 15 and I just took control o' the hoose, like I mean, I was a big guy so I ran the show, I did whatever I wanted and when I got the jail it just really brought me doon a peg.

And the gym really did help, I mean I says tae (my social worker) and that as well when I first got oot `I really feel the gym is a positive thing for guys, especially boys who feel the need tae carry a knife, because it can all tae be wi a lack o' self confidence',

The contradiction in needing both to be put in one's place and greater self-confidence was grounded in the way Andy presented his past self in the interview: as 'a big guy who ran the show', but also as follows:

I always saw myself as a wee small boy in a sorta (.) against big guys oot there. Even though I might have been bigger or whatever. And I always felt I needed the weapon, cause it gi'd me just the/ it evened up the odds for me, do you know what I mean, I felt it took away my size an that, so I had the knife, it gave me the same power as a big guy. I could even fight huge guys wi' a knife, put it that way, you're no scared, I mean that's the way it is.

These selves may actually be compatible, if the one represents his public and outward self: the big and fearless guy, a force to be reckoned with; while the other is his internal experience of himself: a frightened wee boy who has to work hard to maintain his outward persona. It is striking that Andy found aspects of imprisonment to fit both these selves and rehabilitate them, so that he was able to see himself as irrevocably changed by his time in prison.

In a further instance of 'as if' reform, Peter saw the support and good advice from older prisoners as the source of his reform. Rather than prison being a 'school of crime' (Clemmer 1970 cited in LeBel et al. 2008, p.134; Halsey 2007), he had been given pro-social messages by older prisoners. This was obviously not part of the reformatory efforts made by the regime, however, and he did not perceive it as such. In his account mentions of staff were absent in relation to reform, but other prisoners had taught him to avoid confrontation.

I've learned stuff from other people, you know what I mean, and I'm nae going on about a criminal way. I've learned to fucking control my anger, eeh, nae to (.) fucking like, get into confrontations with people, like, just try and walk away and get away from it, whereas before I would've just went/ just the sort of things I've learned, I, I try and avoid them now. (Peter)

There were elements of this in others' accounts too, where prisoners were often portrayed as a pro-social rather than as a criminogenic influence (see also Lifers Public Safety Committee 2004), but only in Peter's account did they play a pivotal part in the reform process.

6.2.5 Reform achieved?

Whether interviewees felt they had been reformed by their sentence was a more complicated question than it first appeared. First of all, it was a different question for those on license and those still in prison. While still incarcerated, it can be difficult to assess to what extent one has changed. Chris noted this himself in relation to his drug use:

I get a good feeling about saying no [to drugs] and that, yeah. So eehm(.), so it's a good feeling really, but at the same time I don't know whether I've overcome things completely YET, until maybe I get to the open prison.

On the other hand, it was by abstinence from drugs and alcohol, as well as avoiding confrontation, that others measured their reform and claimed it a success. These were the only behaviours they could change while incarcerated, and most seemed to feel that if they could achieve this, they could also desist from crime and substance abuse on the outside.

Secondly, some of those who spoke at length about how they had changed in prison (such as Dan, who ascribed such power to having time to think) nevertheless did not feel confident they would act differently upon release. Conversely, some of those who did not describe any mechanism by which they might have been rehabilitated did feel they had changed their ways for good. This might be explained by the commonly held view amongst my interviewees that change had to originate within the self and that sometimes all that was necessary was an internal change, which could be achieved in a moment. This

view has been supported by research findings that such ‘critical moments’ can provide a catalyst for desistance (MacDonald et al. 2011). Often new motivation to change was provided by the interviewees’ family or children. In Lino, Tony, Tim and Jack’s accounts (all on license) this type of instant personal change was the most important:

And it kinda hit that, the guilt, I think I was half way in my sentence and it hit me ‘I’ve got to stop being angry about what happened and start realising what (.) / you done something major and you’re paying the price for it so’. (Tim)

For Tony, the moment of internal change had taken place before he even entered prison:

but I knew this was going to be my last. See in the cell, before I had made a court appearance, I knew, I just knew, get this done whatever it is and that’s you.

This goes beyond Comfort’s (2008) concept of ‘as if’ reform, because these men did not refer to aspects of their prison experience that rehabilitated them. Any engagement with services was seen as a tool they used in their self-initiated project of change and was positioned as more of a marker than a driver of reform and rehabilitation.

it’s been me that’s changed it, you know what I mean. It’s been me that’s done it, but, like there’s the Social Work, there’s this, there’s that, I’ve went tae them and communicated wi them and if there had been a course or whatever tae dae, I’ve put mysel’ forward for it, whereas before I didnae, I just went ‘get away fae me’. (Jack)

Some of Crewe’s informants also portrayed their reform as their own responsibility and achievement. However, in his typology it is only the ‘enthusiasts’, those who ‘presented their current status as morally lowly captives as entirely warranted’ (Crewe 2009, p.157) who took ownership of their reform in this way, as they were the only ones motivated to change. This part of his typology is not supported by my findings. Often, those who claimed their reform as their own accomplishment were otherwise negative about their prison sentence and certainly did not see it as a ‘righteous intervention’ (Crewe 2009, p.158). Jack, for example, said that ‘ah’ they years that I’ve spent in prison (.) not done me any good’. All the interviewees who saw themselves as having been reformed in a ‘critical moment’ were on license and would therefore not have been captured by Crewe’s research. One reason why they might be ascribing super-agency to their past

selves, a strategy that has also been described by others (Crewe 2009; Maruna 2001), may be the position in which they found themselves. These men had managed to (so far) successfully desist, but in the absence of rehabilitative input or any significant events, which left them only their past self to which to ascribe the change¹⁰. While they felt they were reformed, nevertheless their imprisonment had not been successful in achieving this aim. To emphasise the differences between my findings and Crewe's typology further, while Tony had been the most successful upon release, having set up his own business and going on his second foreign holiday that year a few days after the interview, he clearly portrayed himself as a 'retreatist' in Crewe's terms, being perfectly happy in prison and preferring it in many ways to life outside:

I was saying to (my social worker) 'I want back, I've got to get back tae Shotts'. I just didnae like it, I didnae / I don't think I wanted the responsibility, ootside.

The true 'enthusiasts' in my research; those who said they were glad they got caught, that it was the best thing that could have happened and that their sentence changed things for the better, usually credited aspects of their imprisonment with a significant part of their reform, and in some cases took no credit for it at all. This was the case for Colin, Gordon, James, Peter (for part of his account), who were all at the end of their sentence, and Mark and Andy who were on license. Most of their views have already been described: Gordon attributed his change (partly) to cognitive behavioural courses (but also to a large extent to his own efforts), James to the amount of time he had had to think, Colin to the interest taken by staff and Andy to the discipline and going to the gym. Especially Colin and Andy told a passive account of reform where undergoing imprisonment had changed them, without much agency needed. For them, then, prison had achieved its purpose of reform.

Others felt that prison had not achieved reform, but that they would nevertheless desist from offending. Neil, Alex (both at the end of their sentences) and Mohammed (on

¹⁰ Conversely, those who were in prison were trying to construct a positive future for themselves in the absence of more positive circumstances waiting for them upon release, which meant they ascribed the same kind of super-agency to their *future* self (see Chapter 8)

license) all talked about having matured and grown older, and therefore having changed. Similarly, Smitty (on license) felt that it was unlikely he would reoffend, not because he had changed but because the world outside had, with his friends no longer pursuing criminal activities. These interviewees did not attribute change to any feature of their imprisonment except for time passing, and therefore did not see this as an achievement of purpose.

I can just feel, now, that eehm, that, that my willingness or propensity to commit similar crimes in the future would be really low, you know, really low ... I don't view it in moral terms. I'm still (.) criminally minded, I still, I don't think have too much scruples that way. (Alex)

Finally, there were those who felt that they would return to offending (or were at risk of doing so) and that imprisonment had failed in its aim of reform.

I think I deserved what I got, but while I was in there I do think it could have been handled differently ... the content was abysmal. (Stephen)

Interestingly, despite the proliferation of critical views about reform, in most of the men's accounts it was not a failure of reform that they thought would be their downfall, but a lack of rehabilitation.

6.2.6 *Rehabilitation*

Rex expressed the concept of rehabilitation as 'helping them with problems behind their offending' (2005, p.86), but in the interviews with those at the end of their sentence, discussions around rehabilitation often focused on being prepared for release in such a way that they would be able to deal with the world outside.

I've got a right struggle wi / I dinnae even know where I'm going or where I'm gonnae get a flat fae or anything like that, this is all things I think about just noo, (Doug)

While this often did not constitute help with problems that had led to their original offence (e.g. Doug had not been homeless at the time), my interviewees did worry that the circumstances they had to face once outside would lead to further offending.

But, I've told them this, see, if I can get a place, a place of my own, I can get my girl at weekends, you know, but they just keep on putting me in the frying pan (.) back into the street and that's not going to help. In here (.) I'm getting out in couple of weeks and I've no got anywhere to go. So I know what's going to happen, you know what I mean. (Graham)

Worries about accommodation were the most common, especially for those who were returning to Glasgow, where accommodation for prisoners upon release is recognised to be scarce and of a poor standard (Loucks 2007). Most expected to be housed in a hostel, which they saw as a real obstacle to desistance:

I don't see the point of going into a hostel, where there's drug abusers in hostels ... eehm, is one of them going to try to pull a set of tools out on me, to rob me, because if I feel that, I will end up carrying a knife myself and I'd rather just stab one straight away. See, like that, but that's putting me in a position, because of my history and I'll be back inside. (Ian)

On the topic of preparation for release my recruitment strategy with those at the end of their sentence is likely to have had a significant impact. Because I was interviewing men who were soon to be released from a LTP prison, rather than an open prison, I was selecting those who had either not been transferred to the open estate, or who had transferred and for various reasons been returned to the LTP prison. Accordingly, they were usually not offered parole before their final possible release date¹¹.

Often those who had not been to the open estate blamed their lack of progression on delays in the system, for example delays in the reports on courses they had attended or in the completion of other necessary paperwork.

I done a course, eh control and anger regulating emotions course (.) and after I done that it took them five months tae get me the report for my course and I couldn't move onto Castle Huntley without that. (Doug)

In the lack of progression and (for some) being returned from the open estate procedural (in)justice (Tyler 2010; Tyler 1990; Tyler 1997; Jackson et al. 2010) played a large role in the men's perceptions. Within the prison environment, procedural justice has been conceptualised as having four determinants: voice (whether the prisoner has any input in

¹¹ In Scotland long-term prisoners can at the earliest be released after having served half their sentence and are automatically released after having served two thirds of their sentence.

decisions concerning him), neutrality (whether decisions are made consistently, rather than capriciously), treatment with respect and dignity and trust that the authorities sincerely want to do what is right (Jackson et al. 2010, p.5). As Doug's quote above illustrates, the men often did not feel that their wellbeing was taken in to consideration, that they were treated with respect, or that the authorities were concerned with doing what was right for them. Having voice was also an issue: while relationships with staff were generally cordial, there was much tension evident in the negotiation of progression and release, a process in which prisoners felt without voice. The men saw themselves as powerless; all they could do was jump through the hoops before them, and as already noted in relation to cognitive behavioural courses, even this did not guarantee progression. Consequently, several of the men, like Ian, had decided to not even try:

I don't ask for parole, you know what I'm talking about? I've never asked for parole, in any of my sentences. Because it all comes down to, the way your parole is, is this man likely to reoffend in the time he's on parole. ... So, even if you want to jump through hoops for them, they'll probably still not give you, so I just says, fuck them, I'll just do my time. (Ian)

The sense of injustice was strongest for Robert, who had been to the open estate but been returned and refused parole, on the word of his ex-wife. His account largely revolved around this and other instances of perceived procedural injustice he, disabled and unwell, had experienced within the prison.

I got (.) refused parole, I was at an open prison and on the word on a, what I would call a malicious female, I was downgraded. Back to here, without (.) I have no recall on it, all I can do is put on a bit of paper (.) but it goes to deaf ears, they're not interested. It's like, people go out on parole and if someone doesn't like you, they lift the phone and you're back without any (.) it doesn't matter.

Prisoners who have successfully progressed and who are released from an open prison are likely to be more positive about their preparation for release than this group of prisoners. Furthermore, at other times in their sentence these men, too, might have focused on other aspects of rehabilitation and been more positive than with release looming large and worries over their uncertain future therefore dominant.

The SPS's offender outcomes (2011) mention several different foci of rehabilitation besides accommodation. These include mental and physical health, substance abuse,

employability, literacy and relationships. It was in relation to substance abuse and employability that my interviewees most often mentioned having benefited from their imprisonment, but not necessarily due to intentional rehabilitation input. Problems with drugs and alcohol were seen as playing a big part in the causation of offending by many of the men.

I never, ever, ever committed my offences sober, never, nah never, I've never/ I don't even think I've ever been done sober. No, if I get a drink in me I'm different, completely different, you know what I mean? (Jack)

However, the prison was not often credited with a purposeful intervention; instead it was their own motivation, sometimes combined with the high cost of drugs in prison, which some of the men felt meant that they were able to tackle their addiction problems in prison. Several used the fact that they had refrained from using drugs to imbue their prison sentence with positive meaning:

But I think I was glad tae get away fae that tae an away fae the drugs, I think (.) eh at the time/ well, I was thinking that's the only way I could have broke this drugs cycle. (Tony)

For these men drug-related rehabilitation was one of the purposes of their imprisonment, but one that originated with them, rather than intended by the powers that be. For others, however, prison had had the opposite effect and they had started taking drugs and had acquired a habit in order to deal with the pains of imprisonment, especially at the very start of their sentence.

A lot of people use drugs, mostly heroin because it's out of your system very quickly. And every one of them were using it, so I was straight into that environment and that's where I was introduced to it basically. (Mohammed)

In relation to education and employment training, while many had undertaken this, they tended not to see this as rehabilitation, but pursued it for its own sake.

Aye, I got an O level in English and, oh, I was happy as a lark, you know what I mean. I had never achieved anything like that in my life (Stephen).

Although many of the men had never worked, those who were still in prison did not often mention this as one of the main problems in their lives. For most of those on license, however, not being able to find employment was a major problem (see section 9.4). This illustrates the different level of rehabilitation necessary at different times in the sentence

Cause like the last year I've been oot and I've maybe been sitting in the hoose and I'm pissed aff and I'm fed up wi everything, cannae get a job, you feel as if nothing's going right for yea. I just/ I've had me sitting saying tae myself `I feel like being back in the jail the now'. (Jack)

Given the difficulties of finding a job with a criminal record that includes a long-term prison sentence, no one mentioned the training they had had in prison as achieving its aim of increasing employability prospects. In relation to the other offender-related outcomes very little was said, except that contact with family and friends was often minimal, often as a conscious strategy on the part of the prisoner (see section 8.4), a situation in which the prison appeared to do little to intervene.

This section has examined rehabilitation efforts made while the men were still imprisoned. Those on license also had much to say about their rehabilitation after they were released, but as this ties in closely with the shape of their narratives compared to those in prison, these views are discussed in sections 8.6 and 9.4. Suffice it to say here that, even though they were overwhelmingly positive about the efforts of their criminal justice social workers, they nonetheless often felt that their rehabilitation had failed because of their institutionalisation, financial strains and the impossibility of finding employment with a criminal record in the present economic climate.

6.3 Deterrence

Deterrence is one of the mechanisms used by consequentialists to justify punishment and can work in two ways. General deterrence refers to the fear of punishment instilled in the general public by criminal sentencing; in this context, because someone is sent to prison for a certain crime, those contemplating a similar crime might refrain from offending. This was expressed by Rex as 'show other people that they won't get away with crime'

(2005, p.85). Special or individual deterrence is the fear of punishment that might keep current (or past) prisoners from offending in the future, expressed by Rex in her research as 'show them that crime does not pay' (2005, p.85). Unsurprisingly, the men I interviewed spoke at much greater length about the deterrent effect their punishment had on them or their compatriots, than on the effect of the sentence on the public at large. Therefore, general deterrence is only discussed very briefly before a more in-depth look at individual deterrence.

General deterrence was mentioned in passing by three of the men, all of whom commented that their sentence had been (or had to be) an example to others. For example, Lino said:

that ten year sentence, although it was very difficult to handle, at the end of the day what other option did they have or the court have? If the court would have just let me walk that would have been like 'it's alright tae dae this type of thing'. If they gave me a small sentence people would have went 'oh I'll dae that as well, I'm no bothered, the jail's no that bad'.

As the nature of general deterrence is that it works on people other than the one who is punished, they had no further insights to offer on this aim of sentencing. However, Malcolm did comment on the role the media played in disseminating the message, after saying that the judge had made an example of him:

there was quite a lot about it in the paper, basically ken? It just said if anybody's gonnae step into Mr X's shoes, be warned that you will face big sentences, blah, blah, blah, ken?

This highlights that for general deterrence to be achieved, the general public needs to know about the sentence. None of the three men were especially opposed to this aim of sentencing.

With regards to individual deterrence, there was an uneasy mix of views and opinions amongst the participants on whether imprisonment was a deterrent to future criminal behaviour. A recurrent theme was that prison was too easy to deter people, and many mentioned TVs, DVD players and PlayStations as examples of how overly comfortable

prison was (see also Crewe 2009, p.430; Halsey 2007). They felt that conditions inside should be more difficult in order to make people keener to avoid further sentences.

It disnae dae nothing tae yea. That's what I'm saying tae you, it disnae bother me if they want tae put me in jail, in fact I'll spare yea the breath and I'll go myself. [both laugh] ... I'm only no gonnæ be daein' it through ma choice, do you know what I mean, through me, no because there's a prison there saying `oh you'll be comin' here'. [Laughing] 'So fuckin' whit', know what I mean, you don't frighten me wi your prison. (Jack)

Especially short sentences were seen as an easy option, and as being no deterrent. Interviewees spoke of having had many such sentences in the past, without any effect, and some had used them in the past as a respite from their problems outside.

I had a drug habit an I wiz getting too thingmy up, I used tae deliberately get prison sentences, just tae get aff the drugs, you know, just go away for a couple of month an get aff the drugs. But it's that easy, you know what I mean. (Smitty)

It is interesting that, at the same time, short-term sentences were often portrayed as more difficult to cope with by those prisoners who had experienced them, as they felt it was much harder to 'keep your head inside the jail' with a release date relatively close (see section 8.4).

While most respondents did not think the prison was successful in deterring people from crime, their disapproval of the current, easy, conditions in prison (whether genuine or not) made it clear that they thought it *should*. Deterrence was seen as an aim of their sentence, but one in which it failed. This is in line with Rex's finding (2005) that offenders saw prison sentences as aimed mostly at retribution and deterrence. Accordingly, deterrence often arose as a topic of consideration spontaneously in the participants' accounts, as did rehabilitation, while communication, for example, was often only considered in response to my questions. Jack was talking about his early life when he said:

I think, the first time I ever went tae court I got my detentions, do you know what I mean (.) I don't think that was right. I think maybe if I'd have had got something that wasnae the jail but it was a fright, that maybe have changed me. But it never, I was right to jail so the fear ah' going to prison was knocked oot oh' me right away, you know what I mean.

Jack wishes he had been deterred earlier in his criminal career, and his quote highlights the possibility that prison could be more of a deterrent for those who have not experienced it than for those who have been there and managed to adapt to prison conditions (as everyone who goes to prison must to some extent). This was supported by Alex, who said of his first sentence:

I'd rather not have been in prison, because everybody would rather be free, but once I got to the tail end of it and I was released and I looked back and I went 'you know, that wasn't so bad, that wasn't the end of the world there, you know'.

Large-scale quantitative research has also found that greater experience of imprisonment can diminish its deterrent effect (Drago et al. 2009). This has been explained with reference to exposure to criminal influences, or finding conditions better than expected (Nagin et al. 2009), but the current findings suggest that it may also be a result of adaptation and institutionalisation. Those who were the most disparaging about the deterrent effect of imprisonment were either at the end of their sentence or on license¹². Those on license who felt most strongly that the conditions in prison should be harder were among the group of licensees who acknowledged their own institutionalisation (see also Chapter 8). For them, prison had become 'a second home' (Jack) and even a retreat from what were often difficult lives on the outside.

A lot of people I talk to say I'm institutionalised, eh (.) and in there you've nae worries, you don't need to worry about a wife or a partner or. Just, I enjoyed it and I didnae want tae come oot. (Tony)

While interviewees maintained that they would have been deterred more by harsher prison conditions, these statements highlight the tension between the inevitable adaptation to sentences and deterrence.

On the other hand, several of the interviewees mentioned that one of their motivations to stay away from crime was that they did not want to return to prison. For some the gain

¹² The prisoners who had only just started their sentence tended not to mention deterrence as a purpose of imprisonment at all – perhaps because they were not thinking as much about their life after prison and the possibility of reoffending.

was just not worth the pain. Neil, for example, felt he had not made enough money in the drug trade to make his years in prison worthwhile.

Basically, for the amount of years I have spent in the jail, it's really, it's a mug's game, it's a pure mug's game, the amount of years you are having to spend in prison for the amount of money that you make. (Neil)

These considerations, though, did not necessarily mean that these men were confident that their sentence would deter them from future offending.

Well, getting a sentence itself is, the sentence is meant to deter you not to do it again. But there's myself as an example. The first sentence couldn't have deterred me not to do it again, I done it again, I done it again, I done it again. (Neil)

A stronger deterrent for some respondents was the prospect that, given their record, they would receive longer and longer sentences in the future, which they wanted to avoid. Similarly, for some of those still on license, this was also an effective deterrent, as they would have to serve the rest of their original sentence (or an indeterminate sentence, for those on life license) as well as any new sentence.

To me (3) [prison]'s nae deterrent. The only deterrent for me is my license hanging over my head and I can lose everything I've had a taste of what could get took away. (Tim)

Age also seemed to play a role in how the interviewees thought about imprisonment; the older they were, they more heavily the prospect of more years spent in prison weighed.

Prison is not HARD. It's only when you realise you've missed out on life. Eeh, my time is more valuable now than it was, say, twenty year ago. Now I'm an old man and every year is/ but you don't think about how long you've got left when you're in your twenties or thirties, but once you reach/ I'm 69 now, once you reach my age, you realise you're living on borrowed time. (Dan)

Some prisoners made a distinction between the conditions *inside* prison, which they felt were easy to cope with, and the overall *effects* of imprisonment, such as being away from family and the world moving on without you, which meant they did not want to return.

It's hard to sort of sum it up, but (.) eh I certainly don't want tae be daein' another sentence like that, no, although it wiz, it wiznae hard or anything like that. It was easier tae get my heid doon about it, know what I mean, than it is the shorter sentences. But eh, just (.) things change too much when you're in for long terms, know what I mean, and it's getting back oot and trying to fit into

the community where everything's changed, know what I mean, it's a bit harder, know what I mean? (Smitty)

It is notable that even those who endorse the deterrent effect of imprisonment in the quotes above also still emphasise that they did not find it difficult to live in prison. Tim said prison itself is not a deterrent, and both Dan and Smitty said that prison is not hard before going onto explain why they do not want to return. Their need to qualify their aversion of prison and the fact that the notion that 'prison is easy' was expressed so widely raises the possibility that the interviewees, being imprisoned men, did not want to admit to weakness or emotional difficulty. Having to be tough and autonomous and avoiding emotion are all elements of the dominant way of performing masculinity, or hegemonic masculinity, in the West (Garde 2003; Pollack 1995; Connell 1996; Vincent 2006) and form a code especially likely to be adhered to by working class young men who cannot rely on having power within the workplace to achieve masculinity (Evans & Wallace 2008). Prisons in particular provide a stronghold for hegemonic masculinity, with violence valorised (Evans & Wallace 2008) and the prisoner code dictates that male prisoners do not admit to fear and 'suffer in silence', even when they are not coping (Sabo et al. 2001, p.10). Although not all prisoners will subscribe to the view that this is what it takes to be a man, even those who think it is acceptable to display emotion are unlikely to share their emotion, and being 'tough' is very much part of the 'overarching story about how one must act in prison' (Evans & Wallace 2008, p.498). Several influential prison studies have noted that it is those who bear their sentence with (apparent) equanimity who are the most admired (Crewe 2009; Sykes 1958). This might explain why Tim credited his license with being a deterrent but not prison, even though license logically relies on imprisonment to deter people. In doing so, he could maintain the guise of 'real man' (Sykes 1958, p.102), because there is not likely to be a similar macho culture (nor a notional fellow-prisoner audience) about the endurance of license. Instead, it is more likely the men's views in that regard were influenced by the perspective of their social workers, rather than other licensees (see section 9.4).

There were those who still commented on the rather favourable conditions, but also integrated this with the real pain they felt during their imprisonment, because of what it meant to be imprisoned.

I think it was the length of the sentence for a start that really hurt me like, cause I hear a lot of people saying that the jail's like a holiday camp an that, so I mean, and it's (.) it is true, I found that myself when I was in there it is/ there's a lot of luxuries, a lot of comforts, a lot of home comforts, like at the end of the day it's (.) and that's another cliché you hear, it's (.) it's the being locked away and that's the truth really, do you know what I mean, it really hurts. Well, it really hurt me badly, do you know what I mean? (Andy)

The finding that seems to emerge is that some no longer see prison as painful, because they have adapted to its conditions, and therefore no longer experience it as a deterrent but as a retreat. However, this seems to be connected to institutionalisation and problems adapting to freedom upon release (see Chapter 8). The group discourse amongst prisoners that prison is easy may also have masked, to some extent, any deterrent meaning it had for the men. Deterrence furthermore appears to depend on a subtle process influenced by timing. For some of the men, sentences may have been too long to deter, because they inevitably adapted. However, the relevance of age suggests that there may come a point, despite this adaptation, where people have 'had enough' and want more out of life. This suggests that sometimes it is not the painfulness of prison but the feeling that 'real life' happens outside that leads to deterrence. But there are also those who find (or admit) that imprisonment is painful in itself and enough reason to try to stay away in the future.

6.4 Retribution or punishment

The word retribution was used only once by one of my interviewees, when Alex said about the purpose of imprisonment: 'I suppose you could say that there's a kind of punishment, eeh (2) societal retribution'. All the others, when discussing how their punishment was supposed to make them suffer, called this punishment. Discussions of punishment had much in common with those of deterrence, although they occurred more seldom; punishment was only mentioned as a purpose by fourteen of the men, and then usually only briefly. This is interesting in the light of Rex's findings (2005), where retribution, or 'make them pay for what they did wrong' (p. 82) was the purpose of

imprisonment most commonly selected by offenders, but also the most unpopular aim, with only 40% of her offender participants agreeing this should be an aim of the court.

The way in which the men talked about being punished was very similar to their statements about deterrence. Discussions of punishment also often revolved around prison being too easy.

Paul: To be honest with you, it's pretty cushy in here, compared to what it should be.

M: How, what do you think it should be?

Paul: A lot harder, let's put it that way, you know, it's a punishment. It's no walking about an classes an sweeping floors an stuff like that.

The lack of distinction between deterrence and punishment is telling. In the philosophy of punishment they are very different, because the former is justified by its outcome (a reduction in crime) and the latter is seen as justified in itself because it is an inherently proper response to crime. However, when experiencing a sentence this distinction will be difficult to perceive, unless the purpose of the sentence has been made explicit, which had usually not been the case for the men I interviewed (see Chapter 7). My interviewees recognised that both deterrence and punishment rely on inflicted pain, and for them, then, the main difference between deterrence and punishment was whether imprisonment was likely to make them stop offending, in which case its purpose was deterrence. If not, punishment seemed to function as a kind of back-up purpose: if their sentence had failed to deter them, they were still being punished (despite their portrayal of prison conditions as 'easy'). Neil noted that the judge had said he would never learn his lesson and thought that therefore his sentence could not have been meant as a deterrent. He said:

If it's not a deterrent, I don't know what it is. A punishment, if it's not a deterrent, that's what, they'll punish you for it.

In this, my interviewees' view of their punishment mirrors the state's retreat from the more ambitious welfarist approach, with its aim to reduce crime rates, towards a 'just deserts' approach, which only has to deliver punishment to succeed (Garland 1996).

Despite the lack of distinction between deterrence and punishment, there were subtle differences in the way the two purposes were discussed. Punishment was less desired than deterrence as a purpose, as it did not have any positive consequences for the men themselves. While they often expressed the wish that they had been deterred earlier in their criminal careers, and that this sentence would do the trick, they did not feel the same way about punishment. In addition, punishment was a more salient purpose for those at the start of their sentence than deterrence, which was little mentioned by this group, perhaps because they were so far away from release. In addition, loss of freedom figured much more heavily in the discussions of punishment than in those of deterrence.

But (3) the punishment for me is taking that away, that liberty, that's the biggest punishment for me. My girlfriend has just been on holiday and we were supposed to be there together and that really hurt, not being there. (David)

This may reflect a change in emphasis in the prison service's message to prisoners, with loss of liberty being the punishment, rather than conditions inside.

See, the way I seen prisons was, before (.) it used to-, when you got sentenced it was more for the punishment, eh? Like way back in the YOs and that. When the officers used to like really come down hard on you. Back then, when you got jail it was meant to be for punishment, you were PUNISHED inside. But now, when you get the jail, it is only to take your freedom away. (Colin)

Other than this, the pains of imprisonment described under the heading of punishment were very similar to those described as deterrents: the world moving on without you and the pain of being locked in. It is notable that, even though the men were not as supportive of punishment as they were of deterrence (and rehabilitation) they did not reject it as a proper purpose of their sentence. In fact, several said they deserved some form of punishment.

6.5 Incapacitation

Incapacitation was by far the least developed of the purposes of imprisonment in the interviews. Twelve of the men mentioned incapacitation, but it did not play a large role in their accounts; they generally just said this might have been part of the point of their

imprisonment. This is perhaps not surprising, as incapacitation is what happens while imprisonment takes place; it does not have to be achieved through separate means (whereas even punishment requires adverse conditions) and it has no implications for prisoners' futures, as it ends with release. Rex's layman's definition of incapacitation is 'keep them away from offending' (2005, p.85). The only way the interviewees could deny that this was achieved was through either maintaining that they would not have offended if they had been free during the period of their imprisonment, or by disclosing offences during their imprisonment (see Wood et al. 2010). While some of my interviewees (especially those who were imprisoned for their first offence) would have been able to claim the former, they did not mention incapacitation. Those who did tended to agree that they should be incapacitated:

I think my sentence at the time did achieve its purpose, they just wanted me off the street at the time, cause AT THE TIME I was very dangerous. (Stephen)

Only Colin, who was otherwise very supportive of his imprisonment, expressed himself in such a way that opposition to this point of view is suggested:

M: And what do you think the point was of sending you to prison at that time?

Colin: At that time? Because I was-, *no, in their eyes* I suppose I was a danger to the public selling drugs (emphasis added).

He starts to say that he was a danger, but changes his mind and suggests that it was (only?) in the eyes of those who sentenced him that he was dangerous. Others did not evaluate whether they should have been incapacitated, but merely reported this purpose because the judge had mentioned it:

That was in the judge's report, basically if I'm locked away then the public has less chance of getting harmed. And the witnesses or whatever. (Gordon)

These findings raise the possibility that incapacitation only becomes salient as a purpose when either the prisoner perceives himself as dangerous or it is explicitly mentioned as a purpose by the court. This highlights a discrepancy between the current research and that conducted by Rex (2005), who presented offenders with a list of possible aims of sentencing. In that research, incapacitation was a very popular aim amongst offenders,

with 77% agreeing the court should try to achieve it, coming second only to rehabilitation, which was supported by 79%. Besides being presented with a list, her participants were asked about the aims of sentencing as they applied to offenders in general, whereas, although my interviewees quite liked to comment on others, the research focused on their sentence in particular. The fact that there was little mention of, but also little opposition to the aim of incapacitation, might be due to the fact that those to whose situation it did not readily apply did not think of it as an aim of their sentence.

6.6 Other purposes

The above discusses, at length, how and to what extent philosophical justifications of punishment were expressed in my interviewees' accounts. However, some of the men I spoke to also mentioned different purposes, which tended to be far more benign, individual and beneficial than the philosophical justifications of punishment. Several of the men made statements at some point in their interview which implied that they believed that there was some larger plan for their lives and that their imprisonment had played an important role in this. In Chris' case, this was made quite explicit in the following exchange:

Chris: The purpose, this has been thrown at me at this time in my life yeah, because of my age and to get eehm/ to start a fresh start, that's what I think [laughs].
M: Do you think that's what the judge was thinking?
Chris: No that aint what the judge was thinking, that's what the/
M: /The Universe was thinking?/
Chris: /whoever, the Almighty is was thinking.

Several others believed that their imprisonment had kept them from some greater harm on the outside: Lino avoided the smack epidemic that hit his town a year after he entered prison, which he felt would have led to him overdosing. Tim felt imprisonment had saved him from himself:

Keep me alive [short laugh], it's kept me alive, it's kept me (2) it's kept me here. I guess it's (2) I've spoke to people that knew me fae then and girlfriends that knew me then and they've told me as well, 'you were going doon a path o' destruction and you're a better man for it noo' so.

For others, the prison was a more conscious place of retreat from the world. They had usually spent a lot of time in institutions, whether prison or children's homes, and therefore found life there easier to cope with.

Ian: I'm that used to being in here myself, nae pressure, with nae pressure, nae hassle, and then going out with a wean screaming all the time. You know what I'm talking about, it's just (3).

M: So has prison sort of become normal life for you?

Ian: Aye. It's easy isn't it? You know where you stand don't you?

M: So what is the meaning of a prison sentence for you now then?

Ian: It's (.) you commit a crime, init, they have to take you off the streets, don't they?

M: But I mean for you personally, what does it mean for you?

Ian: A break, sometimes. (2)

Thereby the punishment had become a resource for Ian and others; some respite from the chaotic and unpredictable outside world. Issues of institutionalisation are discussed in greater depth in Chapter 8, but it is telling that the way in which these men saw prison meant that for them, it no longer needed a purpose or justification, because it was what they were comfortable with, preferring it to freedom.

6.7 Conclusion

It is unsurprising that in a narrative context the purposes that have relevance for the men beyond their imprisonment (i.e. deterrence and reform/rehabilitation) have much more salience than those that do not. These, and especially reform and rehabilitation allow prisoners to believe in change and to construct a story in which their imprisonment is cast in a positive light (Comfort 2008), whereas retribution and incapacitation do not provide any fulcrum for change beyond the period of imprisonment. The need for a positive narrative is discussed in much greater depth in Chapter 9. The finding that my interviewees were especially fervent in their wish for rehabilitation and reform, and accordingly very critical of the way in which the prison pursued these, also confirms the conclusion of the literature review that these tend to be the preferred aims of sentences for prisoners and offenders (Ashkar & Kenny 2008; Comfort 2008; Halsey 2007; Liebling et al. 2011; Rex 2005). Where my findings and previous research findings depart is in the association between positive staff-prisoner relationships and prisoners seeing

their sentence as rehabilitative (Liebling et al. 2011; Patrick & Marsh 2001; Sparks et al. 1996). Despite the relationships between prisoners and staff in the prison in which the interviews took place being good on all accounts, the men I interviewed did not see this as contributing to the rehabilitative impact of their sentence. For this, more individual attention would have been needed.

The men's desire for change has a bearing on the philosophical objections to the consequentialist justifications of imprisonment discussed in section 2.2. Very briefly, these are that deterring, reforming or incapacitating offenders happens for the good of others, which constitutes using them as a means to an end rather than as an end in themselves (Kant 1785) and fails to treat them as rational moral agents (Duff & Garland 1994). However, the men in this study most often presented themselves as longing for a conventional lifestyle (see also Burnett 2010; Maruna 2001; MacDonald et al. 2011) and as wanting help to achieve it, whether through deterrence or reform. They welcomed a focus of reformatory efforts on their offending behaviour and did not make a distinction according to the motivation for this focus. In their accounts, any reduction in offending or concomitant change in character they could achieve would automatically also benefit them and their families, making it thereby impossible for them to be treated as *only* the means to an end, no matter whether the intention was to help them or to benefit others¹³. However, a similar objection of neglect of moral agency has also been made in relation to managerialist approaches to offender management. As Liebling writes: 'managerialist or actuarial practices fail to take seriously the moral agency of individuals, often treating them as units to be classified and managed rather than individuals with futures' (2004, p.378). Furthermore, Crewe has recently described the way in which rehabilitation and reform are pursued in prisons as prisoners and their problems being fed 'into the institutional machinery, subsumed into its discourse and transformed into risk' (2011, p.517), noting that this is more akin to forcing them into certain patterns of behaviour than taking their rights seriously. Both these statements did resonate with the accounts of

¹³ This does not mean that prison is justified in reference to its aim of rehabilitation, even if it was successful in achieving this, unless the element of incarceration would be absolutely vital to its success.

the men I interviewed. Many felt that the managerialist approach taken meant that they had *not* been helped to move away from offending and that therefore the prison had neither managed to reduce harm to others nor to benefit them personally. It was not the aims of rehabilitation and reform they objected to, but the way the prison regime pursued these, and failed to achieve them. Their contention that prison does not deter because it is too easy was likely influenced by the need to perform masculinity and a positive prison role, but also highlighted that when one is forced to adapt to an environment for a long period of time, that environment is unlikely to hold the same fear in the future. This was even more vividly illustrated by some of the men preferring the prison environment to the outside world, which highlights the danger of long-term institutionalisation in the absence of meaningful individual support.

Chapter 7 Censure and moral communication

7.1 Introduction

The previous chapter considered my interviewees' views of the purposes of sentencing that are most often used as justifications, namely rehabilitation, reform, deterrence, incapacitation and punishment. The discussion concentrated on those that were the most salient to the men, notably reform and rehabilitation. While the sections were headed using 'etic' concepts, the analysis of the findings was largely 'emic', being generated from and rooted in the men's own narratives rather than the abstract concepts. The rationale for this chapter is different: it looks in detail at the purpose of moral communication, because of its importance in recent conceptions of punishment, which encompass both forward-looking and backward-looking aims of sentencing. As my interviewees did not often refer directly to moral communication, the discussion here will be much more 'etic': all parts of their accounts which can be read as relevant to theories of moral communication are discussed. The findings reported in the last chapter need to be kept in mind when reading the discussion here, as they provide the context of the men's views on what is of real importance in criminal punishment.

As outlined in Chapter 2, there are different justifications of punishment as communication. In this chapter, I will focus on examining the men's accounts in the light of Duff's theory of moral communication, both because it is the most clearly elaborated (Duff 1986; 1996; 2001; 2002; 2003) and because it ascribes a communicative function to the experience of 'hard treatment', in this case long-term imprisonment. In his theory, hard treatment communicates to offenders the extent and nature of their wrongdoing and gives them the chance to reflect upon this and repent. Furthermore, the sentence communicates this repentance to the community – by serving the punishment offenders have atoned for their crime. Imprisonment, on Duff's account, communicates a need for exclusion and should therefore be reserved for the most serious crimes.

In her research Rex expressed moral communication in three separate statements: ‘show them society does not like what they did’, ‘show them they have hurt the victim’ and ‘make them see that what they did was wrong’ (2005, p.81). These aims of sentencing were not particularly popular with the offenders in her research, ranking 10th (59% agreed), 9th (61% agreed) and 6th (70% agreed) out of 13 respectively. It is perhaps the least unpopular aim of ‘making them see what they did was wrong’ that best sums up Duff’s account and this was also the form of communication most discussed by my interviewees.

The following will first examine instances where communication was referred to spontaneously in the men’s narratives. I will then discuss the men’s views of communication as expressed in response to my questions about this topic, which tended to focus on communication in the courtroom. Their implications will be examined in some depth. Communication within the prison will also be briefly discussed at the end of the chapter.

7.2 Moral communication in the accounts told

Although moral communication did not feature heavily in most of the men’s accounts, there were exceptions. Concerns about moral condemnation were central to Mark’s account, and Lino mentioned issues around communication at several points. Others gave descriptions of their time in prison that fit with Duff’s view of criminal sentencing as instilling penance. First I will discuss Mark’s account in some depth, as it shows the extent to which a prison sentence *can* be perceived as moral communication.

Censure and remorse were two central themes in Mark’s account. He perceived moral communication in many aspects of the criminal justice process. The charges brought against him were morally meaningful to Mark, who acutely felt the censure inherent in the original charge of murder:

even when I got the paper through and read that they put a preliminary hearing, on the actual charge of, ‘Mr (name) you are charged with murdering’, ‘you did murder’ you know what I mean,

that was a horrible, horrible place to be in my mind, you know, ... and it was a bit of a relief to say 'well they've accepted [him pleading guilty to the lesser charge of culpable homicide]' at least noo they can say/ (.) well, I can say they've accepted that I didnae mean it, noo it's something to ... work on, right, and I can (.) I CAN work on it and start tae go roon that road instead eh',

Mark was unable to cope with seeing himself as the kind of person who is charged with murder and later said this would have been 'a dead-end road' for him. He saw the acceptance of his guilty plea to culpable homicide as containing the message that he was believed, and as providing him with the space to change and redeem himself, rather than being labelled as an evil person. He furthermore felt the judge had decided to give him a chance by giving him a five year sentence with a four year extended license, rather than a full nine year sentence. Within prison Mark also perceived moral communication, which is discussed in section 7.5 alongside the views of the other men, in order to avoid repetition.

Mark's case shows that it is possible for current criminal justice practices to be perceived as moral censure and to contain complex moral messages. Furthermore, he linked his sense of being censured by others to feelings of remorse and the impetus to change his ways.

I made the decision 'I don't want people tae eeh fear me, I don't want people, you know, thinking that I'm that bad I need to be (.) you know what I mean, kinda watched oh' the time. You know, I'm no gonnae be just that bad person, I want tae actually change my attitude and say 'right, I didnae mean that, I'm sorry, I'm that sorry for what' (.) and I still feel even at this stage I still need to repeat it and repeat it and repeat it.

His account seems to match Duff's conception of criminal punishment: the criminal justice system sent out moral messages that he reflected upon, he repented and changed his ways accordingly. Mark's sense of having to 'repeat it and repeat it and repeat it' shows his need to communicate his remorse and thereby convince people he did not need to be 'watched all the time'. This reflects the sentence's purpose in Duff's account of carrying messages from the offender to the wider community, thereby repairing his reputation and his relationships with his community and its members (Duff 2003). Mark did not feel, however, that his hard treatment (i.e. his long-term prison sentence) had

fulfilled this function, because ‘even at this stage’, almost a year after his release, he presented himself as still needing to communicate his repentance.

When reflecting on his narrative as a whole, however, it is not clear that it was communication from the criminal justice system that led to Mark’s repentance or even that purposeful communication took place. Instead, the extent to which censure permeates Mark’s account suggests that in his case communication was mostly in the eye of the beholder. Elsewhere in the interview Mark described how he felt the world at large disapproved of his actions:

Tae actually think that people ‘I don’t like him at all, he’s (.) he done that just for pure badness’ that really hurt me, that/ that actual thought of people thinking that of me really, whether it was Social Workers, (.) in-mates, my fellow in-mates, eh (.) even Psychiatrists I seen through prison, people on the street I meet, people in the pub, people that I either/ if I go into a shop and buy something, cigarettes or tobacco, you know it was always ‘are they thinking I’m a real ...’/ you know, they know, and it was horrible.

Mark’s use of the phrases ‘tae actually think that’ and ‘that actual thought’, and him quoting his internal dialogue as ‘are they thinking x about me’ makes it clear that much of the censure he perceived actually originated within himself. On this reading, the ‘messages’ sent by the criminal justice system are also more likely to have been read into the process by Mark, rather than purposefully communicated. They consisted of the eventual charge and the length of the sentence, both of which are routine parts of the criminal justice process. On no occasion does Mark describe an explicit exchange about his conduct or wrongdoing, except perhaps within the prison (see 7.5). It seems likely that Mark’s remorse and doubt about his moral status after the offence led him to perceive censure and moral communication, rather than the other way around, especially since so few others perceived any moral messages. On this reading, Mark’s case is not an illustration of Duff’s conception of communicative sentencing in action, but an instance of an already repentant offender¹⁴, who perceives moral messages even when these are not (clearly) being articulated.

¹⁴ Such offenders still need to be punished according to Duff’s account because otherwise they would not achieve reconciliation with those harmed and the community at large, which necessitates the ‘penal hard treatment that constitutes a forceful and public apology’ (2001, p.119).

In Lino's account, there was some mention of moral communication. The length of the sentence he had received for a past offence had made him realise that the crime in question was more serious than he had thought, but interestingly, he was imprisoned for some time before he came to this realisation.

But em (.) it took about a year for it to sink in for me to accept 'oh I did get ten years' and why would I get ten years, thinking at the start that we'd have probably got about 18 months maximum? I thought 'oh wait a minute, 34 people, think about it, 34 people, even if they didnae get eehm killed, they could have got injured'.

Here the hard treatment element of his sentence was portrayed as working in the way envisaged by Duff (2001): it carried communicative meaning and allowed Lino to come to new insights about his offence. At another point in his interview, Lino again spontaneously spoke about communication, describing how he thought that offenders should be made to think about the wrongness of their acts:

Tae let them see REALLY what they're daein' tae society, what adverse effects that they're havin' on society and WHY and get them tae tell YOU how they think it's the wrang thing tae dae rather than you say 'oh it's a bad thing, you shouldnae grab an auld granny's bag because she'll have nae money an it's no a nice thing (.)'. Get them tae tell you why they think it's no, because if they tell you, you know that they understand, but the way the system is set up just noo is, the system tells YOU why you don't dae it, the system should ask you why you don't dae it and you should tell them and if you don't know then they should tell you.

Although Lino was talking here about education in the prison, his vision is very close to that of Weijers (2004), who wrote that communication with young offenders in the courtroom should include:

questions that invite the young person to reflect on the circumstances of the offence and on the consequences of the wrongdoing for the victim, their parents, family and friends, and for themselves as a moral agent. (Weijers 2004, p.27)

For Lino communication was, or should be, one of the aims of sentencing. A few others agreed. For example, Peter said when asked about the purpose of his sentence:

I don't know, maybe it's time to reflect. (.) Maybe that's what it is, maybe that's why they give you a sentence like that, so you can, so you can change and realise the things that I've realised, you know what I mean. Maybe that's what it takes for you to realise.

This again fits quite closely Duff's portrayal of punishment as intended to lead to reflection and penance (1996; 2001). However, the hesitant way in which Peter expressed himself (four 'maybes' in this short statement) shows that one crucial element is missing: no one engaged him in a dialogue about his offence or explained the purpose of his sentence, otherwise he would *know* that prison is meant as time to reflect. Therefore, perhaps his views can be described as a form of 'as if' moral communication, similar to the 'as if' reform mentioned in the previous chapter.

This brings us back to the two men for whom having had time to think was an important aspect of their imprisonment, as discussed in section 6.2.4 on 'as if' reform. Dan's and James' accounts did not contain instances of explicit moral communication, but they spoke at length about how time to think allowed them to come to new insights about their offences, their lives and aspirations. Their description of how they used this time to some extent fits Duff's conception of censure and hard treatment leading to penance, except for the lack of dialogue with their sentencers and captors. Whereas Lino referred to the length of his sentence as making him reconsider his offence (i.e. he perceived the length of his sentence as carrying a message about his offence), James and Dan described long stretches of empty time in which there was nothing else to do *but* think.

That's one thing about prison, you have plenty of time on your hands to think. You do an awful lot of thinking in prison. If you can maybe apply that principle outside, you wouldn't even be in prison, but we don't spend the same time to think outside. Life is too full of other things, here you've got plenty of time on your hands. I often lie awake at night, just think about EVERYTHING, where my life has went wrong. (Dan)

This is a big [sentence], you're confined for so long, plenty of time to think, you ken what I mean, about your past. Everything you have done in your past comes back through your mind. Everything. All your crimes you've done, all you done and all that. Just stupid, you ken what I mean, you regret it all. (James)

While Dan and James portrayed the outcome of their reflection time as a 'coming to their senses' and James saw himself as a reformed character as a result, there was an important difference between their accounts and Duff's theory. Duff's writes that repentance is facilitated through hard treatment 'by keeping [the prisoner's] attention on her offense and providing a structure within which she can reinforce her understanding of that offense and her resolve to reform herself' (Duff 1996, p.54). In Dan and James' account,

however, while their prison sentence had given them time for reflection, it had not kept 'their attention on their offence'; instead their regret was much more about themselves and their families than about their offences and the harm they had caused to their victims (see also section 7.6). James, who was mainly convicted of drug offences, went on to say:

I wish I'd studied harder at school, that I'd went to college after school, I wouldn't be sitting here now. I might have had something, because when I get out, I've got nothing. No house, nothing, you ken what I mean. I'm forty year old, should have had something by now, should have married, kids, you ken what I mean, house, but no, all because of crime. All because of me making the wrong choices.

While Dan did mention in passing the impact on his victims, he too concentrated more in his account on the consequences for himself:

I often lie awake at night, just think about EVERYTHING, where my life has went wrong. Not just this sentence, but away back day one. I wonder what life had been if I'd never got a life sentence. Would (my wife) still be alive, where would we be living now, a MILLION questions and probably two million answers [laughs]

A theme that is apparent from these two quotes and that was central to Dan's and James' accounts was that of having been diverted from the life they should have lived. *That* is the object of their real regret, and for James regaining that life is the motivation for trying to reform himself. While they took responsibility for their offending (see James's saying above 'all because of me making the wrong choices'), there were also echoes in the way they constructed their account of a non-criminal 'real me' (Maruna 2001, p.88); the person they could have been. While James' sense of having been reformed by his prison sentence does fit what Duff hopes can be achieved through hard treatment, in that he intended to 'avoid wrongdoing in the future' (Duff 1996, p.49), this was not motivated by new moral insights about his offences, but by the hope that he could still recapture some of the life he should have had. Perhaps it is inevitable that, with almost unlimited time for reflection and no meaningful moral dialogue, people will regret the consequences for themselves and those they love, the main actors in their lives, more than the way their crime impacted on strangers.

Two further excerpts of the narratives deserve attention because they resonate with other parts of Duff's communicative account. One emphasises the way in which punishment can constitute a reconciliation, even of the offender with himself:

M: Retrospectively, you would have rather had a ten year sentence than no sentence at all?

Peter: Aye, I would have rather got the sentence, aye (.) because I wouldnae been able to live with that on my mind, to tell you the truth, knowing that I got away wi' being a part of it and seeing it (.) so (.) I'm glad I got caught for it.

In this quote, Peter portrayed his sentence as a penance; as enabling him to deal with the crime he had committed.

David touched on the communication of repentance from the offender to the victims and community in his account. He said at one point that he saw his imprisonment as 'paying my penance for what I did'. Later on he elaborated and described his feelings upon his father's death, just a month after his offence:

`that's like a message to you, you've taken somebody away (.) now it's your turn' and (.) that meant more to me than the sentence itself. But how can you convey that to the family? You can't. And how do you convey that to everybody else? You can't, you never will so you still have to go and I still believe you have to, as long as this is how it is.

While David felt that his father dying had been his real penance, this was not one that was intelligible to others. And therefore he still 'had to go' to prison, 'as long as this is how it is'. For David his prison sentence was capable of being an expression of his remorse, but only because it fulfils this function in our society. In this, his views resembled the Durkheimian notion that 'the concrete sanctions through which moral reproach is realised will depend upon the sensibilities of the society in question' (Garland 1990, p.45). While his quote above resonates with Duff's argument (2001) that punishment can carry meaning, he did not recognise his imprisonment as especially apt because of its element of exclusion.

7.3 Communication in the courtroom

Now that I have examined the instances where communication arose spontaneously in the interviews, I want to move on to the answers to my direct questions about communication. The most relevant question in the interview schedule was ‘Has anyone talked with you about whether what you did was wrong?’ In the course of the interview I also often asked the men if the judge had said anything to them at the sentencing stage and if anyone had talked to them about their offence. In order to present the material thematically, the discussion below does also include some spontaneous mentions of communication, for example where the men talked of their own accord about what the judge had said to them. However, moral communication did not play an important role in any of the accounts not already discussed in the previous section.

Many of the men remembered the attitude of the judge, if not his or her actual words. More often than one would perhaps expect of long-term prisoners, they felt the judge had a positive attitude towards them. This could take different forms: Mohammed and Andy both ascribed meaning to the way the judge acted towards them during the court process:

The Judge seemed very (.). I don't know if it was just his demeanour, his manner, the way he spoke to me, he just seemed very relaxed and (.). you know, normally Judges will kinda, you know they'll talk to you like that and `you bad boy you've done this and you've done that, you're going to prison for x amount of years' but he wasnae like that. He was very calm and he/ he just seemed understanding [short laugh] in some strange way. (Mohammed)

While this was not direct moral communication as such, it did allow Andy and Mohammed to form positive expectations about the judge's view of their offence and their possible sentence, which led to disappointment at the sentencing stage. As Mohammed went on to say right after the quote above: ‘But when he said `eight years' I thought “pfff, [laughing] that's no very understanding”’. This way of framing the judge's demeanour suggests an expectation of a disapproving or neutral manner on the judge's part throughout the proceedings, and not just when delivering the sentence.

When it came to the sentencing stage, censure was far from the only message communicated and not many of the men characterise the process as a degradation

ceremony, in which their whole being was condemned (c.f. Presser 2008; Daly & Bouhours 2008). In several accounts, rather than give a lecture, the judge was described as highlighting the positive:

I was expecting him to say like `something like this was a brutal, barbaric attack' or something like that, you know but he never even said anything like that, he just says `it shows here (.) I just (.) I can remember him saying `it shows here this report that you (.) eehm, (.) it shows extreme remorse' know what I mean and I can't remember him saying anything bad about me or anything like that, no. (Doug)

Here, too, more censure was expected than forthcoming. Doug later returned to the topic of remorse, trying to work out in the interview how genuine his remorse had been. At first he completely disowned it, saying:

see truthfully, I'll be 100% honest wi you, I've NO remorse for him but I just said that at the time. That's confidential innit?

I feel that I can use this quote, despite Doug's concerns about confidentiality, because right after this he started to re-examine his feelings about his offence. Here only excerpts of his reflections are given:

I don't know if I've got remorse for him, cause anything could have happened you know what I mean. I shouldn't ha' (.) I shouldn't have done what I done, I maybe should have hit him wi my fists, no stabbed him you know what I mean ... It was when a lady [social worker] came out to interview me, she says `are you worried about whit happened' and she says `whit I mean by that, are you worried about the sentence that you'll get for what you've just done or were you worried about your victim' and I said I was worried about my victim in case he died, which I was in a way, but I was also very worried about the sentence, because I thought I had killed him ... So I was kind of worried both ways but I says I was mare worried that he had died, sort of thing.

This does not relate directly to the communication with the judge, but does illustrate how unsettled Doug's account of his crime and his attitude towards it still was. If it is the case that the stories we reflect on and tell repeatedly become more fixed and are easier to tell (Hydén 2008) then Doug had not reflected on or talked much about his feelings about his offence, since talking to the social worker many years ago. This highlights a lack of communication about the offence *after* sentencing that I will return to later. It also supports my view, discussed in Chapter 4, that events are not necessarily given a fixed meaning within a life narrative, at least not right away. Doug had committed his crime

over three years ago, but in the absence of much further reflection, had not given it a permanent meaning.

In two other accounts the judge was positioned as being on the men's side in the adversarial court process. Alan and Tim both described how the judge's comments during their court case made it clear that they disapproved of the proceedings. In Alan's case, the judge made comments throughout questioning the prosecution's choice of charge, revealing that he felt the jury should not convict him. Alan said:

But, I honestly believe I was only given a 12 months sentence, because the Judge didn't believe ... he said 'contrary to what I believe'... when I was getting sentenced. 'Contrary to what I believe, but you have been found guilty of your peers' an that was his very words. And he said 'I'm giving you a 12 months sentence'.

For Alan the sentence, along with the judge's comments, communicated that the judge, far from condemning him, actually felt he was innocent of the charge brought against him.

Tim was very young when he was charged with murder and in his account the judge questioned whether he could have been the sole person responsible for what Tim described as '15 to 20 people mobbing and rioting in the street'. Tim portrayed the judge as having been reluctant to imprison him:

He said 'it saddens me tae see two families ruined (2) wi this' and he says 'I need tae compose myself tae pass this sentence' so he went away for five minutes and came back after he composed himself and says (3). But he was bound by law that I was found guilty wi my peers and he had tae sentence me, so. And that aspect I think that's how the eight years came into it as well.

In these two very similar descriptions of the sentencing comments, the judges, rather than censuring Alan and Tim and appealing to their morality, limited the censure that may have been perceived as inherent in the hard treatment imposed, and also limited this hard treatment as much as they were able.

Like Alan above, several of the men positioned the judge as being bound by guidelines. Despite the absence of sentencing guidelines in Scotland and the only mandatory

sentences being those for murder and third convictions of class A drug offences (Jamieson et al. 2010), they characterised the judge as having no choice in their punishment:

M: What do you think the purpose of giving you this prison sentence was for the judge, like why he give you six years in prison?

Paul: Well that's [clears throat] judging by the crime, that's the guidelines he's went with, nothing else (.) guidelines.

M: What do you think the Judge wanted to achieve by doing that?

Malcolm: He was daein' his job basically, isn't he? He was only just daein' his job, that's all I can think ay', he was just daein' his job, he's not really/ I don't know, I mean that's quite a hard question/ I think he was just daein' his job, ken, basically, that's all, aye, just daein' his job basically.

The way in which Paul and Malcolm framed their answers suggests a need to neutralise the judge as a moral arbiter. Paul emphasised that the guidelines determined the judges' actions, in saying that *nothing else* played a role, thereby denying any kind of moral judgement or censure on the part of the judge. Malcolm achieved the same effect, but by highlighting that it is the judge's job to sentence. He started to say 'he's not really' and it is a shame he did not finish this thought, but in relation to my question he might have said something like: 'he's not really try to achieve anything', or even 'he's not really bothered'. By positioning the judge as a working man with a job to do (cf. Casper 1972; Carlen 1976), Malcolm also managed to negate any moral message inherent in his sentence.

The way in which these interviewees neutralised the judge could also shed a different light on the previous paragraphs, which discussed the positive communication and attitude of the judge in some of the accounts. I do not want to suggest that any of the interviewees discussed above were relating a wholly fictitious version of what happened in court, but they might have selected positive rather than negative aspects of communication, both in what they remembered and what they chose to tell me, because being censured is likely to be painful. The following exchange with Jack shows that at least sometimes selective remembering was intentional:

M: did the Judge say anything when he sentenced you?

Jack: Not that I can remember no, it's just like a kinda blank. I kinda just shove that (2) see if you had a wee box in your heid an it was a box that if you fling somethin' in it never gets opened up again, I have like something like that. I flung it in it and forget/ try and just/ never, know what I mean, just kid on it never even existed, it never happened and just get on wi it.

M: Okay so what kind of things do you put in the box then?

Jack: Just like whatever/ like `aye you've got nine year, you've been a bloody this and a that to society' or whatever. Whatever, it just/ you know what I mean, he can say whatever else he wants, because I'm no interested. I'm goin' doon the stair tae get on wi my sentence.

By bracketing the judge's comments in this way, Jack consciously avoided any censure directed at him. It was not the case that he was not sensitive to feedback from others, as he repeatedly mentioned the importance of positive feedback from significant others in keeping him on the road to desistance.

The difference between the last time I was oot and this time I'm oot is/ see I know that many people, I ... people that I grew up wi' that never ever went into crime. I still have friends like that, do you know what I mean. And I see people that I have/ that are coming tae see me wance a week or whatever and going `oh you're doin' brilliant, come on we'll go for a game ah' fitball'

This re-acceptance into non-criminal groups (or de-labelling by those close to him (Maruna 2012)) was for Jack a much more meaningful communication about how he should live his life than the disapproval of the judge, whose moral standing he did not recognise. The importance of significant others in considerations of morality is discussed in section 7.6 below.

Although Jack was the only one to describe his own defence mechanisms, several others also resisted the judge's censure. Of those who remembered being censured, most rejected the judge's moral communication, for different reasons. Some felt that the judge's reading of the situation in which they had offended was unrealistic.

He said 'taking into consideration the way you've been living your life, it's been on the streets' and it was/ he was like that 'but you could have walked away from the boy', even though the boy was shouting and cursing and swearing at a girl I was with, he was like 'you could have walked away from it, instead of, instead of knocking him out'. (Graham)

Graham disagreed with the judge's reading of the situation he was in, objecting that it is not possible to walk away when someone is 'shouting and cursing and swearing' at a girl. Others rejected the judge's lecture because they felt the judge did not know them

sufficiently and only judged them on their record, or because they felt the judge attributed too many harmful consequences to them as an individual:

Obviously, I mean, I done something wrong, obviously ... but obviously they go back and talk about people getting killed an that in Columbia and (.) [quietly] okay, we're obviously fuelling that fire, that's what you're told ... But, yeah, that was the speech I got [laughing] when I was getting sentenced, but (.) I don't think you can blame that on every single individual. I don't think you're gonnae stop it, I don't think it's going to stop. (Alan)

It is interesting that censure was resisted even if, as in most of the examples above, the judge condemned the offence committed, but not the whole person, as recommended by Braithwaite in his theory of reintegrative shaming (2000). Conversely, when the judge engaged in stigmatisation, the condemnation of the offender instead of the offence (Braithwaite 2000), the men were not always opposed to this, even though it has been predicted that stigmatisation should lead to defiance, especially for poorly bonded individuals (Sherman 1993). Some of those who did *not* reject or neutralise the censure directed at them in the courtroom were condemned as people by the judge.

James: The only I can/ where the judge talked to me was in the XTC one, because he had all the records from the High Courts ... and he says/ called me an evil man.

M: And what did you think of that?

James: In a way, aye, you ken what I mean. A lot, a lot of previous, about three or four pages. So in a way, aye.

Here again, though, it is clear that after the initial statement made by the judge, James had no further input from the criminal justice system in the way he thinks about his crime or punishment. The tentativeness with which he comes to his conclusion strongly suggests that he has never before reflected on the judge's message despite the long stretches of time to think he described as having changed him, as discussed above. While censure was evident in the judge's comments, this seems to have had no further impact on James or his thinking.

Most of the men, if they remembered communication in the courtroom at all, only described a one-way flow of communication, with them as the passive (although often resistant) recipient of the judge's communication. Neil alone described being given the opportunity to have a dialogue with the judge.

He gave me sort of a wee lecture, you know, [just what I was saying there]. That was basically about it, I just. He asked if I had anything to say for myself. No, nothing to say at all. There's nothing you can say, you know, you've been caught, put your hands up for it, no point in saying 'well, I'm sorry your honour, I will never do it again', because he has heard it all before, hasn't he? He has heard it all before. So, that's it. He asked me if I had anything to say for myself (.) Nah. (Neil)

Neil's cynicism is clear. Even though he was invited to speak he did not feel like he would be *heard*, since the judge 'has heard it all before'. Like the men criticising managerialism in the previous chapter, Neil's perception is of being one amongst many, and not of particular (individual) importance. By rejecting the opportunity to speak he presented himself in the quote above as knowing and canny, unlike the defendants described by Carlen (1976) who often spoke out of turn and did not understand the court process. Like the drug court participants reported by McIvor (2009), Neil would most likely need prolonged experience of a different style of court interaction before he would be willing to engage in a meaningful dialogue. However, in the next section I discuss other factors that make it doubtful that a moral dialogue would ever be possible and successful in a court imposing long-term prison sentences.

7.4 Is moral communication in the courtroom possible?

Jack's earlier quote, where he said the judge 'can say whatever else he wants because I'm no interested, I'm goin' doon the stair tae get on wi my sentence' illustrates a problem with moral communication in the courtroom. For those who are expecting and receiving long sentences, there is so much at stake that they are unlikely to hear much beyond how long they have to spend in prison. Devan described vividly the emotional impact that receiving his (unexpectedly long) sentence had on him:

Judge turns around and looks at me and goes 'Mr. (X), you're getting (.) seven and a half years', BOOM. [Laughs]. And I'm that 'No way'. At that moment in time, I thought he was joking, like. And then, I was frozen, I was still standing up there and he was just talking, talking and talking and saying whatever he was saying. I was just still standing there. I was just like 'No way, man'.

It is telling that, while many of the men could not remember what the judge had said, almost all of them described the moment of sentencing, often with a sense of real drama.

Even when the sentence was (less than) expected many of the men still struggled with the knowledge they were going to prison for years.

You're gutted, but you know it's going to happen. When you're out robbing people you know you're going to jail sooner or later. ... But when I got this sentence I was gutted because the wean was only three weeks old at the time. That's when you realise, you know what I'm talking about? I'm going away for a while, but I don't think you realise it at the time. (Ian)

Ian here describes how there are different ways of 'knowing': rationally knowing versus realising viscerally that you will not see your family again; that this is a certainty and no longer just a likelihood. Being shocked, like Devan, or trying to assimilate the emotional reality of an expected sentence, like Ian, means being deaf to anything else going on in the courtroom. As Hudson has noted, what the judge says 'is almost inevitably lost on the offender as he gives his attention to the sentence' (2002, p.631). In order to really take on the meaning of a message, in such a way that this leads to long-term attitude change, it is necessary for the recipient to be free of distraction (Petty & Cacioppo 1986; Petty & Wegener 1998). This is not true of someone who has just heard they have received a long-term sentence.

Furthermore, given the huge personal investment they had in the outcome, it is not surprising that most of my interviewees did not submit to the court as a moral arena, but tried to manipulate things in order to minimise their sentence. Lino linked his 'not guilty' plea for a crime (which he admitted committing in the interview) directly to the length of the sentence he faced:

But, there was no way I was daein' that [pleading guilty], the longest I'd spent in prison was six months I think and that was/ that felt like forever so I was like, there was no way I was gonnae put my hands up to this.

For most of the men, manipulating the system meant pleading not guilty when there was some chance of being found innocent, but some had gone to much greater lengths to determine the outcome, showing themselves to be knowledgeable players of the system:

Eh, aye, I was gutted because it ...was meant tae be the other way aboot, my co-accused was pleading tae it an I was tae walk for it ... Eh, my co-accused lawyer's stood up and said that I was bullying my co-accused into pleading guilty, which wasnae true, it was my cousin, know what I

mean? Eh, it would have been his first sentence, he was takin' the rap for me, (2) and then my cousin pled guilty an the PF went `I'm no prepared tae accept that plea'... It was mad, eh (.) but it worked oot I ended up havin tae put my hons up tae it and gettin' him aff because they werenae willing tae dae it the other way, cause o' his lawyer, whit he done. (Smitty)

Smitty had tried to manipulate the system without the involvement of any of the court actors. For several of the others, though, the moral standing of the court was further reduced because their lawyer, or even the judge, was playing the same game:

I tried tae tell the police what had happened and/ but my lawyer advised against it, being young and naïve I didnae know what was right. (Tim)

Peter: See, if I hadnae pled early, I would have lo/ I would have walked fucking the eight year.

M: But why is that, usually if you plead early you get less, don't you?

Peter: Aye, you get a third off your sentence, I know, but because they'd heard I'd put in an early plea, they put my sentence up.

This replicates Casper's finding (1972) that judges and prosecutors, like the police, were seen by defendants as workers who sometimes take shortcuts, rather than as neutral or impartial. Carlen (1976) found that court actors often colluded with each other, were more concerned with their own standing than with the case and failed to adhere to professional ethics. The collusion of professionals was recognised by Devan, who felt this, along with much of what went on in court, made for an unfair system.

Because, another thing that is crazy about this system and how things are up here are/ I know you and you know me, right, for instance. I represents the defendant, you represents the Crown, the prosecutor. Me and you work in the SAME office, right? We go to the same nightclubs or whatever, we go to the same bars or whatever. I actually speak to you ALL THE TIME. I actually know you, we're friends, and YOU'RE UP AGAINST ME. Is that NOT A JOKE AND A HALF, man.

When court actors attempt to manipulate outcomes, bargain with the defendant for a guilty plea or collude in a visible way, this not only reduces the moral standing of the courts in offenders' eyes, but also problematises the communication of censure through sentencing. Weijers (2004) has already noted that in an adversarial system moral communication is less likely to take place than in an inquisitorial system, because in the former most of the proceedings take the form of a contest between prosecutors and defenders. Some of my interviewees very much positioned themselves, too, as active participants in this contest. But the more courtroom proceedings become (or are

positioned as) an adversarial game, the weaker any moral communication becomes. How the moral element is lost is clearly described by Mohammed, who said he only reflected on his offence once incarcerated:

I think at the time during the trial, all I'm interested in is getting away wi it, so you don't really/ it's after the trials done wi and everything's/ and you're doing the time and you kinda look at it and you think `that was a lot more serious than I kinda thought at the time'.

If the final sentence is settled upon for reasons of expediency (avoiding the expense of a trial) or through manipulation of the rules and processes by court actors (as well as the men themselves), then the link between the amount of censure inherent in the sentence and the initial offence is surely lost.

There are three main reasons, then, why moral communication is problematic, if not impossible, in a court with the power to impose long-term prison sentences. So much depends on the exact length of the sentence, and the emotional impact of being imprisoned for years is so great, that the offender is unlikely to attend to any moral comments made by the judge. Secondly, the stakes are so high that offenders are (as perhaps most of us would be) highly tempted to manipulate the outcome, thereby rejecting the moral dimension of court proceedings. Finally, analogous manipulation (whether real or perceived) by court actors lessens the moral standing of the court and diminishes the extent to which the sentence can be seen as censure deserved for the initial offence. With the court such a problematic site of moral communication, the next section examines whether the moral dimensions of crime and punishment were more successfully explored within the prison.

7.5 Moral communication in prison

Most interviewees commented that within the prison their offence, sentence and morality were only discussed during cognitive behavioural courses.

The only people who spoke to me about my offence here were the people in the courses. (Dan)

Some of the men had not been assessed as needing these, and were therefore left without any discussion of the meaning of their sentence. Others felt that courses were not in-depth enough to really lead to attitude change through considerations of the offence and sentence:

M: So has anybody talked to you about your sentence and why...

Lino: No really, apart from my family, no. But I went through things myself and that's the kind of things that me and my family talked about, and it's only BECAUSE they done that/ I would go to courses in the jail, they would only skirt on things but I would have long conversations with other people that I knew and THEN I would understand it.

Robinson (2008) has argued that some of the cognitive behavioural courses used in criminal justice aspire to Duff's 'transparent persuasion' (p. 438): censure of the offending behaviour is expressed and offenders are encouraged to morally reflect on their offence. However, as seen in the previous chapter, the way these courses are made compulsory for progression within the prison means that real *moral* persuasion is problematic. The men's views also suggest that they do not have enough of a hold, last long enough or are sufficiently definitive an aspect of imprisonment to work.

Some interviewees mentioned individual communication about the offence and sentence, which was usually initiated by social workers. Although a few thought that this had been successful, most felt that social workers did not really listen and had preconceived ideas.

M: Has anybody talked to you about your offence that ...

Chris: Eeehm (4) no, not really (.) well, Social Workers and that you know what I mean but they/ you see, you feel with Social Workers as though it's like they/ before they actually come in the room they already/ they've got a set plan for you anyway.

The general absence of a meaningful dialogue about crime and punishment within the prison was perhaps best illustrated by some of the men's comments on the experience of being interviewed:

But again, you've listened to me but I don't get asked these questions anywhere else in the jail so nobody really (.) (Alan)

No, nobody's ever had that kind of conversation with me before really. (Chris)

This general silence around questions of wrongdoing and legitimacy of punishment, except for isolated instances in courses, makes it very easy for prisoners themselves not to engage with these questions. This may be due in part to prisons not being moral institutions, with prison staff seeing themselves, in the words of Garland, 'not as moral condemners but as impartial managers, committed to unemotive conduct and bureaucratic regimes' (Garland 1990, p.72). The silence in prison surrounding the offence has also been noted in the French context (Herzog-Evans 2011a). However, such moral neutrality is not a feature of all regimes. For example, Miller (2011) describes an institutional programme for young women who have committed harmful sexual behaviour in which they are encouraged to construct a coherent narrative about their offence, including the reasons for their behaviours. There was also an exception in that Mark *had* encountered moral communication during his imprisonment:

Mark: No, eh (2) naebody's really talked about it apart fae my lawyers, eeh (.) my gallery officers in prison, psychiatrists (2) and then people in the groups that I've attended you know, apart fae that ...

M: Okay but all those people did talk to you about it?

Mark: Yeah.

M: Yeah and what kind of things did they say?

Mark: They would just say if / they would ask me if I had accepted it, whit part did I accept, whit did I no agree wi, whit did I agree wi, how was I going to deal with it, you know.

Lawyers, gallery officers, psychiatrists and course group members had all discussed his attitude to his sentence with him, according to Mark. It is difficult to reconcile this with the picture painted by the other interviewees, who reported no such discussions. Again, it may be the case that Mark's receptivity to such communication meant that he perceived it more readily, for example in a chance remark or question. The fact that he started his answer by saying that 'naebody really talked about it' might support this reading. Or it is possible that Mark's feelings about his offence were such that he himself initiated such discussion.

There was another exception to the general communicative silence in the prison, in what could be portrayed as another example of 'as if' moral communication. Two of the men perceived moral communication implicit in the way they were treated by the prison regime. Malcolm felt that he was 'given a chance' in the prison, even though he had been

sentenced quite harshly by the judge, and had been told by a prison officer that he was a changed character. This type of communication seemed to carry as much weight as any in the courtroom, but was based on being given a job with some responsibility and relative freedom, plus the remarks made by one officer. The reverse was true for Dan, who felt the judge had given him a chance, but perceived only disapproval of this in the prison.

I mean, the judge obviously gave me a chance when he gave me a smaller sentence this time than the last time, for the same offence. Yet, the establishment have said 'no, we gave him a chance the last time', (.) and they threw it back in my face. Obviously that is their way of thinking, there is nothing I can do about that.

Dan based his impression of moral communication on not being offered a chance to move to the open estate, despite completing the courses he was required to attend. His ascribing censure to the nebulous 'establishment' and 'they' suggests that he had not had a concrete exchange with anyone about this, but had formed this impression of the 'establishment's' stance on his own. It might even be a reflection of how he saw his own offending, Dan being the interviewee who longed for an injection to stop him from being himself, so that he would never offend again.

7.6 Morality beyond the criminal justice system

Despite the problems with moral communication in and through the criminal justice system, my interviewees did often speak in moral terms, but this tended to be in relation to family and friends rather than the criminal justice system. They were both more repentant and more indignant about what had happened in their significant relationships than in relation to the court and their victims. There is not enough space here to discuss this in detail, but perhaps a few examples will suffice to make the general point. When the men talked about real regrets and even remorse, they tended to focus on wrongs they had committed that were less serious than their offence, but through which they had harmed people they loved. Andy was one of the only ones for whom such wrongs were also offences.

That's what really done me brillian an ah' was a lot of thinking, you know, just having all that time to go over things that I did, look back *especially like when I was saying earlier on about getting done with the domestic assault*. Thinking back on that in the jail really/ oh pffff, that's what really opened my eyes, I couldnae believe what I did. That's why when I got out my whole attitude changed that way, you know what I mean it's (.) so that was good that way, see being able to think about a lot of things and change. (emphasis added)

Andy was not imprisoned for domestic assault, for which he was given community service, but for attempted murder. With the victim of the latter a stranger, his feelings of remorse were directed towards his ex-girlfriend. For most of the others, while their conduct towards their families had not been illegal, they regretted the negative impact their behaviour (and imprisonment) had had on them. For example, the only time Colin condemned his own actions explicitly in his account was when he spoke about his son.

And then I went back into his life, like (.) I was only away for maybe a year and then I went back into his life but I wasn't ready, *I should never have done it*. And then I ended up screwing up and going away again. (emphasis added)

Besides having hurt their families through their actions on the outside, many of the men were also remorseful about the impact their imprisonment had on their loved ones.

And I'm the only one in my family to have ever come in jail. How bad is that? (.) that's just really really bad, nobody else has ever come in jail before in my family. I'm the only one to let my family down in being here. (Devan)

Much of the anger and frustration contained in the interviews was also aimed at families, rather than at the criminal justice system: the unfairness of their conduct was one of the main themes in some of the men's accounts.

And if I'm going to succeed on my own I want to turn round and put two fingers up to my family and say 'there you are, I didn't need you. You'll need me before I need you'. Because they let me down, so I'm determined I'm going to succeed, for that reason alone. Just to show them that I don't need them. (Dan)

This concern for and anger with those closest to them is not surprising, and philosophers have argued that morality demands not that we are impartial, but that we are more concerned with the fate of our loved ones than with that of strangers (LaFolette 1996; Williams 1981). By the same token, we should be able to expect better conduct from our

families than from strangers. There was some evidence that at times the men I spoke to imagined their crimes closer to home in order to reflect on their morality.

I tried tae/ I tried tae eehm, kind of turn the table roond and think `what if my family were living in that hotel next door to the dancing hall [he tried to set on fire] that night, how would I have felt?'. I would have felt quite bitter and I would want the person, if my father had been there, I would have wanted the person tae regret that action that they took at that time. (Lino)

This type of reflection is exactly what judges in New York encouraged adolescent offenders to engage in when they admonished them: to imagine how they would feel if a family member (usually their mother or grandmother) was the victim of a similar crime (Kupchik 2004). Furthermore, other research has found that the disruption of relationships with significant others can be more aversive than the formal content of criminal justice sanctions (Benson 1985).

This link between relatedness and morality has largely been neglected in criminal justice processes, although some (emerging) alternatives to the traditional court process seem at least in part intended to address this gap. Restorative justice processes facilitate feelings of empathy and compassion for the victim by presenting the offender with an actual person, rather than an 'object with a handbag' in order to facilitate moral emotions, such as shame (Harris et al. 2004, p.201). Other initiatives, including the Children's Hearing System, involve the accused's family, but they are often positioned as being on the side of the accused, rather than a (possible) source of censure. This means that any moral messages from friends and family remain incidental. The question is whether it would be helpful to incorporate such messages in the, usually intentionally impersonal, criminal justice system, or preferable for any such messages, where forthcoming, to have their impact outwith formal processes. One final option would be to include family and friends in formal 'redemption rituals' (Maruna 2012; Maruna 2011b), so that it is not their condemnation, but their reacceptance that contributes to messages sent by the criminal justice system.

7.7 Conclusion

This chapter has shown that the men's sense of moral dialogue, censure and communication was patchy at best and that there was no consistent moral message attached to long-term imprisonment. In the previous chapter, too, the men explained their reasons for seeing their sentence in a certain light with reference to what they encountered in the prison and the context of their own lives, rather than any intentional communication of purpose by the justice system. In total, a picture emerges of a situation in which the men I spoke to had very little guidance in thinking about their crime and their punishment, instead creating their own meanings. This confirms the conclusion of Chapter 2, that given the multiple and confused meanings ascribed to in criminal justice policy and by criminal justice actors, and the limited motivation such actors will have to communicate with offenders, it is unlikely that clear meanings emerge from their conduct or statements (Hutton 2006; Lipsky 1980; Scottish Government 2007; Scottish Prisons Commission 2008; Tombs & Jagger 2006). As Duff has noted, present prison regimes are not set up to make the meaning of their sentence clear to people (2001) and neither are courtrooms (Piacentini & Walters 2006; McIvor 2009; Dzur & Mirchandani 2008). This is troubling as most people would agree that, when people are given the harshest sentence available to the courts for presumably serious crimes, the connection between crime and punishment as well as the purpose of the punishment should be made clear.

However, the crimes of the men I spoke to were not clearly serious. It is telling that in very few cases was the principal communicative meaning Duff (2001) ascribes to imprisonment, namely a need for exclusion, a message received by the men. This is not a problem for Duff's account, because importantly, despite their long-term imprisonment, most of them had not offended in ways that would make *any* imprisonment justified in Duff's eyes. As previously noted, Duff holds that imprisonment should only be imposed for crimes so grave that they can be said to have broken the bonds of community. While this would most likely include murder, the circumstances in which some of my interviewees caused a person to die would presumably not fall into this category. Mark and Graham both threw one punch, and only caused death because of unlucky falls and

previous health issues of the deceased. While the consequences were tragic, it is unlikely that either of them would be condemned as ‘beyond the pale’ by the wider community. Tim and Mohammed both injured (and in one case killed) someone who was simultaneously attacking them. When two boys or young men with knives attack each other, society at large may be horrified that such things happen, but are less likely to be horrified by the actions of the accused alone, given that the victim was involved in the violence. David and Paul both caused death by dangerous driving, which will be condemned by most people, but not make them uncomfortable about, for example, living next door to them. Other offences more obviously did not break the bonds of community, including carrying a knife (Lino) and selling small amounts of drugs (many others), especially since, on Duff’s account, criminal history should generally not be taken into account¹⁵. Most of my interviewees who *had* conceivably committed crimes that broke the bonds of community tended to be men who had not benefited from inclusion in the community in the first place. As Duff writes:

To suggest that those who have been systematically excluded or unjustly disadvantaged may not be bound by the law... is not to suggest that their criminal actions are justified, permissible or excusable... It is, rather, to suggest that their actions are not wrong *qua criminal*: that they are not to be judged (justified, excused, or condemned) by the law, in terms of its demands and requirements. (Duff 2001, p.184)

For both these groups of men, then, long-term imprisonment as an expression of their wrongdoing, intended to make them reflect and repent, is inappropriate and cannot justify their sentence. There were exceptions, like Alex who admitted to attempted murders in the past despite a privileged upbringing, or Doug and Dan, who had stabbed others in the absence of any provocation despite not being excessively marginalised. However, for Doug and Dan mental health problems may well have played a role. Moreover, it should not be the case that within the prison a second trial-type situation takes place to determine whether someone is truly deserving of censure and exclusion. If Scotland wants to use Duff’s vision of punishment to justify its sentencing practices, it needs to reduce the length of the sentences imposed (as well as the use of imprisonment) considerably.

¹⁵ This should only happen in the case of a persistent dangerous offender, who has demonstrated ‘an utter and continuing disregard or contempt for the values that he flouts and for those whom he attacks’ (2001, p.170).

The findings reported in this chapter also suggest that, at least in the case of long prison sentences, any moral communication in the courtroom intended for the accused is unlikely to be received, even though most communicative accounts focus on the courtroom as the most likely locus for such communication (for example Von Hirsch 1994; Narayan 1993; Feinberg 1994). Moral censure from the judge was generally either not perceived (sometimes intentionally so) or opposed. Moreover, with long-term sentences looming, the men were not able or willing to pay much attention to moral communication or to engage with the court as a moral arena.

Within the prison conditions for reflection upon one's conduct and its morality appeared to be more favourable. Some of the men seemed to welcome the discussion about crime and punishment in the interview. Moreover, several valued having had the time during their imprisonment to re-evaluate their lives. While deterrence and rehabilitation were positioned as something the prison *should* achieve and do better at, time to think was positioned as a resource the men recognised themselves as having the potential to make a difference, rather than something intentionally imposed by the prison regime for this purpose. Duff (personal communication) agrees that, while a change in attitude about offending due to having time to think in prison fits his account, it cannot provide a justification for the sentence, because there is no meaningful communicative input. If such input were in place, it is still difficult to see how it could comprise the type of moral communication he envisages, because of the lack of fit between crime and punishment.

Chapter 8 Legitimacy and the impact of the prison environment

8.1 Introduction

The previous two chapters examined to what extent normative purposes of punishment found expression in the men's accounts. I concluded on the basis of my findings that there was little intentional input from the criminal justice system into the meaning making process and that sentences were generally not perceived as carrying a moral message. This chapter and the next will discuss how any moral significance the sentence might have had is further reduced by other, more powerful, factors in the meaning making process: the need to adapt to the prison environment and the need to construct and convey a positive narrative. These chapters also move the discussion on from considerations of purpose to evaluations of the fairness of the sentence. As not much in-depth work has been completed on offenders' views of the legitimacy of their sentence, I have had to borrow concepts from work in other areas in order to make sense of my interviewees' views. In this chapter I draw on Bottoms' work on compliance with community penalties (2001), Beetham's theory of the legitimacy of political power relations (1991) and research on prisoners' views of the prison regime (Carrabine 2004; Sparks et al. 1996).

In the discussion of issues of legitimacy in this chapter, it is necessary to consider the impact of the prison environment on the views held by the men. Therefore, this chapter will have a bifurcated structure and for the first time in this thesis consider different groups of interviewees in turn. First, it will discuss the bases on which all my interviewees evaluated their sentence. Then, it will focus solely on those at the end of their sentence for some sections, because the prison environment was still actively working upon them. It will then explore how the views of the men on license differed, and how the prison environment still impacted on their lives, before returning to the

implications of all of this for the notion of legitimacy in sentencing¹⁶. In order to avoid covering too many issues in one chapter, further important factors in the men's views of the legitimacy of their sentence - concerns of identity and narrative - will be discussed in the next and final findings chapter.

This chapter focuses on legitimacy, but I did not start the research with a clear operationalisation of this concept. Within the interviews I asked the men about 'the fairness' of their sentence or what they thought should have happened, to assess their perceptions of justice and legitimacy, rather than using more focused questions tapping into different aspects of formal definitions of these concepts. This way of approaching the question of legitimacy befitted the narrative methodology of the research and allowed the men to express their multidimensional and often contradictory views of the fairness of their sentence. In the analysis phase I looked for theoretical work that would be useful in framing my findings, and it became clear that legitimacy, rather than fairness or justice, was the best developed concept. In reflection of this process and in order to allow the complexity of the men's views to shine through, here I will first discuss the relevant elements in the men's accounts before applying a theoretical framework and asking what implications their views have for the legitimacy of their sentence.

8.2 Evaluating the sentence

The men I spoke to used various measures against which to evaluate their sentence, including their own expectations, consistency with others' sentences, the court's standing to judge, their culpability or guilt and the level of harm they had caused. In line with earlier research (Casper et al. 1988; McGinnis & Carlson 1981), negative perceptions were often related to the sentence being longer than expected. Expectations were based

¹⁶ Those at the start of their sentence are not considered as a separate group. Chris, Malcolm and Walter had been imprisoned repeatedly before, and were very like those at the end of their sentence in their attitude towards imprisonment. David and Paul had been imprisoned for their first ever offence, both for death by dangerous driving, and accepted their sentence as justified because of the harm caused. The remaining interviewee, Alan, opposed his sentence. Therefore, this group is too disparate to form a separate basis for analysis.

on previous personal experience with the criminal justice system and feedback from others, often lawyers (see also Casper et al. 1988; McGinnis & Carlson 1981).

I was gutted ken I was/ I didnae think I was getting that long cause I was only caught wi 4.3 grams, it wiznae a lot ken? Eeh, I was pretty stunned actually, I didnae think I'd get that long. My lawyer telt me, right, maybe four, five, but I didnae think I'd get six year three months so. (Malcolm)

I knew four years is a long term sentence eh' I knew I was getting a long term sentence but four years is the least, so I was jumpin' for joy when he said that and then I didnae really care whi he said for the extended sentence, I think he said 'four year extended sentence', but I was just happy wi the four year eh, it was a result and a half you know what I mean so, it was quite a lenient sentence for what I done (Doug).

Malcolm's phrase 'I was pretty stunned' and Doug's 'jumping for joy' illustrate how expectations were framed as having the greatest impact on the men's reaction immediately following sentencing, in both a positive and negative direction. Both quotes also illustrate again the level of emotion experienced at the point of sentencing, as discussed in section 7.4.

Another known contributory factor to feelings of injustice is perceived inconsistency in sentencing (Casper 1972; Casper et al. 1988; Indermaur 1994). This seemed to affect the interviewees' perspective mostly after sentencing – usually when they learned of other prisoners' sentences for similar or worse offences.

I think it is a joke. Because, I've seen guys/ there's not a structure, there's not a set sentence. If one person does a murder they get nine years, another person does a murder, they get twenty years. It should be a set sentence or a set tariff. I don't know, there's guys in here for murder that's doing a shorter time than me. And I'm in for attempted murder. So you're like that 'where is the justice system in that?' (Gordon)

When sentences were shorter than expected or than would be consistent with the sentences of others, this was met with relief and acceptance, rather than a sense of injustice.

I was expecting not to get back out. Because I was told the last time before I get another LTP [long term prison sentence], I would get a life one. So the seven, it was like that, cool. It was still big, but it was/, there was still hope. (Ian)

As discussed in section 7.4, there is so much at stake for the prisoner receiving a long term prison sentence that it is unsurprising that the men I interviewed did not morally oppose sentencing decisions that they perceived as being in their favour. There were a few who commented that their sentence should have been longer, and that their actual sentence therefore was unfair, but this was not accompanied by a sense of injustice.

Smitty: I could have stopped and helped and stuff like that, know what I mean, but eh (.) aye I suppose it wasnae a fair sentence, I should have got mare than I did for it.

M: What do you think you should have gotten?

Smitty: Well, everybody I know that's been done wi death by dangerous driving's got seven year, AT LEAST, you know, and that's what I thought I would have got, at least seven year. So when they said two and a half year I was like that `wow', know what I mean.

The men who were pleasantly surprised at the length of their sentence accepted it for instrumental, rather than normative reasons. Within their interviews there were few contradictions or complaints about the criminal justice system. Casper also found that a 'fair' sentence meant largely two things to his interviewees: '(1) a good deal - something less than they might have gotten; (2) the going rate for an offence.' (1972, p. 89). The men I interviewed who felt they had had 'a good deal' or perceived their sentence as consistent with those of others indeed very seldom complained about their sentence.

In modern penalty, it is not only the length of the prison sentence imposed by the judge that can be perceived as inconsistent. Alan felt that it was highly unfair that he was not only imprisoned, but also prosecuted under the Proceeds of Crime Act, given that this did not happen to most offenders convicted of similar offences of petty drug dealing.

Alan: But eehm, like that first time I was in (.) eehm, I was in with guys that had been done wi kilos of the stuff and not ONE of them had proceeds of crime, and I got done with such a little bit. Because basically, they had nothing to go for, they had no/ you know what I mean, they had no house, they had never worked all their life, they had no house, they were ...

M: Yeah, they were like drug addicts themselves?

Alan: ... yeah, and it was like, the system was going to punish me because I worked all my life, had a good job, I paid my taxes, so I SHOULD HAVE known better, that's how I felt it was.

In effect, Alan felt he was being doubly punished because he had made something of his life, despite by his account having profited very little from dealing drugs. For him, it was a combination of inconsistency and disagreement about the facts of the case that rankled. In another instance of inconsistency, Stephen felt that, while his life sentence had been

fair, the number of years he actually spent in prison before being released on license had been unfair and inconsistent.

Well, because I did kill the man, I did deserve life but (.) going by what I said to you earlier about people doing less time than me, I don't think I should have done as long. I should have done less, I was a Trustee for 12 years, 13 years. I didn't give them any hassle, they had no reason really to hold me so long.

Stephen felt that his behaviour had given the prison authorities no reason to keep him incarcerated for almost 20 years.

In contrast to Casper's finding that most of his interviewees did not make reference to the nature of the offence or the harm they had caused in evaluating their sentence (1972), many of my interviewees saw the harm they had inflicted as justifying their sentence.

Drugs is (.) it's the scourge of society, it is and I'm ashamed to say that I was partly involved / fair enough naively but I was still part of it and that's why I deserve my sentence, you know, even though I was being used, I still was involved in it. (Robert)

If I was the Judge I might have sentenced me tae a bit longer actually, to be honest, because I'm/ you've got tae look at the/ the guy was stabbed like 13 times or something do you know what I mean, in his heart an all that nearly. (Andy)

Despite the lack of communication regarding the moral link between crime and punishment described in the last chapter, some men *did* reflect on this, more or less of their own accord. They evaluated their sentence along normative lines and felt that it had been just. However, when my interviewees felt that they had *not* caused much harm, they often still agreed with their sentence on more formal grounds.

James: I think alcohol is more dangerous than cannabis definitely.

MS: So do you think, if you look at it that way, the sentence you got for cannabis is fair?

James: They have to give you something. It's a crime, I committed a crime, there's a law, aye, I broke a law. I've got to be punished for it and the judge probably thought four year seven month for that was right. He's a judge, you ken what I mean, he should know, the right sentence for it.

As James's quote illustrates, for him the fact that he had broken a law meant that punishment was acceptable, but he did not see his imprisonment as just deserts for the harm he had caused. Many others also referred to their infraction of the law as the only necessary explanation of their sentence.

I suppose it is fair enough, aye, I know we dinnae all agree all the time with the sentences that are dished out, but that's just part and parcel of it, I suppose. Part and parcel, if you commit a crime, you should know now, you are old enough now to know the consequences. (Neil)

No, the sentences have been justifiable. Because I shouldnae have bloody committed the crime in the first place. You know what I mean, there's rules and regulations that you've got to stick by and that is part of the rule. (Jack)

The level of harm caused appears to be a (usually) sufficient but not necessary reason for acceptance of their sentence for my interviewees – even when the harm was not significant (in the men's eyes), many still accepted their sentence because of their infraction of the law. This might illustrate that they recognised the legitimacy of the courts to uphold the laws of the land, but may also be caused by other factors (see discussion below), or by a combination of the two.

A few of the men commented that they felt the court did not understand enough of the context of their lives to really be able to judge them accurately. Several interviewees felt that their Social Enquiry Reports did not contain enough depth and that their circumstances were ignored in favour of their criminal record. For example, Chris felt that the court should have realised that, although he was couriering a significant amount of drugs, he was a heroin addict himself and therefore more a victim, forced by his dealer into couriering to clear a debt, than 'a bad person and a drug dealer'. Similarly, Peter became angry during the interview about the lack of insight the jury and judge had into his childhood.

So why should I be judged by people that don't know me, don't know where I come from, where I've been and these people are judging me. They dinnae know the, the, the upbringing I've had and (.) the things I've just told you, children's care, two year old, foster care, feeling like I've not got family, pushed to the side. (Peter)

He felt, accordingly, that the court did not have the standing to judge him.

Issues with procedural justice were also mentioned in several of the interviews, although these were more often to do with police procedures than with what occurred in the courtroom. Perceptions of police injustice were most often related to drug offences;

several of the men felt they had been ‘shopped’ by someone in return for which the police let this person go free; a procedure they felt was unfair.

I think the guy who gave me the drugs sorta set me up, know what I mean, eh, cause he got lifted for a driving while disqualified on the previous week-end, then on the Wednesday, I think it was, a Wednesday night, he drapped it aff and within five minutes my door was in, know what I mean? ... That’s what I don’t like about the polis, why dae they dae that sort of stuff, know what I mean? ... If that is the case then I think it’s unfair. (Smitty)

Feelings of injustice in these cases were especially strong when the person cooperating with the police was seen as more culpable, for example because they dealt in higher volumes of drugs, than the men themselves.

The most serious failing possible of the criminal justice system was mentioned in two interviews. Alex and Gordon maintained they had been convicted of crimes they had not committed.

Then I got the charge for this, which sort of struck me a bit, because it was something I never done, but it was something I had to try and fight and had to try and fight through it, you know what I mean? And I ended up losing [laughs uncomfortably]. (Gordon)

Like I said, I mean I/ I still maintain my innocence, you know, and I think in the longer term I will be able to demonstrate the suppression (of evidence) and this will be overturned. (Alex)

Gordon and Alex’s accounts provided me with a crucial insight into how my interviewees framed their sentence. In their cases, especially, I expected vehement opposition, but instead found an overall story of acceptance. They gave reasons why, despite their professed innocence, it was nonetheless acceptable that they had been imprisoned long-term.

Maybe a sentence was just waiting to happen. Maybe no/ maybe not as much or as long a sentence, but with the crowd I was running about with at the time, pretty much, see, there was maybe a sentence in the making, you know what I mean? (Gordon)

In a technical sense, it’s both a miscarriage of justice and a malicious prosecution, simply, you know? But, that said, eeh (.) I kind of shrug my shoulders with it, because at the end of the day, I was up to a lot of no good. (Alex)

Rather than evaluating their sentence in the light of the crime of which they had been convicted, they assessed it in terms of their whole lives: what they had done in the past or might have done in the future. In this, they were similar to Casper's respondents who were not guilty of the crime for which they had received their sentence: they also felt that their 'general guilt' meant that they deserved punishment (Casper 1972).

8.3 Shades of acceptance

The way in which Alex and Gordon neutralised the more difficult aspects of their sentence highlighted the way in which other respondents, with other (less serious) concerns did the same. As already mentioned, those who thought they had not caused much harm often justified their sentence with reference to their infraction of the law. Furthermore, even though most of the men felt imprisonment failed in its purpose(s), as discussed in the previous chapters, this did not lead to anger that was sustained throughout their accounts. Especially those coming to the end of their sentence seemed to need to accept their sentence and tended to resist questions that might have threatened that acceptance. Therefore, this section and the two following it discuss their views and what factors might have played a role in driving this acceptance just before release, before comparing and contrasting this with the attitudes of the men on license.

Besides taking a 'general guilt' approach to the legitimacy of the sentence or justifying it as a consequence of infringement of the law, many of those at the end of their sentence positioned their sentence as a positive event in their lives; whether because it provided an opportunity for change (on which more in Chapter 9), or because it allowed them to avoid fates worse than imprisonment.

I think a small sentence, I'd probably be out, back in again, out, back in again, so I wouldn't be sitting at forty year old, thinking this 'I've had enough', I might still be going in and out, in and out, till fifty or SIXTY even, you ken what I mean. And now I'm forty, I'm not coming back in again, you ken what I mean. So it has been positive. (James)

So in a way, I was better off to come here anyway, because I was/ the way I was going, I was (going about) drink, drugs outside, I would have probably ended up killing myself, you know, so I think this is more or less/ the jail saves a lot of people, it really does, you know. (Graham)

Again, interviewees cited instrumental rather than normative reasons as driving their acceptance. While statements such as the ones by James and Graham above were often expressed in quite tentative language, using words like ‘probably’, ‘in a way’, ‘kind of’ and ‘maybe’, they described the interviewees’ overall attitudes to their sentence more closely than the statements condemning their sentence on the grounds of not following the rules or not being based on shared beliefs. Compare for example Gordon saying ‘I think it is a joke’ and ‘where is the justice system in that?’ (p. 183) to his quote starting ‘maybe a sentence was just waiting to happen’ (p. 187). While the condemnation of his sentence (for an offence he maintained he did not commit) was more confidently expressed and therefore seems to be based on more deeply held beliefs, the phrase that best sums up his attitude to his sentence as expressed throughout his narrative is:

But, like I say, I have gained a lot from being in jail, not that it’s anything to be proud of, but (.) qualifications and courses and certificates and I’ve tried to do everything to benefit me for getting out.

At times in his narrative he goes further, with statements such as:

It makes me, makes me in a good way feel now, looking back, that maybe the best thing was that I have done this sentence.

Interestingly, this type of overall resignation or optimism about the sentence was expressed by almost all of the interviewees at the end of their sentence, even by those who evaluated it negatively for one or several of the reasons outlined above. Even where stated reasons for seeing the sentence as fair (such as ones of ‘general guilt’ or having infringed on the law) were quite tentative, they seemed to allow these men to create narratives that did not revolve around opposition.

That not opposing their sentence was important to many of my interviewees was apparent in their discomfort in discussing their sentence in normative terms. As this was the main purpose of the interview, I usually prompted them to do so and would point out inconsistencies in their accounts, which often led them to become defensive of their sentence. Accordingly, I sometimes felt I was overstepping the mark in insisting on

questioning the link between crime and punishment. As my notes on my interview with James record:

I think I was too focused on the fairness questions. It seemed like he really did not want to answer these, he kept avoiding engaging with them, so there was not much point anyway.

From the transcript it is possible to get some sense of his avoidance of normative questions. The following is only a short excerpt of this part of the interview:

MS: I get that, maybe I am asking a question you can't answer, but I'm wondering, why is prison the right thing, four years in prison?

James: Because there's nothing else.

MS: What do you mean?

James: Well, what other thing can we give as a punishment?

MS: I don't know, probation, a fine, nothing, capital punishment.

James: They have to give you something. It's a crime, I committed a crime, there's a law, aye, I broke a law. I've got to be punished for it and the judge probably thought four year seven month for that was right. He's a judge, you ken what I mean, he should know, the right sentence for it.

MS: So you feel it is not up to you to question the connection?

James: If it were up to me, I would have got away with it, you ken what I mean? But it's not up to me.

MS: [Laughs]. Well, If you were sentencing somebody with the same record and the same circumstances, what would you think would be the right sentence?

James: (3) Well, but I'm not a judge, though. My attitude would be different from what I'm thinking now, you ken what I mean? If I was the judge it would probably be the same.

With James I was especially and overly persistent, because he said he disagreed with the law against dealing cannabis which had led to his conviction, and so his avoidance is especially clear. However, many of the men at the end of their sentence similarly deflected normative questions.

MS: And what sentence would you give to someone who had had the same part/

Peter: /I wouldn't go and sentence no one, I wouldn't put myself in that position, it's nae for me to judge people.

The extent to which the men defended, accepted or welcomed their sentence varied. Some merely neutralised their own or possible objections to their sentence, leading to a lack of opposition but no actual endorsement, while others more actively defended their sentence, most likely because they needed it to play a transformative role in their lives (see Chapter 9). However, some level of acceptance or acquiescence in one's sentence was almost universal amongst those who were about to be released. The fact that even

those who maintained they were innocent told this type of account begs the question why this is the case, as it seems that they, especially, worked hard to construct an account that allowed them to accept the unacceptable.

8.4 Impact of prison environment at the end of the sentence

One of the main factors in the formation of acceptance was the need to negotiate the pains of imprisonment. This section first examines this connection, before placing it in the context of the men's wider adaptation to their confinement and the functions of this adaptation. The next section further examines the relationship between acceptance and the prison environment by discussing the two men for whom coping with imprisonment did *not* mean accepting their sentence. Section 8.6 goes on to consider possible consequences of the wider adaptation strategy for the way in which prisoners return to the outside world by focusing on the accounts of the men on license.

Interviewees clearly and repeatedly indicated that opposing a sentence would make their confinement more difficult to cope with.

It's still fair, I'm here, I'm doing it. *It doesn't have to be fair, that's how I'm dealing with it.*
(Peter, emphasis added)

But, the way I see it is, clearly I would rather not be here, but you don't have a choice. You've got to cope, you've got to just put your head in a place where, you know, you don't feel eehm unduly frustrated or anxious or (.) or whatever. (Alex)

You have to say 'this is it, this is me for the next x amount of years, I'm not going out anyway, so (.), you know, just get on with it, try to make the best of it. There's nae point in walking about all day with a bucket of depression, because (2) pfff, it doesn't get you anywhere, does it? (Neil)

Narrative research has been criticised for endorsing individual accounts which 'float in a social vacuum' (Atkinson 1997, p.339). But in these narratives there were several indications that acceptance of the sentence was not a strategy adopted by individuals in isolation. The quotes above subtly differ. Peter described his view of the situation in the first person singular and thereby as an individual strategy, but Alex switched to the second person when describing the need to cope, and Neil used the second person throughout. This implies that they think the same pressures are experienced by others in

the same situation and suggests that acquiescing with one's sentence is a recognised strategy. This is supported by James's description of observing others' reactions and his recommendation of acceptance as the best way to cope:

A lot of people that come in say 'oh, I shouldn't have got that, it was too big', I think that makes a sentence harder, because you just accept it, that's what you got, you broke the law and you got caught and that was it. (xxx) You'll probably get on with your sentence a lot better. (James)

Furthermore, prisoners often used the same phrases to describe their attitude to their sentence, with phrases like 'getting your head down' and 'getting on with it' repeated throughout the interviews. This way of overcoming any possible feelings of injustice, then, seems to be transferred between prisoners, and to be a response to the conditions they all faced.

Two interviewees *did* tell a (partial) narrative of opposition to their sentence, which shows that this response to imprisonment is not inevitable (see section 8.5 below). For most, though, accepting their sentence made their prison experience less painful. This echoes previous findings in the criminological literature. Sykes (1958) found that the most admired stance in the prison he researched was that of the 'real man', who bears his sentence with equanimity. Similarly, Crewe (2009) found that prisoners who could manage their own problems without complaining often accrued respect, while those who could not handle their sentence were disparaged. However, while these authors describe an admired stoicism involving being uncomplaining about hardship, in this research the lack of opposition was described as actually *reducing* the hardships of imprisonment, rather than as a product of brave forbearance. Other research has foreshadowed this as well: for example, studies with young offenders have found that they framed their sentence in such a way that it became acceptable to them (Ericson 1975, cited in Harvey 2005, p.235) and that acceptance formed the second stage of adaptation to imprisonment (after liminality and before equilibrium) (Harvey 2007).

For my interviewees accepting their sentence was not an isolated adjustment, but was described as part of a wider adaptation process, which diminished the pains of

imprisonment more generally. Phrases such as ‘getting your head down’¹⁷ were not only used in relation to accepting one’s sentence, but also had a wider meaning of forgetting about anything not immediately relevant to prison life. This included the amount of time left on one’s sentence.

See, when you’ve got years tae go and you just don’t think about it and it’s just (.) your head’s in here, this is your life in here you know what I mean, in this wee small surrounding. (Doug)

Shutting out thoughts of loved ones outside was also part of this process, with several prisoners going so far as to limit phone contact and visits in order to make their sentence easier to bear.

You can’t get on thinking about [his daughter], then you’re going to start thinking about, what is she up to out there, who’s she with, you know what I mean, you cannae just/ you cannae think about it. You’ve to try and put it in the back of your head for a wee bit, y’know? Bad enough even going/ taking your visits, it’s still putting your head on the fence, you don’t wanna go over the fence. (Graham)

As Graham points out, thinking about your family means thinking about things outside of the prison, which is painful. Ian and many others also commented on how closer relationships made for more painful imprisonment.

That’s what I’m saying. Because I’ve got a wean now, this has been the hardest sentence I’ve done. This sentence has broke my back, you could say, you know what I’m talking about, because all I’ve done is think about my son.

Others gave examples that illustrated how not ‘keeping your head inside’ contributed to the pains of imprisonment.

You’re in tears most nights just wondering what/ when it comes to the week-end you’re wondering what’s going on outside, you know what your girlfriend’s up tae, if they’re all having a laugh, having a party, do you know, you could be there, you’re missing out on your (.) my wee cousin, she had her wee girl, you know I missed all that, I missed so much. (Mohammed)

¹⁷ Crewe (2009) also repeatedly quotes prisoners as saying they want to ‘keep their heads down’ (e.g. p. 183 & 190), but in relation to pursuing a quiet life within the prison. Burnett & Maruna (2006) quote a prisoner using the same phrase, but in relation to blending in within the prison. It is clear that such phrases can have different meanings, or even carry multiple meanings in one utterance, within the prison context.

Separation was difficult for the men I spoke to because they missed their loved ones, which then emphasised their incarceration and made it difficult to forget the outside, but also because their incarceration made relationships problematic. First of all, contacting family members could be difficult, which led to frustration and worries:

I would say sort of a lot of the bad moments, for me anyway, personally, is when I am trying to phone my son and every time you phone him, he has, obviously, a mobile phone and it goes on to the answering machines, but when they are on answering machines it is still taking your money away. So you're/ you see the wee digits going, you are phoning your son, you've only got [five or six quid] on the phone, you see your money going like that, pssst. (Neil)

Brain damage, you know what I'm talking about? I used to phone her all the time and (.) the phone would ring, she wouldn't answer it or the phone would be aff and then you're pure raging. Eehm, I had a mobile phone at the time and it was just non-stop phoning. And it was just, it done your head in, you know what I'm talking about, you knew the phone was going to ring, but you still phone it. (Ian)

These quotes emphasise the powerlessness of the incarcerated; it is not within their control to maintain contact, only to cut it off. If people do not answer the phone, reply to letters or visit, there is nothing they can do. Furthermore, the boredom of life inside meant that contact that did take place easily became superficial and strained.

My friends an that will `aye book us a visit' an stuff like that and I'm like that `nah, I'll no' cause I don't really like visits because, see when you're in here, that hour in the visiting room it's a long time, there's a lot of uncomfortable pauses of silence because you've no got much to talk about cause like it's like ground hog day in here, every day during the week is the same and every weekend is the same, see you've no really got much to talk about at a visit, know what I mean, you end up big uncomfortable pauses of silence. (Doug)

Cutting off contact in this situation might solve several problems: it reduces thoughts of those outside, thereby minimising the pain of missing them, it helps to maintain control over relationships and means that they are not diminished through superficial interactions. Far from all my interviewees at the end of their sentence chose to do so, but it was a common coping strategy.

Previous research has found that contact with family was crucial to the psychological wellbeing of young men just entering prison (Harvey 2005) and minimised disruptions in identity for female prisoners (Bosworth 1996). Furthermore, having social support can reduce reoffending (e.g. Cullen 1994; Forste et al. 2011; Mills & Codd 2008; Social

Exclusion Unit 2002), and is therefore desirable from the authorities' point of view, who describe maintaining or improving family links as one of their priorities (Scottish Prison Service 2011). The discrepancy between family as a source of support, and the need to shut them out might be due to the stage of imprisonment and gender. Harvey (2005) interviewed remand prisoners or those awaiting sentencing, at which stage the ties with family are still tight and have, for some unexpectedly, been recently disrupted by imprisonment. At the remand stage, prisoners' main concern is also likely to be the upcoming trial, rather than coping with a long stretch of imprisonment, which might be easier with limited family contact. For the women interviewed by Bosworth (1996) family ties were evidently crucial to their identity in ways that they were not for my interviewees. Other research supports my finding that interacting with family while imprisoned can be problematic and is therefore avoided by some. Cohen and Taylor (1972) found that prisoners with little contact with their loved ones outside found their time in prison easier. They quoted a prisoner interviewed as part of an even earlier piece of research as saying 'it's much easier if you get the outside off your mind and just forget about your family' (Farber, 1944 cited in Cohen & Taylor 1972, p.71), which very closely mirrors the attitudes of my interviewees quoted above.

'Getting your head down' and 'getting on with it' had two functions. The first was to narrow the men's world to fit the confines of the prison walls, thereby allowing them to ignore what they had lost for long periods at a time.

Because I'm in the jail, I just forget about the outside world. It helps me to get on with it in here, you ken what I mean. Because if I don't have an outside, I can't bring it in. This is my world just now, you ken what I mean, I just deal with this. (James)

This seems to contradict previous findings that life-sentenced prisoners very much relied on their memories of life before prison to give them a sense of (their former) identity (Jewkes 2005). It might be the case that those with an indeterminate sentence are more likely to hold on to past identities, because they cannot rely on a future, whereas those with long-term but determinate sentences, such as the interviewees in this research, focus on getting through their sentence as best and quickly as they can. Furthermore, as Jewkes (2005) points out, life sentence prisoners are often one-time offenders, who before they

were imprisoned had relatively positive identities in the outside world, whereas most of the interviewees in this research had had difficult lives and other stigmatising identities (looked after child, drug addict, petty thief) before they were imprisoned.

As well as making the sentence easier to bear 'getting your head down' was, according to interviewees, the best way to speed up time. Not looking forward to anything, but being busy and getting immersed in the prison routine meant that the days passed more easily.

One of the things that I heard from someone when I first came in was like 'if you keep your mind outside of the jail, it'll be easier for you'. And then another person came along and said to me 'ah, keep your mind INSIDE the jail and forget about outside and you'll see things go a lot quicker'. And I tried both ways and in the end it was the second way that worked, keep my mind in here and forget more about outside. (Devan)

Prison conditions, then, seemed to be at least one driving factor in the lack of opposition found amongst the prisoners. They induced a range of adjustments, including not opposing one's sentence, but also shutting out family members and thoughts of the outside world, in order to make the sentence easier to bear.

There are similarities between the acquiescence described here and the notion of 'dull compulsion' (Carrabine 2004; Sparks et al. 1996): the way in which prison routines make the (unjust) power relations in a prison seem inevitable and therefore not worth opposing to prisoners. While this concept was developed in the study of power relations internal to the prison, it may very well also have a role to play in the men's acquiescence in their sentence.

Just a sort of sense of (.) of frustration, wasted opportunity or contained or repressed energy or ambition or enthusiasm, you know, all that sort of has to be kind of reigned in, you know, whilst you're here. You know, you've got to sort of make, well I find, that, you know, you've got to make a conscious effort to kind of (3) personally speaking, you know, like a bear going into hibernation. You've got to make a conscious effort to slow down your impulses, because otherwise you'd drive yourself mad, you know, like a caged tiger. I mean, you've got to, you've got to recognise that you can do nothing about the containment, so you have to adapt to it. You know, you have to get your mind in the right place for (.) just, just (.) getting on with that, you know? (Alex)

While Alex's quote suggests that the reality of imprisonment is indeed 'dulling' and that, in order to adapt to it he did have to let go of feelings of unfairness, it is not clear that it

was the routines of imprisonment, rather than just its inevitability, that led to his acquiescence. The sentence imposed is even more inevitable than the existing power relations in prison: while demands may be made about prison conditions or greater respect from staff, collectively opposing what are individual sentences is impossible. Tellingly, almost all those at the end of their prison term accepted their sentence, but there were many instances where they described opposing the regime or decisions made by staff, demonstrating that there was more space for opposition in this regard.

I refused to go into a double cell when I got back from the courts. I told them to put me down in the punishment block, and they're single cells there. They were trying to get me dubbed up, I said no, it's not going to happen, just put me down the digger. (Dan)

In relation to the sentence, though, the only recourse is the appeals process, but once this is completed, no more opposition that may lead to a different result is possible (with the possible exception of escape). This may be why my interviewees focused more on the inevitability of their imprisonment than on its routines. For them, the dull compulsion was a product of 'the sense that there are no alternatives and that one's subordination is inevitable and unalterable' (Crewe 2009, p.83), leading to what Sparks et al. call the 'the-put-up-with-as-inevitable' (1996, p.85). In addition, for my interviewees the inevitability of imprisonment was not the only driving factor for acceptance: instrumental benefits (see also Crewe 2009) and, more compellingly, a need for a positive narrative (see Chapter 9) also played an important role.

However, the concept of 'dull compulsion' and the impact of routine on acceptance can also illuminate how sentences of imprisonment can become routine. For several of the men at the end of their sentence and on license, imprisonment had become such a normal feature of their life that they no longer questioned it in any way, and saw it more as a retreat than as a punishment. Their accounts have already been discussed very briefly with regards to these men denying the deterrent function of prison in section 6.3. Here, their accounts show how accepting one's sentence, even a long-term prison sentence, can be a form of acceptance 'based upon habit or routine', which Bottoms characterises as most likely to occur without reflection (Bottoms 2001). This was the case for Ian, Jack and Tony, with elements of this kind of acceptance also present in the accounts of others.

These were men who were ambivalent about leaving prison, had found doing so difficult and described prison as the most comfortable place for them to be.

It's getting to the stage that, if I find out on the fourteenth I've not got a house for going out, I'm thinking about refusing to lib myself, you know what I'm talking about (Ian)

Just, I enjoyed it and I didnae want tae come oot, you should have saw the state of me when I came oot, really bad aye. (Tony)

As I said to you earlier, it didnae bother me wan bit, you know what I mean, going in or whatever, cause it was like a second home tae me. (Jack)

Just as offending can become a routine that no longer involves a decision to offend (Tunnell 1992), so imprisonment can become a routine that no longer needs an explanation or justification, and becomes 'taken-for-granted' (Sparks et al. 1996, p.89). These men, accordingly, did not reflect on the (in)justice of their sentence of their own accord. For them, it was not so much the impact of the prison environment that prevented opposition, but the routine of frequent and repeated imprisonment.

8.5 Exceptions

While the pressure of having to cope with a long-term prison sentence was there for all those interviewed at the end of their sentence, the above should not give the impression that they all coped in the same way. As Jewkes (2005) has noted in relation to life sentence prisoners, while the structures of imprisonment influence prisoners, they do not determine their actions and perceptions. Not everyone had accepted their sentence, with injustice forming a major theme in two of the interviewees. Devan was young, 20, when he was imprisoned for his first ever offence. He, like Jewkes' (2005) life sentence prisoners, very much appealed to a non-offender identity, remembering his past positive identities of the good son and brother, school leaver with good prospects and exceptional employee. The description of these took up long stretches of the interview. He was imprisoned for seven and a half years for what he maintained were trumped up drug charges. While generally accepting of the criminal justice system, and even his imprisonment, he strongly felt his sentence should have been shorter.

I'm not saying that I shouldn't be in here, for the crime that I committed, because obviously I committed a crime, but (.) not so much so as saying about the crime, it's about the sentencing that I got for the crime. There's guys in here that's committed murder and's got lesser time than me ... so (.) why give out the kind of punishment that they give out, how can they justify that within themselves, or do they even care when they give out sentences like that, do they just think: 'ah, okay, he's committed an offence' at the back of her head or his head, he is probably thinking 'I already know what I'm going to give this guy, it doesn't make a difference what he says or what he does, he is still going to get that sentence.' And that's what they do, isn't it? (Devan)

Devan was also the only interviewee who revealed any hostility towards the judge who sentenced him.

Peter at first told a very positive account of his imprisonment, saying that he had been given the sentence he deserved and that this term of imprisonment had changed him, so that he would not offend again in the future (for a fuller account of such stories see Chapter 9).

I think I'm a good person now, it take me to come to prison and (.) hurt, well, be involved in a murder and sell drugs in the streets to realise that, lots of things I shouldnae be doing ... It's probably been/ it's been a wake-up call for me, I tell you that, so I'm glad I got this sentence. ... Because I needed to come here and fucking change. (.) To learn, you ken what I mean? Nae to be like that. To/ my values and all, my family. I want my family to see I've changed. (Peter)

Here Peter seemed to fit into the category of prisoners described by Crewe (2009) as 'enthusiasts': he condemned his past actions and embraced prison as an opportunity to change. However, at a certain point in the interview his perspective changed to one where he was victimised by the system and where he would have matured anyway, and would have been better off outside prison where he would have been able to make more positive changes in his life. He moved to a version of events where his background in care, for which he held the system responsible, had played a large part in his offending. He thought more should be done to help looked after children and that the system was failing in this regard. While he felt that, in his own case, more information should have been made available to the court, he also said that he was institutionalised and saw the prison as his home. He could not see any alternatives to his imprisonment and therefore, while he condemned the system, he accepted his sentence.

I dinnae know how, how, (.) what the fuck they could do, ken what I mean. Maybe [xxxx] says, look this kid is fucking thingmy, just put his hands up to what he's done, he knows he's done

something wrong, but I'll keep on doing things [wrong] anyway, ken what I mean, so it's not, that's why I just agree with it. I'm, I'm going to get into trouble again, I probably will get into trouble again, even though I dinnae want to, I'll probably end up back in prison, so (.) ten years is probably good for me. (Peter)

For both these interviewees, this was their first long-term prison sentence. It is interesting that while for Devan prison could be seen as an interruption of his life course, for Peter, who felt institutionalised and at home in the prison, this was not the case. For Peter, instead, telling a story of victimisation seems to have, at one point in the interview, become preferable to a narrative of personal transformation. Why this shift occurred is not entirely clear from the transcript and recording, but his position seemed to change after he acknowledged that he had also felt transformed after previous (short-term) sentences, but returned to offending.

MS: But when you say you kind of had that same outlook after your shorter sentences.

Peter: Aye

MS: Do you feel different now from then?

Peter: No, that's the thing. I, I, I'll/ [foolish], that's what I'm saying, I'll probably end up doing the things I was doing before. Because I won't be able to get a job, I've tried to get a job, many a times. Every time I've been released from prison I went to the job centre, and I tried getting jobs, and it's just not there for me.

Here, perhaps, he felt the more positive narrative became untenable, which caused him to shift to a narrative that allowed him to express some of his anger at the system, which was very noticeable during the remainder of the interview.

8.6 Impact of prison environment and legitimacy on license

While most of the men who were coming to the end of their sentence spoke of 'getting their head down' with something akin to pride that they were able to cope with the prison environment, the same strategies played a very different role in the accounts of the men on license, who frequently described how adapting to the prison environment had left them institutionalised. Having kept their 'head down' in prison meant that they now had a difficult time coping with the complexities and demands of life outside. One source of difficulty was resuming normal relationships, which seemed at least in part to be a

consequence of the distancing of oneself from loved ones described by those at the end of their sentence.

Tim: But sometimes I miss some elements o' prison where I can (.) shut my door and escape for a wee while, I enjoyed that (.) with the (.). The troubles will go away when you shut the door.

MS: So why can you do that in prison and not at home for example?

Tim: Because you've got family and you've got people depending on you and you've got to face people and you cannae bottle everything up and shut it all away, you've got to, got to go out there and face everybody so.

Tim found it hard to get used to the normal demands of relationships again: to have people depend on him and to share his thoughts and feelings with them in turn. Others described a similar tendency to avoid the company of others after having adapted to the isolation of prison.

I don't like leaving the hoose and I'm quite happy in ma own company. I mean I don't crave attention or anything like that and/ my cousin was phoning me the other day as well and asking me to go for a drink and I hope he wasn't offended, but I was like that 'I can't be bothered wi company the noo'. And that's just typical o' me noo. (Lino)

Lino contrasted this new introversion to his previous approach to life, when he 'used to enjoy being in the middle of everything'. It is worth noting that Lino had been on license for seven months, but Tim had been released more than five years previously. This illustrates that problems with relationships do not necessarily reduce over time. Tim explicitly commented that adapting to life outside was more difficult for him than adapting to imprisonment, saying 'and it's (.) adjusting that way is probably harder, it's harder outside now than it was in prison'.

Other difficulties encountered by those on license as a result of their adaptation to the prison regime included needing routines, difficulties with taking responsibility for their own decisions and providing for themselves (see also Burnett & Maruna 2006).

You've got/ you get your three meals a day, you don't need to cook them, they're cooked for you, you get them. You get woken up in the morning by the officers, your own alarm clock basically so they're coming in and wakening you up. You've got your shower across from your cell, you go and get your shower, you get organised for work in the morning, it doesnae matter what kind of criminal record you've got, you've always got a job in prison ... and it's SO easy, it unbelievable, you come back from work, brilliant go for a shower, put the Play Station on, feet up and that's you for the night. (Mohammed)

Mohammed, who elsewhere commented on how difficult prison had been for him (see for example section 5.3 and section 8.4), contrasted the above with his current situation, where he had very little money but many bills, and employment was a remote prospect while those around him worked. Jack similarly realised that, after his imprisonment, he found it difficult to react appropriately to everyday stressors.

Jack: I get worked up o'er nothing, over NOTHING and I get ah' stressed o'er it.

MS: And is that because of being in prison for so long do you think or is that just you?

Jack: It must be something like that, because I get really, really stressed oot an it's o'er nothin'. I'm talking about I get all hyped up and want tae crack up. (Jack)

Some were trying to recreate tight routines in their lives outside, in order to make coping easier.

But I like to run, you know I like to have my daily routine so I know what I'm daein' each day, that's prison isn't it? I think that's how I liked prison, because I knew I was getting up first thing in the morning, go doon to the treadmill and run for an hoor and a hof an, you know, dae things like that. (Tony)

This imposition of a routine on oneself has been found by others to be important post-release in avoiding reoffending (Hartwell et al. 2010). Hockey (2012), himself a one-time prisoner, has commented on the maladaptive way that imprisonment conditions those who undergo it, but sees the need for routines as potentially criminogenic. He writes of his experiences upon release:

Although the enclosed routine imposed by the system had gone and the internalised routine of time markers had become redundant, the processing style had remained. Whilst it lacked the structure of imprisonment, it was still dysfunctional in relying on the concrete thinking of basic routines and *in the absence of something more constructive*, old habits and familiarity soon returned to fill that void. (Hockey 2012, p.73, emphasis added)

The 'absence of something more constructive' experienced by many of the men on license was a source of great frustration. Many of them were trying to get jobs, but failing because of their criminal record (see section 9.4).

The descriptions of the difficulties the men on license faced due to their experience of imprisonment, more closely matched the concept of institutionalisation than the one of

prisonization. While the two are not completely distinct, prisonization is a term coined by Clemmer (1958, cited in Wheeler 1961, p.697) who used it to refer to the impact of the inmate code on individual prisoners. By accepting the prisoner culture, one of antisocial values opposed to the norms of prison staff and society at large, the prisoner has difficulty in adapting to life outside once he is released. Wheeler (1961) qualified this, by finding that the adherence to the inmate code diminished as prisoners approached their release date. However, the men I interviewed very rarely described having had their values changed through interactions with other prisoners, although occasionally this had made them *more* pro-social, as described in section 6.2.4. This may well be because the way in which power now operates in the prison prevents an oppositional inmate code from forming. As Crewe has noted, ‘the strength of a subculture depends upon common plight, mutual resistance, relative isolation and a lack of mobility out of the shared predicament’ (2009, p.245), conditions which he argued were not present in the prison he studied and are likely to also be in other modern UK prisons, including the one in which my interviewees served time.

The concept of institutionalisation has received attention in Goffman’s book *Asylums* (1968), an examination of different ‘total institutions’, ones in which people live round the clock, including psychiatric hospitals, boarding schools, monasteries and prisons. In such institutions, those who live there undergo ‘role dispossession’, in that they have only the role of inmate to fulfil rather than the variety of roles they had before they were admitted. They have no say in the way they live their lives, which is therefore also no longer their responsibility. Instead they are managed through strict routines:

minute segments of a person’s line of activity may be subject to regulations and judgements by staff ... rob[bing] the individual of an opportunity to balance his needs and objectives in a personally efficient way (Goffman 1968, p.43)

This loss of responsibility and being cut off from meaningful relationships and roles in which they were relied upon found expression in my interviewees’ accounts. In talking about the difficulties these prison conditions created for their adaptation to life outside, it was striking how often those on license actually used the word ‘institutionalisation’

(seven out of nine did so at least once in their interview), compared to those still in prison (amongst whom Peter was the only one to use it).

So, eehm, it's been very hard, because I think I've been institutionalised. (Lino)

because I've been in an oot, in an oot, in an oot, it's just like a second home tae me, do you know what I'm meaning. (3) They maybe call it institutionalised if you want, that's probably the word for it. (Jack)

I don't know you (2) the term institutionalised just says it all, you just / it's like learning anything you just (.) roll wi the punches but (.) it gets easier. (Tim)

Well, I think I'm institutionalised, because (.) my wife points out a lot of things to me. (Stephen)

a lot of people I talk to say I'm institutionalised, eh (.) and in there you've nae worries, you don't need to worry about a wife or a partner. (Tony)

Equally striking is the way in which many used the term as a concept external to themselves: one that had been applied by others ('they maybe call it', 'a lot of people I talk to say') or that they framed as a word they would not usually use ('that's probably the word for it', 'the term ... says it all'). It may be that this word was introduced into their vocabulary by their social worker or other professionals. More pertinent to the current analysis is, however, the way they distanced themselves from the techniques used by the men at the end of their sentence in order to cope, which presumably should allow them to see their sentence without the constraints upon those who were still imprisoned.

When analysing their views of their sentence, however, it becomes clear that this is only partly true. Amongst the men on license, there was still very little sense of anger or opposition about their sentence, but comparing their acceptance to that of the men at the end of their sentence is not straightforward. While the latter group included two cases where opposition clearly was to be expected, Alex and Gordon who both maintained they were innocent, amongst the men on license there were no such cases. It is therefore easier to see this group's acquiescence as genuine agreement with their sentence. In some cases, this captures their accounts quite well: Andy and Mark both felt their sentence was deserved for the harm they inflicted on others and Smitty felt his sentence was very lenient. Tim's case perhaps came closest to those of Alex and Gordon. He was, as may be recalled from the previous chapter, sentenced by a judge uncertain of his culpability, after

having stabbed a friend in a fight. He, like those at the end of their sentence, did refer to the impact of the prison environment in shaping his attitude towards his sentence.

It's a case ah' maturing and learning tae take, take things as they are and (.). As I say, but if you keep dwelling on it and you're going down the bad path and trying tae fight it, it'll keep you there.
(Tim)

There were other instances, too, where those on license seemed, like the men at the end of their sentence, to need to accept their sentence and used similar techniques to do so. For example, Mohammed referred to his 'general guilt' right after asserting prison had not been helpful.

I don't think (prison did me any good) anyway. Eehm, to be honest I mean maybe it was/ but I think it probably was the right thing to do because the way my temper was, I would probably have committed another offence anyway, quite (.) soon after that if I'd have stayed out anyway.
(Mohammed)

Contradictions were also still a frequent feature of accounts in which reasons were given to think the sentence unjust. For example Lino accepted an earlier sentence of ten years wholeheartedly, because of the serious consequences it could have had, but was much more ambivalent about his most recent sentence. At first he said that, even though it had been a victimless crime,

It is still no excuse for carrying a knife either, an quite rightly so that I got the four year, because I had been caught wi a knife before when I was younger, so it wasn't my first offence for that.

However, later in his interview, while still 'understanding' his sentence, he no longer approved of it.

I think/ I certainly think wi regards tae four years for carrying an offensive weapon, (.) I understand why they're thinking that way and they're trying tae be as eehm, as strict as possible, but I would only consider/ if I was the Judge I would only consider gi'in somebody a four year sentence for carrying a knife if that knife was used in any kind of violence. ... I think, I think they're trying tae hang me everything thegithir, they're trying tae tar everybody wi the same brush, which I don't think, I don't that's the way forward, *I certainly don't think that's a fair system.* (3) Regards tae (.) tae me, I suppose I did know the consequences. (emphasis added)

Finally, he roundly decried his sentence as having been unfair and ineffective:

The four year sentence it was just/ it felt tae me like it was a complete waste a' two year, eight month of my life, a complete waste (.) for what?

The similarities between the accounts of the men on license and those still in prison suggest that the former had not re-evaluated their sentence upon release of their own accord. Lino's quotes, however, also highlight a subtle difference between the accounts of some of the men on license and those still in prison. Whereas the latter often used their infraction of the law as a way to justify their sentence and resisted normative thinking about their offence, Lino did the opposite. He acknowledged that he knew the possible consequences of carrying a knife, but did not accept that this meant he should have received the sentence he did. He was also willing to put himself in the judge's shoes and to consider what would have been fairer. Other licensees, too, seemed less defensive of their sentence and more open to questions around its legitimacy in the interview. Neither were they as invested in their sentence as a trigger of personal change (see the next chapter). In section 8.3 I have described how reluctant James and others at the end of their sentence were to consider normative questions. Those on license, like Lino above, were more willing to consider the right punishment for their crime, sometimes spontaneously putting themselves in the position of the judge who sentenced them, and were less staunch in their justification of their sentence.

Like I've said, I would have maybe/ I don't know, if I was the Judge I might have sentenced me tae a bit longer actually, to be honest, because I'm/ you've got tae look at the/ the guy was stabbed like 13 times or something do you know what I mean, in his heart an all that nearly. (Andy)

MS: So do you think your sentences have been fair, have they been just?

Mohammed: To be honest, they were fair, aye.

MS Yeah and do you think sending people to prison is kind of the right response to the thing you did?

Mohammed: No, I don't, no. Because prison's (.) it's no helped me, it's made me (.) I am actually (.) you'll may no think, I'm actually (2) [silent laugh] see I'm scared to go to a job interview

Furthermore, those on license referred less often to the constraints put on their thinking about their sentence by the prison environment (for an exception, see Tim's earlier quote on p. 195). Instead they frequently described a different trajectory in attitude: one where they had been angry with their sentence to begin with, but had come to accept it because of greater maturity or understanding, rather than because this was the only way to cope

with the prison experience. Tim's earlier quote combines both these elements. For other examples, see Lino's quote in section 7.2 or Mohammed below:

MS: And you said that with this last sentence you felt that it was unfair, initially. That it was their fault?

Mohammed: Yeah, at first, but as time went on you kinda (.) once I done anger management actually.

This emphasis on maturity or learning might be a preferable way to explain acceptance of the sentence once the term of imprisonment is over and the need to survive the prison sentence is no longer present. It provides a more positive narrative, as it may be better to see yourself as having grown than having been constrained, with the former allowing for a more active role for the self.

As with the men at the end of their sentence, there was also an exception to the general acceptance amongst those on license. Stephen told a narrative in which opposition to his sentence and to his license supervision were a major theme. As illustrated by his quote in section 8.2, he felt that the time he had spent in prison on a life sentence had been far too long. When he committed another offence after seven years in the community, he spent another five years in prison, which he also felt had been unfair.

The second one, the Judge in court sentenced me to 33 months, so I think that's what I should have done, 33 months. I don't think the parole board should have held me in any longer. Because the Judge deemed the 33 month fitted the crime, because he postponed the court for half an hour and went and he looked up and came back and sentenced me.

Stephen was also the only man on license I spoke to who was dissatisfied with his social worker and felt under surveillance from social work.

He's (.) I come in and try and talk to him, even the way I'm talking to you just now. Try and explain a problem to him. He just butts in, shuts me up, shoves me out the door and makes another appointment for next week. That's no good to me, I need somebody I can talk to, and that's where my drug counsellor comes in. But I have to be very, very careful what I say to him, because he's duty bound to pass on information (to social work).

Because people are not good at remembering their own attitudes over long periods of time (Ruspini 2000) and change the way they see the past in order to make sense of the

present (Josselson 1995) it is not possible to say whether Stephen had always felt this way about his involvement with the criminal justice system, including when he was imprisoned, or whether he re-evaluated his sentence upon release. However, Stephen himself said the following about his attitude while he was in prison:

You cannae get angry then, because if they see the anger I'd have done 29 years. You cannae let them see anger because then you haven't learned anything, you're just back to your old ways.

In his retrospective account, at least, Stephen's sense of injustice about his sentence had developed when he had been in prison for the length of time he would have thought fair (15 years), but had to be hidden at the time.

In summary, there were some indications that, with greater distance from the experience of imprisonment, the men on license were more able to consider their sentence in a normative light. However, they had not done so spontaneously and seemed to only reflect on the fairness of their sentence because they were asked to do so in the interview. While the impact of the prison environment might have become less pronounced in terms of their moral reflections, it had a lasting and negative impact on their ability to adjust to life after release.

8.7 Conclusion

This chapter has discussed how the impact of the prison environment led to acceptance of their sentence for almost all the men I interviewed. Does this impact of the prison environment on my interviewees' perception of their sentence matter? In order to answer that question, it is necessary to ask three further ones. First of all, is the acceptance in the men's accounts likely to have been genuine, or an attempt to avoid negative consequences? Secondly, what does their acceptance of their sentence mean in terms of their sentences' legitimacy? And finally, is the type of stance one takes towards one's sentence likely to influence future behaviour?

In relation to the first question, Crewe (2009) argues that statements of support for unjust institutions are unlikely to be a product of the psychological expediency of 'embrac[ing] one's powerlessness [compared] to torment[ing] oneself with the daily recognition of one's subjection' (p. 94), producing 'false consciousness'. He claims that it is more likely that people publicly agree with rules and regimes which they privately feel are unjust, in order to avoid (further) punishment. If he is correct, this means the validity of my finding that the men accepted their sentence in order to better survive their sentence is suspect. On the other hand, Tyler (1997) writes that the disadvantaged often do not react with anger or a sense of injustice, because to recognise unfairness in a situation one cannot change is psychologically painful (p. 142). This debate makes it necessary to examine in relation to my data whether it is likely that my interviewees' acquiescence in their sentence was due to public prudence or the fact that interviewees were selected by prison staff, making it possible that only the most compliant of prisoners were invited to take part. If the prisoners interviewed were merely giving views they thought would be approved of by prison staff and were unlikely to lead to adverse consequences, one would expect them to have filtered their comments in this way throughout the interviews. In actual fact, interviewees often revealed actions which merited further punishment. For example, one of the men admitted to being guilty of several past crimes for which he had been prosecuted but not convicted. He also alluded to other crimes, which had not been detected.

When, when I was eighteen/ I started committing serious crimes when I was about 19, you know, I'm talking about robberies here, you know, like (.) robbing places, I have to be careful what I'm saying [laughs].

He obviously was aware of the interview context and that what he said *could* be used against him, but seemed to trust the confidentiality of the setting enough to nevertheless disclose such sensitive information. While this was an extreme example, others admitted importing or dealing drugs within the prison, engaging in other forms of illicit trade and undetected past offending. Equally, as reported in Chapter 6, the men I spoke to felt free to express anger at the lack of reform and rehabilitation in the prison, and they generally did not paint a picture of themselves as the most compliant of prisoners. For example, Smitty described how he had avoided having to share a cell, through breaching the rules.

There was guys daein' six month in single peters and then they had the long term prisoners, guys daein' 30 year an like myself daein' five an a half year, we were getting doubled up, an stuff, an we didnae like it, so I ended up smashin' my room up an that and getting moved back tae Shotts.
(Smitty)

These examples do not mean that all interviewees felt equally confident about the lack of repercussions of their disclosures within the interview and many did not disclose things in the interview that could have had adverse consequences. Neither are Crewe's view and my analysis of the men as largely accepting their sentence mutually exclusive. The number of contradictory views on the fairness of sentences reported here supports a reading of many of the men as being resigned to their sentence rather than thinking it fair, even though they did often position their sentence as fair at least at one point in their accounts. For others, though, exactly the type of 'false consciousness' he rejects seems to have been a real driver in their acceptance. Furthermore, as I will discuss in the next chapter, for some of the men the fairness of their sentence was so important that their stance went far beyond resignation. They embraced their sentence for the transformative role they envisaged it playing in their lives and can therefore not be characterised as merely acting as if they accepted sentences they privately thought were unfair.

As for the question whether the men's acceptance of their sentences actually renders these legitimate, this depends on one's understanding of legitimacy. As noted in the literature review, the most referenced framework of legitimacy in corrections was developed by Tyler (Casper et al. 1988; Franke et al. 2010; Jackson et al. 2010; Sunshine & Tyler 2003) and centres around members of the public accepting that the authorities are entitled to make the decisions they make, and that these should be deferred to. Amongst my interviewees, there did seem to be widespread belief that the criminal justice actors involved in their case were entitled to make the decisions they had made, and to impose the punishment they had imposed, at least amongst those who were coming to the end of their sentence. However, Tyler's conception of legitimacy leaves the *reasons* or basis for these beliefs unexamined¹⁸. Carrabine's (2004) and Sparks et al.'s

¹⁸ As noted previously, he separates any fit of people's personal morality with the law from legitimacy, treating the former as a separate concept; another driver for compliance with the law (Tyler 1990). However, some very recent work on procedural justice and legitimacy has argued that moral alignment, i.e. the sense that authorities act 'according to a shared moral purpose with citizens' is important (Jackson et al.

(1996) analysis of the impact of ‘dull compulsion’ on prisoners’ attitudes makes it clear that there *is* a distinction between resignation due to external constraints and acceptance based on a sense of fairness. Rather than truly seen as fair, the sentence might be ‘taken for granted’ (Sparks et al. 1996, p.89), just as order can be maintained in the face of illegitimacy, through the ‘dull compulsion of prison rituals’ (Carrabine 2004, p.62).

A more useful theory of legitimacy in this context, and one used by Sparks et al (1996) and Liebling (2004) to examine the legitimacy of prison regimes, is the one formulated by David Beetham (1991), who wrote that mere consent is not enough to make a power relation legitimate unless ‘it can be *justified in terms* of [people’s] beliefs’ (1991, p.11). He proposes that three conditions need to be fulfilled to achieve legitimacy: one of these is the ‘expressed consent’ of those subject to the power relation, but he also insists on ‘conformity to rules’ and ‘the justifiability of rules in terms of shared beliefs’ (1991, p.20). When we examine each of the latter conditions in turn, it becomes clear that, while they figured in the men’s accounts, and perhaps should have led to perceptions of *illegitimacy*, in fact they were often neutralised.

In relation to punishment conforming to the rules, the state’s power to punish is based, in the first instance, on the criminal law – only those who have acted against the law can be legitimately punished. As discussed above, the two men who maintained they were innocent of the crime for which they were convicted did negatively evaluate their sentence on this failing, but based their wider narrative on a sense of ‘general guilt’ and thereby managed to still accept their sentence. Seeing one’s sentence in this light is in direct opposition to another principle of law, namely that one is punished in proportion to the index offence(s), not for future or past (undetected) offending. So in effect, the men negated one rule to accept the infringement of another. Other standards the men felt the criminal justice system should abide by were those of consistency, proportionality and having enough knowledge of their circumstances to judge. All three of these standards

2012, p.1051), thereby echoing Beetham’s (1991) insistence on the justifiability in terms of shared beliefs discussed below.

are reflected in the aims of sentencing in Scotland¹⁹, but none of the men actually condemned their sentence because the criminal justice system had not abided by them.

In relation to shared beliefs, the power to punish is based on the criminal law, and therefore for that power to be legitimate the law itself needs to be based on shared beliefs. But the men at the end of their sentence who did not believe that the law they had offended against was right, such as James, still accepted their sentence, on the basis that they had broken the law. This might be an instance of accepting the power to punish because the authority administering that punishment is seen as legitimate; most of the men were very uncritical about the criminal justice system as a whole. However, the way in which the men's accounts were constructed, and especially their unwillingness to reflect on normative questions, suggested that their acceptance was due at least in part to the demands of their environment (and the narrative pressures discussed in the next chapter). Their insistence that their punishment was right because they had infringed the law might, then, have been another way of neutralising views that might otherwise lead to feelings of illegitimacy

Beetham's conception of legitimacy also highlights that, although the men at the end of their sentence accepted their sentence, this did not constitute the kind of consent necessary for legitimacy to be bestowed. He employs a very active concept of consent, where it is not the stated agreement of the subordinates in a power relation that matters, but that their actions demonstrate such agreement. Applying this analysis to people's reaction to their sentence alerts us to the fact that there is very little chance to oppose imprisonment or, indeed, to demonstrate one's consent. At the time the sentence is passed, the coercive apparatus leaves the prisoner-to-be with no choice but to be placed within the prison. Once there, he may display anything from 'non-cooperation and passive resistance to open disobedience and militant opposition' (Beetham 1991, p.19),

¹⁹ These are not easily assessed because the Scottish criminal justice system is largely based on common law, rather than statute, which means that the rules it follows are not formally recorded (Hutton 1999). However, consistency and proportionality are mentioned as aims by both textbooks and government reports (Hutton 1999; Scottish Government 2008), while 'individualised' sentencing, where the circumstances of the offence and the offender are considered (Hutton 1999), as well as criminal history (Nicholson 1981) is referred to in textbooks.

all indicators of non-consent according to Beetham, but by then it is difficult to identify whether he is denying the legitimacy of the sentence, or that of the prison regime, or both. While the men's acquiescence may not have been wholly due to 'dull compulsion' or been undercut by a sense of anger (see the next chapter), for many it nevertheless fell short of the type of consent that can legitimise punishment.

Finally, there is the question whether those who accepted their sentence will be more likely to refrain from offending in the future. Sparks and Bottom have noted that 'only legitimate social arrangements generate normative commitments towards compliance' (1995, p.48). At least in the case of Gordon and Alex, the two men who said they had been wrongfully convicted, it is difficult not to suspect that, even though they defended their sentence, it is likely that their feelings of allegiance to the criminal justice system and the law will have been diminished rather than increased because of their recent experiences. Bottoms' (2001) analysis of different types of compliance can further illuminate the impact of the men's views of their sentence on their future behaviour. He developed his typology of compliance in relation to community sentences and, as noted both by Bottoms and above, not complying with a prison sentence is nigh on impossible because imprisonment ensures compliance through imposed physical constraints. However, it is possible to substitute 'acceptance' for 'compliance' for the purposes of this chapter, because Bottoms' types of compliance relate to different drivers for compliance, which can drive acceptance as well. When applied in this manner, his typology illuminates that while many of the men constructed accounts which allowed them to position their sentence as fair (e.g. by referring to their general guilt, thus presenting themselves as accepting their sentence for normative reason, akin to Bottoms' 'normative compliance'), in fact their acceptance seemed to be affected by the other three types of drivers as well. Normative evaluation of the sentence only seemed to happen in a positive direction, e.g. where the level of harm was seen as justifying the sentence. However, where there was no agreement between the men's own values (about what should be illegal, or who should have the standing to judge them) and their sentence, or where they said they had been the victims of a miscarriage of justice, other drivers for acceptance filled the vacuum. As discussed, the routine of imprisonment played a role for men who

had had several previous sentences, leading to acceptance ‘based on habit or routine’ (Bottoms 2001, p.90). At the same time, the prison environment seemed to induce both ‘instrumental/prudential’ acceptance and ‘constraint-based’ acceptance (Bottoms 2001, p.90). It was clear that some of the interviewees were aware that not questioning their sentence made their life easier, so in that sense they had an incentive for accepting it (instrumental compliance), but this incentive was not administered by anyone. Instead, it was a result of the way in which the prison experience and human psychology interact, and thus structural constraints also contributed to the sometimes convoluted accounts of acceptance discussed in this chapter. Importantly, others have since argued that only normative compliance with community sentences is likely to lead to long-term behavioural change. Robinson and McNeill write:

whilst an offender might initially comply formally for instrumental reasons ... or because of perceived constraints...or (perhaps) out of an unthinking habit of deference to legal authority, these kinds of mechanisms alone or in concert are unlikely to be able to yield substantive compliance with the spirit of the order, let alone the kinds of changes required to generate longer-term compliance with the law (Robinson & McNeill 2008, p.440).

If this significance of the different drivers for compliance can be extrapolated to the drivers for the acceptance shown by my interviewees, then for most of them their acceptance of their sentence does not mean that they are less likely to offend in the future. In this sense, irrespective of their acceptance of their sentences, the legitimacy of their sentences clearly continues to matter.

Before moving on, I want to return briefly to the issue of moral communication discussed in the last chapter. There I concluded that it might be preferable to emphasise the moral significance of the sentence within the prison rather than in the courtroom. This chapter has shown, however, that the need to survive the prison environment serves to further divorce the crime from the punishment. Proportional punishment is meant to communicate the unacceptability of the crime (see e.g. Duff 2001; Feinberg 1994; Von Hirsch 1994) but the very experience of imprisonment impedes this – prisoners have to ‘put their head down’ and navigate their situation, which makes it irrelevant whether the sentence is just on normative grounds. This decoupling between these prisoners’ acceptance of their sentence and their thoughts on their crime and punishment means that

any normative message meant to be conveyed by their sentence is effectively lost. Furthermore, the role of acceptance of the sentence in adapting to imprisonment and creating a positive narrative means that any discussion that leads to a more critical understanding of the sentence would either be resisted or make the sentence harder to bear and a transformative story more difficult to tell. In case of the former, the communication will not have had an impact; in case of the latter it will exacerbate the pains of imprisonment precisely for those who have reason to oppose it, which cannot be a desirable outcome. This means that the long-term prison, like the court room, is a problematic locus for moral communication.

Chapter 9 Narrative demands and desistance

9.1 Introduction

The previous chapter discussed how the prison environment impacted on the way the men saw their sentence. However, they were not only coping with the prison environment, but also giving prison a place in their life narrative. This equally had consequences for the way they framed their imprisonment and parole. As set out in Chapter 4, I see narratives as both drawing on a wider life story, with consequences for identity, and as a situated performance. This chapter discusses how some of the men, by telling a certain story in the interview, were testing out as well as asserting their identity as a non-offender or a reformed character. While the previous chapters relied mostly on categorical analysis (Lieblich et al. 1998), where excerpts with the same topic were grouped and analysed together, in this chapter the emphasis is more on holistic analysis (ibid.), with interviews analysed as a whole. It moves away from the research questions about purpose and fairness, instead attempting to describe how sentences were given meaning in the context of whole lives.

The stories we tell to and about ourselves need not be stable over time. As Josselson (1995) found when interviewing women several times over 20 years, elements that were important in a story at one point disappeared from view later, only to sometimes re-emerge as significant as interviewees' view of themselves and their life story changed. She writes that 'in understanding ourselves, we choose those factors of our experience that *lead to the present* and render our life story coherent' (Josselson 1995, p.35). Presser (2008) has made the further point that narratives do not only concern the past and the present, but also the desired future, of which the narrative needs to make sense. Gergen and Gergen (1997) have noted that progressive narratives, ones in which things get better, fulfil an important social function in that they allow us to believe in positive change. They argue that a progressive narrative can be self-reinforcing, because the hope generated in telling this type of account provides us with motivation to make the projected positive future a reality.

This chapter examines how these narrative demands, as well as those more specific to prisoners, shaped the stories told by the men at the end of their sentence and those on license, and for some, their view of their imprisonment. As in the previous chapter, the narratives of the former group are discussed first, after which these will be compared and contrasted with the stories told by the men on license.

9.2 Transformation through imprisonment

The very end of a sentence may well be an especially significant point at which to tell the story of one's imprisonment. By then the sentence is almost in the past, and a return to society awaits, leaving the future wide open to narrative possibilities. Despite their strategy of 'keeping their head down' my interviewees' accounts confirmed that prisoners are more likely to think about the world outside at the end (as well as the beginning) of their sentence (Hood and Sparks 1970, cited in Burnett 2004, p.156).

my parole was coming and 'I don't know if I'm getting my parole or no' so I was getting quite excited and time was slowing down again, you know what I mean? (Doug)

The most progressive narrative open to many of the men at the end of their sentence seemed to be one in which there had been a change that made future desistance coherent with what had gone before²⁰. As Maruna has noted, 'the present "good" of the reformed ex-offender must be explained somehow through biographical events' (2001, p.85). For several of the men, this necessity severely influenced their view of their sentence, because they were only able to explain their break with the past through their imprisonment. Because their prison sentence was the only biographical event standing between their pasts and their future they made it the fulcrum of change; they told stories of personal transformation within the prison.

²⁰ Another way to frame the prison sentence in a positive light was to say that, if not imprisoned, you would be dead (usually from drug use, see section 6.6). While three interviewees maintained this was the case, it did not dominate their accounts or seem to have the same power as the transformation through imprisonment narrative discussed here, perhaps because it had no further bearing on future outcomes.

Because as I say, I really think things are going to be different this time. Whereas before I have known (.) I have maybe said they're going to be different, but I KNEW. I knew it wasnae like-, but this time things ARE different, eh? Just, it's not a case of thinking it, I KNOW they are different. I don't want to be in this life no more. (Colin)

Makes me, makes me in a good way feel now, looking back, that maybe the best thing was that I have done this sentence, now my eyes are open and I come out with a different attitude and a different aspect and look at things different, you know? And really, to go from 18 and now I'm going out, 24, I'm going about with my eyes open, I'm not going to be running about like a daft wee boy, out in the street drinking, stealing cars. (Gordon)

And I've learned from it, you ken what I mean. (.) I'm not coming back to jail again. Definitely not. You see, my [xxx] sentences were all small, smallish ... Just because they're small ones, you accept them, they're just small, don't have time to [come to your senses] but now this is a big one, you're confined for so long, plenty of time to think, you ken what I mean, about your past. (James)

These interviewees typically expressed gratitude for their sentence and saw it as a real turning point in their lives. James and Colin even expressed regret that they had not been given a long-term sentence the first time they were imprisoned, which they felt might have allowed them to desist sooner. They told what Presser (2008) has called a 'reform narrative', which she characterises as one in which moral transformation has taken place. As may be recalled from section 6.2, which focused on reform, the men discussed here credited their transformation to different aspects of their experience of imprisonment. Very briefly, Colin attributed the change in his outlook to staff 'taking an interest', Gordon recounted how he had very actively engaged with cognitive behavioural courses and bettered himself by using all the resources available within prison, while James felt that having had time to think had allowed him to come to new insights.

These men seemed to have found in their imprisonment something that allowed them to 'knife off' their criminal pasts, at least in the way they constructed their narratives during the interview. The slightly odd phrase 'knifing off' was used by Sampson and Laub (2005) to describe how turning points, such as marriage, moving to a new area and military service but, significantly in this context, also stints in reform schools, allowed the offenders in their research to separate their future selves from their past selves. They 'knifed off' their pasts, including social roles and friendships, thus 'providing the opportunity for identity transformation' (Sampson & Laub 2005, p.18). The concept of 'knifing off' has been examined in depth by Maruna and Roy (2007), who have pointed out that it more aptly applies to situations where structural changes in people's lives mean

that opportunities (both positive and negative) are restricted, rather than to changes in self-perception. They emphasise that any ‘knifing off’, given the violence inherent in the term, should be definitive. However, they also note that imprisonment, like military service, does knife off connections to opportunities and identities on the outside, albeit temporarily. Perhaps, then, my interviewees were trying to use this temporary freedom from past identities and temptations to construct stories in which their lives *were* irreversibly changed, although whether a definitive break (or cut) with the past had been achieved remained to be seen.

Equally, it may not be so much the ‘knifing off’ inherent in imprisonment that means my interviewees ascribed such transformative power to it, as the fact that their prison sentence was the only *possible* fulcrum of change at the time of the interview, given that before they were imprisoned they were still offending. Comfort (2008) also found that ex-prisoners ascribed redemptive and rehabilitative powers to their prison sentence even in the absence of any constructive intervention. In other research projects, mostly evaluations, I have been told similar stories of transformation, but with the transformative power ascribed to peer support upon release from prison or to a cognitive behavioural programme. For example, a programme participant said:

Your perspective on life is totally out the window, like. Before I started [the course] I couldn't be bothered with anything, get a job, being with my family. And now I've got a job, I am with my family and everything is going brilliant. (Schinkel & Whyte 2009, p.51)

And a peer support recipient commented:

To be honest with you, I don't think I would have been able to do it myself. As I says, I would have probably ended up drinking again and reoffending. (Schinkel et al. 2009, p.41)

This suggests that offenders (as well as perhaps others with problematic identities, or even anyone dissatisfied with their current situation) might be likely to ascribe transformative power to anything that holds the possible promise of fulfilling this role. This might also explain the attraction of religious conversion in prison (Maruna et al. 2006; Giordano et al. 2002). Given the value of the progressive narrative (Gergen &

Gergen 1997) in explaining and further stimulating positive change, one might be created wherever it is both needed and possible.

This desire for transformation was not only evident in the accounts of those who told a reform narrative. Several others seemed to attempt to construct a similar account, but struggled to maintain it. Like Peter (see section 8.5), they would start a story in which prison transformed them, but then contradict themselves in other parts of the interview.

Em (4) the meaning of my sentence, what it is tae me? Eh (.) it makes you think more on part of (2) the value of life a bit more in the future. Em (.) probably helped me think, if I was ever in certain situations I'd think a lot more about my actions (.) and what harm they can cause (.) and what harm they can cause tae me as well as anybody else, it would probably make me think a lot more, eh? ... Never say never eh, anything could happen. My victim or anybody else who's got grievances wi me might try and attack me know what I mean, I don't know whether I'll seek revenge efter that, know what I mean, I just don't know. (Doug)

Aye, I think I've changed, you know what I mean, I really do think I have changed. I think this sentence has opened my eyes up to a lot of things. Just, the way I look at life, stop being selfish, stop thinking about myself all the time. I've got a wee/ I've got a family, I've got a wee girl, you know, I just want to make things different for her, I want to give her an upbringing, a better upbringing than I did, y'know? ... I hope to get my life sorted, but they can/ they just keep on putting me in hos/ it's not going to work. Something will happen, I'll do something again, y'know. (Graham)

These quotes suggest that Doug and Graham would very much have liked prison to transform them, but were not quite able to maintain the coherence of this story. In this, they were similar to the 55% of Burnett's (2004) respondents who wanted to desist but were not sure that they would manage to achieve this (with 39% thinking desistance was not even 'probable'). Their interviews also resembled those reported in Giordano et al (2002) in which the interviewee displayed an openness to change, but because of 'a hedge or a break in the storyline' (p. 1031), did not present a confident account of such change.

What is the difference between those who did maintain the coherence of their desistance throughout the interview and those who did not? First of all, it is possible the difference is an artefact of the interaction. As the interview with Peter discussed in section 8.5 demonstrates, if I had asked different questions, or pushed harder, James, Colin and Gordon may also have partially discredited their own transformation narrative. Conversely, if the interview had been shorter, or certain questions had been omitted,

Peter, Graham and Doug might have maintained the coherence of their transformation through imprisonment. However, reflecting back on these interviews, and looking at them as a whole, the former three appeared more invested in their story of change and worked harder to *make* it fit the facts. For example, when Gordon's language slipped at one point so that it allowed for a slight possibility of reoffending by using the word 'hopefully', he immediately corrected himself:

I'm hopefully/ I will manage outside, no, I'm definitely going to do it. (Gordon)

The language he used here of 'no, I'm definitely going to do it' suggests that he was correcting himself and telling himself to maintain his preferred narrative. He seems to be training himself to think in the 'right' way – in the process giving credence to the theory that the narratives we tell ourselves shape our identities and our futures (e.g. Josselson 1995; Maruna 2001; McAdams 2008; Pavlenko 2002; Singer 2004).

Being as committed to their transformation narrative as Gordon, Colin and James worked very hard to make a distinction between their current sentence and their previous sentences, which had failed to bring about desistance. Colin did this by emphasising the difference between short-term sentences and long-term sentences throughout his interview, returning to this point at least eight times. Indeed, the very first thing he said when he was asked to tell the story of his sentence was:

Well, I think this sentence is the only actual one that I have managed to gain stuff out of. I have managed to get myself off the drugs and that. Just there is more sentence manage/ every other sentence I have done, it's been all short term sentences.

The distinctions he drew between his sentences came close to 'splitting' (see Hollway & Jefferson 2000), with all the negative aspects of imprisonment projected onto his previous (short-term) sentences, which were seen as only harmful, so that the present sentence could be constructed as only positive. James, who had served a sentence of five years before, had to draw a distinction between this and his present sentence.

I was only in for two and a half years, so I was out pretty quick, two and a half years. I was up in Aberdeen for a year, by the time I [xxxx] there was eighteen month left to do, that was me out. And this one, a lot of time to think. (James)

James's need to defend the fairness of his sentence, as discussed in section 8.3 was most likely also related to the transformative role he ascribed to it in his wider narrative. James's, Colin's and Gordon's narratives were *about* their transformation, the main theme of their story, in a way that Doug's and Graham's narratives were not. Peter's narrative centred around transformation, until he abandoned this in the face of inconsistency, after which he emphasised his victimisation instead.

9.3 Why credit imprisonment with transformation?

Burnett and others have found that prisoners who were most certain of their future desistance were likely to be those who faced fewer problems upon release (Burnett 2004; LeBel et al. 2008). While the men telling me stories of transformation through imprisonment were confident about their desistance, analysis across the interviews suggested that telling this type of narrative was, in fact, a strategy born out of a lack of alternatives and resources. Other men were able to construct a positive account without having to tell this type of story. Instead, they offered the kind of narrative told by Devan, as discussed in section 8.5, in which he was never really an offender but was led to commit his crime through a combination of circumstances. He expected to return to his family and his old existence, so that prison was just a glitch in an otherwise favourable life. While Devan and Robert (one previous sentence, but twenty years ago) were the only ones at the end of their sentence to tell this type of story, others at the start of their sentence did the same. David and Paul, like Devan, had no previous offences, while Alan had served one short-term prison sentence in the past. All of these men identified themselves as 'non-starters' (Burnett 2004): they said their offending had been out of character and were certain they would not offend again in the future. Accordingly, they were able to tell 'stability narratives', with the narrator 'steady in his propensity to act according to moral principles' (Presser 2008, p.62). They had no need for any transformation.

A further factor which seemed to negate the need for a transformation narrative, one which often coexisted with a 'non-starter' identity, was having resources available upon release. Maruna has noted that:

The white-collar or corporate deviant can fall back on family savings, a college education, or the support of well-connected friends to aid their transition out of crime (Maruna 2001, p.14)

While none of the men in my sample quite fit the bill of white-collar criminals, nonetheless all the men mentioned above (Devan, Robert, David, Paul and Alan) as well as Alex and Dan had resources to overcome the potential negative impact of imprisonment, such as supportive families, savings, well-paying jobs they could return to and stable accommodation.

Eehm, and (.) what I'm gonna do is, once I've got all this license and things out of the way, I'm going to relocate to Canada ... So eehm, I'm kind of lucky, I mean (.) when I was a bit younger, I invested some money in some like flats and stuff in Aberdeen and rented them out, then I was lucky enough to get the timing of it right, you know, I sold before the property bubble burst and stuff, so it's not like, I mean, I have, I have resources to go out to. (Alex)

Accordingly, desistance was a likely prospect for these men, which meant they had no reason to tell a story that revolved around the positive impact of imprisonment. Giordano et al have also commented that those with the most resources do not have to rely on 'agentic moves' (2002, p.1026) in order to desist. However, those who had resources but were not able to portray themselves as 'non-starters', did need some explanation of the projected change in their behaviour upon release. Both Alex and Dan explained their future desistance through maturation:

I shan't be back in jail, because I know that if I come back again, I'm coming back in here to die in jail. Because there is no way, nobody lives forever. And I've already outlived a lot of my peers. (Dan, late 60s)

I'm 36 now, 37 in April and I can, I can feel in myself a, a, a tapering down of that, of that risk tolerance. With age, I feel now I'm becoming increasingly risk averse. There's a clear link between getting older and (.) a decline in, in, or an increase in risk aversion. And I think, I think personally that that's a hormonal thing, I think that's testosterone linked, you know. ... You know, for example, I can just feel, now, that eehm, that, that my willingness or propensity to commit similar crimes in the future would be really low, you know, really low. (Alex)

The transformation through imprisonment narrative might, then, have arisen from a need to explain a definitive break with the past in the absence of favourable circumstances upon release. But those who told or tried to tell this type of story were not the most disadvantaged or stigmatised amongst my interviewees. Those with the longest histories of imprisonment and the least favourable prospects upon release tended not to try to construct a story in which desistance was a coherent outcome. As discussed in section 6.6, they were so used to imprisonment that it was no longer aversive and therefore desistance was no longer a (necessary) goal for them.

Perhaps the risk arises here of giving an overly structural explanation of narratives. I do not want to suggest that the type of narrative the men told was determined by the number of their offences or their resources on the outside. Neither is the above meant to be a typology. The narratives told were too complex to neatly fit into exclusive groups. The freedom the men had to shape their own narrative, despite these also being shaped by their life circumstances, was demonstrated by Peter, who switched from one type of account to another in response to what happened in the interview. Also, not all the men I interviewed at the end of their sentence have been mentioned in the above discussion: Neil was neither a very persistent offender nor resigned to future imprisonment, and had precious few resources to draw upon on his release, but even so did not narrate a story of transformation. My memo on 'transformation in prison' in QSR summarises his case as:

has had a long term sentence before, nothing about personal change, except for getting older and hoping that he realises it isn't worth it. Wants to avoid further sentences.

On the other hand, Gordon, who did tell a transformation story, had never been imprisoned before and might therefore equally have appealed to a 'non-starter' identity, especially as he maintained he was innocent of his index offence. This demonstrates that constructing any narrative remains a creative endeavour, far from wholly determined by circumstances. But I do want to make clear that narratives, while often associated in the literature with agency and creativity, are created and shaped within the confines of our lives. As we use them to make sense of our circumstances, these circumstances inevitably have an impact on the narratives we tell.

As Josselson (1995) has pointed out, narratives are not fixed for evermore. It was notable that with the exception of Andy, who was on license, only those at the end of their sentence told a story of transformation that wholly relied on imprisonment. Many of those who were at the start of their sentence or on license also told a story which aimed to make future desistance a coherent possibility, but the emphasis in most of these stories was not on the prison experience. When prison did play a role, it was more often in combination with other factors such as family ties and relationships. For example, Mark referred to support he had received in prison as changing his outlook (see section 0), but attributed most of the change in him to the promise he had made in the name of his son and the man he had killed.

What I got the sentence for, the whole time I spent in prison was that I was gonnae actually try at least and better my lifestyle, you know, for no just myself, for my wee boy that passed away, that's no here and the man, that died senseless, you know, ..., and I made a pact / I made a pact wi' the both and myself really to try and better my life. (Mark)

For others, their prison sentence played even less of a role in their transformation, with relationships being the main focus.

Me and my daughter are very, very close. Eehm, and my daughter had says ... 'I don't need a dad in the jail, I need a dad oot here'. ... and that really gave me a heavy guilt trip. Cause, although I've kind of skirted by that and thought, I didnae actually think about it in any deep, deep way. But when she's actually saying it to me it kinda it, it (.) hurt me, I could feel it in my heart and I'm saying to mysel' 'she's absolutely right'. (Lino)

It's the girlfriend, y'know, keeping a (.) level heid on us an stuff like that, know, but I think it's her basically, it's doon tae her, you know, tryin' for a family an stuff. (Smitty)

These men found other biographical events to make their desistance coherent, rather than their imprisonment. But for those coming to the end of their sentence, many of whom had cut themselves off from their families in order to 'keep their head inside the jail' (see section 8.4), other possible biographical events will have been scarce; hence the focus on imprisonment. It may be that, once these men are out in the community again, they will choose different, more recent, elements of their experience to make desistance coherent. There was some indication that this may be what happens, but before examining this, it is useful to compare the narratives of those on license with the hopefulness inherent in the transformation narratives of those at the end of their sentence.

9.4 Hard times on license

Compared to the optimistic picture of their future painted by some of the men at the end of their sentence, with prison as a positive element in their lives, the narratives of many of those on license were less confident and positive; with their imprisonment either portrayed as neutral or negative. This was in part due to their perception that they were institutionalised (see section 8.6), but other factors also played a major role.

First of all, six out of the nine men on license described how, since they had been released from prison, they had isolated themselves, in a sense perpetuating the separation from society that prison had imposed on them.

I stay in the hoose all the time, I mean I just stay oot the way o' people, I don't hang about wi anybody or that anymore. I just stay in the hoose dae my ane thing if I kin. (Andy)

Aye even oot here. I still don't come out much, if I dae come oot I come in a taxi or I'm in a motor. (Jack)

One reason for this isolation was a feeling of being under surveillance. The men felt that if they were not careful any misstep would be noted and have grave consequences. Many of them had returned to their own communities, and some had a history with individual police officers, who were also still working in these communities. This led to a feeling that their every move was being watched.

I very rarely leave the hoose. I'm actually FEAR'D tae leave the hoose because I'm saying tae mysel' 'what if they dae want tae get me, what if they just want tae go 'oh we'll just get him one last time' (Lino).

Furthermore, the men keenly felt that them being on license, and their criminal record generally, meant that they would be punished much more harshly than others for any misstep. This meant that they felt especially vulnerable when interacting with others.

'Cause it's always something hanging o'er your heid, innit, know what I mean, so you know you can be recalled for the stupidest things. (Smitty)

It's no like I'm fear'd tae go oot, it's just that I don't want tae be roped into anybody else's shite outside an I'm the wan that has tae go to jail for it. Cause I'm oot on license. (Jack)

The men's sense of surveillance was not only expressed in their narratives, but also in how they approached the interview. Whereas the men in prison often volunteered information about undetected offending and illicit activities they were engaged in while imprisoned, most of the men on license were much more wary of disclosing any offending. For example, the following excerpt is from an interview with Tony, who was otherwise very open and happy to answer personal questions:

Tony: I mean we dae think at times (.)'I'm a good runner I'll no get caught' but eh ...

M: Mm but hopefully you didn't get caught every time because otherwise it would be depressing (laughs) [Interviewee indicates recorder, not a topic he's happy discussing].

Others had similar reactions or hesitated before answering, generally showing much higher levels of awareness of the potential consequences of their disclosures than those in prison.

This sense of surveillance might not have made much difference to their lives if these men had felt confident in their ability to go straight. However, it is clear from the interviews that many no longer felt in charge of their own destiny in the way that those telling transformation stories within the prison did. They did not express the same level of mastery over their own fate and did not see themselves as able to overcome all obstacles (Maruna 2001). Instead, like the young offenders in other research, they practiced diachronic self-control (Shapland & Bottoms 2011, p.274); that is, they limited their actions in such a way that they were unlikely to face temptations they could not resist. They felt that it would be very easy to get swept up in offending behaviour if they saw their old friends, or were even amongst other people, and therefore avoided offending by avoiding these situations.

It took a long time for me tae try an get that in ma heid that, if I don't stay away fae the people I've been associating wi, I'm gonnae KEEP getting into trouble. (Lino)

I just stay in the hoose dae my ane thing if I kin and it's/ for me I find it's the only way to avoid trouble. (Andy)

This pessimism about their own agency was compounded for many of these men by the difficulty they faced in finding work. For some, like Lino and Mark, this was not a

priority. They felt that living a crime-free life was enough of an achievement for the time being and therefore felt relatively satisfied with their situation:

I would like tae get tae that stage eventually, but I reckon with regards tae the way I've been feeling, I'm feeling very institutionalised and kinda withdrawn, (.) tae a certain extent fae wider society. It will probably take a few year before I would even consider that. (Lino)

I can still stay in my wee flat, I can pick away, I can still do my ane wee thing, you know what I mean. I can come and go as I please, I can/ without upsetting anybody, know what I mean. (Mark)

However, for many of the others, legitimate employment was a necessary marker of progress or a financial necessity, and they accordingly felt very frustrated with their inability to secure this. Some had had temporary jobs or worked cash in hand for people they knew or family members, but none had found long-term steady employment²¹.

The last year I've been oot and I've maybe been sitting in the hoose and I'm pissed aff and I'm fed up wi everything, cannae get a job, you feel as if nothing's going right for ye. I just/ I've had me sitting saying tae myself 'I feel like being back in the jail the now' (Jack)

I have been looking the whole time, yeah, eehm but to be honest I've went through phases where I (2) sometimes, you know you'll get really buzzed up and you'll go to the Job Centre every day for two weeks and then things/ you start getting a bit demoralised and things, you just can't find anything, then you end up just leaving it (Mohammed)

The men were coming up against the fact that prison sentences of over two and a half years are never considered 'spent' in Britain and have to be disclosed whenever requested in job applications or interviews (Rehabilitation of Offenders Act, 1974). As they had all served long-term sentences, which by definition are over four years, all of them faced a lifetime of disclosing their prior offending. This also meant that in the process of applying for jobs they were not only 'discreditable' by their offending history, but actually 'discredited' (Goffman 1990, p.143). Like others with a criminal record

²¹ The only one who had done well professionally was Tony, who had set up his own gardening business and was now busy enough to hire his brother to work with him. Interestingly enough, he was one of the men for whom imprisonment had become a normal fact of life, and though he described a transformational moment, in the rest of his interview he did present himself as having made a radical break with his past, except for in his offending behaviour. He did not use his legitimate and successful enterprise as a marker of a new identity.

(Schneider & McKim 2003; Burnett & Maruna 2006), some of the men felt the stigma of being an ex-offender most keenly when facing potential employers.

See I'm scared to go to a job interview, it's just something/ see bringing up my criminal record in front a' people that don't know anything about it, it's actually very (.) it makes me really nervous. I don't like bringing it up, it's as if I get really paranoid thinking that people, you know, they'll think you're a very nice person to start with and then when you mention that they just kinda/ as if like that. (Mohammed)

Andy's case was emblematic of the way difficulties in securing employment influenced narratives. His narrative was the only one of those on license that relied on imprisonment to deliver the power to desist: he felt it had given him discipline and greater self-esteem (see section 6.2.4). However, this attribution of change may be as much an indictment of his life after prison, two and a half years in which no further catalysts of or even supports for change had been found, as a reflection on his time in prison. Despite his best efforts to go straight – he went to college but left without qualifications and had applied to numerous jobs - he felt unable to break away from his previous life because his attempts to establish a new identity were coming to nothing. His frustration about this was palpable throughout the interview and he was probably the most despondent of all my interviewees.

So what's the point of trying to change if there's nothing you can dae tae move on, you know what I mean, so. I feel kinda bad telling you this, it's just a hopeless cause [slightly laughing] really for me I'm starting tae think, it's horrible. I came oot wi all these big ideas and I went tae college, so 'I'm gonnae use it' and 'I'm gonnae use my experiences, I'm gonnae try and change, I'm gonnae try an let people know what it could be like in my situation'. Pfff, it just didnae happen man. ... Like I was saying, the thing that's really frustrating me the noo is no being able tae get a job and it's so, so annoying, so frustrating honestly it's just (.) it feels like everything's just wasted, every bit of my sentence, every effort I've made after it just, pffff, been a waste o' time that's what it's starting tae feel like. Pretty scary. (Andy)

Andy saying 'I feel kinda bad telling you this' indicates that he feels this ending is spoiling his story, the one that should have progressed from him making the most of his prison sentence to him having the job and life he envisaged. Instead, he is feeling dragged back to his previous life and that 'everything's just wasted', even his transformative prison sentence. His final comment in this quote 'pretty scary' sums up well how he portrayed his life throughout the interview: as careering out of his control. Ironically, he would most likely have told a much more positive story, like Colin, Gordon and James, if

he had been interviewed before release. Sometimes, it seems, imprisonment promises endings that the realities of freedom cannot deliver.

One of the ironies contained in the men's accounts was the way in which prison could be more accommodating of a positive identity than freedom. Within prison, they only compared themselves to other prisoners, all of whom were in the same predicament. Given that staff were generally seen as treating the men with (enough) respect and that there was very little discussion of their offence within the prison, there was actually little stigma experienced within that environment. And as Mohammed puts it:

it doesnae matter what kind of criminal record you've got, you've always got a job in prison....it's SO easy, it unbelievable, you come back from work, brilliant go for a shower, put the Play Station on, feet up and that's you for the night.

The combination of the ready availability of work, limited demands, and constraints on what the men *could* aspire to in prison meant that they were generally satisfied with their own achievements within that environment. However, upon release the possibilities for achievement were amplified, and they were more likely to compare themselves to their peers on the outside, who usually had jobs, wives and children. Partners also tended to be less understanding of the men's situation once they were released, which could cause problems.

And because ...she was workin', she was staying wi me, the brew has mare or less says `you take her money, you're living aff her'. An it's no as easy as that, know what I mean, *that's not the way things go*, so she wasnae having it. Well, she was keepin' me going for a couple o' months an then she started moanin' aboot the money an it was just pffff arguing, so noo she's got her ane hoose, an that's it. (Andy, emphasis added)

Andy's girlfriend's perception that 'that's no the way things go' reflects the societal expectation that the man is the breadwinner of the household, a role that was difficult to fulfil for him given his situation. With both themselves and their environment expecting more of them, and opportunities to meet these expectations few and far between, being a released ex-prisoner was a more stigmatising experience for most than being a prisoner.

However, this generally down-beat portrayal of life on license is not to say that there were no positives, even for those who were frustrated by their search for employment. In fact, there were some indications that a few of the men on license were using the support they received in the community, rather than their prison sentence, as part of an explanation of why they were (going to be) able to desist.

This is probably about the best I've done since I came out. Out of ah' of them. I know if I didnae have the support of some people the noo I wouldnae have been able tae do it, do you know what I mean? (Jack)

The level of support that (social worker) and (drug worker)'s gave me has been second to none, I've no had anywhere NEAR that kinda help before in the past, so I'm very grateful for the two of them, for what they've done for me. It is still doon tae me anyway tae make the decisions I suppose at the end of the day, but withoot their guidance an help I'd certainly, I think there's a good chance that I'd be back in on drugs or I'd be on somethin', I've be involved in somethin' somewhere. (Lino)

Using an element of the present to explain desistance, rather than something that is in the past, may be preferable when there are further problems to be faced. Anything that is firmly in the past will not be able to solve on-going problems, for example, his prison sentence is not going to solve Jack's problem of finding work. As Giordano et al write: 'such cognitions are eventually grounded in the past (memories of previous jail time) and do little to direct or sustain any kind of forward motion' (2002, p.1034). But when the transformation is still in progress (for example, through support from social workers), then present problems may still be overcome. Therefore, locating change in the present may facilitate a more hopeful outlook than locating it in the past like Andy. On the other hand, these men's narratives were much more nuanced and less definitive than the prison transformation narratives. As discussed above, Lino and Jack both isolated themselves in order to avoid offending and did not have any ready solutions for the problems they still faced, such as mental health problems (Lino) and unemployment (Jack). They did not exhibit the blind optimism of those who were still in prison and their belief in their desistance was much more tentative. The next section theorises what impact a strongly optimistic narrative might have on desistance, and whether the more nuanced and perhaps realistic narrative of those on license will be more or less powerful in helping people to desist.

9.5 The power of transformation narratives

Recent literature has made much of the role of subjective changes, including confidence in one's ability to go straight, in the desistance process (Maruna 2001; Burnett & Maruna 2004; LeBel et al. 2008; Presser 2008; Giordano et al. 2002). In his seminal work, *Making Good*, Maruna (2001) found that ex-offenders who had desisted from crime told a 'redemption script', which contained three elements: an optimism about one's own ability to overcome obstacles, a motivation to contribute to causes greater than oneself and a belief in one's own, essentially good, true self. In contrast, persisting offenders told a 'condemnation script' in which they portrayed themselves as powerless to overcome their problems and therefore 'doomed to deviance' (Maruna 2001, p.74). The book strongly suggests that developing a redemption script has a positive impact on the process of desistance. Maruna and co-authors asserted in a later article that 'these narrative patterns seem to distinguish successful from unsuccessful ex-prisoners, *predicting* successful reform after imprisonment' (Maruna et al. 2006, p.181, emphasis added).

My results suggest that the connection between optimistic narratives and desistance may also run the other way, with desistance strengthening such narratives. The transformation stories I came across amongst the men at the end of their sentence in some ways resembled the redemption scripts as described by Maruna (2001): those telling them ascribed much power to themselves to overcome obstacles and presented themselves as essentially good in the present. However, it is possible that some of them will be unsuccessful in their move away from crime and will have to give up their transformation story once they have reoffended. Only those who do manage to desist will still tell a story of transformation years later. If the transformation story is a preferred narrative, told by many prisoners like James, Gordon and Colin (i.e. those who have few resources on the outside but are also not resigned to a life of imprisonment), then it might not be (only) that those who develop redemption scripts desist, but also that those who desist are the ones able to retain their redemption scripts.

To see if this is plausible, if the transformation narratives I found might become redemption scripts in time, it is important to examine their differences as well as their

commonalities. An important aspects of redemption scripts is that Maruna's interviewees appealed to an essentially good self – they did not condemn their past self as having been bad, but saw themselves as having been led astray from their essential goodness (Maruna 2001; see also Presser 2008; Vaughan 2007). Many of my interviewees, on the other hand, did not disown the acts they had committed or practice neutralisation techniques such as minimising the harm done or their own responsibility (Sykes & Matza 1957). This may be the consequence of their current imprisonment or ongoing contact with criminal justice social work, both of which are known to emphasise the need to take responsibility for one's offences (Maruna 2001; McKendy 2006; Miller 2011). If this is the case, then their acknowledgement of responsibility and previous 'badness' may well be tempered for successful desisters as crime recedes in the past and contact with criminal justice agencies reduces. This difference, then, does not mean that transformation stories cannot turn into redemption scripts over time. This is supported by a recent retrospective study examining the identity formation of reformed ex-prisoners (Aresti et al. 2010). For some of these desisters, defining moments of change had taken place in prison. Aresti et al write:

It is at this point that the first signs of self-change begin to emerge, as the men move towards taking control of their lives and they attempt to create a new and meaningful identity (2010, p.175)

The fact that at least some of these men, who otherwise tell something much like a redemption script, see a personal transformation in prison as the cradle of their new identity makes it plausible that if James, Gordon and Colin manage to desist, their stories may come to resemble those of Maruna's (2001) desisters.

An important finding of my research is that the type of narrative one prisoner tells is not set in stone. I have noted above that those who tell a 'transformation through imprisonment narrative' in the present may have to abandon it if they reoffend. Equally, reality might come to contradict this story in more subtle ways, as it did for Peter in the course of the interview. Because he could not maintain the coherence of the distinction between this and previous sentences, he abandoned his transformation story and went on to construct something much more like Maruna's persisters condemnation scripts, in

which his offending was a product of his youth in institutions and he was condemned to commit further crimes. Those coming to the end of a (long) prison sentence are still able to choose between the different scripts, because their reality is not yet one that can either confirm or disprove whether they will desist or not. Those trying to tell a transformation story did support this with reference to their behaviour in the prison, in terms of staying away from drugs or avoiding confrontation, but with most everyday frustrations and temptations into crime ‘knifed off’ for the time being, they are in principle able to tell either story, or a combination of both, or different ones on different days or to different audiences. In that sense, both the meaning of their prison sentence and their possible futures are not yet fixed. This fits both with my view that the meaning of events in the life narrative only become fixed over time (if ever) and with what I go on to say about the ‘zig-zag’ path of desistance below.

On the other hand, it is possible (and maybe even probable) that Colin, James and Gordon *will* be more likely to desist than Peter, Graham and Doug, because their narratives suggest or signal their commitment to this goal. Several studies have attempted to unravel the contribution of subjective factors to desistance. In a prospective study Burnett (2004) found that the more confident about desistance imprisoned property offenders were when they came to the end of their sentence, the less likely they were to have reoffended up to 20 months after release. However, those who were the most confident about their desistance also had the fewest problems facing them upon release. A later quantitative study using the same data combined with ten year reconviction data, aimed to separate the effect of social problems from the effect of subjective factors (LeBel et al. 2008). It found that (the number of) social problems faced upon release had the greatest impact on whether desistance was achieved, but that (1) the perception that being an ex-offender would make desistance difficult, (2) identifying oneself as a ‘family man’ and (3) regretting past offending also had some impact. The level of confidence in one’s ability to desist only impacted on eventual desistance through reducing the number of social problems upon release (although an alternative explanation, acknowledged but not tested by this study, is that expectations of social problems upon release made the offenders in this study less confident of their eventual desistance). When these findings are applied to

Colin, James and Gordon, it would appear that they should have little advantage over others as they did face multiple problems upon release, including unemployment, being housed in a hostel or with parents and financial difficulties, issues their transformation story had no power to resolve. LeBel et al's findings also suggest that those men who credited their transformation to their children rather than to imprisonment (see section 6.2.5) might have a better chance of desisting, as the identity of 'family man' had a greater impact than confidence about desistance.

Giordano et al (2002) took a different approach to separating out the effects of structural and subjective changes. They interviewed 127 delinquent girls and 127 delinquent boys in 1982 and then interviewed 85% of these now young adults again in 1995. Besides more structured questions, they also conducted narrative interviews with 97 of the women and 83 of the men at the second sweep. They found that structural variables, such as employment and high quality marriages (rated as such by the respondents) did not significantly predict desistance. The authors contrast their own findings with those of Sampson and Laub in order to emphasise the importance of time and place in processes of desistance. Sampson and Laub had found, using longitudinal data on people who were adolescents in the 1940s, that steady employment and a high quality marriage could provide the impetus for desistance, in the absence of any prior subjective changes (Sampson & Laub 2003; Sampson & Laub 2005). Giordano et al (2002) point out that for Sampson & Laub's respondents, steady employment may still have been something that was offered, rather than obtained only with great difficulty, and people were much more likely to marry. Giordano et al's respondents, on the other hand, were very unlikely to have both steady employment and a high quality marriage. Given these circumstances, they argue, offenders *need* a real openness to change before any change can happen. Because structural changes do not fall in their lap; offenders have to work hard to leave their old lives behind. Giordano et al write:

At the point of change, this new lifestyle will necessarily be 'at a distance' or a 'faint' possibility. Therefore, the individual's subjective stance is especially important during the early stages of the change process. (Giordano et al. 2002, p.1000)

However, they also note that some of their respondents lived in such deprived circumstances that even the most strong-willed and motivated might not manage to desist. They argue that, while openness to change is necessary, it is not sufficient. It needs to be accompanied by 'hooks for change', which will allow the person to turn their wish into a reality. Interestingly, for some of their respondents imprisonment provided this hook. Giordano et al note, however, that the prison experience might not be as good a 'hook for change' as others, such as religion and parenthood, because it neither provides a blueprint for life after imprisonment nor a new identity to replace the old one of offender (see also Maruna & Roy 2007).

Giordano et al's findings have implications for the power of the transformation story as told by James, Colin and Gordon. On the one hand, those who tell a transformation story may be more likely to desist than those who are less committed to a changed life, but their use of prison as a fulcrum of change might not be as powerful as other possible hooks they might have used to construct their narratives, had they been available. For example, if they had found religion in prison, this may have been a more powerful predictor of desistance. As it is, they still have to leave prison and find a new way of living on the outside, rather than stepping into a ready-made identity (and, in the case of religion, a ready-made community). This may be another reason why the men on license tended to credit other aspects of their experience with their transformation, such as becoming a father, or realising that they needed to be there for their children. This may have provided them with better 'hooks for change'. And, again, James, Colin and Gordon might well shift the attribution of their transformation from prison to more suitable 'hooks' once (or if) they encounter these.

A further implication of the Giordano research for my findings is the way in which the importance of subjective changes is determined by resources. As those with the most resources are unlikely to need much motivation to escape their pasts and those with the fewest are unlikely to escape it at all, the authors emphasise that 'on a continuum of advantage and disadvantage, the real play of agency is in the middle' (Giordano et al. 2002, p.1026). The question is whether Colin, James and Gordon will have sufficient

resources and encounter enough opportunities to fit into this ‘middle’ and to make their desistance a reality. While the current research was not longitudinal and it is not possible to say whether their accounts will come to closely resemble those of the men on license once they are released, the latter’s accounts do describe possible ways of navigating (and narrating) the world they will return to. As discussed above, in many ways they were further from telling a redemption-like script than Colin, James and Gordon. They were less confident about their ability to control their own behaviour, less optimistic about the future and those who wanted to find work were more frustrated with their situation. On the other hand, all were still on license and most were actively trying to avoid offending by staying away from the situations in which they thought this might be likely. In addition, their stories had something in common with redemption scripts in that they attributed at least part of their decision and ability to desist to significant others and criminal justice staff. Despite all the obstacles, they were managing to live in the real world without offending (or at least, without committing the kind of offences for which they would have been recalled).

Perhaps, the lack of zeal on the part of many of the men on license reflects what has been called the ‘zig-zag’ path of desistance, where motivation to stop offending waxes and wanes according to circumstances and inclination, and which includes stumbles and relapses along the way (Burnett 2004; Maguire & Raynor 2006; Taxman et al. 2004; Piquero 2004). There might not be one ‘point of change’ as suggested by Giordano et al (2002)²². Instead, there might be one *first* moment of change, the first time a person decides to aim for desistance, followed by many re-affirmations later after periods of less certainty. If so, it is likely that in the development from prospective transformation story to retrospective redemption script a period in which the storyline is less certain is to be expected, until the person either reoffends or attains the position he envisioned originally. This may also reflect the difference (and the period) between primary and secondary desistance (Maruna and Farrall 2004, cited in McNeill 2006, p.47), while at the same time problematising the order in which these occur. While those who told a

²² Although see MacDonald et al (2011), whose research suggests ‘critical moments’ of insight can be important in the desistance process.

transformative account at the end of their sentence claimed a newly created non-offender identity (the first inkling of secondary desistance), in all likelihood, they would have to go through a period, like those on license, where the future would be less certain, despite (hopefully) an increasing period of non-offending (primary desistance). Aresti (2010) has written of this in-between stage, which he calls 'life in transition' that

the men's successful attainment of early goals appeared to induce feelings of competency and confidence, and had a positive impact on their sense of self, motivating them to engage in more challenging pro-social pursuits (p. 135)

This attainment of goals may be what is missing for the men I spoke to on license. They had not met with much early success, and so for them their continued desistance (an absence of a behaviour, rather than an active involvement in something new) was the only marker of change. It is telling that none of these men, most of whom had been out of prison for at least 2 years, felt they had attained their desired life and identity. Most of them were still waiting for the structural changes that would allow them to secure a happy ending. If these changes do not occur, then their desistance might not be the redemptive journey described by Maruna as 'making good' (2001), but one that ends in their current situation: one in which they are trying to maintain an everyday existence on the outside without offending, by 'knifing off' most of the social world.

9.6 Conclusion

This chapter has discussed how narrative demands shaped the stories told by my interviewees and how different stories might be related to different types of outcomes. In relation to my original research questions, the main message of this chapter is that it is not only the immediate need of coping with a long-term sentence, discussed in the last chapter, but also the longer term need of constructing a story that makes sense of their lives that influenced my interviewees' views of (the legitimacy of) their imprisonment. When a sentence is constructed as 'the best thing that could have happened' it is unlikely that it will at the same time be experienced as unfair. Similarly, in such a narrative the sentence is almost inevitably positioned as reformative.

This chapter has also examined the ways in which people's lives and the way they make sense of their sentence interact. Some pasts lend themselves better to certain kinds of stories and, conversely, different types of stories might be associated with different futures. Amongst the men I spoke to, it was those with few resources and a significant criminal history who were most likely to position their prison sentence as transformative just before their release. They occupied the middle position amongst my interviewees, with those with few previous offences and/or good resources seeing themselves as not in need of transformation in order to desist, whereas those with long histories of institutionalisation and sentences tended not to see desistance as a necessary goal. A large part of this chapter has been dedicated to the question whether telling a transformation story is, in fact, likely to make transformation a reality. The evidence suggests that, if optimism and confidence in one's ability to desist has any predictive power, it is modest, especially if this confidence is based on the transformative power of one's prison sentence, as this does not provide any blueprint or identity for life after imprisonment. The problems the lack of such a blueprint leads to were clear in my interviews with the men on license, very few of whom had been able to build up an alternative life and identity, instead isolating themselves to protect their non-offending.

Is such a life of isolated desistance good enough? Other researchers have also found that desistance does not necessarily involve a grand narrative arc, ending in redemption. Most of Appleton's (2010) interviewees on life license had no ambition to move beyond their 'normal' lives into contributing to society in a particularly meaningful way. A few (mostly sex offenders) had failed to overcome the stigma associated with their offence and led quite empty lives. Appleton writes:

'Far from becoming 'wounded healers' or 'moral heroes' these respondents often faced a menial and lonely existence. They described enduring many desperate and monotonous periods in their lives' (p. 167).

Similarly, there are tentative findings that the concept of 'making good' by giving back to society at large has no relevance for French desisters, who tended to concentrate on themselves and their families rather than on others (Herzog-Evans 2011a). However, while we should not insist on grand ambitions to change the world before desistance is

recognised, it also seems wrong to shape the expectations of those leaving prison in such a way that they no longer aspire to anything beyond mere desistance, such as employment. Admittedly, with income deprivation levels of almost 25% and employment deprivation levels amongst those of working age almost 20% in the area in which interviews took place (Scottish Neighbourhood Statistics), finding work as someone who has served a long-term prison sentence is currently very difficult. And tellingly, it was those who did not aspire to employment who were the most content with their situation on license. But encouraging people to give up the hope of employment is depriving them of a primary good. 'Excellence in work (including a sense of mastery)' has been theorised to be one of the goods that offenders try to reach through offending (Ward & Marshall 2007; Ward & Maruna 2007). Encouraging them to stop aspiring to such goods may therefore support desistance, but not a form of desistance that leads to a fulfilling life; arguably it is encouraging them to accept a life less human. While some measure of excellence of work or a sense of making a contribution may be achieved through voluntary work (see Burnett & Maruna 2006), such voluntary work is unlikely to be ex-prisoners' long-term goal: we all like to be rewarded for the work we do and for most desisters paid work is an essential alternative source of income to crime (LeBel et al. 2008). Moreover, legitimate, interesting and well-paying employment is exactly the kind of thing that can provide the basis for a new identity, one that can come to replace the offender identity that my interviewees were trying to leave behind. Employment is the basis of a daily routine for most people (Bushway & Apel 2012), allows them to earn a living, is more highly evaluated in our culture than unpaid work, provides the opportunity for social contact and many people derive a large part of their identity from the professional roles they fulfil (Watson 1996), while unemployment leaves large swathes of time without any purpose. By not doing much of anything (not working, not studying) and staying away from most things, the men I interviewed on license did not lead the kinds of lives that were likely to fulfil them in the long term. Certainly, they did not feel that their story had reached a satisfactory ending. At the time of the interviews, they were practicing ritualism (Merton 1938): they had given up on the goal of personal success and a sense of mastery so that they could stay within the law. There is a danger that the frustration many felt as a consequence might lead to (a return to) innovation, or finding

non-legitimate ways to reach their goals (ibid.); they might decide to aim for a measure of (financial) success or admiration from others even if this means a return to offending. Might it, in the end, be those who do find more suitable hooks for change and realise some early goals, thereby moving towards 'making good', at least in their own eyes, who will manage to sustain desistance?

Chapter 10 Conclusion

10.1 Introduction

In response to gaps in the literature and a lack of connection between normative theories and lived experience, this thesis has examined how long-term prisoners make sense of their sentence. This concluding chapter draws together the findings and considers to what extent they are likely to have a bearing on other settings and groups of prisoners. The final sections discuss implications for current criminal justice policy.

The research questions formulated before the start of the fieldwork were:

- What meanings do offenders give to their sentences? Do any of these meanings align with normative theories? How are these meanings ascribed?
- Do offenders' accounts indicate that any of the stated aims of punishment are achieved?
- What unintended meanings and consequences do sentences have for offenders?
- Do offenders see their sentences as justified? Why (not)? What implications does this have?

A further question concerning how meanings ascribed change over the different stages of the sentence was formulated in the course of the fieldwork, as described in Chapter 5. In the sections below, I will answer these questions and address some others I did not think to ask.

10.2 Meaning and normative theories

The connections and divergences between my interviewees' accounts and normative theories were considered in Chapter 6 and 7. Chapter 6 described how in their discussions of their sentences, my interviewees' views of their purposes most often aligned with consequentialist justifications of punishment, in particular reform, rehabilitation and deterrence. These purposes of sentencing played a larger role in their accounts than

others, I have argued, because desistance was almost universally desired, and if rehabilitation, reform or deterrence were achieved, a life away from crime would follow (see also Comfort 2008; Giordano et al. 2002). Incapacitation and punishment, on the other hand, have no consequences beyond the end of the sentence, and were therefore less important to the men in their accounts.

Despite the desire for rehabilitation and reform, most of the men felt these had not been achieved. Reformatory efforts by the prison were seen as overly relying on cognitive behavioural courses, attendance of which was required for progression to lower levels of risk classification and to the open estate (see also Crewe 2009). I have suggested that making courses compulsory in this way is likely to limit substantive engagement (Robinson & McNeill 2008), even amongst the men who were initially motivated to attend. What the men wanted was reformatory input tailored to them as individuals, rather than the current approach, which they felt treated them as one of many. This view mirrored the 'New Penology' argument (Feeley & Simon 1992) that managerialist approaches mean that prisoners are treated as mere instances of an aggregate. This was the aspect of their experience of which the men were most critical: being treated as a 'cog in a wheel' made many of them feel belittled and angry. These feelings were intensified by a perceived lack of rehabilitative effort made on their behalf: many of the men at the end of their sentence faced being released without accommodation or into hostels. This finding, though, will have been in part a consequence of my interviewing men who were released directly from a long-term prison, rather than having progressed through the open estate.

The men on license I spoke to had all secured suitable accommodation, and most were full of praise for their case managers, with whom they had very positive and constructive relationships. However, as discussed in Chapter 9, the main stumbling block in their rehabilitation was gaining employment, an area in which their criminal justice social workers seemed powerless to help, of which more below. The men who did feel reformed often attributed this not to the sentence, but to moments of insight, comments from their family, or having made the effort themselves. It tended to be those who told a narrative

that revolved around the transformative power of their prison sentence who attributed their reform to attributes of the prison regime, although the specifics varied. Some of the men mentioned being deterred, but descriptions of the pains of imprisonment were always in tension with the dominant view of prison life as too easy. I have argued that this view will have been partly due to a need to perform masculinity within the prison, but that the need to adapt and cope might very well limit the deterrent effect of long-term imprisonment. It was often the feeling of missing out on life outside that was the most deterrent aspect of imprisonment, an aspect that started to weigh more heavily as the men aged.

Communicative theories of punishment were of special interest in this thesis because they unite the backward and forward looking aspects of punishment. Chapter 7 showed that there were few echoes of communicative theories in my interviewees' accounts, with one notable exception. Mark's account of the criminal justice process and his eventual sentence was full of perceived communication about the seriousness of his offence and he very much told a repentant account. In the absence of many other portrayals of the sentence as moral communication, however, and given the extent to which Mark's account was suffused with moral messages from many different sources, including strangers and other prisoners, I have attributed his views and repentance not to the communicative effect of his sentence, but to his pre-existing feelings of regret and remorse about his offence. I have also argued that moral communication and the expression of censure in the courtroom is problematic, at least in cases where long-term imprisonment is imposed, because the accused are likely to be overwhelmed by their emotional response to the sentence. Furthermore, with the men often admitting they tried to manipulate the outcome of their case in order to avoid a long-term sentence *and* perceiving court actors as similarly trying to manipulate processes in their own favour, most did not see the court as moral arena. These layers of negotiation and manipulation mean that the moral significance of the sentence in relation to the crime is largely lost.

However, some aspects of Duff's theory of sentencing as communicative penance (1996; 2001; 2003) were reflected in my interviewees' accounts: some of the men talked of how

their sentence had made them reflect on their crime, because of its length or because they had time to think, although feelings of penitence were more likely to focus on family members than on the victims of the crime. In relation to Duff's positioning of imprisonment as communicating exclusion (2001), I found that the sentences served by my interviewees were not perceived in this way, but have argued that they also cannot be understood as such, because many of their crimes were not so grave that they had broken the bonds of community and therefore did not merit exclusion (or imprisonment), at least on Duff's account. Whether communication should receive greater emphasis in long-term prison sentences is discussed in section 10.8 below.

10.3 Unintended meanings and consequences

The section above has focused on those points where my interviewees' accounts and normative theories of punishment overlapped. But in truth, the *overall* meaning of the sentence was often much more complex and individual than this suggests. In Chapter 9 I discussed the accounts in which the true meaning of imprisonment went beyond reform or rehabilitation; in which imprisonment was positioned as the fulcrum of change on which the remainder of the men's lives depended. In other accounts, briefly discussed, imprisonment was a routine occurrence, not worthy of further reflection, or even a form of respite. Further meanings have received little attention in the body of this thesis, but some can be gleaned from the narrative vignettes in Appendix I. While many of the idiosyncratic meanings ascribed to imprisonment were positive (prison has saved me, or has let me avoid a worse fate), some of the men took a darker view, such as prison meaning losing the best years of one's life (Doug) or being dislocated into a gritty drama (Devan).

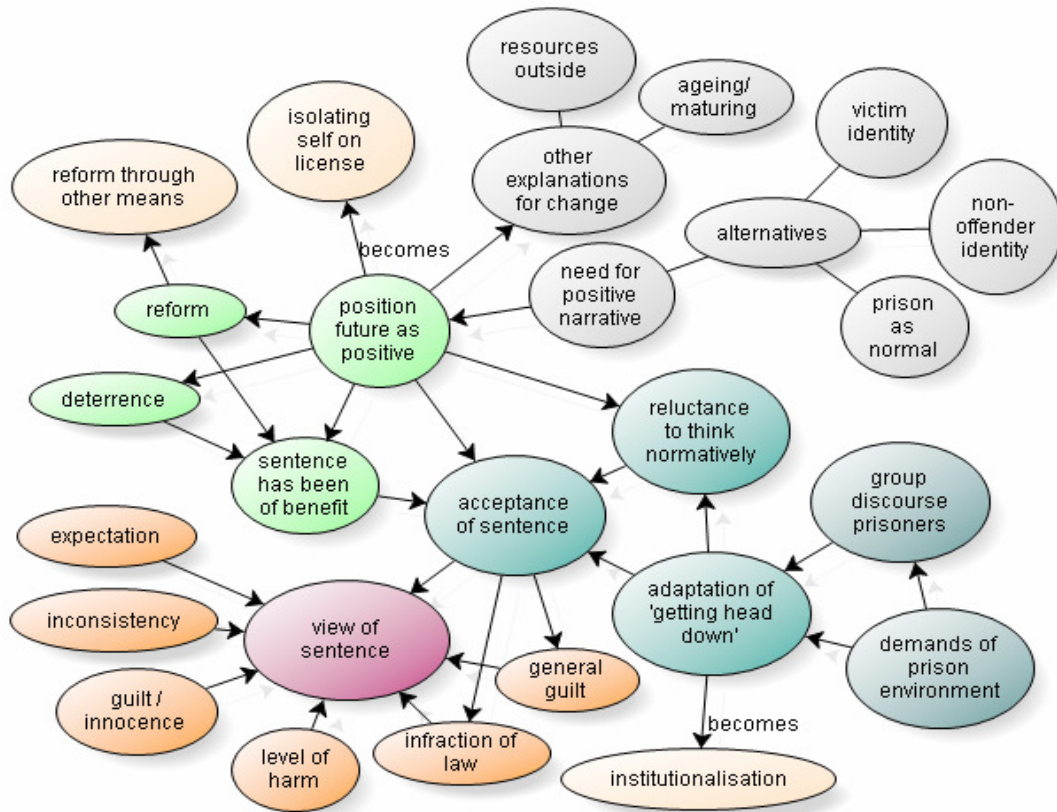
In contrast, the unintended consequences of imprisonment were almost exclusively negative. Most of the negative consequences were not perceived by those at the end of their sentence and only emerged in the interviews with the men on license. This was especially true of the institutionalisation they described, as discussed in Chapter 8. While the men at the end of their sentence were generally proud of way they had been able to

adapt to imprisonment, the men on license described paying the price for having cut off relationships, for not having had any responsibility and for having adapted to a strict routine while in prison. Having adapted to being locked in at night and ‘keeping themselves to themselves’ many described isolating themselves in their homes after release. The reality of life after release furthermore left them less optimistic about their ability to go straight than many of those who were still in prison. The only way they felt they could continue to desist was by avoiding all situations in which they might be tempted or provoked, or practicing what Shapland and Bottoms have called ‘diachronic self-control’ (2011, p.274). I have argued that one of the main obstacles to a more fulfilling form of desistance was their inability to secure a job. This highlights another negative consequence of imprisonment: the stigma of the criminal record. In current economic conditions the requirement to disclose their offending history effectively blocked the men’s opportunities to achieve markers of success and to create new identities.

10.4 The ‘fairness’ of sentences

Considerable attention has been paid in Chapter 8 to my interviewees’ evaluation of their sentence. One of the biggest surprises for me in the men’s accounts was that very few opposed their sentence, despite some of them protesting their innocence, feeling their sentence was inconsistent with those of others, seeing the law they had offended against as wrong, or maintaining that the court did not have the moral standing to judge them. While some accepted their sentence for normative reasons, including the level of harm they had caused, for many others I have argued that their acceptance was driven by other factors. The complex nature of these factors is shown in Figure 1 below, in a model which attempts to capture drivers of acceptance and some of their long-term consequences.

Figure 1: Factors in long-term prisoners' views of their sentence



In orange on the bottom left are the considerations mentioned by my interviewees themselves. They referred to their expectations, their guilt or otherwise and the level of harm they had caused in explaining their view of their sentence as fair (or very occasionally as unfair). They also justified their sentence with reference to their general guilt (of other or future offences) and their having broken the law. Especially the references to general guilt raised more questions than it answered, as did the lack of impact of reasons to find the sentence unfair (innocence in particular) on overall evaluations of fairness. In order to answer the questions raised (e.g. why would someone justify their sentence with reference to offences not yet committed, why would someone say their sentence is fair when they maintain they were innocent), I identified two main drivers of acceptance of one's sentence that function independently of the particulars of the case or the match between crime and punishment. In Chapter 8 I have discussed how,

for the men at the end of their sentence, adapting to the prison environment led to a strategy of 'getting your head down', which was facilitated by a lack of opposition to the sentence. This is represented in the model by the blue-grey shapes on the bottom right. Not questioning one's sentence was seen as making the years in prison easier to bear, as it, along with other ways of limiting thoughts of the outside world, made time pass faster and confronted the men less often and deeply with what they were missing. Borrowing from Bottoms' typology of compliance (2001), I have characterised this as instrumental and constraints-based acceptance, as structural constraints meant that the men benefited from accepting their sentence.

In Chapter 9 I have described the impact of narrative needs, represented in the model by the grey shapes at the top of Figure 1. The need for a positive narrative meant for many of the men that they had to explain a change: from their offending in the past to a future of desistance. For some this did not have an impact on their view of their sentence, as they explained change through maturation or having resources outside prison (family support, savings and/or a legitimate job). Others did not try to explain a future of desistance, whether because they felt they had never been 'real offenders', because imprisonment was a normal fact of life, or because this narrative became incoherent within the interview, as it did for Peter, who thereafter appealed to a victim identity. However, others at the end of their sentence tried to explain their desistance through the deterrent, or more usually, the reformatory effect of their sentence. Like other imprisoned research respondents (Ashkar & Kenny 2008; Comfort 2008) they told a story of 'as if' reform – reform in the absence of significant intervention on the part of the prison regime. Ascribing this positive outcome to their sentence meant that they had to position it as a positive within their narrative rather than opposing it as unfair. Interestingly, amongst the men on license there were very few who attributed their reform to their imprisonment. Instead, they credited it to themselves exclusively, or to the comments made by a family member, usually a child.

The answer to the question 'do offenders see their sentence as justified?' then, is a complicated one. The men I spoke to on the whole would probably have agreed with a

survey item asking this question, but even this is not certain. The difficulty is in the word 'justified'. My interviewees justified the sentence to themselves in different ways, but as this was a strategy borne out of the demands of the prison environment and in some cases their life narrative, this does not mean their sentence 'is justified'. Using Beetham's (1991) conception of legitimacy, I have argued that their consent does not render their sentence legitimate, because the laws the sentences were based upon often did not align with the men's own moral views and in several cases the process and decisions involved had broken the rules that should govern the criminal justice system, such as consistency.

The further question of 'what are the implications of perceptions of (in)justice?' cannot be answered conclusively on the basis of this thesis. Theory has suggested that perceptions of unfairness are likely to lead to defiance and further offending (Sherman 1993). But there was no sense that the few men who did oppose their sentence (Devan, Steven and Alan) were more likely to reoffend. If anything, Devan and Alan were probably more likely than most to desist, because they both appealed to a non-offender identity and had resources to make a law-abiding life in the community likely. It might be that the resources and characteristics that enable people to tell a story of opposition to long-term imprisonment are the same as those that facilitate desistance. If opposition does not predict recidivism, in Chapter 8 I have argued that, conversely, acceptance does not predict desistance. Because the men's acquiescence in their sentence was driven by instrumental and structural reasons, it is unlikely to lead to long-term behavioural change (cf. Robinson & McNeill 2008). The men who told a story of transformation within prison and thereby actively embraced their sentence as the fulcrum for their reform, might be more likely to desist because of their commitment to this goal, but, as discussed in Chapter 9, the predictive power of this type of narrative might be less than sometimes assumed. They will probably need to find other 'hooks for change' and take successful steps towards a new identity in order to make desistance a reality.

10.5 How meanings are ascribed

In the section above, I have already discussed the two major influences on the meanings the men ascribed to their sentence: the prison environment and the story they wanted to tell about their lives. In the findings chapters other influences have also been identified. The collective discourse (Miller & Glassner 1997) among prisoners drove both critical understandings and acceptance. In Chapter 6 I argued that some of the men I spoke to privately held positive views of cognitive behavioural courses, but felt they had to also pay lip-service to the received group discourse that these courses were just an attempt by the prison regime to impress the government or the wider public. At the same time, the apparent lack of critical understandings of the criminal justice system as a whole in the group discourse in the prison (see also Crewe 2009) meant that the men were not stimulated by others to examine their sentence in such terms. Furthermore, I found that the adaptation technique of 'putting your head down' and thereby accepting the sentence was shared and recommended between prisoners.

The influence of other prisoners on the meanings given to the sentence might well be more pronounced because family contact was often minimised in order to make the sentence easier to bear, and the men often reported feeling they could not share their problems with their families, for fear of overly worrying them. The views of family members and other loved ones therefore might have had less impact on the meaning making process than would have otherwise been the case. Family support did have an impact on the meanings ascribed, however, as did other resources the men felt they could draw upon after their release. Where these were significant and made desistance likely, the men were unlikely to present themselves as having radically changed during their sentence. As Giordano et al (2002) have pointed out, agency is less significant in the desistance process for people who are relatively advantaged.

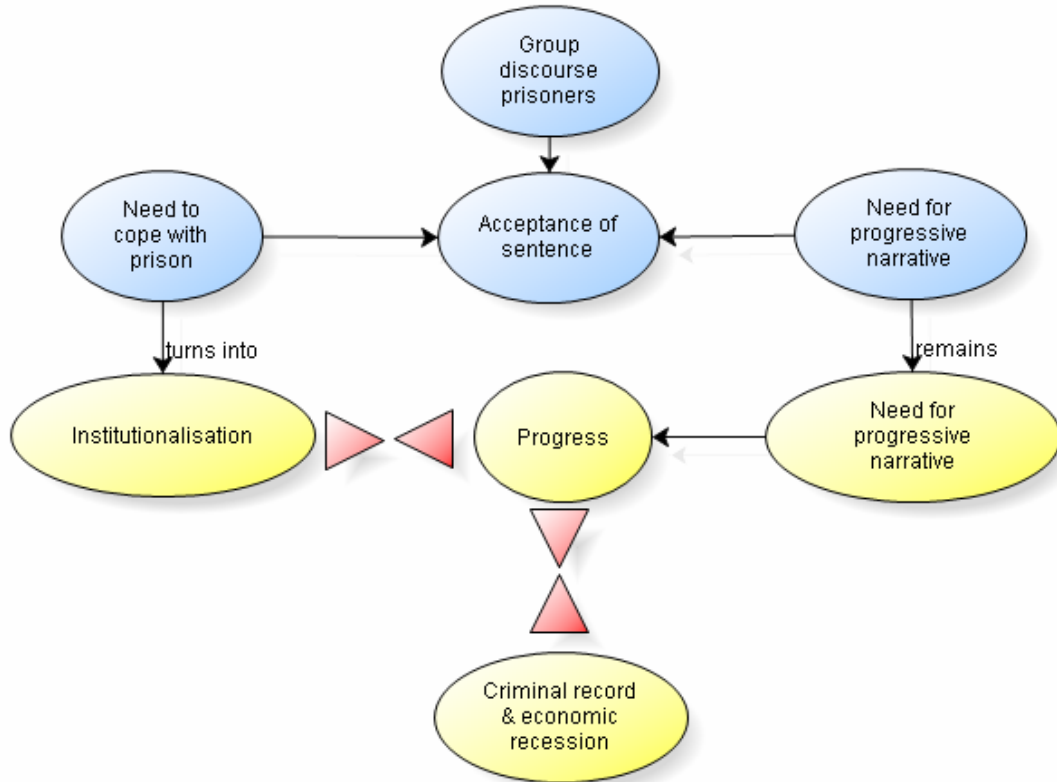
Importantly, criminal justice actors, including the judge, had very little impact on the way the men I spoke to made sense of their sentence. With communication in the courtroom usually not present or not heard and little input in the meaning making process during their imprisonment perceived, my interviewees felt they were left to their own devices in

making sense of their sentence. The only instances where criminal justice actor input was found to have an influence involved some of the men taking on the language of the cognitive behavioural courses in defining their own problems and using the term 'institutionalised' because of their contact with criminal justice social workers after release. In neither case did this input shape their view of the sentence as a whole. Instead, it was the prison environment, their circumstances outside and their desired future that had the greatest effect on how the men made sense of their sentence.

10.6 Change over time

The meaning the men ascribed to their sentence did not seem to change appreciably after release, as I found that the men on license tended not to re-evaluate their sentence spontaneously. They lived on with a sense that their sentence had been fair (enough). However, the way they responded to the different factors leading to acceptance changed, and I would like to argue here that this partly explains the difference in tone of the interviews with the two groups of men, with the men before release generally being optimistic while those on license spoke more bleakly. Above, I have identified the institutional pressure of coping with imprisonment and the narrative pressure of telling a progressive story as the two main influences on the men's narratives. Before release, these pressures converged (along with others factors, such as the group discourse amongst prisoners) for some of the men in that they both led to a story of acceptance (or even a welcoming) of the sentence. On license, however, adapting to the prison environment had come to mean institutionalisation, rather than a chosen strategy to be proud of. At the same time, the need for a progressive narrative still demanded that their lives improved. Now institutionalisation combined with the stigma of having a criminal record and the economic recession to counteract progress, as illustrated in Figure 2.

Figure 2: Convergence becomes opposition



Instead of the future the men desired, which for almost all of those on license included a meaningful and legitimate job, most of the licensees isolated themselves in order to cope with the consequences of their prior adaptation to imprisonment and with the dissonance between their narrative needs and their socio-economic realities. The convergence of forces that brought about acceptance at the end of the sentence (in blue) was only temporary – on license the need to survive the prison environment and to have a progressive narrative had come to oppose each other (in yellow). This did not lead the men to re-evaluate their sentence spontaneously, but men like Andy had started to re-evaluate the possibility of a progressive narrative within the context of their specific lives and had almost given up. What will happen when these men do decide to throw in the towel is, in the best case scenario, a life of isolation and withdrawal, and in the worst case scenario, a return to offending.

The discussion here is based on a comparison of two different groups of men. As noted in Chapter 5, ideally I would have re-interviewed the same men after their release, but the way in which the research was set up and then progressed made this impossible. This means that the difference in tone in the accounts solicited could be a result of differences between the groups, rather than due to the stage of the sentence. I have attempted here to make the latter theoretically plausible, but future longitudinal research with men before and after release from long sentences should be able both to test the theoretical links I have proposed and to advance our understanding of how meanings change. By focusing on the differences in the accounts told by individuals over time, far more detailed changes will be apparent than in this research, where only differences so marked that they (seemed to) exist between groups of people could be noted and described.

10.7 Generalisability

The above sections have brought together my results and made links between different parts of the thesis. Narrative research methods, and qualitative research in general, are not usually associated with attempts to generalise findings from a sample to a population (Armour et al. 2009; Polkinghorne 2007). As stated in Chapter 3, this thesis has instead been concerned with theoretical generalisation: finding concepts to build theories that might generalise to other settings. This section is an attempt to assess to what extent the conclusions reached here are likely to hold for other prisoners elsewhere.

Some of my findings clearly apply to other settings, as research conducted in different prisons and at different times has led to similar results. Crewe's study (2009) has been important for my thesis in this regard, because my findings duplicated many of the results of his research in an English prison which held both short-term and long-term prisoners, including opposition to cognitive behavioural courses and a desire for much more individual attention. This suggests that some of the conditions of modern imprisonment, including the lack of individual rehabilitation, are alike across UK prisons. Some of my results have been echoed by research further removed from mine, both in time and place. For example, the finding that my interviewees often limited contact with family in order

to make their imprisonment easier to bear resembled results reported by Farber in 1944 (cited in Cohen & Taylor 1972, p.71), but not more recent findings (Bosworth 1996; Harvey 2007). I have discussed in Chapter 8 how the desirability of family contact might depend on the stage of imprisonment and gender.

Other findings are likely to be more specific to the research context. Some landmark studies have focused on the different experiences of people in different prisons (Kruttschnitt & Gartner 2005; Liebling 2004; Sparks et al. 1996) and found that prison conditions and staff-prisoner relationships are especially important in determining the experience of the sentence. As noted in the introduction, the prison in which I interviewed men at the end of their sentence has been praised for the positive relationships between staff members and prisoners and for low levels of violence. The men I spoke to were also mostly positive about the regime and described the place as a 'fast prison', because their time was filled with activities, meaning it passed more quickly. The finding that many of my interviewees accepted their sentence as part of a wider adaptation might well be a consequence of this type of regime. Very strict and punitive regimes have been found to be associated with more oppositional coping styles (Kruttschnitt & Gartner 2005). Research has also suggested that prisoners in other contexts do take oppositional stances towards the justice system as a whole, and their own treatment in particular, as a result of their imprisonment (Franke et al. 2010; Presser 2008). It may be only in prisons where the conditions are favourable enough that shrinking one's world down to the prison walls is not in itself painful that accepting one's sentence is part of the easiest way to get through the sentence. The studies highlighting opposition referred to above (Franke et al. 2010; Kruttschnitt & Gartner 2005; Presser 2008) have all been conducted in the US, where gang membership and ethnic divides lead to higher levels of violence amongst prisoners and where prison regimes tends to rely more on coercion than on legitimacy in order to maintain order (Crewe 2009). In the UK context a study by Liebling et al. (2011) of staff-prisoner relationships in HMP Whitemoor provides a useful comparator. Whitemoor is a high security prison holding long-term prisoners, where prisoners are subjected to far greater security measures than my interviewees. The study found that Whitemoor prisoners were searched every time there was prisoner movement within the prison, had to change cells every 28 days and

that CCTV cameras were used throughout the prison. The prisoners reported feeling constantly monitored by the regime and staff, even in the interview setting. Staff-prisoner relationships in Whitemoor were furthermore found to be very stigmatising, with staff treating prisoners only as risks to be managed, rather than as individual people. Significantly, many Whitemoor prisoners saw themselves as victims of an unfair criminal justice system and were appealing their sentence. While my interviewees talked of narrowing their lives down to a point where the prison was their whole world, in Whitemoor long-term prisoners preferred to forget that they were in prison, using phrases such as ‘taking my head out of jail’, ‘life transcends the prison’ and ‘it’s like you’ve been released’ (p. 48). The discrepancy with my interviewees’ phrases of ‘keeping your head in the jail’, ‘not putting your head over the fence’ and ‘keeping your head down’ could not be more striking. In the prison where I conducted my interviews, life was generally portrayed as pretty comfortable, whereas in Whitemoor even the prison building was seen as hostile. Again, it seems likely that it was the relatively liveable environment in the prison that meant that the best strategy was to forget about everything else and therefore to accept one’s sentence. In Whitemoor, where prisoners spoke of being afraid of losing their identity because they had to monitor themselves all the time in order to avoid transgressions of the rules, the preferable strategy seems to have been one of mental escape and opposition. Like my interviewees, they had to survive the prison environment and try to hold on to some positive sense of self, but different conditions may have meant that for many of them seeing themselves as victims was the best way to do both these things at once.

These putative interactions between the prison environment and the meaning making process suggest interesting linkages between the work on prison regimes and the findings reported here. While it is perhaps unsurprising that prisoners living under more favourable conditions generally rate their sentence more positively, it would be interesting to explore whether this is, indeed, due to a pressure to accept the sentence under more favourable conditions, as I have theorised here. Further research should explore whether more ‘moral’ prisons (Liebling 2004) do in fact encourage an adaptation of accepting one’s sentence and limiting one’s world to the prison more than less ‘moral’ prisons and what impact this has on the subsequent adaptation to freedom and later

desistance. This seems particularly important given the findings in this study that certain kinds of in-prison adaptation can turn out to be counterproductive after release.

The above discussion shows that the prison experience can be very different for male long-term prisoners incarcerated in different prisons. For other groups, such as short-term or female prisoners, the interaction between the prison environment and narrative demands is likely to differ even further. For example, as female prisoners tend to have more childcare responsibilities and a stronger link with their children than imprisoned men (Bosworth 1996), they may find it much more difficult to forget the outside world and to 'keep their head down', even where prison conditions are relatively favourable. As suggested by my interviewees, short-term prisoners are unlikely to need to adapt to the prison environment to the same extent, and may therefore oppose their sentence more easily. But while the specific outcomes may differ, narrative needs and the demands of the environment are likely to be factors in the meanings prisoners ascribe to their sentence.

10.8 A place for communication?

Chapter 7 discussed how the connection between crime and punishment is little emphasised by the criminal justice system. It demonstrated that often prisoners did not perceive censure in the judge's sentencing comments and that where they did so, this was usually resisted. Moreover, their time in prison was largely devoid of any moral discussion of the link between crime and punishment. Chapter 8 then showed that the demands of the prison environment further strip the moral significance of the sentence. Because prisoners have to 'put their head down' and navigate their situation, whether the sentence is just on normative grounds is rendered irrelevant. The following sections consider the implications of my findings for policy and practice.

In order to examine policy implications, it is important again to make a distinction between the two forms of input from criminal justice actors that this thesis has highlighted as being absent or underdeveloped. First of all, there is the moral

communication linking the sentence to the crime committed, as envisaged by Duff, where imprisonment expresses that the prisoner has done wrong to such an extent that he should be excluded from society. As discussed in Chapter 7 and above, not many of the men had committed crimes that would warrant such exclusion. Given this generally poor moral match between crime and punishment, the latter cannot be seen as an appropriate expression of censure and this function should therefore not be emphasised. However, the problematic nature of the link between crime and punishment does not mean that no communication about the purpose of the sentence can take place. If long-term sentences are to become more meaningful to those who undergo them, more input will be needed from criminal justice and allied professionals. While seeing imprisonment as fulfilling a mainly rehabilitative and reformatory function at the point of sentencing has been recognised as highly problematic (Carlen & Tombs 2006), there is no reason why, in its execution, it should not be given the most positive possible meaning. My findings suggest that reform and rehabilitation *are* the most positive possible meaning for a prison sentence, as they were the functions that the men I spoke to most wished their sentence would fulfil.

Other authors have also argued for greater individual attention, and especially individual reform and rehabilitation, during imprisonment. Burnett (2004) has advocated a return to one-to-one counselling for prisoners in order to support the desistance process. Ward & Maruna (2007) have pointed out that rehabilitation cannot happen if the person is not ready and that therefore requiring prisoners to attend courses whenever is most suitable to the prison timetable does not work. Similarly, the literature on desistance and the Good Lives Model of rehabilitation has emphasised the need for rehabilitation that starts from the individual's view of their situation and works towards realising their life goals and priorities (McNeill 2006; 2012a; McNeill & Weaver 2010; Ward & Stewart 2003; Ward & Maruna 2007). This process could well start within the prison. Practice in Austria can provide a good example of a release process that is clearly aimed at rehabilitation. All prisoners there are offered short-term counselling before release and given the opportunity to engage with a trained social worker who will also support them in the community (Priecheufried 2010). Their social worker invites them to describe what they

want their life to be like after release, thereby basing their work on the prisoners' own understanding of their situation, and then helps them to overcome the obstacles along the way. This includes providing them with a 'holding environment' after release: a place to stay, enough money to sustain them, medical care and meaningful activities to keep them busy during the day. Providing similar support, but combining this with an explicit dialogue about the sentence, is likely to encourage more prisoners to construct a positive narrative about their sentence and future, and to maintain such a narrative upon release. This has consequences, even when narratives are viewed as not necessarily drawing on a fixed underlying life story that is also the basis for identity. If forming narratives involves a testing out of identities, the message that at least one other person buys into a desisting version of one's self enhances the possibility of believing in that self (see Pasupathi & Rich 2005), allowing hope to exist. If that person is a criminal justice actor, their positive feedback is likely to be even more significant (see below).

Any dialogue about the meaning of the sentence could continue on license. This is especially the case if, as in Austria, it is initiated by a criminal justice social worker who goes on to support the person in the community. This will likely limit how early in the sentence the dialogue could start, but also has benefits, especially given that my interviewees generally found their social workers in the community to have an open and accepting stance towards them, making a worthwhile discussion more likely. If, on the other hand, a dialogue would be initiated by prison psychologists, some work might need to be done to overcome the suspicion of psychologists, given that their engagement in risk assessment, progression and release decision-making has been shown in other research to lead to high levels of suspicion (Crewe 2011). Similarly, working practices of prison social workers, reported by my interviewees to be more judgemental and less open than their community counterparts, might have to change before any dialogue can be productive.

There might be other benefits to continuing a conversation about the meaning of the sentence and its aftermath on license. At this point a dialogue about the meaning of the sentence could have a reintegrative focus ('how do we make sure that the punishment ends where it should?') *and* could include acknowledgement of the wrongs committed by

the state and criminal justice apparatus. This means that changing views of, for example, adaptation from being a chosen strategy to being a cause of institutionalisation, could be addressed in this dialogue. Furthermore, if it is correct that prisoners become less invested in certain views of their sentence once they are on license, it may also be a better time to consider in what ways (and how fairly) crime and punishment were connected. The process could be concluded with a reintegration ritual (Maruna 2011a; Maruna 2011b). Maruna argues that there is a need for a ritual to conclude the punishment in order to counteract the ‘ritual humiliations’ (2011b, p.12) inherent in the criminal justice process. He writes that the reintegration ritual should include an element of reconciliation, where the wrongs done to the offender, both in terms of any earlier social exclusion and in terms of their punishment, are acknowledged alongside the wrongs committed by them. This type of ritual would therefore also be an ideal end point of the dialogue about the meaning of the punishment between the prisoners and, for example, their criminal justice social worker.

10.9 Judicial rehabilitation

One important finding in this thesis was how the lack of new identities for the men on license I spoke to stalled their progressive stories of transformation and reform. With the main desired identity one of being gainfully employed, which was made difficult by their criminal record, this unintended consequence of imprisonment can be tackled through a change in policy. Maruna and McNeill have recently focused on the concept of judicial rehabilitation (Maruna 2011a; 2011b; McNeill 2012b; 2013), which Maruna argues should form part of the redemption ritual he proposed. Criminal records should be expunged or a certificate of rehabilitation issued so that the person is re-accepted into the community, and given the same chances as other citizens to achieve their goals and contribute to society at large (Maruna 2011a; Maruna 2011b). Research has shown that those convicted of offences before the age of 20 are little more likely to commit further offences after the age of 30 than those without any convictions (Soothill & Francis 2009). Others have found that those who were first arrested at 20 were actually *less* likely to reoffend after five crime-free years than the general population (Blumstein & Nakamura

2009). Of course, most of my interviewees had substantial criminal histories, rather than a single arrest, but once crime free, their statistical chances of reconviction are likely to be similar, especially as increasing age reduces the likelihood of subsequent offending (ibid.). In any case, there is no reason why crimes for which long-term prison sentences were imposed should be disclosed forever. In fact, Maruna argues that convictions should expire or be neutralised by a certificate of rehabilitation *before* desistance is a certainty, in order to encourage rehabilitation, rather than only to reward it after it has become more or less certain (2011a). This makes the end of the license period a suitable point in time for the judicial rehabilitation for those serving the longest sentences. Their desistance during the license period is something that is already noted by criminal justice authorities; if any serious offending had come to light, they would have been returned to prison. By the end of this period, anyone with a sentence of over nine years will have already spent at least three years on license, more or less crime-free. Maruna has also written of the end of license as a suitable time for judicial rehabilitation:

The conclusion of a probationary period after prison, for instance, might logically involve a return to the courtroom for the ritualised certification of a 'clean bill of health' after the sentence's completion. All debts would be officially paid in full and the individual would be allowed to move on with the rest of his or her life with no further collateral consequences or restrictions. (Maruna 2011a, pp.111–112)

For those serving shorter sentences, the redemption ritual might need to include a promise of future judicial rehabilitation, for example after three years in the community.

In other jurisdictions, the impact of the criminal record is already far more restricted than in the UK. In France sentences longer than two years are recorded for three to ten years afterwards (Herzog-Evans 2011b), in the Netherlands for four years (Boone 2011) and in Germany for five years (Morgenstern 2011). Significantly, people are much less likely to be asked to disclose their convictions every time they apply for a position. In France, those with a criminal record are under no obligation to disclose this if they are not asked by their prospective employer, and employers tend to ask only if the person is to be employed in a position of trust (Herzog-Evans 2011b). In Germany, a person is not obliged to reveal their criminal record unless they are applying for a role in which personal integrity is indispensable, and even then they only need to reveal relevant

convictions (e.g. traffic offences for lorry drivers) (Morgenstern 2011). If a shorter time-frame for judicial rehabilitation, as proposed above, was combined with a restriction in the types of jobs for which disclosure is necessary, then people leaving prison would have some hope of finding a job with limited responsibility initially, followed by a potentially more satisfying one at the end of their license period or soon thereafter. In this way, they would follow a destigmatising employment trajectory, like the one described by Goffman in his work on stigma (1990). By allowing them to ‘make normal’ before potentially ‘making good’, any progressive narratives told by ex-prisoners could continue their upward trajectory.

10.10 Long-term imprisonment

Despite recommending rehabilitation and reform as the most positive aims for imprisonment in the eyes of prisoners, and therefore worthy of greater efforts, I would like to conclude this thesis with a final word about normative theory. The men I spoke to were happy to mix rationales for their sentence, for example using retribution as a ‘back-up’ aim where others were likely to fail. In this, they were no different from the statements of policy and criminal justice actors discussed in Chapter 2. My interviewees did place more emphasis on rehabilitation and reform, without which the sentence did not make sense in their lives, but did not reject sentences in which these aims were not achieved (while rejecting the efforts currently made to achieve them). However, using such a mix of rationales for sentences means that justifying them can become a case of picking (and mixing) whatever fits, without there being any consistency of criteria across cases. I would argue that this, in itself, obscures the rationale for punishment. In what cases should imprisonment be used? If a mix of rationales is used, imprisonment might be imposed for people who are a danger to themselves and others (incapacitation) as well as those who are in danger (and under the influence) of others (rehabilitation, see Carlen & Tombs 2006). Overarching normative theories like Duff’s re-examine the elements of a crime that mean imprisonment is warranted. If the government and sentencers likewise had a more coherent philosophy of punishment, it would become possible to assess whether the sentence was just in individual cases, according to the rationale espoused.

This is unlikely to happen anytime soon. Philosophers have yet to agree amongst themselves on one theory and the government recently declined to include even a mix of rationales in its Criminal Justice and Licensing (Scotland) Act 2010. It is more difficult, though, to have an overarching theory for *all* sentences than to have a coherent justification for particular sentences. Duff has characterised imprisonment as only just when exclusion is warranted, which seems to accurately pinpoint the defining element of imprisonment that cannot be fulfilled by other sentences. As I have repeatedly pointed out in this thesis, this rationale means that very few (if any) of the men I spoke to should have been imprisoned. I would go further, though, and argue that it would not be possible to justify all the men's sentences on other communicative accounts, or retributive or consequentialist ones either, at least not without using a mix of rationales. In retributive terms, many of my interviewees were at an unfair disadvantage before their crime and many had not inflicted significant harm. Consequentialist theories fail because none of the consequentialist aims were achieved in such a way that their long-term impact was clear. This leaves the connection between the men's crime and their punishments suspect and suggests that (long-term) imprisonment practice in Scotland should be re-examined for men, as it already has been for women, for whom it seems imprisonment will be used in a much more limited way in the future (Scottish Government 2012c).

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Appendix I Narrative vignettes

Start of sentence

Chris

Chris was in his early forties and an easy talker. He had no teeth, but told me repeatedly he had been quite handsome in the past and was looking forward to getting new dentures. Things had gone well for him when he was young, he had worked as a plumber for the council, had his own clothing store and rated himself as very successful. His downfall began when his dad died, soon after which he was arrested with a few XTC tablets just after the first deaths attributed to XTC in the UK. He received an 18 months sentence and in prison switched from cannabis to heroin when mandatory drug testing came in, leaving prison addicted. Several more prison sentences followed for shoplifting and the possession of class A drugs. His current sentence was imposed for couriering a large amount of drugs, which he said he had done repeatedly in order to pay off a debt to his dealer. Chris was one of the few interviewees critical of the use of imprisonment. In his own case, he felt it should be the big drug dealers in prison, not ‘the little guys’ like himself. He also blamed the accumulation of sentences in his life for greatly exacerbating his problems. In general, he noted that those who are in prison tend to be uneducated and that there should be better ways to help them. Nevertheless, he ascribed a positive meaning to his current sentence, even seeing it as a benign intervention from above.

So in the back of my mind this jail was my sort of eehm/ was an eehm an escape for me, really, to actually get clean and that ...This has been thrown at me at this time in my life yeah, because of my age and to get eehm/ to start a fresh start, that’s what I think [laughs]... that’s what the, whoever the Almighty is was thinking. That it’s time.

End of sentence

Alex

Alex was in his late thirties, very well-spoken and from an affluent background. He described his offending history as arising from a need for excitement combined with a

high tolerance for risk. After serving one long-term sentence in his twenties for robbery he had become involved in drug dealing and the intimidation of other drug dealers. He maintained his innocence of his index offence (attempted murder) throughout the interview, but admitted to other crimes for which he had been tried and found innocent, so felt that his sentence was 'fair enough' even though he was appealing it. With his parents having moved to another continent and not much else keeping him in the UK, Alex planned to use money from earlier property investment plus the compensation he expected to receive when his appeal was successful to move abroad and set up a legitimate business after the end of his license. He saw imprisonment as an occupational hazard, but one that did make crime less attractive because he experienced it as aversive, especially the deprivation of variety and stimulation it entailed. The overall meaning of his sentences was a large negative on the balance sheets of his life.

The weighting's all wrong. I mean, I'm obviously not smart or skilful enough that (.) it's disproportionate. Overall, the balance is wrong. IT'S not, it's not been a profitable or prosperous, if take the whole, all criminality on my part as a whole, it's NOT been a profitable or prosperous enterprise. Because what we're talking about here is four years of kind of, you know, very eehm, accentuated living, for twelve years in prison.

Colin

Colin was in his early thirties, but seemed much younger. He tended not to tell extended stories so much as listing events (e.g. sentences) which followed each other. He came from a chaotic family and did not have any contact with his ex-partner with whom he had had a child. His offending history included driving cars without a license, selling stolen car parts and shoplifting and he had served several short prison sentences, but could not remember what sentence followed what offence. He started drug dealing to fund his own drug use and was given his first long-term sentence for dealing Class A drugs. He saw his prison sentence as having been necessary to transform him.

Well, I am really glad I got it now, eh? Well, I managed to get off all the drugs and that. I have touched nothing since I came into this jail. I have been stable- I am on methadone, eh, I have been stable on that for three years now, and that is the first time I have been clean, so it has really done, really done me good this sentence, eh?

Dan

In his 60s, Dan was one of the oldest prisoners I interviewed. He had been convicted of murder in his early 20s for killing someone in a pub fight and had served twelve years on a life sentence. His wife had stuck by him, and afterwards they had built up a good life with their children. When they separated, though, Dan started drinking and ended up stabbing a female friend without any provocation, for which he was imprisoned long-term. More recently, he had stabbed a teenager who was part of a group of people drinking at Dan's house, again without provocation. Dan struggled to make sense of these offences himself. He found this sentence much harder to bear than his previous ones, because his wife had stood by him then, even when they were separated, but had died since. He used the interview as a eulogy to her loyalty, contrasting this with his own stupidity. His daughters, from whom he was estranged, were only described with anger. Indeed, his main motivation for trying to rebuild his life was showing them he did not need them. The overarching meaning of his prison sentence was a time-out that allowed him to think and re-group. However, he was not sure this process would lead to desistance, as he did not understand his offending himself and was not certain he could control it.

I've had time to think in here. I've had a lot of time on my hands. More so this sentence than any other sentence because I'm on my own. On my previous, my wife was always there, although [I was inebriated] she always stood by me, a solid address to go to, etc, and all of that. Now I've had to rethink my whole life again, I'm starting from (.) as I say, I'm starting from scratch.

Devan

Devan was in his early twenties and imprisoned for his first offence: the possession of a large amount of drugs. He spoke of a happy upbringing and had been living with his mother and younger brothers when his girlfriend got pregnant. He then felt the pressure to set up a home and 'make the family work', so dropped out of college and rented a flat. Unable to find a job, he explained his turn to drug couriership by the need to pay back a loan he had taken out in order to tide himself over. In doing so, Devan was one of the few men who presented themselves as having been pushed by circumstances into offending,

and took little responsibility for his crime. He also was one of the only ones to oppose his sentence throughout the interview. He was confident that he would be able to desist upon release, with the support of his family, and good prospects of returning to a job he held between arrest and conviction. He told dramatic stories of his arrest and a fight in prison, amongst other things. The overall meaning of his sentence in his narrative was a dislocation into a gritty drama, which so far had only been familiar from TV, but one in which he claimed the starring role for himself.

So in the back of my head I'm thinking to myself, all these prison programmes that I've seen before and all the kinds of things I have heard about this happens in jails and all of that, I'm thinking to myself 'first things first, I'm going to let this guy know it ain't about that kind of thing'. So, [laughs] I had to make sure that he knew that I'm not that way inclined and make sure that he knew that if he tries something like that it's gonna kick off, because there is no way that I'm allowing them kind of things to happen. ...We got to sit down and talking and he had some cigarettes on him, or tobacco or whatever, and I'm just thinking to myself 'tobacco? I see old men smoking that, there's no way I could be smoking that'. I'm thinking to myself 'what have I got myself into?'

Doug

Doug was a very equable man in his late twenties. He had previously received short-term sentences for breach of the peace and resisting arrest, but was serving a four years sentence at the time of the interview, for repeatedly stabbing someone who he suspected of following a girl. He had always had a difficult relationship with his family, who broke off all contact with him when he received his sentence. Because of this, he relied more on relationships with his friends and their families, but discouraged their visits, as it was a long journey for them and he found it hard to find things to talk about. Before his sentence Doug was working on fishing boats and he was quite confident that he would be able to return to this after his release. On the other hand he was very worried about his accommodation status as he had been evicted from council housing before. Doug was glad that his time in prison was passing quickly, but at the same time saw this passing of time as its main meaning: a tax on the best years of his life.

the way I seen my sentence is, the time goes by so quick in here, that (.) it goes by quick but you age quick and you realise that life is just going by and you're stuck in here, so your years are getting took right off you.

Gordon

Gordon was young, in his early twenties, and maintained that he had not committed the offence for which he was imprisoned. There had been a big gang fight, from which his older brother had gone on to stab someone, and Gordon had been convicted as being involved in this crime, even though he said he had left by that point. Despite his claims of innocence, and this being his first prison sentence, Gordon was very positive about his sentence. He felt that he would have committed a serious crime sooner or later, and that the sentence had prevented him from doing so. More importantly, because he had engaged with all the activities on offer, he felt he would be in a better position upon his release to resist the temptation of crime. Gordon was close to his mother and felt very well supported by her. He had absconded from the open estate when he was becoming addicted to heroin there, and had met his new girlfriend while he was out, whom he described as a 'straight peg' and therefore as a positive influence. Overall, prison's meaning to Gordon was an opportunity to change himself for the better.

Makes me, makes me in a good way feel now, looking back, that maybe the best thing was that I have done this sentence , now my eyes are open and I come out with a different attitude and a different aspect and look at things different, you know? And really, to go from 18 and now I'm going out, 24, I'm going about with my eyes open, I'm not going to be running about like a daft wee boy, out in the street drinking, stealing cars. I'm planning to get out, get a house and settle down with my girlfriend.

Graham

Graham was in his early thirties and seemed uncomfortable with the interview process. He often would give very short answers and then look away. Since he was 17 he had spent most of his time in prison, but on short-term sentences for offences such as car thefts and assaults. At the time of the interview he was serving four years for an incident where he had punched a man who had subsequently died. Before this offence he had been homeless, sleeping on the sofas of friends and in hostels and he felt his life had been in a downward spiral, from which prison had saved him. He had a daughter with his fiancée, and being away from them was the most difficult aspect of imprisonment for him.

However, his relationship had been complicated by him asking his fiancée to supply drugs to him in prison, for which offence she had received community service. She and the child were living with her parents, who would not let Graham in the house, so he was hoping that they would get back together upon his release, but not confident. He did not ascribe a clear meaning to his prison sentence. On the one hand he felt it had changed his attitude, but on the other hand he felt he had not been rehabilitated and was ambivalent about his future offending.

I don't know, it has made me look at things a lot, a lot clearer (.). Maybe had a good look at my life and do I want to keep on using drugs....All that's done is took me away from my wee girl, took me away from a bond, I've lost my wee girl, I'll have to try to get her back. ... I hope to get my life sorted, but they just keep on putting me in hos/ it's not going to work. Something will happen, I'll do something again, y'know.

Ian

Ian was a slight man in his early thirties, who looked older than his age. He very briefly referred to being severely physically abused in childhood during the interview. He received his first prison sentence aged 15 and had spent little time outside of prison since then. Most of his convictions had been for assaults, robberies and attempted murders and he seemed to relish the retelling of some of the more violent incidents. After his last sentence he managed to stay out of prison for two and a half years, for two of which he was on license, which he felt had been helpful in curbing his offending. During this time he had entered his first relationship with a woman and had a child with her. Problems between them started soon after the baby was born, and when he was a few weeks old Ian was arrested for robbery. Ian said he had had to resort to crime in order to provide for his child. He received a seven year sentence with a three year extended license. Ian found this sentence much more painful than his previous ones because he felt he was missing time with his son he could never get back. His relationship with his partner had also broken down. Ian said that this sentence he had tried to engage with the resources available in the prison to achieve some kind of rehabilitation, but too many obstacles were put in his way, which had led to his disengagement to the point where he refused to take drug tests, did not apply for parole and refused to work. Despite its painfulness, he

also saw his sentence as a 'break' and imprisonment as being normal for him. Consequently, he was ambivalent about his release.

I know it's cruel to say something like that but I'm, this is the things I'm thinking about, because I'm that used to being in here myself, nae pressure, with nae pressure, nae hassle, and then going out with a wean screaming all the time. You know what I'm talking about, it's just (3).

James

James was in his late thirties and was serving his second long-term sentence. He has served a few short-term sentences before as well, partly as a consequence of never abiding by probation or community service conditions. He was serving just over ten years for two counts of drug possession and taking part in a group assault within the prison. He had cut off contact with his father and sister for the duration of his imprisonment, but was hoping to live with his father upon release. His time in prison had made James reflect on the alternative life he could have lived if he had not 'made the wrong choices', as he put it. He described his life as severely lacking in comparison to this ideal, in that he had no wife, no children, no house and no job prospects. Nevertheless, he told a positive narrative in which his sentence had made him think and therefore things were changing for the better.

[It's made me think about] everything, just (.) life, aye. How I ... wasted it, what could have happened, you ken what I mean, I COULD HAVE had a better life, if I'd just took a different path, so. It's helped me make my mind up what path I'm going to choose when I get out. . (3) I've learned from it, a lot. ... A lesson, it has been a lesson to me, a valuable one, definitely.

Peter

Peter was one of the youngest amongst my interviewees, in his early 20s, and from the start of the interview seemed quite guarded. He had been in care for most of his childhood, even though his siblings remained in the family home. Previously Peter had only received short-term sentences for driving offences, despite also dealing drugs. At the time of the interview Peter was imprisoned for ten years for his involvement in a group

killing, he and his associates had battered someone he had never met before that day but was known to others in the group. They had left him unconscious and Peter only heard later on the news that he had died. He described feeling awful right away and said that it had been a relief to be arrested. For part of the interview, Peter positioned prison as the best thing that could have happened to him and described how he had learned to be much less confrontational and to avoid fights. However, when his story of transformation through imprisonment became untenable in the interview, he switched to one in which he was the victim of the state's interventions. However, he still supported his current imprisonment as inevitable given the likelihood that he would reoffend, even though his offending history had not been all that extensive.

I'll keep on doing things [wrong] anyway, ken what I mean, so it's not, that's why I just agree with it. I'm, I'm going to get into trouble again, I probably will get into trouble again, even though I dinnae want to, I'll probably end up back in prison, so (.) ten years is probably good for me.

On license

Andy

Andy was in his late twenties and was quite agitated and frustrated from the start of the interview. He had served previous short term sentences and describes how, before his latest offence, he had tried to get help with his mental health, feeling aggression and paranoia building, but had failed to get it. He was convicted for stabbing a man who was fighting Andy's friend after having been provoked by the latter, and said that his response was 'WELL over the top, I mean there was nae need for tae use a knife, you know what I mean, absolutely nae need, I could have easily probably used my hon's'. He accepted his prison sentence as fair and said he had benefited greatly from using the gym, which had increased his confidence, and the discipline in prison. Since his release he no longer felt he had to carry a knife. The meaning of imprisonment for him was one of transformation, but being unable to find a job, he felt this progress was threatened, which meant that throughout the interview he presented himself as frustrated and upset.

Obviously I've changed as a person but pfff, I was saying to [my social worker] the last time I was doon `financially I'm at the worst I've ever been in my whole life', know what I mean. This is me

supposed to be at my best as a person and yet I'm at my worst in other areas so (.) so it's horrible man, absolutely horrible.

Jack

Jack was in his early forties, but looked older. He had spent most of his adult life in prison, typically having only a couple of months in the community between long sentences. He characterised his offences as 'robberies and everything', but was one of the few participants not to go into detail, except to say that he had committed all his offences under the influence of alcohol or drugs. At the time of the interview it had been almost two years since his last release, a change which he credited to his own motivation, but also to the support he had received from his social worker and his girlfriend. Despite these positive developments, Jack described himself as really struggling with his life outside. He found carrying out routine tasks, such as paying bills or arranging a doctor's appointment a struggle, and felt that his criminal record 'blew right out of the water' any chance of finding a job. Overall, for him, being imprisoned was normal and a reality he found it hard to move away from.

It didnae bother me wan bit, you know what I mean, going in or whatever, cause it was like a second home tae me. I probably spend a lot/ mare in there than I have oot here....[In prison] and when I get up I've got a job every morning, I go to the gym, go and play pool, go and dae whatever, then come night time you're tired for hof (half) nine, ten o'clock, oot here you cannae sleep till two and three in the morning.

Lino

Lino was in his late thirties and presented himself as an optimist who had reformed himself. His most recent sentence had been for carrying a knife, which he felt had been unfair, but he was largely supportive of earlier sentences he had received, condemning his own offending. He described his younger self as anti-authoritarian, impulsive and thrill-seeking. With age he felt he had 'mellowed out', and he avoided any potential trouble by staying in the house most of the time. He described his family as very supportive and as having helped him to think about the impact of his actions. His daughter telling him that

she did not want a dad in prison was a turning point for Lino, motivating him to desist. Lino felt he needed help with his mental health problems before he could make other progressive steps, such as finding employment. The meaning of his latest sentence for Lino was complex. He was angry he had been imprisoned for carrying a knife, but felt that to cope with and to make sense out of his time in prison, it needed to have positive consequences.

It was after I decided tae come aff the drugs, (.) then I tried tae take somethin' good oota me despising the coppers for what they'd done and hating the fact that I'm in jail for daein' nothin', for carryin something in my pocket and I wasnae daein' anything negative towards anybody. So I/ if I didnae then I think it would have been much harder for me tae deal wi the four year sentence.

Mohammed

Mohammed was in his early thirties, but looked younger. He was quite open about his past and his heroin addiction and talked easily. He had most recently been convicted of attacking someone who had previously hurt his younger half-brothers. His previous sentences had been for assault and robbery and drug offences. While imprisoned Mohammed met his biological father for the first time, along with others from that side of his family. He said of them 'I keep my distance because they'll never change, they're always going to be like that, in and out of prison. And it's no something I want.' Mohammed's younger half-brothers had also both been imprisoned, for which he felt responsible, as they looked up to him and he felt he had set a bad example. A large part of Mohammed's motivation to stop offending was to avoid becoming like his father. On license, Mohammed was struggling to find a job and felt the stigma of having a serious criminal record keenly. He was one of the only interviewees to admit to having found imprisonment very painful and difficult, and this was the overarching meaning of his sentence for him. Wanting to avoid further sentences provided him with further motivation to desist.

But (2) I don't think I would go back. Well, if I went back I don't think [short laugh] I don't think I'd hack it too well. I think I would either try and escape or commit suicide or something, because I wouldnae go back for any length of time, I don't like/ it's (.) I cannae imagine it, it scares me thinking about it.

Tony

Tony was in his early fifties, but very muscular and looked much younger. He was the only one in his family to have been in any trouble, saying he was ‘always a rogue’ and had served several long-term and numerous short-term sentences, mostly for assaults and robberies. He saw these sentences as an occupational hazard, but was still upset about a sentence he had served in the early 80s for a rape. He spent a long time explaining exactly what had happened and how he had come to be framed for it. As he said ‘they gave me three year and I hated every day o’it, it killed me, it killed me every day’. Since his release, Tony had done well for himself. He had set up his own gardening business and this had been so successful that he had been able to afford three foreign holidays that year and had taken on his brother to keep up with demand. He also had not used alcohol or drugs since his release. Despite these successes, Tony saw himself as institutionalised and described how he had resisted being released from his most recent sentence, because he ‘dinnae want the responsibility’. He came back again and again in the interview to how comfortable and predictable his life in prison had been, describing it in terms more suitable to a retreat centre than a criminal punishment. For Tony, this seemed to be what prison had become.

I was content in my wee (.) in my wee world and I just used to go up, go to the gym, get fed, eh work aboot, cleaning offices an that and then early tae bed, nine o’clock and up at five the next and it was great, I loved it, sitting in my cell ... And I used just sit there and I could sit there for hours and just look (.) look at the ferns oot in the hills, cause they always build these places away oot in the wild. And then they started .. the meetings in there you’ve got to start getting ready to go to open conditions, ‘I’m no goin’ I was fed up hearing myself saying it ‘I’m no goin’, I’m no goin’

Appendix II Reflections on the methodology

Introduction

From the start, there was a tension in my research between the research questions focusing on purpose and legitimacy and the narrative methodology. To some extent, the difficulties of telling stories about these issues were anticipated, and therefore semi-structured questions were included in the interview schedule. However, it turned out the tension between my research questions, my own background, my interviewees and their context and the narrative methodology ran deeper than that. Despite the fact that I refer throughout this thesis to the men's stories, accounts and narratives, often their answers were actually short attempts to address my questions. This Appendix describes the forms these answers took and attempts to analyse why it might have been so difficult to get the men to narrate their lives and punishments.

Interviewer and interview context

In my research notes, I often express anxiety about my inability to solicit 'true' narratives, while at the same time holding the interviewees responsible for not being a storyteller.

Not one for telling stories -- should I have been quiet more?

There seems to be a natural rhythm to these interviews with non-storytellers that I find hard to break.

Talked a lot, often unprompted, but tended to speak generally rather than personally.

Nothing like a narrative emerged, points were often strayed away from.

Some of these difficulties will have been a result of my inexperience as a narrative interviewer, and my background as a contract researcher, which often meant I tried to get as many questions as possible answered as quickly as possible. I often jumped at the chance to steer the interview into related areas I was also interested in, rather than letting the interviewee finish their own train of thought. In some really serious instances of such

interruptions, I did not even let the interviewee finish their answer to a previous question I had asked. For example, in the very first interview this exchange occurred:

MS: Okay, and how did you feel about it when you were first given it?

Colin: I knew it was coming, eh, so. I knew it was/

MS: /What was it for?

Such intrusion into their answers is unlikely to make anyone feel that there is the space and time to give a long account of oneself, despite my stated intentions.

Part of the difficulty in obtaining narratives will also have had to do with the way the narrative was supposed to emerge in the interview. After some introductory questions, for example about their routine in prison, designed to have interviewees settle into the interview, they were invited to tell the story of their sentence. They were either asked to decide themselves where this story started, just invited to tell their story, or asked what had happened on the day they were sentenced. In some of the later interviews, prisoners were also given a sheet of paper with a timeline that had the past and future at the ends, with the offence and prison sentence in between these, so that they had some indication of the topics of special interest. Interviewees responded in different ways. Some provided a relatively truncated account, often ending with a statement, such as “and that’s it” or the one used by Peter in the quote below, clearly signalling that their narrative had come to an end.

MS: You could start with your sentence or, if someone asked you “oh, what happened when you got that prison sentence”, what would you tell them?

Peter: It didn’t bother me, I think I got a result. I got ten years, but (.) the other people got twenty and eighteen, so. My thought going in was I got everything okay, my sentence, which was/ What I done, though, wasnae, I don’t deserve a life sentence for it, only kicked somebody and punched him. In my eyes, that isnae enough to give someone a life sentence, and obviously it wasnae enough for the jury as well. And then I just went back to prison, first week or something was pretty hard, but after that you just get your head into it and just start like doing your time. You’re not worrying about what other people are doing in prison, just do your own thing. That’s the easiest way to do it and just (.) that probably makes your time go a lot faster. I have been in prison lots of times before, so I know how to (.) get tuned into it and start doing my time. Go to the gym, activities, things like that. It’s alright. Anything else I can tell you? [laughing].

While these interviewees were trying to comply with my request for a story, the way in which they summarised and ended their answer at the same time seemed to indicate a

reluctance to share experiences in more depth and may have been a result of the narrative question being asked towards the start of an encounter with a stranger, as discussed in Chapter 5.

Interviewees

It seemed at the same time, however, that an extended life story was too much to expect from most of these men. Only a few told stories in which they decided on the focus and direction of the narrative without (much) further input from the interviewer. Often, interviewees would take a long speech turn relating one aspect of their experience, sometimes in the form of a story, and then wait for the next question to be asked. When their answer was not in the form of a story, as was often the case, it would consist of a summing up (e.g. of previous sentences) or take a more abstract and distant form, relating to others as well as themselves. The below quote from the interview with Graham illustrates the difficulties some of the men had telling stories.

1 MS: And if you would tell somebody the story of your sentence, where would you start and what
2 would you tell them?

3 Graham: Ooh. The only thing, the only thing that bothers me about my sentence is not being near
4 my family. To be/ I, I see prison as a, as a learning curve, that's the only thing in here, you'll
5 learn about other crimes, it's/ I'm hoping to get out and sort myself out, I've, I've done a lot of
6 time and I'm 33 years of age now, so (.). I've got a wee girl of ten as well, I'm sick of the life,
7 this is not even a life, this is a mug's game. It's for idiots, you know, it's for idiots. Nah, I don't
8 know where to start, I don't know.

9 MS: So, start on the day you were sentenced, or on the day you committed your offence, or when
10 you first came to the prison.

11 Graham: I would think it was, I would think it was okay, you know, I deserved to get the
12 sentence, you know, I took a life. It was accidental, I didn't mean to kill the boy. Four years is a
13 bit harsh, but, then again, I took a life, you know, so I'm leaving somebody else's family without
14 a boy, you know (2). So, in a way/ aye, I was better aff to come here anyway, because I was/ the
15 way I was going, I was [going about] drink, drugs outside, I would have probably ended up
16 killing myself, you know, so I think this is more or less/ the jail saves a lot of people, it really
17 does, you know, for the people/ this jail/ most of the people in here they're all thingmied through
18 drugs and that's why people are in. It's either drug or drink related, you know? And (.) I think
19 this/ it saves people. Most families would rather see them in here than out on the streets, you
20 know. My wee mother, my ma, my mum always says "I know where you/ if you're in prison I
21 know where you are, you're safe, you know what I mean." No, but. (3)

In line 3-8 Graham struggles to settle on the topic of his answer. He mentions the pain of being separated from his family, before switching to the criminogenic impact of prison and then interrupts himself again to express his hope for desistance in relation to his background and current circumstances. He then admits that he is not able to frame his own answer in line 7-8. After my input, Graham does not use any of my suggestions as the starting point for a story. Instead, he reflects on the fairness of his sentence. He relates this to the harm he caused others, but in line 14, after a pause and an aborted statement, switches to the preventative role prison has played in his life. The pause in line 14 and the pained quality of the aye in the same line, which sounds more like a groan than an affirmation, suggest that his previous theme was not a comfortable one. Neither is the one he has settled on, because he takes a step back from his own bleak future at the time by switching from the personal to the more general in line 16-17, making it clear that he is not alone. Then, in line 19-20 he uses families as a vehicle to switch to the personal again, relating how his mother feels about him being in prison. While this could have been the start of a story, including other characters and their point of view, he does not develop this either, ending on a very ambivalent “no, but”, which seems neither intended to negate any of the preceding, nor to start a new argument. Leaving more space here for a more extended answer did not lead to a further, or more coherent, response from Graham. As my notes taken after the interview say:

Hoped he would have a lot to say, but he didn't tell stories and stopped talking in quite an abrupt way a lot of the time and then he would look away (down to his right), make no eye contact and wait for the next question. Using silence too much as a way of soliciting more narrative responses feels almost unfair, making him uncomfortable.

Graham and some of the other interviewees, seemed to lack the confidence to take extended conversational turns and to elaborate their answers with the kind of detail that characterises stories. Instead, they interrupted themselves, changed tack frequently and compressed their answers.

In Graham's quote, at no point would it have made sense to ask 'what happened then?', which provides a crucial linkage between different parts of the narrative, according to Labov (2010). Neither does he tell a habitual or hypothetical narrative

(Riessman 1997). Polanyi (1985) distinguishes between stories and reports, in that narrators generate stories themselves and take responsibility for their relevance, while reports are given in response to the recipient's questions and place the responsibility for interpretation on them. Graham is trying to give the answer I am looking for, not to convince me of a point he is trying to make by way of a story; his response does not have a persuasive function (Riessman 1997).

There is a growing recognition that narratives may not come naturally to everyone, with some arguing that it is an inherently Anglo-Saxon and middle class form of expressing oneself (Atkinson 2009). Silverman (2001) has pointed out that open-ended questions, usually perceived as giving the interviewee much needed freedom to frame their own answer, are also a cue to the interviewee as to how they are expected to respond. The pressure to provide extended answers can be uncomfortable and if the questions are very broad, it will be difficult to decide what is relevant. Others have also found that (most) prisoners in the UK are not used to putting their experiences into a narrative form and have difficulty answering questions that ask them to consider their lives as a whole (Evans & Wallace 2008). Furthermore, it has been noted that an inability to reflect on their lives and seeing themselves as merely buffeted and propelled by circumstances, or being 'fractured reflexives' (Vaughan 2007, p.397) might be one of the problems that keep offenders from desisting. I would argue here that few if any of my interviewees were such 'fractured reflexives' – a long-term prison sentence does seem to facilitate at least some reflection and perspective on life. Nevertheless, it was clear that for many of them telling stories was not a natural or comfortable form of expression.

What can be narrated

Finally, a further problem might have been the limited narrative content of the men's experience of imprisonment. The stories that were told tended to centre around the same topics; those that lent themselves to narration. This included the offence(s) they had committed, and often their subsequent arrest. These were often described in rich, almost cinematic, detail, even though the focus of the interview was on the sentence,

not the events preceding it. For example, one interviewee on license, Mark, launched right into the story of his offence at the very start of the interview, saying

I'm quite open eeh, it helps me to deal with eeh, my whole situation (.) of the offence. The offence wiz, eeh, a violent offence.

He then related the story of his offence, although at times diverging to other topics, for the next 11 minutes. One excerpt, describing the situation leading up to the actual offence, where he chased boys who had been drinking and being raucous outside his flat while his baby slept one too many times:

I was gullible, and I was fallin' I was fallin' for it an I was following them up and they're eggin' me on 'come on, come on we'll fight you up here' and I wiz / I had taken steps forward tae, you know, challenge them and eeh. A couple of them that wiz there, their mother and fathers were stayin' in the street, but further up and away. And eh, they were shouting oot the street 'leave them alane, leave them alane' and I'm shoutin' an bawlin' wi them. And eeh, and it wiz jist that instance, some (.) body was walking by, an actually stepped off the/. This is all I can remember, because of the drinking and the heroin that I was using at the time, and everything was going so fast, all I can remember was somebody steppin' off the / the pavement and approaching me on the middle of the street and tapping me on the shoulder, eh my shoulder, an then me turning round and having a bit of a discussion.

Here, Mark is taking responsibility for the meaning of what he says. While he is not trying to convince the listener of an obvious point, he is relating *his* version of events, which includes provocation by the youths he is pursuing and diminished responsibility due to intoxication. The account, despite diversions, largely follows the chronology of events and "what happened next" could be asked at almost any point. It also includes a rich variety of actors and motivations ascribed to them.

While Mark was an expansive, if halting, narrator, there were several others who told extended stories about their offence and arrest. In fact, when invited to tell their story of their sentence, as described above, many started to talk at length about their offence. This may be because it is a highly 'tellable' event. Norrick (2005) characterises events as tellable when they are of sufficient interest to motivate an audience to listen. Offences are of interest because they are out of the ordinary, but these interviewees are also likely to have been required to tell the story of their offence several times (to the police, to their lawyer etc.), so they will be aware of the

interest of this part of their experience. David, who was convicted of death by dangerous driving, noted:

Eeeh, I wasn't even wearing a seat belt so that (.) I probably sound quite, as if I'm talking about it quite callous or cold, I think I've spoken about it so often now, you just sort of/ you become used to it.

Besides repetition making stories less likely to evoke emotion, as David suggests, repeatedly told stories are also easier to produce (even though they may not always be told in the same way) – it is the aspects of their experience that people have not narrated before that are more difficult to articulate (Hydén 2008).

These two factors, whether an event is tellable and whether it has been narrated before, may explain why other parts of the interviewees' experience, which were of greater interest to the research, were less likely to be narrated. In particular, the experiences of sentencing and imprisonment did not tend to produce stories, or ones that only related to a very small portion of the experience. Pinnock et al (2011) have found that certain illness experiences lend themselves less to narration than others. Similarly, some criminal justice experiences may be more difficult to craft interesting stories from. In relation to imprisonment the interviewees themselves often reflected on this:

That hour in the visiting room it's a long time, there's a lot of uncomfortable pauses of silence because you've no got much to talk about cause like it's like ground hog day in here, every day during the week is the same and every week-end is the same, see you've no really got much to talk about at a visit, know what I mean, you end up big uncomfortable pauses of silence. (Doug – end of sentence)

There have not been any/ no, there have not been any special moments this sentence. Every day is just another day (.) humdrum. (Dan – end of sentence)

Similarly, even the most talkative of my interviewees, Devan, who talked at great length about his life previous to his offence, his offence itself and the period of parole before he was sentenced, when he was working in a hotel, had no ready reply to what had happened in prison and seemed to find the question funny.

MS: So you've told me quite a lot about what happened until you came to jail, and just now a bit about what might happen after, but what about what has happened in the time that you have been here?

Devan: In the time that I have been here? [laughs].

He stops taking responsibility for his responses and asks for more direction here than at any other time in the interview.

But, in this jail, that I have been in, there has been quite a lot of things that's happened, in here. Since I have been here, really. So what are the kind of things that you want to know?

Even though he says that quite a lot has happened, he later exclusively focuses on a fight he had with another prisoner (one he wins against all the odds), and talks about this for almost 20 minutes, once again demonstrating what a consummate storyteller he is, unlike most of my interviewees. However, a fight is a highly tellable event of the sort that is scarce in (at least this) prison. Where imprisonment might once have been marked regularly by such events, this, according to the interviewees, was no longer the case.

Eeh, back in, back in '94 when I did my sentence then, ... it was very political. I mean, the people kind of went into groups and there was a lot of sort of factions, there was a lot of interfactional politics and psychology and violence. I mean, there were murders and stuff like this. Eeh, and that kind of really kept you on your toes, you know, there was tales to tell, you know, from that sentence. But this time, eeh, the prison's changed a lot ... There were times when it was dangerous, you could be hurt, whatever, you know, you FELT that fear, you know, eehm, eeh, but that kind of kept you on your toes. It was (3) almost exciting, but not quite, if you know what I mean. That kind of kept you, you know, really kind of eeh (.) sensitised to your environment. Now, I mean, it's just totally dead, sterile and you just kind of just feel (.) desensitised, disengaged, you know, people kind of wandering around like zombies, you know. (Alex)

Prison is a deprived environment for the creation of stories. When the routine is exactly the same every day, without variation or much incident, there is little to tell. This lack of narrateable material might constitute another of the pains of imprisonment, and contribute to some prisoners' feeling that they had not matured during their time in prison.

Conclusion

This Appendix has discussed the ways in which the interview context, my background, the interview topic and the group of participants I focused on might all have limited the extent to which true narratives emerged in the research encounter. Some of these issues could have, and perhaps should have, been overcome. Narratives might have been more likely to emerge with more extended previous contact and more of a personal relationship between researcher and interviewee. Other limiting factors, such as the finding that prison is a deprived environment for story material, could be a cause for concern. It is good that prisons are no longer violent, dangerous places, but perhaps more effort should be made to provide variability and texture to the experience, especially as this is something that prisoners will have to learn to cope with again upon release. The interviews with men on license discussed in Chapter 9 suggest that dealing with unpredictability is difficult after long periods of monotony, even though the monotony is difficult in its own right.

Despite these limits on the extent to which the research reported here can be considered truly narrative research, I would nevertheless defend the use of narrative methods in this thesis. If I had asked the men only the questions related directly to my research interests, without attempting to get a more extended version of their own take on their lives and punishments, the results would have looked very different. Being able to examine perceived purposes in relation to long-term life goals allowed me to make sense of the ‘as if’ rehabilitation of having time to think or building confidence in the gym. Seeing the acceptance of imprisonment’s legitimacy as related to the men’s coping style allowed me to examine why the men’s justification of their sentence sometimes seemed so forced and defensive. And analysing the men’s interview material as narratives facilitated an understanding of the way in which license conditions counteract the transformative power of imprisonment, around which some of the men constructed their answers. As these linkages have formed the backbone of the main argument of this thesis, I would argue that there is much to gain from analysing any instance of talk using narrative methods, while hoping for more story-like stories in the future.

Appendix III Information leaflet and consent form

Interested in telling a researcher how you see your sentence? Then please read on.

My name is Marguerite Schinkel and I am doing a PhD at the University of Edinburgh. Before this, I worked for 4 years as a researcher in the fields of criminal justice and mental health. I am interested in how prisoners and probationers see their sentence. To find out, I need your help. I would like to speak to you about your sentence, what you think of it, and what difference it has made in your life so far.

Why do this research? Not much attention has been paid in the past to how people see their sentence. I think this is an important issue, because the way a sentence is experienced may be very different from how it was intended. I think we need to find out how sentences are experienced to see if we, as a society, are right in sentencing people the way we do.

Do I have to take part? No, whether you want to take part is completely up to you. Even after the interview has started you are still free to withdraw at any time and without giving a reason. You can also refuse to answer any question.

What will taking part mean for me? What you say will not be shared with prison staff or social workers - it will be treated as confidential. This means that you taking part will not have positive or negative consequences for your parole hearing, your treatment in the prison or the support you receive. The only exception to this is if you tell me about clear plans to harm yourselves or others, in which case I will have to pass this on.

How does it work? Interviews should last around 1.5 hours. I am interested in hearing your stories about your sentence, so you will be able to tell me what you think is important. At the end I might have a few more questions, to cover all the topics I am interested in. If you agree, the interview will be audio recorded, so I can type it up and analyse it. The recording will only be heard by me and my supervisors and will be destroyed a year after the research finishes.

What will happen to what I tell you? I will use what you and other participants say to write a report (thesis) for the university. I also hope to publish articles in journals and briefing papers reporting what I found to people like social workers. If you would like to receive one of these briefing papers, please give me your (email) address so I can send it to you. This may take time, though, even a couple of years.

Will people who read the reports be able to recognise me? All the information you provide will be kept strictly confidential and I will not use your name or any other identifying information in the reports. If you have concerns about certain things making you recognizable (for example, the offence for which you were sentenced) please let me know and I will make sure to leave them out or change them.

Who is funding the study? The study is paid for by the Economic and Social Research Council (ESRC).

What if I have any questions? [Name] and [name] are the officers who are helping to organise this research. If you have any questions, ask them, or get a member of staff to ask for you. They will either be able to help or will ask me and get back to you with my answer.

Consent form – prison

Please tick the appropriate boxes

- I have read and understood the project information sheet dated 25/08/2009.
- I have been given the opportunity to ask questions about the project.
- I agree that the interview can be audio recorded. I understand that the recording will only be used for analysis and will be destroyed one year after the project is finished.
- I understand that my taking part is voluntary; I can withdraw from the study at any time and I will not be asked any questions about why I no longer want to take part.
- I understand that prison staff or social workers will not hear about what I said and that taking part will not make a difference in my sentence or the support I receive.
- I understand that my words may be quoted in publications, reports, web pages, and other research outputs but my name will not be used.
- I understand my personal details will not be revealed to people outside the project.
- I agree to take part in the project

Name of Participant Signature Date

Name of Researcher Signature Date

If you have any questions or concerns, please contact Marguerite on m.schinkel@ed.ac.uk or ask Charlie Leeson or Ricky Carberry who will pass them on.

- I am willing to be contacted for further interviews
- My contact details are: _____

Appendix IV Final interview schedule

Introduction

Tell story of how came to do this PhD?

Confidentiality etc.

Warm up questions

- How did you hear about this research and why did you decide to take part?
- Can you describe your daily routine at the moment?
 - What do you like about it?
 - What do you not like about it?

Narrative part

I am interested in hearing your story about your sentence, so I can hear what *you* think is important about it.

- Can you tell me what happened on the day you were sentenced?
 - Prompts: how did you feel about what happened/ what was said?
- What happened after that?
- How was it for you to start your sentence? How did you feel? What do you remember of your first year in prison?
- What has happened during your sentence? What have been the key moments (best/worst)? Possible examples: programmes, moves between prisons.
- Who have been important people for you during your sentence? What has made them important?
- How do you feel about your sentence now?
- Who and what have influenced the way you think about your sentence?

Topics to check if not covered:

- Have you been sentenced before? How has this been compared to other sentences?
- How fair do you think your sentence is?
 - Did you think the law you broke is fair?
 - Do you think you caused any harm?
 - What do you think should have happened?
 - What factors do you think should have been considered?
- What do you think was the purpose of you being given that particular sentence?
 - Why do you think that?
 - Has anyone discussed this with you?
- Do you think your sentence achieved its intended purpose?
- What do you think it did achieve/what has its impact on you been?
- Have you learned anything from your sentence?
 - Do you think you were meant to?
 - Has anyone talked with you about whether what you did was wrong?
- What is the meaning of your sentence for you?
- What do you think the criminal justice system as a whole achieves?

ICM

- How do you feel about the sentence management/ICM in this prison?
- What do you think about your personal officer?
- Have you had contact with your family while you have been in prison?
 - How has this been/Why not?