

The working credos of prison governors in Korea

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The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

Prison governors occupy a critical position in applying penal policy. Despite the importance of their role, relatively little is known about how they perceive their work and the prisoners in their care. This study focuses on their working credos in order to understand how and in which ways these affect their working practices. The study adopted a qualitative approach, gathering data through in-depth interviews with twenty-six Korean prison governors.

The study aimed to construct an explanatory model of these governors' working credos and identify the characteristic features of each credo in order to understand the interrelationship between the governors' working credos and their practices. In pursuing these aims, with reference to a number of key objectives, the study first found that each governor predominantly held one of four working credos: the punishment, paramilitarist, managerialist and humanitarian credos. The typology of the working credos as Weberian ideal type was constructed by interpreting the features of the Korean prison governors. The characteristic features of each credo were identified with respect to the governors' relationships with the prisoners, staff, government and the outside community.

Despite some similarities to those proposed by previous studies, the Korean governors' working credos showed a distinctive pattern of prevalence. The governors were found to have a greater tendency to hold punitive attitudes and cling to a paramilitaristic culture, and were less affected by managerialism and humanitarianism than their counterparts in England and Wales. The formation of their working credos had been influenced by various organisational and societal factors. The country's past military regimes seem to have influenced the formation of the paramilitarist credo, and, although the evidence was not conclusive, it suggested that the governors' working credos were also influenced by various individual factors to various degrees; for example, by the governors' age, education, period of service in the prison service, and work experience at the Correctional Service Headquarters.

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List of Abbreviations

AHRC	Asian Human Rights Commission
ECHR	European Court of Human Rights
KICAC	Korea Independent Committee Against Corruption
LRTI	Legal Research and Training Institute (Korea)
MOJ	Ministry of Justice (Korea)
NHRC	National Human Rights Commission (Korea)
NOMS	National Offender Management Service
PAL	Prison Administration Law (Korea)

Chapter 1. Introduction

No society can function without rules that regulate behaviour and sanctions against those who break them. In nation states such as the UK and Korea, where the death penalty has either been abolished or is in abeyance, the ultimate sanction is a prison sentence. Because prisons are a vital part of the criminal justice system, they have been extensively studied by penologists, and yet surprisingly little attention has been paid to those who are given the onerous responsibility of overseeing the day-to-day running of those institutions. The purpose of this study, then, is to explore the prison governors' working credos and how and in what ways these affect their working practices.

Governors are pivotal figures: they both manage the prison and represent it to the outside world, which includes not only the ministry responsible for the formulation and implementation of penal policy but also the public at large, the media, and a variety of pressure groups. All of these environmental factors impact upon the governors: their working strategies and practices, and their attitudes, values and beliefs.

This study is concerned with working credos, which may be defined as sets of beliefs about and attitudes towards the purpose of work that are, to some degree, realised or articulated in strategies and manifested in practice. Or, as Lord Scarman put it more simply, they are 'the values and beliefs that shape the daily work and concerns' of individuals (see Rutherford, 1993a: Foreword). Many further definitions have been proposed, which this study will explore later (see Chapter 2, subsection 2.5.1). However, the working credos as an 'ideal type' do not constitute a fully accurate and complete depiction of Korean prison governors' attitudes in all of their features in the Weberian sense (Weber, 1949: 84). Rather, they embody a series of features by extracting out, focusing on or selectively excluding certain features.

The notion of a working credo is important because in order to understand how governors perform their roles and duties, it is not enough merely to identify and

analyse their practices. We need to understand why they act as they do and explore their world in order to identify and analyse, as far as is possible within unavoidable limits, the web of interrelated factors motivating and constraining their behaviour.

This chapter presents an overview of the thesis and discusses the relevance of the research to the arena of criminal justice. The chapter begins with by outlining the background to the research, and then briefly discusses the significance of prison governors' roles and working credos in prison management. The scope of the study is confined to the governors of local prisons in the Republic of Korea (referred to hereafter as Korea), and the chapter examines the formation of and changes in their working credos as these reflect and affect the Korean prison context. The chapter briefly discusses the previous studies on this particular topic, and outlines the study's aims and objectives. It then describes the selection of the research sample, outlines the methodology, and finally presents the structure of the thesis.

The motivation of this study is twofold. Firstly, it wishes to contribute to the current debate on the most pressing prison issues in Korea. Secondly, it seeks to fill a gap in the literature on the governors' working credos. In addition, this study claims originality: it is the only comprehensive study of Korean prison governors and constitutes a unique attempt to evaluate the Korean prison system through an investigation of the values and attitudes informing their managerial practices. The empirical evidence gathered by the study helps us further to understand the interrelationship between the governors' working credos and their working patterns and strategies.

The researcher had a great interest in this subject and decided to conduct this research mainly because of his background. He had worked for the Correctional Service of the Ministry of Justice as a governor-level official until the start of this research and will resume this work after completing this study. During his career in the Service, he had worked as a prison policy maker, with an extensive involvement with prison programmes and management issues on a nationwide scale.

Recent penological changes in Korea motivated the researcher to seek to understand the current situation in Korean prisons and consider future developments. It is important to note that the changes have greatly affected prison practices, and that the governors have been at the centre of these changes. Korea, with approximately the land area and population size of England and Wales,¹ has rapidly developed both economically and politically, becoming a democracy in 1993.² It should be understood that this development has been obtained at the cost of great sacrifices on the part of the people, particularly in the area of human rights, and that the country has suffered much hardship, especially during the Japanese colonisation (1910-1945) and the Korean War (1950-1953).

From 1998 to the present, successive democratic governments have introduced liberal policies which have had a considerable impact on prisons and their employees. Whilst the previous authoritarian regimes had been almost exclusively concerned about imposing law and order in prisons, governments since 1998 have put more emphasis on the rehabilitation and humane treatment of prisoners (Kang et al., 2003). These changes included restricting the use of physical restraints, relaxing disciplinary punishment and providing prisoners with more amenities. Their reform measures were further facilitated by the media's increased access to prisons and the advent of the National Human Rights Commission (NHRC), which influenced the prison service to a significant extent. These changes, however, while they improved the prisoners' conditions, adversely affected the prison working conditions and climate, especially for prison staff. For instance, prisoners became more inclined to initiate litigation and to display their grievances more often, which resulted in an increased staff workload. Moreover, prisoners' awareness of their new rights changed their attitudes towards the officers, and aggravated the tension between the officers and prisoners, which frequently resulted in violence. For example, in 2004

¹ Since 1949, when the first official census was taken, the population of Korea has more than doubled, from approximately 20 million in 1949 to 47 million in 2005, according to the Korean National Statistical Office.

² Owing to its rapid economic growth, Korea joined the OECD (Organisation for Economic Co-operation and Development) in 1996, and was the world's 13th largest economy in terms of gross domestic product (GDP) in 2006.

an officer was murdered by a prisoner, the first occurrence of such an event in Korean prison history.

While these problems remain acute and must be dealt with by the policy makers, it is undesirable that the Korean Correctional Service should return to a reliance on the severe law and order policies which characterised the authoritarian regimes, as these did not prevent violence; on the contrary, violence was routinely used by officers against prisoners (Lee, 2003a). As Rutherford (1993a: vii (Preface)) notes, criminal justice policies without humane values will descend into violence in the end. On the other hand, as Peak (1995) admits, the enhancement of prisoners' human rights and the expansion and improvement of their amenities can lead to a situation where officers can lose control of the prison. The governors, being at the centre of this dilemma, which is reflected in the conflicting government demands, have not only had to adjust their working values but have also suffered emotional conflicts. It has been noted that 'tension between custody and care is at the heart of everything they do' (Bryans and Wilson, 1998: 28). Consequently, they and their officers, who traditionally were punishment-oriented, have recently made frequent complaints about their role conflicts, job stress and burdensome workload (Moon and Maxwell, 2004b).

Governors play a vital role in the conditions and general climate of the prison, especially in a time of change (Coyle, 2002a; Peak, 1995: 269). Since Korean governors can be 'the principal agents for change, being able to encourage, facilitate, or impede the reform efforts of others' (Rutherford, 1993a: 120), it is important to study how they cope with the many difficulties that prisons currently face. Given that the governor is the most important person for both the prisoners and the other prison staff, understanding their working credos is potentially very useful because a small difference in the ideologies of the prison governors can produce a great difference in their prison practices (DiIulio, 1987: 165). DiIulio (1987) also argues that the characteristics of prison management are often affected by the governors' professional ideology.

The study also seeks to contribute to the literature because little attention has been paid to the governors' working credos and particularly to the interrelationship between what they believe regarding their role as a governor and how they implement their duties. Given that the understanding of the governors' working credos could be extremely useful when devising strategies to deal with the penal crisis (Cavadino and Dignan, 2002), it is not surprising to find researchers remarking that governors' working credos deserve more study than they have received (Cullen et al., 1993: 70).

It has been found that prison governors experience emotional conflicts, being torn between the rehabilitation and punishment ideologies (Rothman, 1980; Cullen et al., 1988). One of the most crucial tasks of any governor is the maintenance of the secure custody of the prisoners through good order and discipline, but some governors recognise that 'kindliness, common sense, and humane justice can exist side by side with the enforcement of law and order' (Rothman, 1980: 225). In addition to this conflict of values, a new management approach, emphasising 'efficiency, effectiveness and economy', has transformed the practices in England and Wales. Although in Korea the progress of this trend has been slow, managerialism in Korean prisons has significantly changed the organisational culture and affected the values of some prison governors.

Regarding the previous studies on this topic, Rutherford (1993a) suggested that three working credos can be identified as the predominant ideologies among the criminal justice elites, including prison governors: the punishment, efficiency and caring credos. He argues that the emphasis on efficiency, to which most of the governors he studied were committed, had been imposed to the detriment of the caring credo with the result that the staff had become apathetic towards the prisoners. Since Rutherford, Cavadino et al. (1999) have produced similar findings, but used the term 'strategy' rather than 'credo'. Most recently, Liebling (2004), basing her approach on Rutherford's findings, has discussed the working credos of prison officers. However, the frameworks they used were different; Rutherford was concerned with 'decency', Liebling with the 'moral performance' of prison officers, and Cavadino et al. (1999) with the implementation of practical strategies.

The study explores the working credos of Korean governors by examining the interrelationship between these working credos and their practices. The researcher assumes that a governor's working credo is a reliable determinant of his or her overall performance. The study presents a typology of four working credos and discusses the organisational implications of each. It should be noted here that while three of these credos (i.e., the punishment, managerialist and humanitarian credos) are similar to Rutherford's, the fourth (i.e., the paramilitarist credo) seems to be a product of Korea's particular social and political history. This research is not a comparative study; however, assuming that comparing its results with those of others will contribute to a greater understanding of this relatively unexplored area of study, this research used the results of similar studies in England and Wales in order to frame its analysis of Korean prison governors' working credos.

The literature reviewed for this research gives both a theoretical and empirical background, and helped to determine the aims and objectives of the study. The aims are to explore the working credos of Korean prison governors and to discover how and in what ways these affect their working practices. To achieve these aims, five objectives were formulated. Firstly, the study will develop an explanatory model of Korean prison governors' working credos, classified according to the governors' priorities among their various duties and values. Secondly, it will discover the characteristic features of the working credos and compare them with those found by previous studies. Thirdly, it will investigate the influences of organisational, societal and cultural factors on the formation of the credos. Fourthly, it will investigate the influences of individual factors on their formation. Fifthly, it will identify the implications of the findings for penology and penal policy.

The thesis consists of eight chapters, including an introduction and a conclusion. The following outline summarises the structure and content of the study chapter by chapter. After this introductory chapter, Chapters 2 and 3 review the relevant literature. The studies discussed refer mainly to Western countries, especially England and Wales, because the sources regarding Korea are extremely limited. Chapter 2 discusses the governors' role, authority and duties, and the exercise and

limits of their discretion, and considers various definitions of the working credo. The study assumes that the governors would predominantly but not exclusively hold one working credo, and that they would adopt practices in accordance with this where not constrained by such factors as government directives. The chapter further examines the individual and organisational factors affecting the formation of working credos.

Chapter 3 explores the penal ideologies and their connection with the governors' working credos. The ideologies considered are rehabilitation, punitivism, humanitarianism and managerialism. The second part of the chapter is devoted to understanding the governors' working credos. It deals with their typology and features, and their prevalence and obsolescence. The discussion is mainly based on the three categories of Rutherford (1993a): the punishment, efficiency and caring credos.

Chapters 4 and 5 explore the development of Korean prisons with reference to socio-political history. Chapter 4 discusses how penological transformations have affected prison practices and values in modern Korea, beginning in 1945 and considering four phases: three marked by authoritarian rule and the fourth witnessing the establishment and consolidation of democratic government. The chapter next describes the main features of the prison organisations (local and central) and then examines the prison personnel management system with reference to, for example, recruitment and promotion, cultural and organisational distinctiveness, and the influences of the country's militaristic socio-political history.

Chapter 5 explores a number of prison-related issues; for example, the features of the prison population and regimes of Korean prisons. It discusses how such features affect the governors and their work. The chapter first examines the features and composition of the prison population, how the governor and his staff have coped with those changes in security and control of the prison, and goes on to discuss the prison operation, prisoner activities and justice in prisons.

Chapter 6 presents the research methodology, which outlines the aims and objectives of the study. It discusses the choice of an appropriate method and research instrument, describes the procedure of conducting the interviews, and explains the data analysis process. The rest of the chapter explains in detail the analysis of the data gained through the interviews.

Chapter 7 reports the results of the data analysis, identifying the features of each credo. These form distinctive patterns, which permit the working credos to be categorised and formed into a typology. Four distinct credos, the punishment, paramilitarist, managerialist and humanitarian, are explained. This chapter then discusses the main features of each working credo, particularly in relation to the core ideologies and values underpinning each of them. On the basis of the interview data, the chapter examines the interviewees' attitudes towards the prisoners, staff, government and the outside community.

Chapter 8 considers the results in the light of the study's objectives and draws conclusions. It summarises the findings of the research, considers some implications for penology and penal policy, presents some limitations of the study, and makes several suggestions regarding both the development of prison management in Korea and future studies.

Chapter 2. Understanding prison governors in the context of their working environment

2.1 Introduction

The purpose of this thesis, as noted in the previous chapter, relates to prison governors' working credos. Working credos in general may be accounted for through the relative effects of individual background characteristics, occupational conditions, and organisational environment, including the outside community. Even though these factors have not been examined extensively with regard to prison governors, this chapter reviews the ones relevant to the prison arena and outside it. It provides an account of some of the discussions which have taken place in the area of penal values and prison governors' work, and will refer to the literature devoted to Western countries, mainly England and Wales, because the term 'working credos' has been discussed in depth only in those countries and the literature is the most readily accessible. Korean material will be introduced mainly in Chapters 4 and 5, which contain detailed information about Korean prison governors and their working environment.

This chapter first discusses fundamental issues concerning prison governors, their work, working environments and discretion. Second, it explores the notion of the working credo and the factors affecting the operation of credos in the prison setting. Thus, the chapter seeks to provide an understanding of who prison governors are, what they do and what constrains or influences their practice.

2.2 Understanding prison governors and their work

This section focuses on understanding who the prison governor is. In doing so, the study first examines definitions of the prison governor and how governors use their authority to manage their institution. The section then considers governors' work.

including their responsibilities for prisoner-related work, management of a penal institution and their work competency.

2.2.1 Prison governors and their authority

The term 'prison governor' is not meant to be exclusionary (McCampbell, 2002; McShane and Williams, 1993). Governors are named differently according to the role they are asked to perform in the place or the system they belong to. Though the title of the top manager in prisons differs in the literature (for example, governing governor, warden, director, jailer, superintendent), the term 'prison governor' in this thesis does not refer to lower grades but to the 'governing governor'. A person charged with running a prison in England and Wales is also known as the 'governing governor' (Bryans, 2000a: 27; Bryans and Wilson, 1998: 20; Carlen, 2002: 30).

Research studies also use the term 'prison governor' to refer to the governing governor who is in charge of a single prison (Bryans, 2000a: 27; 2000b; Bryans and Wilson, 1998: 20) or who is 'the key to the conditions and general climate of any prison' (Peak, 1995: 269). One of the reports issued by the Office of Manpower Economics of England and Wales defines 'governing governor' as the only governor in an establishment (Office of Manpower Economics, 2003: 49). Even though there are usually two or more governor-grade staff in an institution, the governing governor is in overall charge and the other governor-grade staff are deputy or assistant governors. The latter take the governing governor's place when the governor cannot carry out his or her duties. In this sense, the governing governor is the 'Number 1 Governor' (Vagg, 1994: 115).

Though the title used for the governing governor may be different in different places, they are equivalent. For example, the term 'director' is used for the governor of a contracted-out prison in England and Wales (HM Prison Service, 2005a). *The United Nations Standard Minimum Rules for the Treatment of Prisoners* (United Nations, 1957: Rules 25, 50 and 51) and *The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty* (United Nations, 1990a: Rule 86)

also use this terminology. In the Korean prison system, the governing governor is called 'chief of the institution' (*So-jang* in Korean).

It is thus generally assumed that the prison governor holds the position of top management in prison establishments (McDonnell, 2000). He or she is the highest ranking officer and is the key person who is responsible for the overall running of the institution. In accordance with this notion, governors as leaders are the most influential individuals in prison management. They have the greatest direct effect on the prisoner's life through their control of resources such as staff and budget, and so they are critical to the life of prisoners (Carlen, 2002: 29-30; Farkas, 1999: 496). Prisoners are also affected by the governor's allocation of rewards and penalties, and by his or her decisions regarding the implementation of programmes (Bazemore and Dicker, 1994: 309; Caeti et al., 2003: 385). It is assumed that the governor exercises the major share of authority in the operation of the prison (McCampbell et al., 2002).

The authority of prison governors comes mainly from the fact that they are agents of the country's penal authority (Bryans and Wilson, 1998: 19-20; McConville, 1981: 307). With the exception of a small private sector in England and Wales, all prisons are run within the public sector. Thus, most governors are civil servants, and they are the most visible representatives of the central prison service. Many countries, for example England and Wales, The Netherlands and France (and also Korea), conceive of governors as 'career professionals' (Vagg, 1994: 113), who have spent or will spend most of their career in the prison service. The central government carefully selects the governors it entrusts with the task of prison management; those appointed must know best how to use the prison structures appropriately (Bazemore and Dicker, 1994; Carlen, 2002; Peak, 1995: 245). Since their authority includes the power to command and control prison officers and prisoners, and they need the legitimacy, justification and right to exercise that power, it is the central government alone which can legitimise governors' authority (Vagg, 1994).

The relationship between governors and central government is a crucial one. Because governors' authority is inseparable from their accountability, the government oversees prison performance and ensures that governors properly

implement its policies. In accordance with the regulations prescribed by legislation and through the chain of command established by the central government, governors deliver the government's policies by deploying the prison's lines of communication, budgetary resources, audit system and staff management system. The *Standard Minimum Rules for the Treatment of Prisoners* (United Nations, 1955: Rule 50(1)) regulates that the governor should be 'adequately qualified for his/her task by character, administrative ability, suitable training and experience'. These requirements have a long history: in England and Wales, an Act of Parliament of 1839 regulated that a person authorised to appoint prison governors 'shall appoint such Keeper by the style of Governor such Governor shall have all the Powers and Duties of the Gaoler or Keeper of that Prison; and all Enactments made with regard to the Gaoler or Keeper shall apply to the Governor so appointed' (see Bryans and Wilson, 1998: 19). The authority and responsibility of prison governors in Korea are very similar to those in England and Wales; they are regulated by Korea's Prison Administration Law³ (a detailed discussion will be presented in Chapters 4 and 5).

2.2.2 Governors' work

In order to understand who prison governors are, it will be helpful to identify what they do in prisons. In general, the governor's work is distinct from that of lower-graded prison staff. For example, one of their duties is to manage the prison staff. The governor's main concern has always been the custody and control of prisoners (Rothman, 1980) and, more recently, their rehabilitation (Farmer, 1977: 243). These duties are prisoner-related, but this study pays further attention to the fact that these aspects of governors' work are mainly carried out by their staff, and other aspects may be performed through the management of other resources and the coordination of internal and external entities.

For this reason, the study assumes that the governor's duties are not limited to prisoner-related work but also involve management-related work. However, this approach does not fully explain what governors do in reality. Based on the

³ Law No. 7849, amended 21 February 2006.

understanding that governors are top managers of an institution, this study follows the classification proposed by Bryans (2000a) with the intention to explore working credos as they are linked to different areas of the governor's work.

2.2.2.1 Responsibility for prisoner-related work

It is evident that most of the duties of governors are related to prisoners: to 'guard and help, protect and rehabilitate, maintain custody, and deliver treatment' (Rothman, 1980: 10; see also Kim et al., 2003: 412). Governors are responsible for securing criminal offenders who are excluded from society because they are deemed a threat or danger to the community. As prisons attempt to fulfil many functions for such as retribution, incapacitation, deterrence and rehabilitation (Avio, 1998: 143; Sundt and Cullen, 2002), governors should also be concerned with this range of responsibilities. However, it would be unrealistic to expect governors to attempt to implement all these aspects in dealing with every prisoner, but nor should they perform only one of these duties for the prisoners in their care. Instead, it is only realistic to assume that a prison's first duty is to incapacitate the criminal offenders by the order of an authorised person and in accordance with regulations, and only then to pursue retribution, rehabilitation, or deterrence of potential criminals (Culbertson, 1977; Payne et al., 2004; Shaw, 1986; Timothy et al., 1996: 389). Some prison governors may tend to prioritise one of these, but still they are generally responsible for all these prison functions (Cullen et al., 1993).

In the past, it was generally thought that incarceration was sufficient because the purpose of imprisonment was to punish the criminal offender. Security and control of prisoners is the *sine qua non* of the governor's duty (Flanagan et al., 1996: 395). However, as some researchers note, confinement in itself is not enough to produce the desired change in the prisoner, and both confinement and rehabilitation were thought to be the primary roles of prisons and accordingly the responsibilities of prison employees (Farmer, 1977: 243; Hepburn and Albonetti, 1980: 446; Johnson, 1979: 53). The former is intended to ensure security and control over prisoners and focuses on the containment of prisoners in order to protect society. The latter is intended to protect the community in the larger term through the rehabilitation of

prisoners. Even when the function of prison was being transformed into a 'punitive business' and the managerial role of governors was being emphasised, 'human service' as a governor's duty was also emphasised, with the aim of changing prisoners into more law-abiding people (Flanagan et al., 1996: 396). Some governments have also tried to redefine the prison employee's role from that of a custodian to that of a human service professional (Farkas, 1999: 496).

However, some researchers argue that there has been an 'ideological crisis' in penology due to the government's 'get-tough' policy (Flanagan et al., 1996: 386). Prison officers also report that tension exists between the desire to rehabilitate prisoners as human beings and the need to control them (Kifer et al., 2003). Bryans and Wilson (1998: 28) similarly state, 'governors continually balance a wide range of frequently contradictory functions; the tension between custody and care is at the heart of everything they do'. Accepting that this tension is inescapable, Woolf and Tumin (1991) recommend that governors pay attention to the balance of the values of security, control and justice.

In addition, some prisoner-related United Nations instruments emphasise the protection of prisoners' human rights as well as the other prison purposes. As *The Basic Principles for the Treatment of Prisoners* states, the official purposes of prisons are the custody of prisoners and the protection of society against crime (United Nations, 1990a: Article 4), and *The Standard Minimum Rules for the Treatment of Prisoners* also states that prisons have the responsibility for the protection of society against crime, secure imprisonment during the designated period, and the return of the offenders to society with a law-abiding and self-supporting life (United Nations, 1955: Rule 58), but both international instruments are based on the belief as stated in their specific articles that prisons should not neglect prisoners' human rights (United Nations, 1990a; United Nations, 1955).

2.2.2.2 Management of a penal institution

The prison governor's work can be examined in the context of the operation of a penal institution, similarly to the work of top management in other public

administration fields. Governors are also 'the chief executive officers of their institution' (McCampbell et al., 2002: Foreword). Thus, the public and the media often attribute the success or failure of a prison to the governor. This perception result in part from the influence of managerialism, which has recently been prevalent in the prison sector since it was introduced into prison management.

In the managerialistic perspective, prison governors' work can be constrained by 'process, compliance, audit and future performance, and the sociological realities of prison life' (Liebling, 2000: 349). These managerial aspects of their duties include, for example, staff management including training and guiding prison staff, supervision or support of staff activities, management of the budget and other resources, liaison with the central or regional office, and interface with the community (Bryans and Wilson, 1998; Caeti et al., 2003; Liebling, 2004; McCampbell et al., 2002). Their work involves relations with central government to the extent that they need to translate policies and directives into practice in ways that meet government requirements (Finkelstein, 1993: 177).

One of the government reports from England and Wales defines the mission of the current prison service in accordance with this perspective (HM Prison Service, 1997). The report notes that the role of prison governor is similar to that of general manager and that governors should pay attention to the management of prisons and staff, and the interface between the two. The report states, concerning the duties of governors: they are to control disruptive prisoners, to prevent prison officers from abusing their power and, in addition and importantly, to make certain that their staff use legitimate and fair authority, and to co-ordinate contradictory expectations between staff and prisoners in order to maintain balanced perspectives (HM Prison Service, 1997: 96-97). It adds that governors need to consider the political dimension in dealing with the wider prison service, ministers and other stakeholders. And governors are required to attend to general prison management and not to focus solely on prisoner-related work (HM Prison Service, 1997: 99). The managerialistic approach to governors' work emphasises administration, finance, human resources covering both prison officers and prisoners, and operation as key elements of prison management, especially emphasising the operational elements (Coyle, 2002a).

In regard to what governors do, DiIulio (1987) propose that they should regard prison work from an 'institutional perspective.' Governors should, for example, 'evaluate programs not mainly in terms of what they do to reduce the likelihood of recidivism or otherwise affect inmates' post-release behaviour but as institutional management tools' (DiIulio, 1987: 114). In managing a penal institution, governors should know the areas of policy, budget preparation, organisational development, motivation of individuals and groups, leadership, and decision making procedure (Houston, 1995: 1; Finkelstein, 1993: 131). Good governorship is founded on order, which is achieved by tireless, careful, rule-abiding and strong leadership (DiIulio, 1987).

2.2.2.3 Governors' work competency

Examining governors' work discussed above has provided the study with an understanding of what governors do. However, the foregoing discussion may not have provided a comprehensive explanation; therefore, this study refers to Bryans's (2000a) discussion of governors' work competency as it relates to the specific tasks to be performed, the aim being to present a categorisation of what governors do, which is very different from what other prison staff do. Bryans (2000a: 18) suggests four areas in which prison governors are required to meet the working standard: general management, public sector management, incident command management and prison management.

First, governors should perform the tasks regarding general management areas: administering, planning and harmonising general prison work. Their role in this respect is that of 'a general administrator, planner and co-ordinator' (Bryans, 2000a: 18). The focus is on financial and personnel responsibilities, which are often regarded as operative problems. At the time of the importation of managerialism into prisons, the ideas and techniques of general management were also introduced into prisons. To be specific, the Prison Service in England and Wales during the 1980s and 1990s emphasised the role of prison governors as key managers, who were in charge of public service delivery and staff management. The key elements of the duties are productivity, cost efficiency, and key performance: for example, 'cash

limits and emphasis on efficiency to engender a more financially aware and prudent approach; greater standardisation in policies and practices to curb the autonomy of the professionals and reduce their idiosyncrasies; and reorganisation into strong hierarchies, supported by target setting and performance monitoring to effect greater control and to sharpen accountability' (Bryans, 2000a: 19; Raine and Willson, 1997: 82). In practice then, general management essentially concerns human resources and financial management.

Second, governors also manage public sectors in prison, which are constitutional, political, and legal dimensions. If governors assume that there should be a similar emphasis in both the public and private sectors, the result might be a failure to recognise the importance of the distinctive features and requirements of managing a penal institution holding criminal offenders, and governors may neglect certain aspects of their prison practice of which they need to be acutely aware. For example, they need to ensure that prison work is carried out in accordance with the constitutional and legal requirements, ministers' policies and the general public agenda. Thus, governors should be aware of the rules and conventions in regard to prison work before and when they perform their duties.

When or after they implement their duties, they should check whether their managerial work is being done in accordance with the government's rules and policies (Bryans, 2000a: 22). For example, when governors order their staff to use power or force to directly restrict prisoners' liberties and lives, it should be undertaken within the Constitution and the laws. If their actions are illegal or contrary to the Constitution, they are subject to judicial review. Thus, one of their important roles is to ensure that their administrative actions are reasonable in the eyes of both the government and the public. In practice, then, public sector management is based on governors' obedience to the central government and to the system of legal constitutional controls and on forging good relationships with stakeholders outside the prison, for example the media and human rights' activists.

Third, governors should manage incident command, which is an important part of governors' work especially in a time of urgent situation. Governors should manage

their institution in such a way that any hazardous disturbances are prevented (Bryans, 2000a: 23). Many researchers have highlighted security and control as core aspect of governors' work (Liebling, 1992: 220), and governors' competence is taken to be a measure of their success or failure (Thomas, 1974: xiv). Disruptive incidents can happen without warning, and harm prison order and the governor's reputation: for example, riots, fires, escapes, violent behaviours, collective protests and hostage taking. In an emergency situation, the governor's leadership is particularly needed, whilst the managerial role is sufficient in routine management (Bryans, 2000a: 23; DiIulio, 1987). Governors should work both to prevent emergency situations and to suppress incidents. Woolf and Tumin (1991: 105) also note that the intensity of the riots in 1990 in England and Wales were due to the governors' incapability dealing with the early stages of the disturbances and to their poor leadership in attempting to control the riots.

In addition, maintaining security, which is a critical function, means making certain that prisoners do not escape from custody. The activities performed by prison officers thus need to be equated with the security regulations. Security is sometimes understood as simply the control of prisoners, but it is worthwhile noting that 'It can also refer to the means of ensuring that the prison population remains calm and stable, free from disturbance. It can be equated with safety, not only for the prisoner but also for prison staff and other people who work in prison. It may be extended to those who visit establishments, such as prisoners' families and friends' (McMullen and Kain, 2000: 652). In practice then, 'incident command management' comprises all practices pertaining to security and control in the prison.

Fourth, prison governors have to handle routine prison management, which is a most important task with regard to prisoners' custody and programmes. The prisoner-related work includes participation in adjudications, risk assessment and decision to permit leave, which will often be affected by how they perceive prisoners and by their attitudes towards prisoners, because prisoners are the primary subjects of governors' work. Thus, routine prison management is not carried out independently but is intimately related to general management, incident command management, and public sector management (Bryans, 2000a: 25). Thus, prisons are run within the

context of the prison's external environments even though they are planned to be run without considering this (Liebling, 2000: 350). The chapter deals with the context of governors' work in later sections.

Bryans's (2000a) discussion of governors' competency may contribute to a better understanding of how governors perform their duties and how they prioritise among various values in the course of their work. However, his classification seems unnecessarily complicated and does not directly conform to the practical terms governors use at work. Nor does it tell us anything about governors' work-related beliefs or the interrelationship between their attitudes and practices. As he admits, the prison governors in his research categorised differently the main prison-specific areas of activity that they were responsible for. This discussion would be useful to explore governors' responsibilities based on how much and in what ways they prioritise among their various duties.

In practice, governors are 'maintaining a secure prison, achieving order through effective control, providing positive regimes, and regulating the prisons' (Bryans, 2007: 128). Moreover, in reality, many governors are managing their institutions in ways limited by factors such as 'tradition, experience, accommodation, short-time horizons and daily survival' (Liebling, 2000: 349). Thus, this study considers that governors deal with financial and staff management, security and control of prison, prisoner activities as well as justice in prison (see Chapter 6, p. 155).

2.3 Governors' working environments

Prison governors work with (or against) their influential surroundings and stakeholders. Important environments for governors are the law and the network they belong to, as for other private and public sector employees. Nowadays, 'stakeholders include a larger number of people and groups than ever before' (Bryans, 2007: 143); these include prisoners, prison staff or the Prison Officers' Association, area managers or administrators at the central and regional headquarters, the public, lawyers, prisoners' families, a variety of pressure groups, and the media. As for

officially visiting organisations these are, for example, the Prisons and Probation Ombudsman and the Independent Monitoring Boards in England and Wales (Bryans, 2007). As Sparks et al. (1996: 136) note, governors should be routinely in negotiation with these stakeholders. They often conflict, compromise and influence mutually. Because the governor is in overall charge of the prison and its various areas, 'he or she must satisfy a number of masters over a wide range of issues' (Vagg, 1994: 110). Thus, it would be useful here to discuss governors' working environments, as it is these environments and stakeholders which place significant constraints on governors.

2.3.1 Laws, rules and organisations

The law defines the boundary of governors' work and certain external actors function as stakeholders affecting governors' discretion and practice. The legal base upon which the work of prison governors in England and Wales is constructed is the Prison Act 1952 (Section 7), which has been revised a number of times. Since the prison system and governors' prison practices are regulated by the law, the classification, treatment, employment, discipline and control of prisoners should be in accordance with the law (Treverton-Jones, 1989). Further regulations concerned with the treatment and supervision of prisoners are the principal rules formulated under the Act: the Prison Rules 1999.⁴ The Rules present a framework for the regulation of prison practices affecting the prisoner's life. More detailed regulations and directives are contained in the Prison Service Orders and Instructions, which provide governors with guidance and instructions as well as ensure consistency and uniformity throughout the prison service.

The legal base is formulated by the government, which also directly controls prison governors. The senior management of prisons in England and Wales has been developed and changed within the context of the Prison Service. Specific influences on the changes of the organisational structure of the Prison Service and on the relationship between the Service and prison governors have not been extensively

⁴ Statutory Instrument 1999 No. 728.

discussed. However, it is assumed that the changes have been highly complex, and that the strategic development of the structure has impacted on the role of governors, partly because the structure of prison government in general has been consistent with the political and wider policy context of the times (Liebling, 2004).

After the dissolution of the Prison Commissioners in 1963, the Home Secretary was placed in charge of the supervision of the prison service by way of the Prison Service, which administers the prison system, and the Prisons Board, which formulates policy and takes the major decisions (Treverton-Jones, 1989). Historically, the Prison Service or the Prison Department has been linked to the Home Office, but this close relationship has changed and recently its authority with regard to the organisation of the Service has been transferred to the Ministry of Justice. The details of the changes since 1993 are discussed below.

First, the Prison Service became an executive agency⁵ in 1993, following recommendations from Lord Woolf and Sir Raymond Lygo. Lord Woolf raised issues about the management structure of the Service after investigating several disturbances, including that at Strangeways Prison in 1990 (Woolf and Tumin, 1991). Lygo (1991: 20-21) notes that 'The Prison Service is the most complex organisation I have encountered and its problems some of the most intractable'. The status of executive agency was intended to separate the role of the Prison Service from the role of the Prison Service. The Home Secretary set budgets and standards, retaining overall accountability to Parliament, while the Prison Service was to deliver specific services demanded by the main policy-making ministers with delegated authority and responsibility (Sparks et al., 1996). One of the government reports, the Quinquennial Review, notes that the agency status of the Prison Service has clear advantages in terms of its emphasis on management and service delivery, and adds that its contribution comes from the flexibility and freedom of the Director General of the Service (Home Office, 1999).

⁵ The concept of 'agency status' is part of the managerialist approach. An agency is quasi-autonomous within a policy-making central government, and is the operational body responsible for delivering the policy (Sparks et al., 1996: 19).

Second, the government established the National Offender Management Service (NOMS) in England and Wales in order to introduce serious and consistent offender management, joining up the efforts to reduce re-offending in custody (Home Office, 2003). Thus, the Service lost its former agency status and came under the Chief Executive of NOMS (Liebling, 2004: 385). The Service was created, as a government report published in 2003 (the Carter Review) recommended, to cap the prison population at 80,000, to develop seamless links between prison and probation, to create 'contestability' to ensure a wider base of providers of both custodial and non-custodial programmes, to introduce a model of commissioning services, and to introduce a new sentencing framework.

Indeed, with the creation of NOMS, the Prison Service was no longer an executive agency but part of NOMS and, as such, part of the Home Office (now the Ministry of Justice). NOMS oversees the integration of prisons, probation and partner organisations which deal with offenders' punishment and rehabilitation, while the Home Secretary decides the strategies and targets of the Prison Service (Home Office, 2000: 7). NOMS' main purpose is to provide the most effective and efficient services for offenders, 'providing end-to-end management of offenders' through cooperation between the prison and probation services (Home Office, 2004a: 79).

Third, a new Justice Ministry has taken on responsibility for prisons as well as for probation and sentencing, replacing the Home Office in these areas. England and Wales did not have a Justice Department as many other countries do until 9 May 2007. The new Ministry focuses on improving the justice system through providing the structure for the whole system to work as a unit, whilst the Home Office refocuses on security, policing, counter-terrorism, immigration, borders and ID cards. With all these measures, including the creation of NOMS to which the Prison Service reports, the Prison Service is still responsible for the security, supervision, training and rehabilitation of prisoners, and thus supervises governors' prison management.

Under the structure of the Ministry, prison governors are most closely related to area managers, who report their work to the Operational Manager of the Prison Service.

In England and Wales, governors' work is administered by the area managers, who manage the governors of local prisons in their jurisdiction, and determine whether the governor is meeting the work requirements of each prison (Liebling, 2004: 392-396). They check how well governors are meeting key performance indicators and how they are delivering the contents of their business plan. Annual targets, the budget and development for each prison are the main concerns of area managers (Bryans and Wilson, 2000: 45-6). Prison governors manage their prison within a budget and a range of key performance targets, set by their area manager, who is the link between the Prison Service Headquarters and governors (Home Office, 2000: 28; Liebling, 2004: 394). As the Laming Report (Home Office, 2000) notes, there has been conflict over the issue of the role and accountability of area managers and prison governors. Since area managers have a low public profile, governors are still the individuals who are most important to prison employees (Liebling, 2004: 395).

2.3.2 Outside organisations

As Sparks et al. (1996: 136) note, 'Power is not untrammelled': governors have been confronted with various situations, especially through negotiations with others within a dynamic context of conflict, compromise, and mutual influence. With the development of prison organisation, statutory inspection and monitoring systems have also been strengthened, which has affected prisoners and consequently prison governors. For example, there has been a substantial growth in prisoners' access to and use of the legal system, resulting in challenges and sometimes change with regard to treatment and access to facilities (Bryans, 2007). Prison governors have increasingly had to address the concerns of organisations which monitor the quality and performance of prison practices, and they have had to maintain cooperative relationships and be prepared to cope with their influence. Some organisations affecting prison management are provided as examples below.

First, the office of a Prisons Ombudsman independent of the Prison Service was created in 1994 (Shaw, 2000: 4). Its creation was affected by the Woolf Report, which proposed the establishment of a Prisons Ombudsman (then dubbed a Complaints Adjudicator), mentioning that the lack of prisoners' confidence in the

complaints system would cause disturbances. The Report adds that prisons need a proper system of justice for prisoners and prison employees as well, and expects that this will give the whole system, including the Prison Service, a validity which it does not otherwise have. The name was changed to the Prisons and Probation Ombudsman following the setting up of the National Probation Service in 2001, which later became responsible for investigating all deaths in prison custody since 1 April 2004. The Home Secretary appoints the Prisons and Probation Ombudsman, who investigates complaints from prisoners or those about whom reports have been written. Since the investigation provides answers and information about what happens in prisons, governors will be greatly affected if any failings in their practice are found. After the Prison Service's procedures for the complaints of prisoners are completed, the Ombudsman can investigate the case with full access to prisoners, documents and prison employees.

Second, in local prisons in England and Wales, Boards of Visitors made up of lay members of the local community were established for visits and inspections by the regulations of the Prison Act 1952 (Section 6) to examine prisoners' complaints and to take part in disciplinary hearings and adjudications (Treverton-Jones, 1989). The Boards of Visitors have now been replaced with Independent Monitoring Boards, made up of volunteers and independent of the Prison Service. They are entitled to visit institutions at any time and gain access to any part of the prison. They provide a broader public scrutiny of prisons, make reports and offer advice to the central government in regard to prison management and the state of prisons, which consequently affects prison governors. Governors meet them regularly in order to resolve matters in regard to the welfare of prisoners and staff, or the condition of the fabric of buildings. However, Boin et al. (2004: 9) note, 'The Boards do not seem to be very influential beyond pointing out divergence of practice from those set out in rules and guidance and there is no requirement for the administration to respond to them'.

Third, Her Majesty's Inspectorate of Prisons was created by the recommendation of the May Committee of Enquiry into the United Kingdom Prison Services in 1980. As an organisation independent of the Prison Service with the status of a semi-

independent inspectorate, it provides scrutiny of the conditions for and treatment of prisoners and reports on those conditions (Boin et al., 2004). In England and Wales, the Inspectorate has a remit to inspect prisons regularly every five years, involving a five-day visit and shorter follow-up visits, paying attention to safety, respect, purposeful activity and resettlement.

Even though the Inspectorate does not have enforcement powers to take sanctions against prison governors or the Prison Service, its inspectors provide informal comments to governors, recommendations in the reports and direct comments to the Director General or the Minister of Justice (formerly the Home Secretary). The process is called a 'ladder of escalating sanctions' because the force of the responses becomes stronger at each stage. However, serious measures are not often taken because serious failings such as lack of security are directly rectified and responded to by other means.

Although it lacks the formal authority to impose sanctions on prisons, the Inspectorate may still influence prison governors through the instrument of 'naming and shaming' (Boin et al., 2004: 9). It is different from the other organisations. For example, the Ombudsman is interested in individual prisoners, and the Standards Audit Unit of the Prison Service, which carries out an audit function, provides the managers of the Prison Service with assurance about the assessment of operational standards within establishments. In contrast to the Inspectorate, which inspects infrequently but in depth, the Independent Monitoring Boards monitor continuously.

Fourth, there are many bodies affecting prison management which have an explicit moral role regarding the quality of prisoners' life and accordingly impact on the work of governors. The Commission for Racial Equality was created with a statutory role to monitor the application of race equality laws under the Race Relations Act 1976 (revised 2000). It focuses on racist incidents and conducts formal investigations into racism in prisons. Prison governors in England and Wales are now required to comply with the Disability Discrimination Act 1995, and the Regulations of 2003, which came into force in October 2004.

2.3.3 Governors' work performance

Accounts of how governors fulfil their duties often refer to prisoners' disruptive behaviours, custodial incidents and staff discipline. A series of government reports on prison performance and specific inquiries into disturbances investigate how governors implement their duties and the quality of the prisons which governors are responsible for (see, for example, HM Chief Inspectorate of Prisons, 2006). Besides the organisations discussed in the previous subsection, prison performance is also subject to evaluation in many ways inside the prison service.

First, prison performance can be evaluated in the form of complex and multidimensional indicators. Even though such indicators vary according to jurisdictions (Liebling, 2004), it is believed that governors' performance can be evaluated by many criteria and indicators in order to reflect the total pattern. Each prison cannot maximise all the values in the indicators at the same time, but the strengths and weaknesses of prison performance need to be evaluated by reasonable methods. In England and Wales, Key Performance Indicators (KPIs) were introduced in 1992 in the pursuit of a greater emphasis on long-term prison management strategies. Their introduction has contributed to the change of traditional ways of prison organisation to dynamic and reflexive ones through the utilisation of expert abstract 'strategic' systems and long-term planning (Liebling, 2004: 57).

The KPIs put pressure on prison employees, as area managers insisted that targets be met. It is important to note that the KPIs have introduced clarity and direction into prison management and contributed to 'the single most important transformation in the role of governor and in the way the Service is managed' (Liebling, 2004: 65). From 1994 to 2003, the KPIs prompted prison governors to focus on 'keeping prisoners in custody', measured by the number of escapes; 'maintaining order', measured by the number of assaults on staff, prisoners, and others; and 'delivering prison programmes', measured by the completion of accredited offending behaviour programmes and educational or vocational qualifications including basic skills

awards (see Liebling, 2004: 58-61, Table 2.1).

On the other hand, KPIs are often criticised by researchers: they too easily encourage a focus on what is measurable rather than on what is important; leadership can be undermined; the indicators can be manipulated (see Feely and Simon, 1992; King and McDermott, 1995; Liebling, 2004; Power, 2001). Despite the criticism, prison performance evaluation by means of such instruments as KPIs has been regarded as meaningful in prison management. KPIs can be a mechanism for improving the quality and decreasing the cost of underperforming prisons. They force governors to pay more attention to what they are doing and what they need to do.

Second, the use of process auditing has become an important means of securing the legitimacy of prison practices, as Power (2001: 10) notes. In England and Wales, there was an attempt to introduce a code of minimum standards immediately after the Woolf Report (Woolf and Tumin, 1991). In 1994, the Prison Service established the Standards Audit Unit inside the Service in order to 'audit operating standards and the policies and strategic priorities to which they relate'. The performance measurement mechanism has put a strong emphasis on daily practices and procedures (Liebling, 2004: 71).

The audits were first concerned with security-related issues, ensuring that prison officers followed basic security procedures. Operational Standards (renamed Performance Standards in 1999) audits began in 1996 and were designed to ensure all prison employees apply agreed policies and procedures in a consistent way and achieve consistently high levels of performance.⁶ The Standards include accommodation, adjudications, security, regime features, and health care.⁷ Since the audit process is weighted, prison governors put great emphasis on the process and make a considerable effort to achieve good ratings. Even though there were mixed feelings about the process, Liebling (2004: 75) notes 'there was a relationship

⁶ Prison Service Order, Order No. 0250.

⁷ Prison Service Order, Order No. 0200.

between establishments' scores on audit and scores on our measure of prison quality, although again this relationship may not be causal' (*italics in original*). Thus, prison governors also are likely to be affected by the audit process.

2.4 Governors' discretion

One of the characteristics of prison employees' work is their power to use discretion (Liebling, 2000). They are granted extensive areas of discretion when intervening most directly in the lives and liberties of prisoners (Gilbert, 1997). Even though most government organisations in many democratic countries exercise discretion at different levels and stages of their work, few research studies have been conducted on prison governors' discretion.

2.4.1 Nature of governors' discretion

Given the paucity of related studies, and since the literature on policing provides some helpful understanding of governors' discretion, this study refers to the definition of a researcher who has studied the police. Reiner (1997: 999) defines discretion in that context as 'the recognition that the police do not automatically translate law into policing practice'. The study believes that the prison service and the police service are similar in terms of the characteristics of their work because of their relatively extensive discretion (Liebling, 2000: 344), because their work is mainly done by employing verbal skills rather than coercive physical means, and because the main purpose of their work is to provide 'security through surveillance and the threat of sanctioning', as Reiner (1997: 1005) notes in regard to policing. Several studies have noted that, in conducting their duties, both prison officers and the police use power, authority and discretion (Chan, 1997; Liebling, 2000; Reiner, 1997). One of the important roles of prison governors is to keep order in prison (Liebling, 2000; Sparks et al., 1996), which is similar to the case of the police, as governing a social order is also one of their main roles (Reiner, 1997).

Prisons in general need discretion in some circumstances, especially where there exist conflicting roles and demands from various stakeholders. A prison governor's power to exercise discretion derives from the legitimate authority granted by the government within the law, and so the decisions of governors who have legitimate authority will be accepted as legitimate. Often, in practice, the governor's discretion results from the government policy which has 'encouraged governors to be flexible in adapting departmental rules to the situation - on the condition that their discretionary freedom would benefit the prisoners' (Boin et al., 2005: 15).

According to Liebling and Price (2003: 81), the inevitability of discretion results from various factors: 'the wording of the rules themselves' because of their 'open-textured' nature, the 'situation to which the rules will apply', and the 'official purposes guiding an organisation: a lack of clarity in organisational aim'. Boin et al. (2005) also note that governors have extensive discretionary powers, for example because of the low level of legal restriction, or supervision over a relatively long distance by the central government.

Discretion is inevitable in many cases in the criminal justice arena owing to the characteristics of the law. Since the language of the law is often ambiguous, the interpretation of the practical meaning of legal regulations is quite open in regard to each practical situation, because the law cannot regulate for every situation so as to provide solid prediction. On the other hand, there is the diversity of circumstances in prison work. Since this work covers a very wide area, from prisoners' reception to their release, the government cannot legally regulate every aspect of prison performance. Thus, discretion allows governors to 'temper the bluntness of the law' (Alderson, 1979: 63). If the wording of the law is ambiguous and suffers from a lack of clarification, for example in phrases such as 'if practicable' and 'reasonable suspicion', practices in reality can result in malpractice (Lustgarten, 1986). Often virtually unfettered discretion is granted to prisons in order that they may provide relevant treatment. If discretion were accompanied by stricter controls on its employment (Reiner, 1997), the treatment would be directed to the individual needs

and circumstances of prisoners (Cullen and Gendreau, 2000: 117). Thus, it is believed that the exercise of discretion can be justified by the trustworthiness of the discretionary decisions, but it should not be enforced merely by coercive order (Rothman, 1980).

2.4.2 Exercise of discretion

In order to fulfil their roles, prison employees often necessarily require a certain level of discretion (Liebling and Price, 2003). They might prefer to use their authority to follow the rules, where the rules do not indicate a clear course of action, through an interpretative exercise of discretion. To be more specific, in providing security, stability and safety in prison, discretion is exercised through surveillance, the threat of sanctions and the art of persuasion (Liebling, 2000: 345), which is similar to the practice of the police (see Reiner, 1997).

Circumstances dictate that governors exercise discretion on a daily basis. As top managers, they act in accordance with the budget plan and policy line, supervising staff who are in direct contact with prisoners, deciding on prisoner treatment and rehabilitative programmes, and resolving conflicts between staff and prisoners. The exercise of governors' discretion is critical to prisoners. Governors are largely concerned to help prisoners live safely and law-abidingly until they are set free. For example, they determine how prisoners are treated and secured, how prison programmes are implemented, how staff are managed, and how external entities are allowed to participate in prison activities.

Research studies have noted that there are many areas where discretion is applied in governors' work. Senese (1991: 161) notes that prison officers are allowed to use discretion in the application of rewards and punishments to prisoners. They may also exercise it, for example, in regard to the racial integration of prison cells (Hensley and Tewksbury, 2005: 188), strip searching a prisoner in custody (Martin and Rosazza, 2004: 114) and non-contact visits for low-security prisoners on special occasions (Martin and Rosazza, 2004: 179). A privilege visit is also granted at the

governor's discretion (see Prison Rule 35(3)). A detailed discussion of Korean governors' discretion will be presented in Chapter 5.

However, governors may on occasion abuse their power of discretion. This study supposes that inappropriate and arbitrary discretionary power can be exercised against the public interest. For example, for the sake of security, prisons may sacrifice the human rights of prisoners. As Chan (1997) notes in her study of police culture, discretionary power can be inappropriately applied to offenders and victims alike. If there is a lack of uniformity in practice, people may regard the prison service as unjust. Thus too high a degree of discretionary power might be available if there are not enough controls or if relevant accountability is not provided (Reiner, 1997). Discretionary decisions should be based on sincere deliberation concerning what is best for the prison purpose, not merely on custom or common sense, because the decisions intimately affect the rights of prisoners and impact on public safety.

2.5 Understanding working credos and factors of their formation

The previous section discussed what prison governors do and how they do it, but did not consider their beliefs or values. Although there is a growing literature which has explored leaders' thinking, very few studies have increased our knowledge of their general values and specific beliefs. Since the relationship between ideology and practice is both complex and unpredictable, the study needs to be clear about what 'working credo' means. Governors' understanding of their working credo, although they would not necessarily use this term, decides the ways in which they view the purpose of their work.

Only a few research studies have examined the work-related beliefs of prison employees, and the factors contributing to them have received little attention. Most studies have been concerned with basic penal orientations (for example rehabilitation and punitivism), while only one has focused on what influences governors' working credos (see Rutherford, 1993a). Given that the latter relate to how they perceive a range of prison purposes, discussions of the factors influencing

their penal orientation concern only some of the factors relevant to the formation of working credos because penal orientation alone does not directly determine the ways in which they seek to achieve their purposes. Moreover, due to a lack of sufficient research findings regarding prison governors, this study draws on more general studies of prison officers' orientations. Thus, this section will not only examine the literature on the factors impacting on prison officers' penal orientation, but will also explore those influencing prison governors' working credos. The factors affecting working credos are both individual and organisational.

2.5.1 Defining the working credo and identifying its features

It should be understood at the outset that in this context a credo does not mean a formal statement of principles or beliefs, since the research is concerned with exploring beliefs which may or may not be consciously held or precisely articulated. Moreover, there is no universally accepted definition of the working credo, and the formulations given below are presented for the sake of comparison and to provide brief examples of some scholars' notions on the subject.

According to Rutherford (1993a), a working credo is something that employees hold to be true in their work. A working credo might be held by a criminal justice practitioner to a certain extent and consistently (Cavadino and Dignan, 2002). It is reasonable to assume that the working credos of prison governors are closely related to their management strategies and views about prisoners. Buchholz (1978: 219-220) notes that beliefs are 'assumptions about the world in which a person lives, the validity of which he or she does not question. The belief system defines the world for an individual...such that the individual functions in ways he or she considers effective'.

Thus a working credo can be seen as a set of beliefs about, and attitudes towards, the purposes of work which are to some degree realised in strategies on how to achieve those purposes, and are therefore to some degree manifested in practice. If working credos are constructed largely through experience of some internal or external stimuli, and are expressed consciously or unconsciously in the practice of workers,

then they need to be studied through examining how internal motives impact upon practice, as discussed below.

First, a work-related belief is a type of continuing belief in which a certain mode of behaviour is seen as preferable to another (Rokeach, 1973). Another definition of the working credo is a believed, discerning and work-related concept shaped by and shaping the occupationally relevant worlds of the profession (George and Jones, 1997). Thus, embedded in an organisational culture and history, a working credo consists of accepted ways of practice, values, attitudes and principles of work applied in a certain situation, and generalised rationales and beliefs.

Second, a work-related belief provides predictive power when it simplifies and clarifies individuals' understanding of their work area (Buchholz, 1978). When working credos are stable and consistent for some time, they can be used as criteria for predicting attitudes and behaviour (Rokeach, 1973). As shown above, working credos are professional self-concepts about work which partly determine working strategies. They guide how individuals define situations within which they work and affect how they carry out their work. However, a credo is not always a complete and unified system of beliefs, and a working credo is more likely to be a mix of self-concepts and strategies, which can be both static impressions of historic experiences and dynamic anticipations of future happenings (Ajzen, 1985). Thus, it can be said that specific work-related beliefs are closely related to what is important to individuals in an organisation and guide the individual's work practices and decision-makings across particular circumstances. If a governor holds 'punitivism' as a value, he or she will be expected to be punitive when, for example, evaluating a prisoner's qualification for prisoner leave.

There have been few studies which examine prison governors' work-related beliefs and their strategies to achieve their purposes within the context of prison organisations. Among these few is that by Rutherford (1993a: 3), who studied senior criminal justice employees' working beliefs. The important factors would seem to be education, professional training, incidents such as riots in prison, crises in private or public life and support structures in the prison organisation. Most of these factors

will be presented differently according to the nature, experience and circumstances of each governor. He proposes three types of working credos held by criminal justice elites including prison governors: the punishment, efficiency and caring credos (details will be discussed in Chapter 3). In his research, from which this study has benefited, he uses the term 'working credo' to mean 'views of the purpose of work' or, as Lord Scarman in Rutherford (1993a: Foreword) also notes in this context, a set of 'the values and beliefs that shape the daily work and concerns of criminal justice practitioners'.

Various factors affect the formative processes of working credos (Rutherford, 1993a); however, their relative strengths are hard to assess because these factors interdependently influence working credos and are themselves affected by different environments. The intractability of this problem, however, does not prevent our achieving an adequate understanding of working credos, or gauging the relative strengths of two or more credos held by an individual or exploring how working credos are realised in working practices. Also, the influences of variables have been shown to be mixed, and often contradictory and confusing. Thus, there is a need for continuing research in this area to explore the complexities of the influences, as Farkas (1999: 497) notes.

2.5.2 Individual and organisational factors affecting penal orientation

The literature on factors affecting the penal orientation of prison employees has focused on two broad attitudes towards prisoners: rehabilitation and punishment. Many researchers have identified the professional orientation of various groups, for example prison officers (Cullen et al., 1989; Jurik, 1985; Kifer, 2003; Moon and Maxwell, 2004a; Whitehead and Lindquist, 1989), prison governors (Cullen et al., 1993; Kim et al., 2003; Reisig and Lovrich, 1998), juvenile detention workers (Bazemore and Dicker, 1994; Bazemore et al., 1994), women prison officers (Crouch, 1985) and prison chaplains (Sundt and Cullen, 1998; 2002). A review of the literature indicates that two broad categories appear to affect prison officers'

penal orientation: individual and organisational factors (Moon and Maxwell, 2004a). The results of this type of enquiry are various.

2.5.2.1 Individual factors

Regarding individual factors, many studies conducted so far have included age, gender, race, educational level and work experience. It might be assumed that people who share a similar background will tend to adopt similar attitudes and working strategies. However, the relationships between people's individual background and their future working attitudes vary, as summarised below.

First, the literature reveals that some individual factors like those mentioned above have directly influenced prison employees' penal orientation (Kifer, 2003; Whitehead and Linquist, 1989). The factors have been considered to be either positive or negative in possibly influencing attitudes towards rehabilitation. Second, the research findings on individual factors regarding punitive or rehabilitative orientation have varied according to different respondents. Third, some of these factors have been shown to be unrelated to penal orientation. Thus, the relationship between penal orientation and individual background needs further discussion.

In the literature, factors positively affecting attitudes towards rehabilitation are age, education level, race and gender: older prison officers are more likely to value rehabilitation and regard their work with prisoners as a human service (Cullen, 1989; Farkas, 1999; Klofas, 1986); prison officers who entered the prison service in their later years tend to be positive about rehabilitation (Cullen et al., 1989); education level positively affects attitudes to rehabilitation programmes (Burton et al, 1991; Cullen et al., 1983; Poole and Regoli, 1980). These studies report strong correlations between these individual factors and individuals' beliefs and attitudes.

On the other hand, some research findings conflict with those noted above, and vary according to the nature of the respondents (Farkas, 1999; Jurik, 1985; Moon and Maxwell, 2004a; Whitehead and Lindquist, 1989): for example, older prison officers tend to hold less positive views of rehabilitation (Crouch and Alpert, 1982; Cullen et

al., 1983). Several researchers found that some of the individual factors discussed above were not directly related to penal orientation. Jurik (1985) notes that officers' age and education level did not directly relate to their orientation.

While individual work experience has been found by some to be a factor influencing prison governors to support rehabilitative programmes (Cullen et al., 1993), and some found that it was significant in softening punitive attitudes (Hepburn and Albonetti, 1980), other researchers found that it did not relate to attitudes on rehabilitation among prison employees (van Voorhis et al., 1991). It is hard to establish the consistency of these interrelationships across all institutions because of the difficulty of assessing the influence of other factors within a variety of contexts.

Thus, this study assumes that individual factors may or may not solely decide how governors view their work; other factors may be significant, for example external context or internal organisation. It also assumes that the extent to which individual factors can be demonstrated as significant varies in accordance with different personal situations. Therefore, the researcher believes that a range of various factors affecting governors' views on their work should be considered in a wider context.

2.5.2.2 Organisational and societal factors

Researchers note that organisational factors affect work-related attitudes and perceptions (Bazemore and Dicker, 1994; DiIulio, 1987; Reisig and Lovrich, 1998: 215; Regoli et al., 1988; Whitehead and Lindquist, 1992). Further consideration should be focused on the fact that working credos can change according to internal and external influences. For example in the UK, many reform measures such as transplanting the ideologies of managerialism into the criminal justice arena have been employed with continuities or sometimes discontinuities. Disturbances in prisons in England and Wales have also affected the Prison Service and people working in prisons. It has been shown that, throughout history, humanitarian policies and ideologies have positively contributed to changing working ideologies (Rutherford, 1993a: 165), holding the line against punitiveness and inhumanity.

The character of the 'internal' work environment generally has a large impact on prison officers' professional orientation (Lambert et al., 2002: 136). Factors within the work environment which affect attitudes and behaviour include the rank system, shift work arrangements, and uniform culture (see also Bazemore and Dicker, 1994: 299; Cullen et al., 1989). The relationship with staff and prisoners may affect governors working credos. Further, the type of prison facility in which the officers are employed has been found to relate to their penal orientation (Cullen, 1989; Jurik, 1985; Whitehead and Lindquist, 1989). For example, prison officers who work in higher security facilities tend to have a more punitive orientation (Jurik, 1985; Moon and Maxwell, 2004a) than those who work in lower security prisons.

Other important 'external' stakeholders include prisoners' families, staff, the general public and pressure groups including politicians, central government and local communities (Bryans, 2000a: 23). Similarly, another study found that the factors affecting daily prison management were the central government, the courts, the public including human rights activists and the media (see Kim et al., 2003: 420). Governors and their subordinate officers have increasingly seen their power eroded by the wider society's attempts to press for prison reform, which has caused the relationships between prisoners and staff to become alienated (Stojkovic, 1986: 159).

However, most studies discussed above are limited to identifying the determinants of individuals' attitudes towards prisoners. It is assumed that governors' working credos relate to broader areas, and thus the factors influencing penal orientation are only a part of those affecting their working credos as a whole. For example, societal changes can be important factors which guide prison employees' behaviour by providing criteria which individuals can use to evaluate and define actions and events in the world surrounding them. In order to further identify the working credos of a certain group, changes of societal values should also be understood 'in the context of these and other features of the professional environment' (Rutherford, 1993a: 38).

2.6 Conclusion

In this chapter, the relevant studies were reviewed in order to provide the study with a theoretical base. The literature on the authority and the work of prison governors was discussed in order to identify who they are and what they do. The study then explored the limits of their discretion, which is constrained by the diverse environment surrounding them. The study next examined various definitions of the working credo, and discussed individual and organisational factors affecting working credos. Given that working credos concern how governors differently perceive and practise their work, the study was based on the argument that governors would hold one dominant working credo, and that they may adopt practices in accordance with their working credo. Therefore, the study examined the possible factors influencing working credos, in both their individual, organisational and societal manifestations. Both individual and organisational factors were discussed to identify the relationship between work-related beliefs and attitudes toward work (George and Jones, 1997).

Rutherford (1993a) has also shown that the linkage between working values and practices should be regarded as a dynamic and developmental process within the context of penological changes. It is important to note that a working credo can be developed consistently from the start, or transformed as the result of 'a road-to-Damascus conversion' (Rutherford, 1993a: 39). Thus the context of broader socio-political environments and ideologies should also be considered because all these elements, including individual and organisational factors, are interwoven in the process of forming individuals' lives (Rutherford, 1993a: 9-10).

Therefore, the discussion will extend in the next chapter to the exploration of governors' working credos. In order to review organisational culture, penological changes and prison practices, the next chapter will present a further exploration of penal ideologies, and Chapters 4 and 5, the socio-political environments and practices of Korean prisons. The assumption underlying these reviews is that penal ideologies and work environment have greatly affected the thinking and practice of the Korean prison administration and governors.

Chapter 3. Penal ideologies and prison governors' working credos

3.1 Introduction

The previous chapter discussed the authority and the work of prison governors in order to identify who they are and how they work. It then examined the definition of a working credo, and discussed the possible individual and organisational factors of its formation. This chapter explores penal ideologies and prison values and categorises the ways in which governors achieve the purposes of their work and their varying attitudes towards prisoners, by exploring their working credos. The chapter first explores the penal ideologies which influence the perception of prisoners: rehabilitation, punitivism and humanitarianism; it then examines at greater length the managerialistic ideology and its effects on governors' practice. The chapter next considers the types of working credo identified by previous studies and explores their features. It then concludes with a discussion of the disadvantages of each credo and the advantages of combining some features of more than one credo in practice.

3.2 Penal ideologies and prison values

This section examines penal ideologies and prison values which affect prison policies and practices and accordingly people who work in the criminal justice arena (Ditchfield, 1990; Lin, 2000).⁸ Penal ideologies have rapidly changed in recent history, to the extent that this development has been called an 'ideological crisis in penology' (Flanagan et al., 1996: 386). Though ideologies can be used as a criterion for assessing attitudes and behaviour in practice (see Rokeach, 1973), the interrelationship between penal ideologies and prison practices has not been clearly demonstrated. Thus, this section will first examine two prevalent ideologies

⁸ The view that criminal justice ideologies have functioned as one aspect of external context and have thus affected criminal justice practices is supported by the literature. For example, 'Ideology is the permanent hidden agenda of criminal justice' (Miller, 1973: 142; see also Rutherford, 1993a: 2); ideology in criminal justice can be consistent with a set of values and attitudes which are dominant (Regoli et al., 1988: 89); the policies and procedures of criminal justice can be affected by the penal ideologies of the time (Rutherford, 1993a).

regarding people's perceptions of and attitudes towards prisoner treatment: those centred on rehabilitation and punitivism. Then, the study explores how the prison service has regarded and implemented humanitarian values, and how managerialism has affected the prison service. The practical reasons for reviewing the literature on these ideologies are related to the assumption that the penal ideologies and related values which have been introduced to Korea have greatly affected the Korean prison administration (details will be presented in Chapters 4 and 5).

3.2.1 Rehabilitative and punitive ideologies

Researchers have long discussed the issue of penal ideologies. Many debates have centred on the rehabilitative ideology; for example, there have been discussions on what should be done for prisoners in an institution and how prisons have functioned with regard to ideas of their purpose. Empirical studies have revealed that primary penological positions in criminal justice practices are held in conformity with the dominant ideology of the time (Logan, 1991; Logan and Gaes, 1993). The history of penal practices has developed in accordance with the development of these dominant ideologies (see Schneider, 1979: 709).

3.2.1.1 Rehabilitation and its impact on prison

Rehabilitation is defined as 'the process of intervening with offenders to reduce their future offending' and 'restoration of moral status as a full citizen and a contributing member of society' (Raynor, 2004: 195, 211). This definition is based on the argument that as crime is best prevented by dealing with crime factors directly, it is best to work with the offender directly. This includes the concept of an intervention which aims at changing prisoners who tend to be committed to criminality and at cutting down recidivism (Cullen and Gendreau, 2000). Given that rehabilitation is not undertaken unwittingly but is purpose-oriented behaviour, it can be said that prison policies and practices affected by the ideology have impacted on prison settings to a great extent.

The definition of rehabilitation given above implies that rehabilitative policies have some positive effects on prisoners (Cullen and Gendreau, 1989; Van Voorhis, 1987).

Its successful implementation will reintegrate offenders into the law-abiding community. The contribution of the rehabilitative ideal has been that it has helped to direct the renovation of criminal justice practices, for example implementation of indeterminate sentencing, parole, probation and a separate juvenile justice system (Cullen and Gendreau, 2000: 109).

On the other hand, some researchers have different attitudes, what have been called strength-based approaches to rehabilitation. They do not regard prisoners as objects of 'treatment' or 'intervention', mainly because for them prisoners are not to be essentially characterised by their deficiencies which are to be corrected by treating the prisoner as a passive recipient of programmes. Instead, they insist that prisoners be regarded as active participants deeply interested in their own rehabilitation, and who have skills and potential as contributors to their communities (Maruna and LeBel, 2003; Raynor, 2004).

There has also been concern that recent prison environments are not supporting the rehabilitative ideology. Even though no specific factor has been identified, the problem appears to be directly related to prison overcrowding and its associated conditions. However, critical reviews of the literature during the 1960s and 1970s supported the opposite conclusion. For example, Martinson (1974: 25) notes that 'with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.' While prison administration appears to favour policies with an 'anti-rehabilitative perspective' (DiIulio, 1991), evidence exists that a rehabilitative ideology is still present within prison management (Blakely, 1999). Thus, a review of the historical argument for rehabilitation will help to answer the question whether the ideology still functions as a guiding perspective or is in jeopardy of abandonment.

3.2.1.2 Decline of the rehabilitative ideology

The influence of the rehabilitative ideology has experienced fluctuations since the nineteenth century (Foucault, 1977: 233). Since the 1900s in Western countries, the

rehabilitative philosophy prevailed in the criminal justice area and continued to do so until the late 1960s and the first half of the 1970s (Cullen et al., 1988). However, it can in general be said that the rehabilitative tendency did not develop because of the impact of rising crime rates and Conservatives' requests for more sanctions (Cullen et al., 1988: 304; Logan and Gaes, 1993).

Researchers opposed to the rehabilitative tendency because of the broad discretionary power given to the prison administration, whilst others argue that it was criticised because of its relaxed attitudes towards crime control (Cullen and Gendreau, 2000: 122; Logan and Gaes, 1993; Sundt et al., 1998). With regard to this, many researchers objected to discretionary release and indeterminate sentences and applauded a fixed sentencing system depending on guidelines. Individualised treatment in prison was criticised for being arbitrary and unjust (Logan, 1991; Logan and Gaes, 1993).

The scepticism about rehabilitation policies in prison is derived from several concerns. First, the adversarial environment of the prison prevents the effective reform of prisoners because it tends to aggravate negative emotions such as bitterness, resentment, wariness and contempt. Because the essential duty of prison officers is to secure prisoners who are confined involuntarily, the relationship between the two results in an environment which precludes mutual trust or respect. Rothman (1980: 419) notes that the rehabilitative ideology is especially likely to fail as it must co-exist with custodial objectives. Second, efforts to prepare prisoners to be law-abiding persons do not guarantee to change the minds of prisoners. In addition, rehabilitative programmes have not worked well. Many prison practices failed because of mismanagement which prevented the successful implementation of programmes (Lin, 2000: 5). Third, though prisons are responsible for rehabilitating prisoners, in many cases the institutions do not manage to achieve this objective partly because of the many structural barriers embedded in society. The barriers consist of '(1) the possibility that crime and the criminal are functional to society, (2) the latent functions of correctional institutions, and (3) crime themes that are pervasive in our society' (Culbertson, 1977: 40).

3.2.1.3 Emergence of punitivism

Soon after the questioning of the rehabilitative ideology, deterrence and incapacitation replaced rehabilitation (Blumstein, 1997: 353; Cullen and Gendreau, 2000: 112). Martinson (1974) declared the death of rehabilitation in his influential 'nothing works' essay, arguing that recidivism is not diminished by treatment programmes (see also Cullen and Gendreau, 2000: 109). The 'getting tough on crime' policy has been widely adopted and, as some researchers state, this policy has produced overcrowded prisons (Logan and Gaes, 1993).

Those opposed to the rehabilitative ideology have often advocated the punitive degradation of offenders, which is regarded in some quarters as one of the fundamental functions of prison. For example, hard-line attitudes towards crimes and offenders have resulted partly from legal and political efforts such as the 'safe streets', and 'three strikes, and you're out' bills, and the 'war on crime' and 'get tough' campaigns of governments in Western countries (Blakely, 1999: 22). In 1993, the British Home Secretary Michael Howard proposed 'three strikes and you're out' policies for England and Wales at the Conservative Party conference in order to 'toughen up' the criminal justice system and announced the 'prison works' credo (Brownlee, 1998: 316; Newburn, 1995: 121-126). In England and Wales, the trend emerged in expressions of resentment towards or approval of the degradation of prisoners (Liebling, 2004: 7; see also Pratt, 2000) and public opinion changed, supporting a socially conservative approach (Resodihardjo, 2004: 20). This trend appeared in the courts and other criminal justice agencies in England and Wales. The New Labour government followed major parts of this approach (Brownlee, 1998: 335), promoting its policies as the 'rediscovery of the prisoner' (Liebling, 2004: 22).

After the emergence of the penal crisis during the early 1990s in England and Wales, it can be said that criminal justice policy integrated the punitive trend into a populist criminal justice policy approach in order to pursue a 'law and order ideology' and to seek to be portrayed as at least as 'tough' as the Conservatives. The Woodcock Report on the escapes at Whitemoor prison in 1994 caused the prison service in England and Wales to prioritise security (Woodcock, 1994). Michael Howard's

government accepted all the Report's recommendations and in the end strengthened the punitive character of its policies. Resodihardjo (2004: 16) notes, 'Security became the most dominant priority at the expense of rehabilitation and Lord Justice Woolf's ideals to balance security, control, and justice in prisons'.

It has long been believed that the public hold punitive attitudes, and that they draw the line at liberal notions such as rehabilitation (Cullen and Gilbert, 1982: 96-97). The 'get tough' approach of the public shows no sign of weakening, and the frustration of the public with perceived leniency of the criminal justice policy has increased, so that the government has to continually justify its stance on law and order (Cullen et al., 1985; 1988).

3.2.1.4 Influences of punitivism on prisons

In the current climate, it may be impossible to maintain a genuine regard for prisoners (Vaughan, 2002: 78). Garland (1990: 236) also notes that 'many prisons continue to be squalid, brutal places relative to general standards of life in the world outside [...] the widespread punitive hostility towards prisoners [...] continues even in the most "civilised" societies'. Even though rehabilitative ideologies in prison have not disappeared but are sustained within prison operations (Blakely, 1999: 22) and prison officers have not yet given up on rehabilitation completely (Cullen et al., 1983, 1989, 1990, 1993), the punitive trend has contributed to the attitude that prisons should provide more severe sanctions for prisoners who may be violent in the future (Maghan, 1999). Punitive attitudes towards prisoners have influenced various aspects of prison administration. For example, there have been issues such as security and order and the provision of programmes and treatment.

First, prisons came to pay more attention to security and the control of disruptive prisoners (Sparks and Bottoms, 1996). Some prison administrations chose to be insensitive to prisoners' welfare, believing that basic living conditions such as health care, safety, sanitation and even proper nutrition should be provided only when prisoners keep prison rules and obey the orders of prison staff (DiIulio, 1987). For example, when long-term adult prisons and maximum security prisons experienced

serious collective disorder in England and Wales several decades ago (Sparks and Bottoms, 1996; Woolf and Tumin, 1991), the responses concentrated on riot control with measures such as the identification and punishment of ringleaders.

Second, it was considered that prison programmes covering areas such as education, recreation and work should be made subject to a deliberately punitive regime, regardless of its possible effects on the programmes' supposed ability to aid (French and Gendreau, 2006). It was also thought that disruptive prisoners could be subdued through punitive treatment, and that fewer constraints should be placed on the governors' discretion to impose such treatment, which was designed to humiliate and degrade. This view may accept the use of solitary confinement, sometimes even lash and chains, as one form of harsh treatments. Moreover, some prisoners who are allowed to leave the prison, for example for visits to hospital or court, can be required to wear physical restraints, which are punitive measures carried out in the name of security (French and Gendreau, 2006).

However, such treatment can be criticised in the name of fairness if one believes that prisoners should have similar living conditions and rights to those enjoyed by people in the wider society. Many people both inside and outside the criminal justice system still favour rehabilitation over punishment and the rehabilitative ideology continues to retain substantial legitimacy (Cullen et al., 1988: 304). Researchers assume that, since some rehabilitative programmes work, at least sometimes, softening offenders' punishments can produce positive outcomes (Cullen and Gendreau 1989; Van Voorhis et al., 1991). Moreover, it can be noted that whether or not rehabilitation programmes can be shown to reduce recidivism, there is a moral imperative to maintain humanity in prison.

3.2.2 Attention to humanity in prison

Many researchers have studied humanity as a concept and applied in a variety of contexts. The history of prisons demonstrates that most people in the not too distant past rejected the idea that prisoners or criminal offenders should be treated with humanity. Despite considerable fluctuations, and however problematic it may be, the

study assumes that there has been a significant development in the prisons of many but by no means all modern countries. It is undeniable that in those countries influential persons and organisations have striven to protect and enhance humanity in prison. Humanity in prison has therefore been attained as the product of a long and hard struggle, and that consequently those efforts have affected prison employees.

3.2.2.1 Definition of humanity in prison

The term ‘humanity’ involves human dignity and humane values, emphasising the importance of respect for all human beings, including prisoners. Even though few penological studies have discussed the term ‘humanity’ (Liebling, 2004: 217), ‘humanity in prison’ has long been a critical issue because prisons hold ‘vulnerable’ offenders, who many believe have an inherent humanity and a right to receive the moral concern of others (see Feeley and Simon, 1992).

It has not been long since the term ‘humanity’ started to be used in regard to prisoners: for example, since 1988 the Prison Service in England and Wales has used the term in the ‘Statement of Purpose’ of the Service, mentioning that ‘Our duty is to look after them [prisoners] with humanity’. However, the notion of humanity in prisons is not necessarily connected to large abstractions such as liberty and equality. Instead, the study understands that humanity flows from compassion and sympathy for the vulnerable. Humanity in prison can carry notions of philanthropy and altruism (Coupland, 2001). This broad understanding can be applied to the case of the prisoner; as Liebling (2004: 218) notes, ‘To “treat with humanity”, then, means to treat someone as an individual and as a person’. Those who are concerned for the vulnerability of prisoners believe that legal or other safeguarding measures or remedies are required for their welfare (Coyle, 2002b).

Considering the discussion above, in defining the term ‘humanity’, the study depends on the argument of Liebling (2004: 217) that the term ‘humanity’ is ‘other-regarding, and indicates how we should treat a “neighbour”, or our fellow human beings’. Sparks et al. (1996) also argue that the term ‘humanity’ recognises

prisoners' intrinsic worth as persons, provides humane conditions, commits to minimise the harmful effects of removal from normal life and presents opportunities for betterment (see also Liebling, 2004: 222). Humanity is positively correlated with respect, fairness, trust, relationships and support (Liebling, 2004: 228): it combines material and interpersonal conditions and includes 'decency, safety, dignity, fairness, and equality' (Liebling, 2004: 225).

One way of ensuring that prisons practise humane treatment may be to emphasise their duty to uphold human rights. While the concept of humanity has been defined positively in different ways, the concept and nature of human rights have long been discussed in terms of what the state may not do rather than what the prisoner can claim (see Fowles, 1989: 1). Often, humanity has been understood, and attempts have been made to implement it, in connection with the protection of prisoners' human rights.

3.2.2.2 Vulnerability and protection of prisoners

Changes to the prison system and prisoners' programmes have to a large extent been developed through recognition of the vulnerability of prisoners and efforts to introduce and enhance humane values. Some prison administrations have long taken a sensitive interest in implementing policies based on such values. Two basic principles have been emphasised in forming this philosophy among prison employees. First, prisoners should not be punished beyond the limits of the deprivation of liberty; for prisoners, confinement itself is the punishment, whatever the crime. Second, prisoners should be treated humanely. Even though prisoners may have committed most dreadful crimes, they are to be treated with respect and dignity as human beings. Prisoners are believed to be vulnerable largely because of the prison environment.

In order to understand how vulnerable prisoners are in general, it is necessary to have some idea of the conditions in which they live. First, their living space is isolated from society, a situation which relates to the assumption that prisons operate out of sight of the community. Second, the poor condition of prison facilities may

deteriorate humanity in prison. Recently, most prisons in the world, and notably in England and Wales, have been experiencing overcrowding, which reduces the capability of governors to provide adequate treatment and hinders them from concentrating on prisoners' welfare because of security and order concerns. Third, the vulnerability of prisoners may result from their 'deprivatised' life, since imprisonment reduces their life choices and autonomy. Fourth, prisoners may face a great deal of violence from other prisoners or from prison officers and contract diseases from an unsanitary environment. In many cases, these situations lead prisoners to acts of self-harm such as suicide and hunger strikes (Finkelstein, 1993).

Partly due to this vulnerability, attention to humanity in prison has existed for a long time, as have efforts to ensure its practice. For example, John Howard, who was impressed by the humane treatment in Dutch prisons, wrote of the need for the humane treatment of prisoners in 1777. His understanding of humanity was 'cleanliness, industriousness, and attentiveness to religious and moral instruction [...] and the practice of early release and the avoidance of life sentences "to prevent despair"' (Liebling, 2004: 221).

3.2.2.3 Effects on prisons of the pursuit of humanity

The history of prisons in most countries of the developed world is closely related to efforts to enhance humanity in the institutions; attention to humanity has often influenced the development of prisons through extended supervision of the human rights of prisoners and control of the prison authority. It is evident that the attention to humanity has lessened and indeed minimised punishment and adverse pressures (Coupland, 2001). In particular, cruel and inhumane punishments have been strongly criticised and diminished to varying degrees in different countries (Feeley and Simon, 1992).

Attention to humanity is closely related to the process of conflict and struggle between prisoners or human rights activists and the government or prison employees (Coyle, 2002b). Human rights have become a symbol of the struggle for penal reform, for a new paradigm of prison governance, of public order and of human

relations based on human dignity. Prisons go far beyond the automatic application of human rights principles to prisoners. Also, the demand for a commitment to prisoners' human rights challenges the dangerous idea that prisoners' suffering and deprivation are inevitable if the victims of crime are to be appeased and order is to be maintained. Since the principle of humanity and sanctions against inhumane behaviour are referred to in international instruments, prisoners' human rights are cited as coming within the purview of international law, which prison employees should not violate. The criminal agencies in general are obligated by law, for example the Human Rights Act 1998 (s. 6), to respect the dignity of the individual prisoner and protect people's human rights (Ashworth and Redmayne, 2005: 19-26). Thus, prisons also must incorporate the framework of human rights legislation into their practices.

The change of prisoners' status has greatly affected by international attention on prisoners' human rights. Efforts at the international level have affected the prison service and the treatment of prisoners. Since the 1940s, the United Nations and other related international bodies have paid attention to human rights issues in international affairs, and have sometimes applied pressure on sovereign countries to abide by their criteria. Before World War II, the way prisons treated the offenders in their charge was a matter of concern only to national governments (see Liebling, 2004: 217).

The international instruments on human rights demand that prisoners should be treated with humanity and with respect for the inherent dignity of human beings (United Nations, 1966: Article 10; United Nations, 1990b: Principle 1). These originated principally from *The International Covenant on Civil and Political Rights* and *The International Covenant on Economic, Social and Cultural Rights*, which are legally binding on all the countries which have ratified or acceded to them (Coyle, 2002b). Since all prison services should be guided by and operated using a clear set of standards, these international instruments were developed to ensure that prisoners' human rights are important guidelines not only for the central government but also for prison officers. Another method of protecting prisoners' rights comes from the 1989 *European Convention for the Prevention of Torture and Inhuman or*

Degrading Treatment or Punishment. The Committee established under the Convention may visit prisons in England and Wales and report on conditions which may be in violation of the relevant articles of the European Convention on Human Rights.

Judicial intervention has also increasingly affected on prisoners' human rights issue. In many countries, in the past, there was a distant judicial approach in prisoners' rights cases. This stance was adopted because the courts considered that intervention in daily prison management would not be desirable. The courts might believe that their intervention would cause the destabilisation of prison governors' authority and prison discipline (Edney, 2001). This judicial position was evidenced in the cases of *Arbon v Anderson* and *Becker v Home Office*, which concluded that the Prison Rules are regulatory and not mandatory ([1943] KB 252 and [1972] 2 QB 407.). The courts gave several main reasons. First, the intervention would challenge not only prisoners' conditions of imprisonment but also the security and discipline of prisons. Second, prison governors were to be entitled to deal with prisons as they thought fit and to have relevant discretions. This is why researchers believe that the courts in England and Wales are inclined to take little heed of prisoners as 'citizens behind bars' (Livingstone et al., 2003: 552).

A retreat from the 'hands off' stance began with the case of *R v Board of Visitors of Hull Prison; Ex Parte Germaine*, which concluded that the board of disciplinary hearings should be subject to protective oversight of the rules of natural justice ([1979] QB 425.). With the similar case of *Raymond v Honey*, the 'hands off' stance was no longer possible ([1983] 1 AC 1.). Thus, the problem is how to balance the interests of prisoners and the needs of governors to maintain order and security.

Quasi-judicial complaints have increasingly been dealt with, and prisoners' grievances have been drawn to the attention of relevant organisations. The Human Rights Act of 2000 enhanced this trend, enabling prisoners to take legal action on issues previously dealt with outside the English courts (HM Chief Inspector of Prisons, 2001: 23). At the same time, the rulings of the European Court of Human Rights (ECHR) in Strasbourg have had a great impact on prison governors, who

have been required to reconsider their practice. The Act gives further effect in UK laws to the rights contained in the European Convention on Human Rights; it provides that no public body must violate the Convention (s. 6). The death penalty, which had remained in force for certain military offences, was totally abolished in the UK (s. 21(5)).

In the community, there are voluntary and pressure groups which greatly affect prisons as well as prison governors. They are, for example the Prison and Probation Ombudsman, the Prison Reform Trust, the National Association for the Care and Resettlement of Offenders (NACRO), the Howard League and the New Bridge Trust. In many cases, what had been prisoners' privileges increasingly became rights which should be met as minimum standards (Levenson, 2000: 2). The Prison and Probation Ombudsman visited prisons and interviewed officers and prisoners, which affected the enhancement of prisoners' rights (Prison Ombudsman, 1995: 12); however, the Ombudsman has faced difficulties in accessing information from the Prison Service and in implementing recommendations to the Service because of the lack of formal powers (Prisons Ombudsman, 2001: 3).

3.2.3 A new trend: managerialism

Recently, extended pressures have changed prison practices; the focus is now on 'jail standards movements, budget growth and active building programs [...] more attempts to promote staff accountability and control administrative discretion' (Stohr et al., 1996: 438). This subsection explores the introduction of managerialistic techniques within the prison services in England and Wales during the 1990s. In doing so, it will discuss what managerialism is and how it impacts upon the governor's role.

3.2.3.1 Definition of managerialism

The original definition of managerialism does not seem to have been applied to public areas, and especially to prisons, where the main product is intangible (Carlen, 2002). However, efficient, effective and economic management came to form part of

the political agenda with regard to prisons (Jones, 1993: 187). Managerialism has impacted on public administration, and prison governors have not been exempted from this development. It has been reflected in the working credos of prison employees (Rutherford, 1993a; Liebling, 2004) and in prison management strategies (Cavadino et al., 1999). The literature also indicates that managerialism has changed prison organisation, its orientation and its values (Carlen, 2002; Raine and Willson, 1997: 94).

In the early 1980s in England and Wales, the penal administration of the time tried to improve the operation of prisons, and the prison modernising movement was formed under the Conservative government as a part of public sector reformation, which was called managerialism (Carlen, 2002; Garland, 2001; James and Raine, 1998; King and McDermott, 1989; see also Cavadino et al., 1999: 41; Liebling, 2004: 23; Sanders and Young, 2007: 35). Although the advent of managerialism in criminal justice was introduced more slowly than in other public sectors of the UK and occurred in a piecemeal fashion (Liebling, 2004; see also Raine and Willson, 1997: 82), this trend seems to indicate a relative decline in the importance of a bureaucracy which emphasised oversight and hierarchical administrative control, working regulation and fairness (Raine and Willson, 1997). Indeed, this period witnessed 'a relative decline in the importance of oversight mechanisms associated with traditional integrated, hierarchical, structures such as those that classically defined "Weberian" bureaucracy' (Boin et al., 2004: 4).

The trend continued even under the New Labour government and this, in a sense, marked a retreat from the traditional socialist attitude towards crime (Crawford, 1998; Brownlee, 1998). This has affected various aspects of criminal justice, including prison administration which, however, was not substantially affected by the trend in a similar way to other public services until the late 1990s (Boin et al., 2005; Liebling, 2004), partly because of the criminal justice agencies' 'cultural segregation and organisational positioning [...] at one remove from the mainstream of the components of the New Public Management' (Raine and Willon, 1997: 82).

The definition of managerialism varies from researcher to researcher: James and Raine (1998) note that 'implementation of a variety of techniques, generally borrowed from the private sector within a culture of cost efficiency and service effectiveness'; Pollitt (1993: 1) argues 'a set of beliefs and practices, at the core of which is the assumption that better management is an effective solvent for a wide range of economic and social ills'; or Butterfield et al. (2005: 330; see also Horton and Farnham, 1999) note that 'a move from a largely hierarchical, formalised approach with an emphasis upon avoiding mistakes, caution and application of rules, to the espousal of decentralisation or "devolution" and the values of innovation, enterprise, management and problem solving'. It can be noted that managerialism pays particular attention to 'budgets, target-setting, strategic plans, competition, best practice, performance measurement, and the concept of "value for money"' (Liebling, 2004: 23). The main purpose of this ideological preference for the disciplines of the market is to achieve value for money and to control public expenditure (Sanders and Young, 2007: 35).

These definitions suggest that managerialism has contributed to the development of criminal justice in four ways. First, it has contributed to creating system-based management in criminal justice administration. That is to say, it has contributed to establishing statements of purpose and organisational goals, setting up strategy and planning, issuing standards of performance, introducing audit and monitoring systems, restructuring the payment system, making clear management accountability and responsibility, recruiting professionals, and establishing grading and reward systems (Bryans, 2000b: 7-8). Second, this approach tries to seek less expensive policies such as diversion from prosecution and the introduction of community-based penalties (Brownlee, 1998). Third, managerialism or 'the new public management' leads the government to think of the relationship between managers of a service and offenders as a client and consumer relationship (Brownlee, 1998: 44). Fourth, it affects the 'organisational design and development, agency function, efficiency and productivity and staffing' in criminal justice administration (James and Raine, 1998: 33; King and McDermott, 1995; Liebling and Price, 2003).

3.2.3.2 Influences on the prison service

The effects of managerialistic techniques on management roles have not been identical across the public sector (Butterfield et al., 2005). Many changes driven by managerialism have affected the prison service to such a degree that the service puts a greater emphasis on managerialistic techniques than do the police (Liebling, 2000: 343). These techniques include organisational de-layering, decentralisation and devolution of operational responsibilities, staff management and the use of performance management strategies such as targets and key performance indicators (see Chapter 2, p. 26). Boin et al. (2004: 8) note that the managerialistic techniques used in England and Wales include 'the increased use of public/private competition, changed forms of oversight to make more use of performance information, and the adoption of the executive agency form for delivering prison services'. Prisons have been affected by the managerialistic approach in three ways. The key aims have been to re-strengthen control of the prison system through introducing new strategies, to create a market-based competitive administration and to lead the prison service to co-operate smoothly with exterior organisations.

First, the managerialistic strategies driven by the central government (or 'politicians', as used in Boin et al. (2005)) have pursued the enhancement of effective supervision of local prisons. Politicians tend to be more concerned with short-term aspects of prison management, such as maintenance of order and prevention of escapes, than with long-term goals such as reduction of re-offending (Boin et al., 2005). One of these strategies was 'bottom line performance targets', which was achieved by 'control over budgets and clear specification of valued goals of the system' (Boin et al., 2005: 83). Another strategy was the institution of the executive agency, which introduced more effective and efficient strategies to meet performance targets. The Prison Service in England and Wales also changed the old hierarchical organisation, made the structure smaller and tighter, and favoured more managerial processes, seeking to improve efficiency and to allocate resources flexibly (Crawley, 2004a; Feeley and Simon, 1992; King and McDermott, 1989).

Second, the Prison Service introduced market-based competitive systems. As one of the new frameworks, the Service introduced private tendering and the contract-out system (James and Raine, 1998: 37-38). This system enhanced politicians' control over the prison management through the mandatory selection of a competitive service provider (Boin et al., 2005: 84). The introduction of contracted-out private prisons was an attempt to promote competition between the public and private sectors (Boin et al., 2004: 10). Since 1992, when the first private prison opened, some advantages of the private system, for example more apparent performance standards, have contributed to the development of public prisons (Boin et al., 2004: 10).

The 'three Es' or 'the trinity' (effectiveness, efficiency, and economy) (Jones, 1993: 198) affected governors' management of staff. At the beginning of the drive for managerialism, the pursuit of efficacy and economy in staff management resulted in 'low morale, a sharp reduction in staffing levels, and a deleterious effect on the quality of regimes' (Jones, 1993: 198). For example, the Prison Service in England and Wales introduced the 'Fresh Start' initiatives in 1987 in order to boost the job satisfaction of prison staff and improve stability within the prison system (Liebling, 2004). However, the policy ultimately failed to achieve its stated aims and prison staff came to feel disappointed and devalued because they thought the trend impoverished the substantive formal goals of the prison system (Jones, 1993). As Woolf and Tumin (1991: 340) report, the initiatives involved 'the complete phasing out of overtime'.

Third, managerialism has encouraged and facilitated the cooperation of prison management with external organisations nationally and internationally. Prisons have been required to pay attention to other public organisations and evolve means of cooperation with them; for example, they have had to take account of the incorporation of the European Convention on Human Rights into the UK law. Oversight by outside agencies has increased; in particular, human rights activists are becoming important as part of a new oversight organisation concerned with public service provision. This kind of scrutiny, together with the increased involvement and interest of the media, has had the effect of changing many aspects of prison

operation, making management smoother but sometimes weakening the influence of governors on the organisation.

However, the dogmatic pursuit of efficiency, effectiveness and economy has had negative effects on prison management. If a prison stresses mainly cost and quantitative outputs at the expense of treating prisoners with humanity, the institution will lose its moral legitimacy. Ethical values, legal norms, constitutional principles and humanitarian ideals will have lost ground in prisons. The pursuit of managerial ideology leads to failure to accomplish prison goals pertaining to humanitarian, ethical and moral principles and concerns. Also, as critics point out, this ideology will impact badly on staff morale (James and Raine, 1998: 45). In addition, managerialism leads to a lack of discretion, which is risky in prisons (Liebling, 2000). Underlying this criticism is the argument that discretion is often inevitable in prison, because the rules applied to prison management are open-textured, the circumstances are very diverse and the organisational aims lack clarity (Liebling and Price, 2003).

Other researchers have also expressed similar views. Cavadino et al. (1999) note that managerialism cannot be justified without commitment to human rights goals; Rutherford (1993a: 157) expresses concern about the distortion of the values of the central prison regime engendered by the dogmatic pursuit of efficiency. Bryans (2000b) concludes that adopting a managerialist approach to prison management without a moral ideology may put the system in jeopardy, and that efficiency should not be the only concern; he also notes that managerialism can be morally acceptable only when it goes with humanitarian policies (see Bryans, 2000b: 8). Also, Liebling (2004: 41) agrees that the managerialism of the 1980s lacked a clear value base and failed to unravel the moral crisis in prison practices, although it underpinned and facilitated prison changes. Prisons are inclined to emphasise process not ends, and to focus on performance within a review period without considering quality.

In addition, managerialism has greatly impacted on the relationship between prison government and other related agencies (Jones, 1993: 198-199). Crawford (1998: 248) notes that government agencies have given priority to 'their own introspective needs at the expense of collaborative and inter-organisational commitments'. For

example, auditing bodies such as the National Audit Office in England and Wales have increasingly influenced the operations of criminal justice agencies (Jones, 1993: 199). However, in some areas, managerialistic policies in the public sector have not been implemented as intended. Managerialism has indeed often proved incompatible with the achievement of substantive penal policy objectives.

Despite such negative examples, many researchers take a generally positive view of the effects of managerialism on the prison service in England and Wales, claiming that it has enhanced the quality of the service (Boin et al., 2005). In addition, as Jones (1993: 201) notes, 'The "virtue" of managerialism is that it is divorced from any substantive normative or political values. Indeed, it transforms the absence of principled policy (for example, along lines of justice and fairness) from a vice into a virtue'.

3.2.3.3 Influences on the prison governor's role

It is important to note that public sector officials came to appreciate the value of the trinity of efficiency, effectiveness and economy to their work (Sanders and Young, 2007: 35). Research studies have attempted to clarify how managerialism has affected the managerial roles of senior officials, paying particular attention to the adoption of private-sector strategies. Even though the adoption of a private-sector model of management is at best partial, some studies have shown that managerial people respond positively to being given increased responsibility for managing staff, performance and finance, and for implementing an efficiency strategy (Butterfield et al., 2005; Currie, 1999). The introduction of managerialism will make it possible for governors to focus on the fulfilment of their duties rather than being distracted by the bureaucratic procedural rules and political meddling which prevailed in the past (Boin et al., 2005).

The managerialist ideology has affected governors to face many changes. They have been faced with 'an overload of managerialist baggage from different eras, with a proliferation of objectives and tasks going way beyond the functional and financial capacity of prisons, and with accretions of paperwork and various forms of audit' (Carlen, 2002: 35). For example, the government presented each local prison

governor in England and Wales with a devolution of budgets in order to reduce expenditure, which was legislated by the Civil Service Bill 1992. In addition, this trend has required governors to use new management tools and techniques, for example performance indicators (regarding escapes, assaults, purposeful activity, visits, cost per place and prison conditions), planning and budgeting mechanisms and auditing and monitoring systems (Crawley, 2004a; Jones, 1993). Governors are required to achieve their targets within a twelve month period, following the financial and auditing yearly schedule (Bryans, 2000b: 8). Accordingly, prison governors have started to make increasing use of the new tools and techniques and to put greater value on efficient management. The trend has also led governors to reconsider their relationship with prisoners: in accordance with the new way of thinking, governors are transformed into managers of a public service and prisoners are transformed into clients (Brownlee, 1988: 335).

Through the system of performance targets, central government seems to have reduced the degree of direct government control of prison governors by not insisting that they be involved in day-to-day management decisions (Boin et al., 2005: 85). Some researchers, however, found that performance targets imposed by central government restricted public-sector managers' autonomy (Currie, 1999; Raine and Willson, 1997: 82) and that the prison system was characterised by 'procedural rules set by central government ministries, usually seeking to reduce the discretion of prison directors, through monitoring conducted by ministries as well as through external controls over prisons, such as lay-person visitors' boards' (Boin et al., 2005: 85).

Although researchers disagree on the merits and outcomes of managerialism, it is demonstrable that 'the days of the "hands on" governor who knew the names of all their prisoners and staff are long gone' (Bryans and Wilson, 1998). The emphasis on 'the trinity' has made it possible, and even desirable for prison governors to decrease their direct contact with prisoners. Thus, they cannot help but reduce the amount of time given to carrying out adjudications, listening to applications and patrolling the prison (Bryans and Wilson, 1998).

3.3 Understanding governors' working credos

This section examines various concepts of working credos explored by a small number of researchers and discusses in detail a typology proposed by one of them. Only a few studies have appeared which have dealt with this area, notably those of Rutherford (1993a), Cavadino et al. (1999) and Liebling (2004). This study assumes that the study of working credos will be useful for the understanding of prison operation and the different approaches prison employees may adopt (Cavadino and Dignan, 2002). This section discusses typology of working credos, examines their features, and considers the meanings in practice.

3.3.1 Typology of working credos

It is unfortunate that the literature on the working credos of prison governors is not extensive (Cullen et al., 1993; Flanagan et al., 1996; Hensley and Tewksbury, 2005). Such credos pertaining to the general operation and management of prisons deserve to attract academic interest because the experiences and perceptions of governors influence their work (Hensley and Tewksbury, 2005).

A working credo may be broadly defined as a more or less coherent combination of perceptions, attitudes and beliefs which influence a person's responses to the problems and opportunities they encounter at work and which is shaped by a variety of factors. More specifically, it influences their choice among options, leading them to adopt certain priorities with regard to practice. Given the scanty literature, it seems reasonable to explore the working credos of a particular group by analysing how prison governors perceive and achieve their purposes, through examining the processes through which they respond to the constraints and difficulties they face. Such an exploration could be useful in that coherent patterns might emerge.

This study sets a high value on the framework of departure Rutherford (1993a: 3-4) created in his *Criminal Justice and the Pursuit of Decency*. Based on the understanding that the term 'working credo' involved governors' perceptions of and attitudes towards work, he developed three 'clusters' of working credos: the

punishment credo, the efficiency credo, and the caring credo (see Foreword by Lord Scarman in Rutherford, 1993a: iv).⁹ The typology was based on and derived from empirical features of the beliefs and practices of senior criminal justice practitioners such as prison governors, chief constables and probation officers. The identification of ideal types contributed to understanding those who lived at a particular time and were engaged in particular practices and yielded insights into nature of the contemporary policy makers. 'The ideal types are models of what are logically possible permutations ... unlikely to be encountered in a pure form in the real world' (Bryans, 2004: 159).

The first of Rutherford's credos, the punishment credo, involves the punitive degradation of offenders, being based on a dislike and moral condemnation of them. According to Rutherford, criminal justice agents holding this credo often believe that the criminal justice authorities should constrain offenders as much as possible (Rutherford, 1993a: 11). The second cluster, the efficiency credo, is essentially concerned with the issues and tasks of management, and prioritises pragmatism, efficiency and expediency (Rutherford, 1993a: 13). The third cluster, the caring credo, emphasises humanitarian values and the need for reform. Criminal justice employees holding this credo are often dubious of the value of interventions by the authorities, believing that the reformation of offenders can be accomplished by humane treatment, but recognising the importance of connections across the criminal justice process (Rutherford, 1993a: 13-18).

Cavadino et al. (1999) discuss Rutherford's working credos but use the term 'strategies'. They focus on how criminal justice employees achieve the purposes of their work. According to them, Strategy A (similar to Rutherford's punishment credo) uses ever-increasing levels of harsh punishment and is a doomed quest to control crime based on a 'law and order' ideology. The strategy embodies the attitude that offenders should be dealt with as harshly as possible. They conclude that the strategy is both unsuccessful and expensive. The managerial and bureaucratic approach, Strategy B, is intended to achieve the purposes of criminal

⁹ Cavadino and Dignan's (1997) 'Credos One, Two and Three' are similar to Rutherford's (1993a) 'punishment credo', 'efficiency credo' and 'caring credo'. Cavadino and Dignan's (1997: 25-26) 'law and order ideology' is similar to Rutherford's 'punishment credo'.

justice by the most efficient and cost-effective means. This system management strategy also involves monitoring the overall operation of the criminal justice system in order to evaluate criminal justice policy and practice. Cavadino et al. (1999) see some advantages in this strategy but also recognise some dangers in the approach, notably the neglect of the human element. Lastly, Strategy C, the principled approach, involves means such as rehabilitation, reintegration and restorative justice. The strategy seeks to protect the human rights of both offenders and victims. Cavadino et al. (1999) favour this strategy, whilst conceding that the current criminal justice system still assumes that the ultimate goal is adversarial and stigmatic punishment.

The 'strategies' of Cavadino et al. more or less correspond to three 'working credos' of Rutherford (1993a), but as the name implies, their conceptualisation is concerned with how governors devise plans of action to achieve prison goals rather than with the influences of perceptions, attitudes and beliefs on the formulation of courses of action and hence on practice. A strategy is what is possible given the constraints caused by factors such as government policy, prison population or budget. This study, however, seeks to explore the governor's world more deeply than an analysis of strategies could achieve, with the aim of understanding more fully governors' behaviour. Therefore Rutherford's general approach seems closer to that of this study.

3.3.2 Features of working credos

The typology proposed by Rutherford (1993a: 3-4) is a good starting point for a discussion of governors' working credos. Governors are not likely to work in accordance with the features of only one of the three working credos discussed above; their credos are likely to contain certain features of two or all three. Although similarities will occur across the population to be studied, each case will differ to some extent and the emerging picture will be a complex one. The details of previous studies' (mainly Rutherford's) classification of working credos are shown in Table 3.1, and the features of each credo are then explained.

Table 3.1: Concepts and features of working credos		
Credos	Concepts	Features
Punishment credo	Privileges punitive degradation of prisoners	Powerfully held dislike and moral condemnation of prisoners, and belief that as few fetters as possible be placed upon authorities in pursuit of criminals who, when caught, should be dealt with in ways that are punitive and degrading
Efficiency credo	Emphasises effective management, pragmatism, efficiency, expedience and performance to optimum standards	<p><i>Efficiency</i></p> <p>Pragmatism, system-based management, smooth administration, process-oriented, lack of correctional ideology, separation of action from beliefs or sentiments</p> <p>Tasks at hand dispatched as smoothly and efficiently as possible</p> <p>Smooth management rather than moral mission</p> <p><i>Effectiveness</i></p> <p>Standards for all aspects of work, protection of public a key ideology, regimes and programmes subject to accreditation, reducing re-offending as key outcome, best value from resources, links with other agencies to maximise effectiveness</p> <p><i>Economy</i></p> <p>Value for money within specified budget limits</p>
Caring credo	Demonstrates attitudes towards suspects and prisoners based on liberal and humanitarian values	<p>Liberal, humanitarian, empathy with prisoners, optimistic, inclusive, belief in constructive work, open and accountable procedures</p> <p>Minimalist view of criminal justice intervention, but awareness of connections across criminal justice process and of reform potential deriving from appreciation of this interdependence.</p> <p>Location of criminal justice within broad arena of social policy, and linkages with such issues as housing and education.</p>
Sources: Compiled mainly from Rutherford (1993a) and Liebling (2004)		

3.3.2.1 Punishment credo

The punishment credo is grounded in a powerful dislike and moral condemnation of prisoners. Rutherford (1993a) has ‘conflated censure with official vindictiveness in his “punishment credo” ’ (Liebling, 2004: 6). Thus, this credo can be defined as entailing a commitment to punishment and degradation, and as embodying a ‘law and order ideology’ (Cavadino and Dignan, 2002: 24-26).

The key features of the credo are ‘moral condemnation, dislike of offenders, degradation, unfettered discipline, and expressive function of sanctions’ (Liebling, 2004: 7). Michael Howard, the British Home Secretary from 1993 to 1996, has been seen as one of the quintessential representatives of the punishment credo; such a representative would have a discernible, socially conservative disposition (Cavadino and Dignan, 2002).

The punishment credo may be associated with a harshness and punitive strategy in criminal justice practices (Cavadino and Dignan, 1997; Cavadino et al., 1999: 12). The credo strongly pursues the idea of punitive and degrading treatment of prisoners because criminal offenders deserve to be condemned. The credo opposes restriction on this pursuits as much as possible (Rutherford, 1993). Researchers have been concerned with the possible effects of the use of harsher treatment for prisoners (Johnson et al., 1997). Cavadino et al. (1999) also argue that Strategy A (the punishment credo) is not an effective way to proceed because the characteristics of the strategy are likely to be counterproductive.

In terms of individual interpretations of official policy, governors holding this credo are likely, because of their dislike and moral blame of prisoners, to show a tendency towards punitive and degrading attitudes in implementing their duties (Rutherford, 1993a: 11). For example, ‘get tough’ policies will encourage certain governors to grant prisoners fewer services in order to concentrate on security and control. Some educational, health care, legal and recreational programmes might be reduced or eliminated. Such a governor may be unduly harsh towards prisoners who violate prison rules.

There is evidence of a link between insecurity and punitivism. The more unsure governors feel about their ability to maintain security and control, the more likely it is that they will be punitively oriented. Their anxiety may stem from the feeling that their power has been eroded by a seemingly unbroken series of prison reforms, which have been carried out under pressure from exterior organisations such as the media and human rights organisations. They may also feel threatened by the legal actions proceeding from prisoners' lawsuits, and by the disciplinary procedures relating to serious incidents occurring in the institution. These perceived threats can lead to punitive attitudes in practice, and cause governors to retreat towards ritualism and a low profile attitude.

Since the study assumes that many working beliefs and attitudes may not be held consciously, let alone articulated as constituting a 'working credo', it will be realistic to explore governors' working credos through investigating how they perform their work. The areas of governors' work the punishment credo can most easily be associated with are mainly routine 'prison management' matters (Bryans, 2000a: 25; see also 2.1.2.3. Classification of governors' work), which are mostly related to prisoners' custody and programmes. These include accommodation, release, intoxication, infectious disease control, food services, medical and mental health services, clothing and laundry services, visits, mail and telephone, exercise and recreation, housing plan, participation in adjudications, risk assessment, education, vocational training and prison work. A punitive approach can readily be adopted in all these areas.

3.3.2.2 Efficiency credo

A governor holding predominantly the efficiency credo will tend to believe that his or her role 'is to dispose of the tasks at hand as smoothly and efficiently as possible. The tenor is one of smooth management rather than moral mission' (Rutherford, 1993: 13); Derek Lewis, the Director General of the Prison Service in England and Wales from 1993 to 1995, was a proponent of this credo, which at that time was the prevalent credo in England and Wales (Cavadino and Dignan, 2002; Rutherford,

1993; see also Garland, 1990: 183). Since Rutherford's 'efficiency credo' shares many features with Liebling's (2004) 'effectiveness credo', they will be discussed together here.

This credo is associated with the efficiency of prison management, stressing the smooth operation of the prison system. As shown in Table 3.1, the key features of the efficiency credo are 'pragmatism, system based management, smooth management, process oriented, lack of correctional ideology, and separation of action from beliefs or sentiments' (Liebling, 2004: 7). The credo favours values based on process and measurement at the cost of traditional moral principles (Sparks et al., 1996). Similarly, Cavadino et al. (1999) note that the efficiency credo¹⁰ attempts to apply efficiency-driven and administrative methods such as the cost-effective system to prison administration. The term is to be understood as combining the range of meanings of the 'three Es': economy, efficiency and effectiveness (Jones, 1993: 198).

As Liebling (2004: 34-35) notes, effective prisons run in accordance with the essential features of the credo have been those 'capable of following their own rules, delivering reasonable standards, securing compliance by a mixture of control, incentives, disincentives, and legitimate treatment, and offering a menu of accredited offending behaviour programmes increasingly tailored to particular populations and criminogenic needs, and designed to challenge thinking and behaviour'. According to her, the ideology of 'effectiveness' has been dominant from the late 1990s onwards in England and Wales (Liebling, 2004: 35).

The term 'effectiveness' includes 'standards for all aspects of work, protection of public a key ideology, regimes and programmes subject to accreditation, reducing recidivism as key outcome, best value from resources, and links with other agencies to maximise effectiveness' (Liebling, 2004: 7). As for economy, this credo prioritises value for money within specified budget limits, meaning both 'a greater emphasis upon crime control' and 'more crime control with fewer resources' (Jones,

¹⁰ They use the term 'Managerialist Strategy B' (see Cavadino et al., 1999: 41).

1993: 200). Moreover, the efficiency credo is concerned to use resources in a way to maximise performance and efficiency, which also makes the credo relate to bureaucracy, pragmatism and sometimes utilitarian ways (Cavadino and Dignan, 2002).

Some have argued that managerialism cannot be a legitimate end in itself in prison practice. Rather, only when it is practised with humanitarian methods can it be morally acceptable (Cavadino et al., 1999; Bryans, 2000b: 8), because the approach, if practised without restraints, will harm humanitarian principles and concerns. If a prison administration were to focus only on cost and quantitative outputs at the expense of humanity and respect, it would be in danger of losing its moral legitimacy. Pressure to meet performance targets could for example result in making prisoners do offending behaviour courses irrelevant to their needs, or in reducing budgets to the detriment of the quality of welfare provision.

However, an awareness of the limitations and potential dangers of unchecked managerialism can allow the approach to be advantageous in the area of 'general management' (Bryans, 2000a: 25); that is, in planning, budgeting, maintaining facilities and human resources management. In addition, given that most of a governor's work is delegated to staff, all staffing, recruitment, hiring, retention, and staff scheduling and training are likely to be improved by efficiency and effectiveness strategies. Internal and external inspections and reviews can also be planned and conducted in accordance with such strategies.

3.3.2.3 Caring credo

The caring credo is based on empathy with offenders and with the victims of crime, and stresses liberal and humanitarian values (Rutherford, 1993a: 18-24). If one assumes that 'humanity' has an ethical meaning and implies ideals of compassion and altruism, then those who define their approach and practice by using the terms 'humanity' or 'humanitarian' are 'perceived as placing themselves on a moral high ground' (Coupland, 2001: 969). The study also understands that the concept of 'humanity' involves a recognition of the need for humane treatment, and an

awareness of prisoners as human beings and of the centrality of humanitarianism as a value. Thus, those who hold this credo seek to lessen punishment, and resort to the principles of fairness, due process, individual human rights and respect for individual human beings (Cavadino and Dignan, 2002).

The implications of this credo are that criminal offenders should be treated with a strong empathy and come under the rule of law and responsible procedures (Rutherford, 1993b). Its key features, as described by Liebling (2004: 7) and shown in Table 3.1, are 'liberal and humanitarian, empathy with offenders, inclusive, optimistic, belief in constructive work, open and accountable procedures, and links with social policy'.

The Cavadino et al.'s (1999) 'Strategy C' has a similar meaning to the caring credo. As a paradigm of justice, the strategy seeks to protect and uphold the human rights of both offenders and victims. There have been various thoughts on what human rights should be with regard to different groups and on the ways in which it is possible to be humane in penal institutions. Some favour Strategy C in pursuit of reforming and resocialising offenders, others support restorative justice, and others advocate the retributivist 'justice model' approach in order to protect human rights (Cavadino and Dignan, 2006). The concept of human rights is regarded in this study as one of normative values required to achieve maintain and enhance humanity in prisons.

In the last century, the prison service in England and Wales sought to practise humanitarianism through an emphasis on the reform and rehabilitation of offenders by means of welfare provision and individualised treatment. The pursuit of humanity in prisons has contributed to the conduct of prison management in general, as is shown in government publications, for example the Woolf Report (Woolf and Tumin, 1991), and the subsequent White Paper *Custody, Care and Justice* (Home Office, 1991), which paid particular attention to prisoners' rights.

The caring credo can become prevalent through continuous efforts to guarantee fairness and equality with due process, and a commitment to accountability, and

transparency in providing programmes and treatment. The caring credo, as Rutherford (1993a) notes, considers that the scope of intervention of the criminal justice system should be minimal, while emphasising the interconnectedness of criminal justice processes. This perspective locates criminal justice within overall social policy, and regards it as closely interrelated to social issues (Liebling, 2004). Prisons which pursue humane policies are likely to introduce measures designed to respect family life, for example those ensuring that prisoners can keep in touch with their families and others important to their welfare.

In prisons where prisoners' rights have been lost or have never existed, it may be true that the pursuit of humanity will face many obstacles. The achievement of a proper distribution of benefits and burdens cannot be expected to extend as far as in the wider society. Nevertheless, the public authority should ensure the provision of humane treatment in prisons. As Stohr et al. (1996: 438) insist, prison workers whose job requires them to be not only carers but also controllers should have compassion too if their work is to be effective and successful. The enforcement of law and order in prison is surely compatible with kindness, common sense, and humane justice (Rothman, 1980:225). For example, prisons could relax as much as possible controls imposed on prisoners' legal and non-legal correspondence. Many researchers argue that criminal justice practitioners need to be better equipped with the humanitarian ideology. They put greater importance on the value of humanity or caring than on other values (Cavadino et al., 1999; Liebling, 2004; Rutherford, 1993a). Rutherford (1993a) also prioritises the concept of decency or caring.

3.3.3 Judicious mixture of working credos

Working credos are formulated over time through experiencing a complex mix of constraints and opportunities; thus, governors are unlikely to hold only some features of one credo. On the basis of the literature studies discussed above, this subsection aims to explore the question whether it is advisable or even possible to adhere to only one credo and put all its features into practice. It therefore considers the demerits of each credo and the arguments for adopting a mixed credo combining the merits of two or more of the three discussed in this chapter.

3.3.3.1 Working credos in practice

Theoretically, an ideal working credo can be constructed, but this is unlikely to be practicable in reality. Since governors are likely to prioritise various features of different working credos according to circumstances or combine the features in various ways and in various degrees, there will be difficulties in identifying the precise nature of their working credos. Governors may prioritise particular features because they want to fulfil their duties while hoping to evade any possible conflicts with their stakeholders such as staff, prisoners, the central government and other exterior bodies. Working credos can be affected by various variables such as the changes of prison context and values (Liebling, 2004).

As noted earlier, working credos may change according to internal and external influences such as government policies and prison context. For example in the UK, many reform measures such as transplanting the ideologies of managerialism into the criminal justice arena have been employed with continuities or sometimes discontinuities. Disturbances in prisons in England and Wales have also affected the Prison Service generally, and the people working in those prisons in particular. In addition, governors will be affected by the prison culture prevalent among prison officers or other colleagues.

Some advocate that the caring credo should be upheld and promoted as an ideal. For example, Rutherford (1993a:165), who believes that all criminal justice processes urgently need reform and argues for a fundamental change in working ideologies, is committed to holding the line against punitiveness and repression, and hopes to see the eventual triumph of the humanitarian ideology. Woolf is concerned with justice, but accepts the need for a limited managerialistic approach (Cavadino et al., 1999; Jones, 1993; Liebling, 2004). In contrast, DiIulio (1987) argues that the punishment credo should not be neglected because prisons need above all to be safe and controlled through a regime of strict discipline and harsh sanctions. He calls for a combination of punitivism and managerialism, with an emphasis on the latter as better guaranteeing the maintenance of order, and argues that prisons must maintain

both order and services, prioritising the former but noting that smooth prison management will provide a safe environment for prisoners and prison officers alike.

However, if a prison administration implements features of only one working credo, this can have unexpected results which could be dangerous for prison management. Some governors might favour one specific approach and decide their priorities accordingly, but generally governors tend to favour a blend of approaches and strategies rather than a pure doctrine (Cavadino et al., 1999; Liebling, 2004). Arguments against the adoption of a single credo can be derived from the following discussion, which considers the demerits of each credo.

First, the implementation of the punishment credo may result in legitimacy deficit and inhumanity. As Cavadino et al. (1999: 141-2) note, the adoption of this strategy is likely 'to incur a serious and unavoidable "legitimacy deficit" by virtue of reliance on coercive measures that deny prisoners both the respect to which their humanity entitles them and also their residual civil status as members of the moral community of citizens'. In addition, researchers are concerned that prison policies influenced by this credo may infringe the human rights of prisoners through the use of excessive and undeserved punishments, which may also be ineffective (Cavadino et al., 1999: 40). Cavadino et al. (1999) also insist that punishment in excess to a degree that cannot be justifiable is morally wrong and is no more than 'vengeance or (non-consensual) sadism'. Moreover, strategies predicated on treating prisoners severely will tend to affect the programmes and policies of prisons, further aggravating the prisoners to harm (Cavadino et al., 1999).

Second, the exclusive implementation of the efficiency credo will tend to produce undesirable outcomes. This credo has been criticised because of its deficiency of humanity. Its strong emphasis on economy can result in a neglect of humane values and an indifference to the human rights of prisoners (Bryans, 2000a; Cavadino et al., 1999). Rutherford (1993a) notes that expedient managerialism may deviate criminal justice employees from a concern for prisoners. He argues that infringement of human rights is 'likely to come from the pressures that favour the pragmatic and expedient stance to criminal justice' (p. 18; see also Cavadino et al., 1999: 43).

According to his argument, it is not punitive sentiments but managerialism which threatens the humane beliefs of prison employees even within prison establishments where liberal working ideologies still remain (Rutherford, 1993b).

Cavadino et al. (1999: 44) support this argument, noting that this strategy has been criticised for dehumanising prisoners because of its indifferent attitude towards humane treatment. People who support this credo are likely to prioritise value for money within specified budget limits, without realising that this may produce greater harshness (Liebling, 2004: 41-43). Thus, those who believe that prisoner welfare is an important consideration argue that humanity-oriented policies should be executed with managerialist techniques (Cavadino et al., 1999; Lacey, 1994).

Third, the last question relates to why governors do not hold the caring credo alone. As far as the researcher knows, there are no research studies on this. However, the study assumes that the caring credo is not likely to be implemented alone for practical reasons. Given that prisons need to be managed effectively and efficiently as well as humanely, governors might need to make use of, for example, managerialistic techniques. Thus, the caring credo remains an ideal which mitigates the more inhumane effects of other credos, and governors committed to it are likely to be frustrated in their efforts to practise it fully.

Indeed, prison governors, acting on their discretion, will tend to adopt more than one working credo in accordance with the practicalities of their working environments, or in response to the requests of their stakeholders. They may do so for personal reasons such as their own sense of morality, even if this means going against the prevailing opinion.

Cavadino et al. (1999: 13) advocate, therefore, that criminal justice employees should consider combining working credos, particularly the efficiency (Strategy B) and the caring (Strategy C), as a fundamental goal of prison policy. They argue that if the efficiency credo is applied to prison management with a humanitarian strategy, prisons can be more humane, manageable and safe for prison employees and prisoners as well (Cavadino et al., 1999; Stojkovic, 1986). Some researchers note

that certain combinations of all three credos can be practicable: Cavadino and Dignan (2002) observe that the recent penal policies of the government have combined features of all three working credos.

3.3.3.2 Prevalence of working credos

Contemporary criminal justice practitioners tend to adhere to the punishment credo or the efficiency credo (Garland, 1990; Rutherford, 1993a). Thus, people working in the criminal justice agencies tend to pursue either the objectives of smooth management or those grounded in the social condemnation of criminal offenders. Accordingly, the study assumes that penal employees are currently working in an era of professional bureaucracies in which official government policies emphasise a limited punitive ideology and utilitarian policies and expectations (see Garland, 1990: 184).

Governors' working credos may vary because of the diversity and complexity of the prison context. In practising a specific credo, a governor may believe that he or she is pursuing an ideal, but that ideal may be incompatible or difficult to reconcile with the prevalent credo in the prison service. The prevalent credo today is certainly not the caring one (see Liebling, 2004; Rutherford, 1993a).

Governors unsympathetic to the dominant penal ideology will face difficulties in practising their work as they desire. If their administration cannot guarantee the implementation of justice with regard to prisoners, the prison may be regarded as morally illegitimate. It has been argued that prisons need to change people's attitudes towards punishment (Cavadino and Dignan, 2002) in order to solve this problem, and accordingly the prevalent working credo or credos might be changed. Moreover, officers and other staff may react strongly against being forced to work in accordance with a prevalent credo with which they do not agree. For example, Flanagan et al. (1996: 396) point out that governors committed to, or compelled to practise the punishment ideology may face 'burnout among those who sought careers in which they thought they would be changing lawbreakers through humane efforts'.

In a research study on police, Regoli et al. (1988) note that three sets of factors have affected the professionalism of police: background, organisational and role-adjustment. Rutherford (1993a) notes that role adjustment and stakeholders' influence may cause the conversion of working credos. The role-adjustment process may be influenced by stress, satisfaction and role-conflict. Stress may occur, in this context, when governors face intractable difficulties; satisfaction may result from the provision of effective assistance. When role expectations and penal goals collide with each other, role conflict may lead governors to change their attitudes.

In this connection, Grusky (1959: 453) notes that role conflict is created when an organisation's new primary goal is markedly different from what it was. But as Poole and Regoli (1983) point out, loyalty to a working ideology lessens role conflict and consolidates the existing working credo, so that change does not occur except in extreme circumstances. Thus, as Coyle (2002a: 14) argues, if prison management tends to be professional, the prison management should not be only based on the personal preferences of individual governors.

3.3.3.3 Obsolescence of working credos

The prevalence of certain types of working credo is bound to fluctuate over time; some may fall from favour as new ones are promoted. This may be inevitable because those holding such credos are usually powerless to influence the ideology in the area of implementation or to resist change (Liebling, 2004). The working credos discussed above may be inapplicable to the practice of current prison governors, or at least may not adequately represent the present range of working credos, for two reasons.

First, the typology of working credos as it has developed over the last few decades may be inappropriate for a study of current prison governors because some of the substance of working credos has changed or a new credo or credos might have emerged (Liebling, 2004: 6). For example, Rutherford's model was formulated 15

years ago and policy-related practices have changed since 1992. Second, the populations the previous researchers considered are different from the group this research seeks to study. Rutherford (1993a) was concerned with the ideologies of several criminal justice elites, such as chief constables and senior probation officers as well as prison governors. Working credos of other group of people in specific jurisdiction need to be explored with certain criteria.

However, there is no absolute paradigm for examining any credo system that is valid in all contexts (Mackenzie, 1986). What was relevant in the past as a paradigm may be found irrelevant for the present or the future in terms of the method of describing social phenomena. Since interrelationships between organisational processes are complicated, any proposed assumptions may often become problematic, especially when they attempt to model the actual features and the richness of real processes. This study assumes that the prison and its employees are shaped by the society of which it is a part (Garland, 1990: 1). Thus, since a prison's external environments are powerful factors, the context of political and penal changes can constrain or motivate governors' work and affect their credos and practices. Accordingly, organisational and cultural features need to be linked and investigated to reach an understanding of the working credos of governors.

The punishment and caring credos, which are opposite perspectives of each credo, are drawn from the perspectives of prisoner-focused, while the efficiency credo, with the perspectives of management-focused. The efficiency credo is not representative of organisational systems to be consolidated and roles specialised. Liebling (2004) argues that the prevalent working credo of the prison service during the late 1990s and the early 2000s in England and Wales has been the effectiveness credo, which she contrasts with Rutherford's efficiency credo, proposing the term 'effectiveness' in order to emphasise outcome and focus on the moral performance of prison officers. Thus, the identification of prevalent working credos can be made through considering the diversity and complexity of work and working environments.

3.4 Conclusion

In this chapter, the literature was reviewed in order to explain penal ideologies, their influence on the prison service and their connection with governors' working credos. This involved a discussion of questions and issues relating to how prison governors perceive their work and how they translate their working credos into practice. The ideologies examined were rehabilitation, punitivism, humanitarianism and managerialism. This review was based on the assumption that penal ideologies have greatly affected both prison administration in general and governors in particular.

The chapter examined the claims made for the effectiveness of the rehabilitative ideology and considered the reasons for its decline in England and Wales. There followed a discussion of punitivism and the reasons for its adoption by successive governments in the 1980s and 1990s. The issues surrounding the humane treatment of prisoners were then discussed, with particular attention to prisoners' vulnerability and the question of their human rights; the discussion included an overview of the effects of international legal initiatives on prison practices. The review moved on to consider managerialism and its impacts on criminal justice administration and the prison service. The 'trinity' of efficiency, effectiveness and economy was explained and its negative effects were examined. The chapter then discussed the impact of managerialism on the role of the governor.

The second main part of the chapter was devoted to governors' working credos, focusing on the formulations of Rutherford, Cavadino and others, and Liebling, and examining the features of Rutherford's three credo clusters in detail, comparing these with the conceptualisations of the other researchers. Finally the chapter considered the disadvantages each credo would have when translated into practices, and discussed the desirability or otherwise of combining the features of two or more credos.

This research is based on Rutherford's three categories, but these and their features were reconsidered and modified in the light of the research findings in the Korean context, since Rutherford's categories depend on the particular history of penal

institutions in England and Wales. For example, the Korean prison service, despite its tendency to punitivism and its paramilitary organisation, has been formed in the context of a pervasive bureaucracy, and the research revealed that it has remained relatively unaffected by managerialism. The discussion in this chapter will extend to the Korean context in the next two chapters. Chapter 4 will explore the evolution of political and penological changes in Korea and how these have impacted on prison practices.

Chapter 4. Development of prisons with reference to Korean political history

4.1 Introduction

The previous chapters were devoted to a review of the literature pertaining to prison governors and their working credos, providing the theoretical background relevant to the research aims and objectives specified in Chapter 1. This chapter considers the political, social and cultural contexts pertinent to the research and describes the main features of the prison service in Korea. This is necessary because, especially in the history of modern Korea (1945- to the present),¹¹ prisons underwent massive policy change which has reflected wider political events in the country over the last 60 years, and because the subjects of the study, prison governors, have lived and worked within the context of the country's political and social changes. The chapter is divided into three main sections in order to present information on the Korean prison context: transformations that have affected prison practices and values in modern Korea, prison organisations and personnel management system, and prisons' cultural and organisational distinctiveness.

4.2 Transformations of prison practices and values in Korea

This section focuses on how Korean prisons have been transformed as a result of political changes which have affected their administration and the governors who are the subjects of the study. The political and penological context in which Korean

¹¹ In Korean literature, 'modern' refers to the period from independence from the Japanese colonial power in 1945 to the present (Kim, 2006). Before the Japanese colonised Korea in 1910 the country had no organised penal system and no organised policies and practices (Lim, 2002). From the late 1890s, Western powers made incursions into Korean territory, and Japanese imperialism took advantage of this chaotic situation and succeeded in colonizing the peninsula (Kleiner, 2001). The imperialist Japanese administration prohibited traditional ways of living and undermined the social system, outlawing the use of the Korean language under its policies of assimilation (Kleiner, 2001: 43).

prisons have existed will be explained by dividing the modern period into four phases: liberation and the Korean War (1945-1960), the first military regime (1961-1979), the second military regime (1980-1992) and democratic government (1993-2006). This section describes what happened both inside and outside prisons during each phase, considering both the detail and the general effects of these events.

4.2.1 Creating new penal system after independence: 1945-1960

The modern history of Korea and its prison system started in the aftermath of World War II, after the country had been under the Japanese colonial rule (1910-1945).¹² During the colonisation period, Korea's criminal justice system was dominated by models imported from Japan, which had been opened to change through Westernisation in the late nineteenth century. Even after the colonial period, in the early stage of its post-war political and economic development, Korea took from the Japanese some aspects of administrative practices. For example, the original structure and function of the Ministry of Justice had been similar to that of the Japanese and its structural change was implemented at a slow pace (LRTI, 2005). Moreover, as the two countries had shared a legal culture, many Japanese laws and regulations were taken as models: for example, in the case of the Prison Administration Law (Law no. 105, 2 March 1950).¹³

Although the country won its liberation from Japanese colonial rule in August 1945 after 36 years of occupation, the South and the North have remained separate entities. After three years of US military government, the Republic of Korea (referred to hereafter as Korea) based on democratic principles was established in the southern half of the peninsula while in the north the Communist regime was instituted in 1948.

¹² Before the colonial period, the country was governed by feudal codes which were largely based on the Chinese legal system and the Confucian ideal centred around a supreme king. Criminal offenders were held in penal facilities (called 'Og' in Korean, denoting prison) for a very short period of time because they were housed there only for investigation or penal executions (Lim, 2002; Lee, 2003c). Criminal punishments, such as flogging, exile and the death penalty, were generally harsh, their severity depending on the offender's social status. The conventional penal systems were replaced in the colonial period by Japanese laws. However, the changes pretended reform while concealing the colonists' purposes (Lim, 2002).

¹³ It consisted of 67 sections, most of which have remained virtually unrevised.

The first Constitution of Korea¹⁴ enacted on 12 July 1948 sought to establish a constitutional democracy by guaranteeing inalienable basic human rights and democratic political institutions.¹⁵ After this legislation, the government established the Correctional Service under the direction of the Ministry of Justice. Like other administrative systems and organisations, the prison service initially followed the pattern laid down by the Japanese colonisers, and at the same time began to lay the foundations of the prison regime (Lee, 2003c). The Korean government took control of 19 prisons including one branch facility and a prison officer training institute. At least 20,000 prisoners were freed; only around 2,000 remained in custody (MOJ, 1988). In the midst of the disorder, the government established two prisons, Bucheon and Youngdeungpo Prisons, in 1949 (Lee, 2003c).

However, the country could not immediately develop the prison system further because of the numerous ordeals it underwent through a chaotic state of politics and society and repeated attempts to destabilise the government of Lee Seung-Man (1948-60). For example, on 14 September 1949, around 700 prisoners escaped from Mokpo Prison where insurgent troops had been held; 61 deaths occurred, including prison staff. To make things worse, the antagonism between the two parts of Korea and their supporters led to the Korean War (1950-1953).¹⁶ This resulted in total instability of the country, which is seen in Korea as a great national tragedy that has overshadowed relations in the peninsula until the present day. Therefore, many measures were implemented by the prison administration in order to bring some order amid the utter confusion of the country.

¹⁴ This discussion of modern Korean history will only be applied to one half of the torn country, i.e. to South Korea. Although the people of the two Korean states speak one language and share the same traditions, they came to live in accordance with the political systems of their respective blocs. The two sides established their respective governments, which has caused a great deal of ideological conflict since then.

¹⁵ The modern legal system was established during the colonial period (1910-1945) by the Japanese, who had modernised their society from a feudal state by adopting Western systems. The legal system was heavily influenced by German law, incorporating the principle of rule of law and the so-called Six Codes, and lasted until the emergence of the Korean government in 1948.

¹⁶ On 25 June 1950, North Korean Communist forces launched a massive surprise attack on South Korea. The War was the result of irreconcilable political differences between Communist North Korea and the US-controlled South. This war also caused military tensions for Korea's neighbours and for the US, which has continued to maintain a military presence in the South. The catastrophic splitting of the country, the establishment of a demilitarised zone around the cease-fire line at about 38 degrees north latitude, and the military tension between the two parts of the country has caused 2 million or more soldiers and vast amounts of equipment to be aligned along the border.

First, the administration restored 52% of the facilities, or 36,171 square metres of prison area, destroyed during the War and later constructed a new prison. Suwon Prison (1954-1961), with the help of the United Nations Korean Reconstruction Agency and the US International Co-operation Administration (Lee, 2003c). Second, the administration formulated regulations for prison officers' recruitment and appointment in order to upgrade the quality of prison staff and tighten discipline after the War (MOJ, 1988). Third, several policies for prisoner rehabilitation were introduced. With the enactment of the Regulations on Prisoner Reward and Punishment in 1956, the prisons implemented practical treatment programmes, refreshing the former similar systems such as the superficial treatment programmes implemented during the colonial period. Also, the prisons introduced prison education for the eradication of illiteracy. The parole system also came into effect with the legislation of the Prison Administration Law in 1950, and the first year's parolee population in 1951 was 5,525, which was 19.2 per cent of those released (LRTI, 2003).

4.2.2 Consolidating prison operation during the period of industrialisation: 1961-1979

The government of this period made a great effort to construct prison facilities and create prison programmes with the aim of overcoming economic poverty, but the country had been left in a state of confusion by the corrupt government of the first president, Lee Seung-Man (1948-1960).¹⁷ He had been forced to resign by the revolutionary uprising of the Korean people on 19 April 1960 and General Park Jung-Hee took power through a military coup and attempted to impose order on the chaotic state of the country. The Park government (1961-1979) made a huge effort to develop the economy and that period witnessed remarkable industrial growth.

In 1967, the government enacted the Judicial Facilities Construction Law and created the Special Account for the Construction of Judicial Facilities including

¹⁷ He sought to prolong his rule by illegally revising the Constitution to intensify his dictatorship.

prisons (MOJ, 1988). Mainly as a result of these measures, many prisons were built during the Park regime.¹⁸ As some research studies note (Lee, 2003c: MOJ, 1988), the prison building programme was undertaken by the military regime in order to help remedy Korea's social instability. As more prisons were built, more prison staff were recruited.¹⁹ Being aware of the important social function of prisons, the government tried to encourage the recruitment of prison staff by improving their facilities. For example, it began to build prison employees' residences in 1973, and every prison in the country now has its staff residential facilities.

Besides its building and staffing programmes, the Park government started to develop prison programmes. The prison authority had revised the Prison Administration Law in 1961 to introduce policies which, it was claimed, stood for rehabilitation rather than retribution and allowed prisoners to enjoy temporary leave if requirements were met. Furthermore, the Correctional Service of the day instituted a volunteer visit system in 1970 in order to encourage the community's interest and activities in rehabilitation programmes, and designated a halfway prison, Suwon Prison, built as a semi-open facility in 1961, accommodated prisoners considered to be well behaved, and operated a prisoner self-governing system.

To drive economic development, the Park government established the Public Vocational Training System and also introduced the system into the prisons in 1969, starting with 169 prisoner participants. Throughout the country, 21 prisons instituted vocational facilities and operated training courses for prisoners. Since 1971, prisoners have participated in the National Skills Competition and the Local Skills Competition every year. In 1979, the Correctional Service designated three prisons, Youngdeungpo, Cheongju and Kimhae, as full-time vocational facilities and recruited specialised vocational training teachers. The prisoner participants in

¹⁸ Anyang (1963), Kimhae (1963), Eujeongbu (1966), Suncheon (1967), Hongsung (1973), Jangheung (1973), Kyungju (1973), Kangneung (1971), Jeju (1971) and Wonju (1978) Prisons; Eujeongbu Branch Prison (1963), Seoul (1967), Youngdeungpo (1969), and Seongdong Detention Facilities (1976); Cheongju Security Custody Centre (1978) (MOJ, 1988).

¹⁹ The number of staff increased from 2,837 in 1961 to 4,753 in 1972, and to 6,921 in 1979 (MOJ, 1988). Notably, in 1973, with the building of Kyungju, Hongsung, and Changheung Prisons, 426 staff were recruited. With the opening of Sungdong Detention Facility in 1976 and Cheongju Security Custody Centre and Wonju Prison in 1978, 920 and 271 staff were recruited, respectively.

vocational training inside prisons increased to 4,882 in 1980. The measures the revolutionary government implemented were widely considered to be merely cosmetic (Kim, 2006). Moreover, the government strengthened prison staff's discipline: for example, since 1968, prisons have operated military drill several times a year, which affected prisons being equipped with special alert systems.²⁰

4.2.3 Prison management under two authoritarian regimes: 1980-1992

This period comprised the regimes of two presidents with a military background, Chun Doo-Hwan (1980-1988) and Noh Tae-Woo (1988-1992).²¹ The Chun regime took control of the government after forcibly suppressing the civilian uprisings calling for democracy. Under the Chun government's repressive rule, political campaigns for democracy spread nationwide, culminating in a massive protest rally in June 1987, and Noh was elected president under the revised Constitution of 1987. But, although a few reforms were made, the fundamental transformation to a democratic system of government could not be immediately achieved under military rule.

The military regime restricted personal freedom and interfered in people's private lives, claiming that it was acting to preserve national security; these measures also affected prison administration. The dissidents behind bars including students and labour activists struggled to change the political situation even from the prisons, which aggravated the tensions between the prison staff and prisoners (Lee, 2003c). The main methods the regime made use of were related to new legislation, or the strengthening of some existing laws: for example, the National Security Law, the Society Protection Law and the Prison Administration Law.

The instability of the political situation, which also affected prisons, was closely related to the regime's use of the National Security Law (enacted in 1950).

²⁰ It started after the attempted infiltration of the Presidential residence by North Korean armed guerrillas.

²¹ A new military force took power through a coup on 12 December 1979 led by Maj. Gen. Chun Doo-Hwan (1980-1987) to fill the void created by Park's assassination.

Recognising the Law's contribution to the stability of the Korean society, the military regime accused dissidents of 'praising or benefiting the enemy [North Korea]', using the Law in an arbitrary fashion to silence government critics, especially those considered to have left-wing views. Many of those were put into prisons, which were inevitably affected by both extended political pressure and internal disturbances. The government tried to put down the dissidents, ostensibly to ferret out spies working for North Korea; moreover, many movements for democratisation were suppressed as constituting a breach of the public peace. In the process of those, the prison regime made many mistakes and violated human rights; moreover, the Korean public has remained unaware of these transgressions (Hong, 1989).

The government created the Society Protection Law in 1980, supposedly to prevent repeat offences; in some cases, repeat offenders and those convicted of drug-related crimes could be kept in isolation in prison facilities for as long as 7 years even after they had served their sentences. To deal with this situation, the government established the Samchung-Kyoyukdae, training centres in military bases, in order to seclude offenders from society and to suppress them on the pretext of maintaining social order.²² Through a dubious classification process, the government imprisoned many of them and the prison administration introduced the so-called 'Purification Training Movement' in local prisons. The movement started in 1981 and lasted until the late 1980s, which involved military physical training and exercise for a couple of hours a day. The prison staff of the day were alleged to have abused prisoners under the veil of training with the connivance of the senior officers. Furthermore, in 1980, the Chun government revised the Prison Administration Law in order to toughen the disciplinary segregation regulations. In addition to the existing punishments, the prison could reduce segregated prisoners' meals for not more than seven days and prohibit visits and correspondence for not more than two months.

²² This became notorious as a measure that violated people's civil rights because it constituted a vague and double punishment. The government arrested more than 60,000 people who were believed to be dangerous to social order including dissidents, and 'trained' 40,000 of them in the military bases (Donga-ilbo, 1980).

Despite the military government's efforts to secure the safety of society, security and control in prisons in the 1980s was quite unstable, and some disturbances occurred which caused the prisons further difficulties. There were several incidents involving students and labour activists: for example, the death of Park Chang-Soo, a labour leader, who was being held in Seoul Detention Institution, created many difficulties for the prison administration.²³ On 8 October 1988, the year of the Seoul Olympic Games, twelve prisoners escaped while being transferred from Youngdeungpo Prison in Seoul to Gongju Prison in Chungchung Province. The escape had great repercussions in Korean society and prison settings, and resulted in the recruitment of an additional 3,000 prison staff for the reinforcement of prison security (Lee, 2003c). During the Chun and Noh military governments, many prisons were built to accommodate the increased prisoners, and prison staff were reinforced by 891.²⁴

During this period, government statistics claimed that each year there were a few escapes and suicides, and that there was little violence in prisons.²⁵ However, this does not prove that prisons were peaceful. The prisons of that time were operated under an oppressive regime mainly due to the influence of the successive hard-line governments. According to researchers, the prisons stagnated, their practices did not progress and they witnessed many infringements of prisoners' human rights (Hong, 1989; Lee, 2003c). This was not a major concern to the government as long as prisons and their employees were able to achieve law and order. It was mainly the regime's failure to obtain the necessary degree of legitimacy that led them to suppress all opposition (Hong, 1989). As Hong (1989) notes, the available information on this is inadequate or misleading because the prison service of the times was not easily accessible to the public. Since the emergence of democratic governments in Korea, violence in prisons appears to have increased (LRTI, 2003).

²³ To deal with the situation, in 1986 the Ministry instituted the Second Division of Security inside the Correctional Service enabling the special supervision of the treatment of imprisoned dissidents in local prisons.

²⁴ They were Andong (1985), Cheonan Open Prison (1988), Kunsan (1988), Jinju (1989), Mokpo (1989), and the government reinforced three Cheongsong Protective Custody Prisons (1981) (MOJ, 1988).

²⁵ The number of suicides was below six every year, except 9 in 1991 and 12 in 1992. In contrast, the number of cases of violence in 1992, 61, was much bigger than usual (LRTI, 2003).

4.2.4 Recognition of prisoners' rights during the period of democratic government: 1993-2006

Korean governments over the last 15 years have characterised themselves as democratic governments, in contrast to 'military governments'.²⁶ The governments' democratic inclinations have affected governmental policies and cultures to a great degree even in prisons. They have made great efforts to fully recognise the citizen's human rights and paid attention to rehabilitation of prisoners, while previous governments were almost exclusively concerned to impose law and order in prisons. The Correctional Service has claimed to stand for justice and humanitarian principles, and this has inevitably affected prison employees and prisoners.

4.2.4.1 Democratic governments' efforts and influences

The Kim Young-Sam government (1993-1997) had the distinction of eradicating corruption in the bureaucracy by legislating the property registration system for public officials and the practice of real-name financial transactions. Since then, Korean society has made great efforts to set its house in order.²⁷ But the time was not yet ripe for any substantial change in penal practice. As researchers have pointed out, the Korean prison administration made no specific efforts to develop rehabilitation programmes until the late 1990s (Jo, 2000; Kim, 1998). Moreover, in 1997, the country was facing a national financial crisis and had to secure a relief loan from the IMF; crime increased and prisons had to absorb a sharp rise of the prisoner population to the highest number in Korean history (Kim, 1998).

The Kim Dae-Jung government (1998-2002)²⁸ was inaugurated in February 1998 with the avowed objectives of overcoming the financial crisis and easing the strained relations with North Korea. The relaxation also affected prison administration: for

²⁶ 'The Civilisation Government' of Kim Young-Sam (1993-1997), 'The People's Government' of Kim Dae-Jung (1998-2002), and 'The Participation Government' of Roh Moo-Hyun (2003-2007).

²⁷ In 1995, the former president, Chun, was indicted and sent to prison because of his leadership of the coup in 1980, and his successor Noh, was imprisoned on a charge of misappropriation of political funds.

²⁸ The former dissident Kim Dae-Jung, an ex-prisoner who had been sentenced to death, became the first South Korean president to be elected from the political opposition.

example, the population of dissidents in prison was rapidly reduced.²⁹ Moreover, Kim contributed to the great achievement of promoting the human rights of the Korean people. The government's efforts led the Correctional Service to stress the balance between order and prisoners' rights conforming to the slogan proposed by the first Minister of Justice under the Kim government, Park Sang-Chun (1998-1999).³⁰ The revised Prison Administration Law (Law No. 6038, 28 December 1999) also newly instituted the principle of prisoners' basic rights (Section No. 1-3). The next Minister, Kim Jung-Gil (1999-2000 and 2001), drove forward the rehabilitation policy (details will be discussed in section 4.3.1 Central government and its policy). Since the Kim Dae-Jung government took office, no prisoners sentenced to the death penalty have so far been executed.

Kim Dae-Jung's political successor, President Roh Moo-Hyun, a human rights activist (2003-2007), initiated reforms pursuing the full realisation of democracy in government operations as well as social practices, expanding participation opportunities for weaker members of society and paying attention to the needs of socially disadvantaged people (Lee, 2004). With the advent of this reforming regime in 2003, the Ministry of Justice demanded that radical improvements be made regarding the human rights of prisoners.

4.2.4.2 Changes and conflicts in the prison environment

With the economic growth and political democratisation in the country, Korean people are becoming increasingly interested in human rights and rightfulness in prisons. The government established the National Human Rights Commission (NHRC) as an independent government body with the passage of the National Human Rights Commission Law (Law No. 6481, 24 May 2001) on 25 November 2001. The Commission's mission has been to contribute to protecting and promoting the human rights of every individual in the country (Kwak, 2002; Kang et al., 2003).

²⁹ One of the government's achievements was to reduce the military tension between the two Koreas, dramatically achieved at the summit of June 2000 held for the first time since the two Koreas were separated. The government no longer took advantage of the military tension to persecute the opposition and dissidents.

³⁰ He proposed the slogan, 'Law and order in society together with human rights', which meant that the Ministry should implement policies designed to balance order and human rights.

However, the problems of insufficient budgets and the increased difficulty of making the prisons safe and secure were not taken seriously considered. Soon after the drastic demand of the Ministry of Justice was made, two important cases came to public attention. First, in May 2003, a prisoner in Andong prison committed suicide in a disciplinary segregation cell. The NHRC investigated the incident and concluded that the death was caused by excessive punishment, and the psychological and physical stress brought about by the disciplinary segregation. In its statement, the Asian Human Rights Commission also argued for the abolition of inhumane disciplinary punishments (AHRC, 2003a). This has been upheld by ministers who wish to be regarded by the Korean public as human rights activists. The Minister of Justice of the day, Kang Kum-Sil (2003-2004), ordered cessation of the practice of solitary confinement exceeding 30 days and that all the related regulations infringing the human rights of prisoners should be reviewed.

Second, Jung Pil-Ho, a prisoner who had attacked a prison officer at a local court and had been in handcuffed for 466 days in Gwangju and Mokpo prisons, submitted a petition to the Constitutional Court in 2003. The Court ruled that the prisons had violated his personal liberty and dignity and that the government should compensate him for his physical and mental damage. This case directly exposed to the public the problem of using restraint devices in prisons. The NHRC recommended that the government should revise the laws relating to restraints and remove the possibility of arbitrary use, and that principles guiding usage and degree be explicitly stated in the legal regulations (NHRC, 2002).

Nevertheless, although many reform measures were implemented, the prison administration continued to impose order harshly. But, while prison staff tried to avoid direct physical confrontations with prisoners, prisoners' complaints and demands escalated and the atmosphere in prisons, which had been very strict, changed; consequently, order in the prisons became increasingly disturbed. Eventually, a prisoner killed a prison officer in the summer of 2004, the first such incident in Korean history.

Faced with strong demands from human rights activists, the Korean government abolished the Social Protective Law on 4 August 2005, the law which kept prisoners in state custody even after completing their sentences. The facilities had retained sentenced offenders who were considered to still present a threat to society in custody as 'protective detainees' until they had been deemed fit to readjust to life in society. However, the system had been criticised as violating human rights and a form of dual punishment, as it kept people who had completed their prison sentences under continued incarceration. In 2006, the Correctional Service closed two Chungsong Protective Custody Centres which had been in operation since 1980, and changed the function of the two facilities into a local prison and a vocational training- focused prison.

More humane programmes and rehabilitative measures have been introduced into prisons in order to help prisoners rejoin society after their release. The purpose of Korean prisons has clearly changed: they now try to reform prisoners through a mixture of training and care designed to prepare them to lead a law-abiding life. One of the most important ways of achieving this has been to provide more opportunities to work, and to make that work more realistic.

In the past, prison governors exercised personal control over every detail, no matter how insignificant. They tolerated no challenges, whether by prisoners or by employees or by outside interest groups. Prior to the 1990s, prison governors enjoyed autonomy to run the facilities as they deemed appropriate (Lee, 2003d). Governors were typically immune from outside inquiry into the operation of their institutions. Moreover, prisoners and staff alike were required to submit to the regime of the all-powerful governors (Hong, 1989). Today, however, the traditional powers afforded to governors have been eroded. Today, prison governors must contend with employees, prisoners' rights (that is, litigation and prisoner grievances), and judicial intervention scrutinising the daily operations of the prison. In this changing climate, governors can no longer employ an autocratic method of leadership.

Whereas prison governors now face both an internal pressure to retain culturally determined forms of prison management and a pressure from external social cultures in Korea to conform to the conventions and norms found in the external environment, in the past, governors held ultimate decision-making power in the operation of prisons. The traditional bureaucratic structure of prisons ensured that governors had the authority to hire, fire, oversee budgets and discipline prisoners. Thus it is necessary here to discuss further the duties of prison organisations and prison employees.

Korean prisons cannot be solely immune from social change in the form of new management techniques, increased cultural sophistication and the demands for reform made by democratic government. These societal, political and cultural changes have affected the legal system of the society and the key objectives of the Correctional Service. But these changes have met with a good deal of resistance in the prison service, especially in local prisons, where there is an entrenched conservatism that regards the concept of the prisoners' human rights with suspicion if not hostility.

During the last six decades, harassment of politically underprivileged groups has continued and disrespect for civil liberties has been a common trait across local prisons. Although some gains have been made in regard to establishing an efficient prison organisation and achieving rehabilitation targets, the situation regarding prisoners' civil rights remains discouraging.

4.3 Prison organisations and governors in Korea

The previous section has discussed the changes which have taken place in Korean since 1945. The administrative structure of the prisons has been strongly affected by a series of changes and reforms in the country. As researchers (Carrabine and Longhurst, 1998; McConville, 1981) note, issues of management and staffing are important because they are related to the ideologies and politics of legislative and administrative change. As McConville (1981) observes, the descriptions of features of prison organisation provide an occasion for understanding existing policies and

practices. Thus, this section examines the Korean prison organisations, both central and local, in order to provide a helpful understanding of the operation of the prison service, focusing on the interrelationship between governors and organisations.

4.3.1 Central government and its policies

The prison service has been under the direct supervision of the Ministry of Justice (MOJ) since the establishment of the Korean government in 1948. This arrangement is based on the idea that the prison service can interact well with the other criminal justice areas such as the prosecution and probation services (MOJ, 1988).³¹ Prison and probation services are managed under the auspices of the MOJ.³² The structure of the Correctional Service³³ is in pyramid form from the Director General³⁴ who is responsible for the performance and operation of the whole prison service in the country. However, the Service does not have significant autonomy to the degree accorded to the Prison Service in England and Wales which has been an executive agency since 1 April 1993 and is responsible to Parliament (Livingstone, 2003). In Korea, it is important to note that the status of the Director General is not that of the Minister's adviser but that of a subordinate.

In addition, the Service is subject to the Minister's routine control and constant intervention in prison management matters (see Appendix A, Figure 1). The Minister has 'formal powers' (see Boin et al., 2004: 8) to control the prison service through standards of treatment of prisoners, and related regulations such as, for example, the Prison Administration Law, the Presidential Decree for the Law, the Ministerial Orders for the Law, directives, instructions and manuals. Thus, this study

³¹ The MOJ is charged with guarding and enforcing the Constitution and laws of the country; rendering legal advice to the President, the Prime Minister, and other Ministries, supervising prosecutions, and administering the prisons, rehabilitative facilities and immigration offices.

³² A researcher has recommended the creation of an organisation similar to the National Offender Management Service in England and Wales (Heo, 2003).

³³ Besides the Director General, the senior officers of the Correctional Service are a Deputy Director General (Correctional Policy Chief), and the Directors of six divisions: Corrections Planning, Security, Security Management, Prison Industry, Educational Reformation and Welfare Support.

³⁴ Since 1998, the Correctional Service has had seven Directors General: Kim Kyung-Han (1998-1999), Lee Sun-Gil (1999-2000), Kim Myung-Hwan (2001-2002), Ha Geun-Su (2003), Yang Bong-Tae (2004-2005), Lee In-Soon (2006), and Seung Sung-Shin (2006-present).

argues that the working values and practices of the current prison governors have been affected by the policies and practices of the Ministry of Justice and the Correctional Service.

Prison policies have often been affected by the Minister's philosophy and attitudes. For example, recent Ministers of Justice such as Kim Jung-Gil (1999-2001 and 2002), Kang Geum-Sil (2003-2004), Kim Seung-Kyu (2004-2005) and Chun Jeong-Bae (2005-2006) strongly supported prison reform during their tenure. Kim Jung-Gil oversaw the prisoner rehabilitation programme with a deep personal interest and greatly changed the vocational training environment in prisons. Kang Geum-Sil and Chun Jeong-Bae, who had both been well known as lawyers and reformists, showed a passionate concern for the improvement of prisoners' civil rights. Kim Seung-Kyu had played a leading role in the introduction of the private prison system and actively supported its implementation.

The purpose of prison has been expressed in the provisions of the Prison Administration Law (PAL).³⁵ The current PAL expresses the aspirations of the Korean prison system, and states that the purpose of the prison service is to correct and educate through cultivating a sound national spirit and work ethic and teaching job skills in order to help prisoners adapt to society upon their release.³⁶ The Law requires that prisoners be provided with a minimum of three meals a day, and also receive clothing, bedding, toiletries and annual medical examinations. The amount of contact with the outside afforded to Korean prisoners is contingent upon their treatment classification. Prisoners who have served a minimum of one year of their sentence and have completed at least half of the sentence are eligible to participate in leave programmes. The programmes are usually spent with relatives to strengthen

³⁵ The Law has been amended ten times since the enactment in 1950 (2 March 1950, Law no. 105): 23 December 1961 (Law no. 858), 24 December 1962 (Law no. 1222), 15 January 1973 (Law no. 2437), 22 December 1980 (Law no. 3289), 5 January 1995 (Law no. 4936), 12 December 1996 (Law no. 5175), 28 December 1999 (Law no. 6038), 4 August 2005 (Law no. 7655), 21 February 2006 (Law no. 7849).

³⁶ The purpose of this Law is to reform and educate those persons who are sentenced to imprisonment, with or without hard labour, and detention in the workhouse or penal detention by separating them and enabling them to return to society by cultivating a sound national spirit and giving them vocational training, and at the same time to stipulate matters concerning commitment of the criminal suspects or defendants detained under the warrant of arrest (Section No. 1).

and maintain ties, so as to provide a smooth transition from the institution to society upon release (Correctional Service, 2000; Moon and Maxwell, 2004a).

In the past, local prison governors enjoyed more discretion in managing their prisons than the current governors. Researchers note that prisons in those days were controlled by autocratic governors who developed and enforced strict rules on the hiring, disciplining and firing of staff. The officers in turn maintained control by using force against prisoners or through the 'trustee' system, whereby some prisoners controlled others in exchange for favours granted by the officers (Hong, 1989; Lee, 2003d). In the prisons of those days, security and safety were the main concerns of the Correctional Service. The Service did not altogether neglect the rehabilitation of prisoners, but 'law and order' remained the watchword. It is important to note that this was not only because disturbances in prisons were frequent until the early 1990s but also because the Service did not have the techniques to control prison operation effectively as it tries to do today. Jo (2000) reports that prisons in the past were poorly managed, increasingly expensive, wasteful, bureaucratic and shamefully out of date. He adds that Korean prisons will face a crisis because of their infringement of human rights.

Still, security and control cannot be ignored by governors, and maintaining security has always been a difficult task because of both internal and external factors (Kang et al., 2003). The administration of modern prisons is complicated further not only by the lack of resources, but also by the resistance of prison staff to the changes brought about by the prisoners' rights movement, increased violence within prisons and increased requests for changes from external organisations. Prison staff consider that the recognition and enhancement of the legal rights of prisoners has aggravated the problem of prison security (Moon and Maxwell, 2004b).

4.3.2 Local level prison organisation

In considering the structure and function of prisons we should bear in mind that prisons are places where many employees' whole working life is spent in effort, infrequent achievement, and numerous frustrations (see Klare, 1973), and that their

attitudes and morale can facilitate or hamper governors' control of prisoners (Ditchfield, 1990).

With regard to the field-level organisations, there are 47 prisons across the nation. The prisons can be classified according to two basic functions: detention institutions and training prisons, and the number breaks down into 33 training prisons including one for juvenile males and one for females, and 14 detention institutions (see Appendix A, Table 4). Detention institutions house prisoners for a rather short period of time, awaiting trial or allocation to another type of prison. They also hold some convicted prisoners serving short sentences. The population of the detention institutions depends on the courts' issuing of detention warrants and the order of the prosecutors.

Training prisons hold sentenced prisoners and have various facilities for education, job training and work. Some training prisons also hold prisoners awaiting trial and allocation to another prison because there are no detention institutions nearby. One of the training prisons is exclusively for sentenced female prisoners; unsentenced females are held in the female wings of the local training prisons. Unlike the prisons in Western countries, those in Korea are not classified by security level. However, as prison administrators are of necessity greatly concerned with the security of prisoners, they consider the danger of prisoners' security case by case.

Most prisons in Korea accommodate more than 500 prisoners, about 10 facilities hold more than 2,000 and a few hold as many as 3,000. According to the Standard Minimum Rules for the Treatment of Prisoners³⁷, the population of prisons should not exceed 500 in order to provide individualisation of treatment (Section 63(3)). Some researchers argue that the most favourable number of prisoners might be not much more than 150-200 (Klare, 1962) or fewer than 400 (Woolf and Tumin, 1991). However, the Korean government has intended to enlarge accommodation capacity to effect economies of scale in the past (Kim, 1998). which might contribute to

³⁷ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

reducing construction cost, diversifying prison programmes and raising the efficiency of staff management.

Regardless of security requirements, facilities are usually surrounded by a wall at least 4.5 metres high.³⁸ Many prisons in England were built during the nineteenth century (Klare, 1962); Korean prisons are relatively new, the oldest dating from 1963. However, it is generally considered that prisons built before the mid-1980s (20 out of all 47 prisons) (see Appendix A, Table 4) are old and should be refurbished or rebuilt because the country's economic poverty did not allow adequate standards to be imposed (Kim, 1998).

Many measures to distribute the power of the central government have been employed, for example the controlling of prisons through the intermediary organisation, the Regional Headquarters.³⁹ A chief of the Headquarters, an operational area manager, is in charge of 7-12 prison governors. Compared to area managers in England and Wales (Bryans and Wilson, 2000), the chiefs' role does not include setting annual targets and budgets, which is the responsibility of the Correctional Service.

The Headquarters' primary function is to supervise the prisons under the jurisdiction of the Ministry of Justice; however, it is generally admitted that their power is quite limited (Heo, 2003; Jo, 1998, Kang et al., 2003). Even though each office reports what prisons have done, transfers prison staff below the rank of section chief, inspects prisons and works to coordinate the activities of the prisons located throughout the region, main supervisory functions such as managing higher ranked officials including governors and allocating budgets are reserved for the Correctional Service. Many requests for substantial power transfer to the Regional Headquarters have been made (Kang et al., 2003; Heo, 2003); however, since the Minister of Justice relies on immediate and face-to-face reports from the Director General, the

³⁸ Except recently built multi-storied prisons, for example Suwon, Incheon and Ulsan Detention Institutions.

³⁹ There have been four Regional Headquarters operating as intermediate control organisations throughout the nation since 1991: Seoul, Daegu, Daejeon and Gwangju.

Service has a tendency to contact local prisons directly without passing through the Regional Headquarters (Heo, 2003).

4.3.3 Human resources management

The total number of staff serving at all the prison-related institutions in Korea is 12,802 (as of 30 June 2004). Of them, 218 officers work for the Correctional Service, the Regional Correction Headquarters and the Training Institute, and 12,584 officers are with local-level correctional facilities. Following other criteria, 11,356 officers are uniformed and 1,446 officers are non-uniformed (see Appendix A, Table 1).

The most common way of recruitment into the prison service is by open competitive recruitment examinations (Ministry of Legislation, 2008).⁴⁰ Three ranks of prison staff are filled by open competitive recruitment: the 5th, 7th and 9th.⁴¹ Applicants do not need to have any prerequisite academic qualification; they simply apply to sit the examination. After the examinations, applicants are interviewed. They need to have knowledge of the areas of Corrections, the Constitution, Public Administration Law, and Criminal Justice Process Law.

If they pass, they attend the Legal Research and Training Institute of the Ministry of Justice for a primary training course of 74 days (7th rank) or 20 days (9th rank) (Ministry of Legislation, 2008).⁴² Three chief officers (5th rank) have been recruited in a direct entry programme biennially since 1989.⁴³ Officers at 7th and 9th rank take on-the-job training at their prisons after the training course. However, there are no specific training courses for incumbent or prospective governors.

⁴⁰ See s. 28 of the National Civil Service Law (Law No. 7796, amended 29 December 2005).

⁴¹ The rank system of Korean prison staff consists of 9th rank (prison officer), 8th rank (assistant senior officer), 7th rank (senior officer), 6th rank (principal officer), 5th rank (chief officer) and 4th or 3rd ranks (governor).

⁴² In 2006, 140 7th rank officers and 750 9th rank officers were newly recruited and trained.

⁴³ They are trained as a chief officer at Central Officials' Training Institute, Correctional Service Headquarters and local prisons, for a year altogether.

Compared to the number of governors, there are very many lower-ranking prison officers (see Appendix A, Table 2). Since they can be promoted to higher rank only when there is a vacancy, they are likely to feel considerable stress because of the keen competition for achieving promotion (Moon and Maxwell, 2004b). Moreover, many complaints voiced by prison officers have concerned their excessive workload, mainly resulting from the shortage of officers (Kang et al., 2003). Prison officers are dissatisfied because they have to work excessive periods of overtime and endure a heavy workload (see Moon and Maxwell, 2004b).

Recently the Correctional Service has reinforced the number of prison employees, especially when prisons experienced grave disturbances.⁴⁴ When the reinforcement occurred, the Service changed the prison staff management system. For example, in 1998, prison employees could work on a three-shift rather than a two-shift system, and the four Regional Headquarters were established. In 2004, the Service introduced a plan to change the working hours of prison staff in order to reduce overtime, similar to the Fresh Start for English prison staff (Carrabine and Longhurst, 1998).

In addition to the uniformed prison staff including governors, there are the representatives of various non-prison service professions: for example, doctors and nurses, educators and nutritionists (Vagg, 1994: 102-3). They have the same status in that they are also responsible to the governor; however, they often report dissatisfaction in their relations with uniformed officers, because they have to make arrangements to see prisoners at their place of work, they are destined never to be a governor, and their human resources system such as promotion is operated within their group only, making promotion a contentious issue (Song, 1997). One of the governor's tasks is to manage their conflicts and dissatisfaction on their role (see Bryans, 2007).

⁴⁴ For example, after the escapes from Youngdeungpo Prison in 1988, the government decided to increase the number of employees in establishments throughout the country by 3,000. This was unusual, considering the normal number did not exceed 100 staff a year (see Appendix A, Table 3). After the escapes from Kwangju District Court (*Donga-Ilbo*, 2003), the prison administration established additional sections dealing with court appearances and appointed designated prison employees. After the murder of a prison officer (12 July 2004), the government planned to recruit around 2,000 extra staff.

4.3.4 Recruitment and promotion of governors

Korean prison governors are all civil servants and paid by the government. They are appointed and regulated by the Ministry of Justice, which decides how to set performance and qualification requirements, but follows the general framework of the national civil service system. With regard to the latter, as their legal status as civil servants and job security are guaranteed, they are generally expected to make a lifelong commitment to the service. They are protected from any discharging, downgrading or removing from office against their will unless they have been sentenced to a penalty, subject to disciplinary actions.⁴⁵

On the other hand, they are obliged to regard the public interest as a principal criterion in their practices in addition to their assignments and responsibilities. Moreover, they should maintain a high level of integrity and dignity. They take an oath of office at the commencement of their service, which includes maintaining integrity, impartiality and confidentiality as well as committing oneself entirely to the assigned job. They also have to fulfil other duties and responsibilities when required by other laws and regulations. Since one of the prison's most important roles is to maintain security and control, any disturbances occurring in prisons are often likely to result in a disciplinary measure taken against the governors responsible.

The personnel management system regarding governors is based on the 'merit principle', where merit refers to the level of knowledge and skills tested through examination (Ministry of Legislation, 2008).⁴⁶ The most difficult process by which a candidate becomes a prison governor (4th rank) is promotion to chief officer (5th rank) because they should be fitted to requirements such as performance, career history, education grades and reputation. In practice, the overwhelming majority of chief officers (5th rank) eventually become governors, mainly because the promotion

⁴⁵ See Section No. 7 of the tenth amendment of the Constitution, 29 October 1987.

⁴⁶ See s. 26 of the National Civil Service Law (Law No. 7796, amended 29 December 2005).

process is governed by the tradition that the person who waits will be rewarded. Some governors aspire to become Director General of the Correctional Service, or to hold a senior position in the Service or the Regional Headquarters. Previously, Directors General were usually appointed from among senior prosecutors like other Directors General of the Ministry of Justice.

Even though the authority for personnel management, including promotion of governor grades (4th rank or higher), rests with the Minister of Justice, the practical work for the procedure is done by the Correctional Service and the Director General is very influential (Yoo, 2006). The transfer or the appointment of a prison governor to a certain post is conducted by the same process and by the same authority. They are circulated less than every three years as in England and Wales (see Bryans, 2007). Therefore, the relations between the Service and governors are based on the personnel management system, which is closely associated with the chain of command.

4.4 Cultural and organisational distinctiveness of Korean prisons

Prison has long been regarded as a political community which relates to an authoritarian and hierarchical culture (Cloward, 1960; Sykes, 1958). Literature studies note that the organisational culture of a prison affects prison employees' working strategies to accomplish the organisation's purposes. They also argue that the prison culture found within the institution affects the workers and their behaviours (McCampbell et al., 2002: 2). It would therefore be useful to discuss the ways in which the organisational culture often produces particular behavioural patterns. This section thus investigates how the organisational orientation observable in Korean prisons relates to paramilitary culture, rehabilitation, managerialism and human rights.

4.4.1 Influences of militaristic socio-political history

A paramilitary organisation can be distinguished by its military appearance, though this is not always necessary (Jefferson, 1990). The militaristic environment Korea has experienced might present distinctive meanings in regard to how the culture has developed and how the features of that culture affect prison governors' work and their working credos. A culture very similar to the military existed and still exists to some degree in Korean prisons. Prisons and the army have similar organisational attributes because of socio-political demands and the military training of the officers.

An analysis of organisational cultures should be based on the socio-political demands prevailing at the time of their formation and development. In England and Wales, for example, one of the features of the security and 'law and order' policy of Thatcher's Conservative regime was the use of paramilitary force in the public sectors throughout the 1980s (Hopton, 1999: 72). The police in England and Wales also borrowed the military model in order to control riots and public disturbances effectively (Miller, 1977). In this country, in order to obtain control of the rank and file, prison officers were assigned military ranks and insignia and ordered to take part in military drills, and prisons were equipped with military squads in order to cope with emergency situations, as happened to the police during the period of reorganisation, similar to those found in US police organisation (Weber, 1999).

In Korea, military culture was most thoroughly implanted during the time of the military regimes (1960-1992). Many prisons underwent a process of assimilation to the military culture through the adoption of military organisational structures, often through the use of uniforms, ranks and strict codes of discipline. Since Korea was ruled by military governments for more than three decades, it is reasonable to argue that the political context has greatly affected the prison culture. Despite the efforts to demilitarise prisons and curb their authoritarian practices after the establishment of democratic government, the social, economic and political structures associated with the military regimes continue to influence the prison service.

If people are recruited from the military, they tend to bring their militarised culture into the prisons (Giroux, 2004). Military personnel who join the prison service may adopt military techniques to solve problems and welcome the incorporation of military symbols such as ranks and insignia into the prison organisation. In some countries, the operation of prisons was given to retired military personnel in order to enhance their pensions (Coyle, 2002a: 18). In Korea, even though the Correctional Service did not have a policy of recruiting people with a military background, prison officers are familiar with militaristic ways of behaviour, because all males must serve in the army and participate in military training for the Reserve Forces for several years after army service. If people are trained in military techniques and subjected to military discipline, they may find it difficult to adopt a critical attitude towards their training, and the mindset they have acquired will tend to affect their similar attitudes towards solving problems, especially in settings already dominated by a paramilitaristic culture.

4.4.2 Paramilitaristic features of Korean prisons

Some criminal justice areas such as prisons are often thought to be operated by a coercive mechanism, which can be a collaborative process of building consensus regarding accepted behaviours within the institution (see Cowper, 2000). Thus, the governors of prisons with a paramilitary culture will tend to prioritise discipline in prison management. For them, discipline ensures that their superiors' orders are carried out efficiently and effectively (see Hopton, 1999). They expect that, within tight discipline, their staff will follow and comply with their commands as legitimate (Kauffman, 1988: 47). The paramilitary culture in Korean prisons will be discussed with regard to three aspects: the use of force, masculinity and hierarchy.

First, one sign of the paramilitary prison culture in Korea is a reliance on the use of force, and therefore a prison with this culture is characterised by it. The use of force is defined as any act or behaviour which compels a person (or people) in prison into submission. The degree of force used will differ according to the situation; recently, however, much evidence of the heavy use of force in Korean prisons has been

exposed. For example, in 2003, the Constitutional Court decided that the handcuffing of a prisoner for a period of 392 days was unconstitutional. This decision put a brake on the customary practice of using restraints violating the human rights of prisoners (Verdict no. 2001 Hun-Ma163, 18 December 2003). This verdict was one of the results of recent judicial interventions. The growing recognition of the legal rights of prisoners has regarded traditional prison administration in most cases as illegal, and prison administrators are required to incorporate some elements of due process into their treatment of prisoners.

Prison requires the control of offenders by the use of force in order to achieve prison goals. This is because daily prison management is conducted in a situation of 'continuing contact' with criminal offenders or prisoners (Liebling, 2000: 335), who are confined involuntarily (Liebling, 2000; Cullen et al., 1993). In addition, prisons where disturbances such as riots and violence often occur tend to rely more on the use of force (Carrabine and Longhurst, 1998). Researchers also note that the use of force is part of the culture of coercion in prisons (Bryans, 2000a: 22); this is similar to the situation in police organisations, which often confront danger and experience violence (Christensen and Crank, 2001; Cowper, 2000). In the history of Korean prisons at the time of the 'Purification Training Movement' (see p. 83), the exercise of force by prison officers was required to be similar to that of the military. As Kauffman (1988: 129) notes, the use of force for restraint or self-defence can happen especially when there is a need to deter violence against prison officers. Similar demands were voiced by prison officers in Korea at the time of death of a prison officer in 2004 (see p. 88).

Second, Korean prisons, as overwhelmingly male environments, may need to create and sustain a self-image.⁴⁷ The socially determined and systematic involvement in violence is in a sense inevitable, therefore the use of force is linked to this self-image, which makes the prison culture unable to excuse weakness or pain, and the culture

⁴⁷ In Korean prisons, male prisoners comprise more than 94.7 per cent in 2006 (Correctional Service, 2007).

often neglects or rejects the insightful and reflective sides of individuals (Crawley, 2004a). The militaristic emphasis on masculinity is often considered necessary in prisons holding male offenders, who form the great majority of prisoners. In addition, Segal (1990) argues that there are socio-cultural linkages between masculinity and violence among prison officers. He adds that such prisons are characterised by 'the masquerade of power concealing weak and dependent feelings through the assertion of strength and the rejection of everything gentle, spontaneous, soft, relaxed, chaotic' (Segal, 1990: 16).

In Korean prisons, uniforms and ranks are used to distinguish prison officers, including prison governors. It cannot be denied that uniforms and ranks help prison officers break down artificial barriers among themselves and reinforce the sense of teamwork, but they tend to intimidate prisoners, so helping officers maintain more effective control of them (Crawley, 2004a). Uniforms might have different meanings for prison officers from those worn by personnel in other organisations such as banks and hospitals. Prison officers are distinguished and separated from prisoners by their uniforms and thus uniforms symbolise the officers' power and authority to the prisoners and at the same time provide psychological protection to the officers themselves. Without uniforms, prison officers may feel vulnerable and unprotected (Bryans, 2000a).

Third, the paramilitary culture can be viewed in the context of the institutional hierarchy, the ranking of prison officers by their position or role in prison. At the top of the hierarchy, governors control their staff through legitimate authority. Thus, governors tend to view their role as different from the passive/receptive role imposed upon their staff. The hierarchy functions by representing authority through leadership and delegating authority to lower ranking officers, as researchers note (Hong, 1989; Lee, 2003d; Wren, 1994).

Even when authority is delegated, prison officers (especially the security forces) follow a clear chain of command. For example, working procedures are highly standardised in the form of written rules; activities and events in prison facilities are required to be documented; information flows up; and prison officers report to and

take orders from their immediate senior officers, who then report and take orders up the chain. The hierarchical arrangements of the organisation affect the prison officers' behaviours. As researchers admit (Crouch, 1985; DiIulio, 1987; Stohr et al., 1994), the paramilitary culture has permeated into prison management and affected prison employees and their work to a great degree. A researcher notes that governors were or still are 'a little like colonels in charge of a regiment' (Klare, 1973: 32).

The more militarised a prison organisation, the more a prison culture tends to become authoritarian, and the less chance there is that a prisoner will be able to use it. This certainly applied to Korean prisons during the years of authoritarian government, and the survival of this culture may be partly attributed to its influence on the current governors, most of whom had worked for authoritarian governments from the late 1970s to the early 1990s.

Some, however, view this culture in a more positive light, arguing that it has contributed to ensuring security, which is usually associated with the effective use of force (Crouch, 1985). While researchers who criticise the militarised culture note that chains of command are too restrictive, rank structure is too authoritarian, and the adherence to a uniform and rigid discipline creates inflexible mindsets among staff (Cowper, 2000: 4), others claim that the strict discipline of officers makes it possible both to maintain prison order and to develop rehabilitation. Even though the paramilitary style of prison management prioritises control, some believe that the style contributes not only to prison order but also to the improvement of the quality of prison life. That is why some researchers emphasise the positive aspects of prison officers' discipline (DiIulio, 1997).

4.4.3 The emergence of new paradigms

The history of Korean prisons since 1998 is marked by two watersheds: the drive for rehabilitation and the drive to institute human rights, which were mainly mounted by Ministers of Justice or Directors General of the Correctional Service. The former was led by Kim Jung-Gil, and the latter by Park Sang-Chun and Kang Geum-Sil. Changes have occurred in the profile of the Ministers and the Directors General

since 1998. As the two most recent presidents, Kim Dae-Jung and Roh Moo-Hyun, were human rights activists, the Ministers and the Directors General have pursued more rehabilitative and humane policies. Moreover, as the Correctional Service sought to learn from the experiences of many Western systems, it emphasised the rehabilitation of prisoners and consequently introduced several rehabilitation programmes (Moon and Maxwell, 2004a).

Over recent years, the Service has instituted a series of fundamental changes of the greatest importance. For example, the Service has introduced, since 1998, several radical reforms, which were conducted under the name of the 'Prison Modernisation Project'. This was a five-year plan for prison development including prison rebuilding and refurbishment, prison privatisation, revision of Prison Administration Law, expansion of prisoner activities and enhancement of prisoners' human rights.

The National Human Rights Commission (NHRC), which handles prisoner complaints referred by prisoners themselves, deals directly with complainants. The NHRC has the power to visit prisons and has used it to interview prisoners. Governors and staff are not allowed to interfere with the visits or any access to prisoners. Prisoners also have the right of access to the Commission without any interference (Yoo, 2003). However, the Commission has significant difficulties in obtaining information from the Correctional Service and lacks formal powers to enforce recommendations or investigate incidents (Lee, 2003a).

Whilst Western countries have experienced the growth of managerialism within the prison service (South and Weiss, 1998), there has been no clear discussion about the trend in Korean prisons. The prison service is likely to concentrate more on day-to-day management of prisons than long-term policies (Jo, 1998). There is some evidence that in Korea managerialism has not yet displaced the customary normative concerns and ideals in the field of criminal justice in general and in the prisons in particular (Kim, 1998). This does not mean, however, that Korea has not introduced any managerialistic ideas and practices into the prison service. Policies such as prison privatisation were introduced in order to apply businesslike administration and reduce government budgets. The prison service is finding that it is being

compelled to rethink prison operation and management through being monitored by several organisations (Lim, 2002). Besides the supervision of the Correctional Service Headquarters, prisons are monitored by the Bureau of Inspection of the Ministry of Justice, the Board of Audit and Inspection⁴⁸ and the NHRC, which would also contribute to reforming the prison service.

4.4.4 Lingering problems of corruption in Korea

Corruption⁴⁹ has been seen as deeply integrated into the particular path of social relationships (Yoo, 2003). It is often regarded as widespread in prisons, especially where control mechanisms are inadequate. In such prisons, prisoners are allowed to enjoy their basic rights or privileges in exchange for bribes, and in Korea in the past (and to some extent even now), corruption has also been widespread in prisons no matter what punishments followed discovery. Even though there is little direct evidence, it is generally acknowledged that a culture of corruption has pervaded the country as a whole and prisons have been regarded as just part of a larger pattern (Hong, 1989). If it becomes systemised and entrenched, then prisoners will suffer much more aggravated conditions: for example, humanity and fairness in prison administration will be severely damaged.

It is generally accepted that corruption 'destroys administrative governance and erodes citizens' trust in the government' (Jun and Park, 2001: 8). One researcher has noted that corruption in prisons occurs more often in countries where prison staff are given very little training and are under-paid. In those circumstances, staff are likely to succumb to the temptation of prisoners who want illegal goods and services (Coyle, 2002a: 37). In order to stamp out corruption in prison, government needs to implement policies at the ministry level, to build mechanisms to monitor the enforcement of such policies, and to improve the working conditions of prison

⁴⁸ According to its Internet Homepage (<http://english.bai.go.kr>), the Board of Audit and Inspection is the supreme audit institution of the Republic of Korea. It is established under the President of Korea, and carries out its duties as a watchdog of the country and an adviser to the government.

⁴⁹ 'While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of, or in connection with, one's duties in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted' (Tkachuk, 2001: 10).

officers. The Korean government has made efforts to eradicate corruption in public administration. In 1993, the then president, Kim Young-Sam (1993-1997) initiated an anticorruption programme which was centred on the 'Real Name Financial Reform', which prohibited false or anonymous accounts, and he ordered the annual disclosure of public officials' assets (later, prison governors were obliged to disclose their assets and submit documents giving details of important transactions).

The country's economic development provided scope for anti-corruption reforms, which have been substantially driven by the rapid growth of civil rights groups, which have played a significant role in pressuring the government to keep its anti-corruption drive on track. NGOs, bar associations, human rights activists and ex-offenders and their families have contributed to eliminate corruption in prisons. As widespread corruption has a destructive effect on trust and effectiveness, anti-corruption measures need to be carried out in order to enhance the credibility of the public service (Yoo, 2003). *The Code of Conduct for Law Enforcement Officials*⁵⁰ notes that 'Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts' (United Nations, 1979: Article 7). Anti-corruption has become a top national agenda item since 1992, and Korea established independent anti-corruption watchdog in 2002.⁵¹

Despite all the efforts to remove it, corruption in the public sector is proving to be difficult to eradicate. Even though corruption among high-level bureaucrats in other parts of the government and politicians is often reported, bribery scandals involving prison-related officials have rarely been a social issue. It is important to note that in prisons officers on the wings are in a position where they may easily become corrupted (Hong, 1989). Officers perform a custodial role of preventing escapes and maintaining order, whilst prisoners constantly attempt to obtain greater freedom and

⁵⁰ Adopted by General Assembly Resolution 34/169 of 17 December 1979.

⁵¹ Anti-Corruption and Civil Rights Commission of Korea (ACRC). In 2008, the Commission was merged into the presidential Korea Independent Committee Against Corruption (KICAC). Since it was launched on Jan. 25, 2002, the KICAC has supervised nationwide anti-corruption campaigns pursuant to the Anticorruption Act of Korea enacted on July 24, 2001. It reports that, based on 446 cases handed over to investigative agencies, one fourth (or 110 of the 446 informants) accused public officials of receiving bribery. Others include budget overspending, including wasting taxpayers' money, which constituted 45.5 per cent, inappropriate practices at work, 22.2 per cent, and neglect of duties, 4 per cent (KICAC, 2007).

complain about authority (Clemmer, 1958). As Sykes (1956: 258) notes, prisoners pursue 'a freedom which they attempt to enlarge, legitimately if possible, by guile and conniving if necessary'.

Many prison employees consider that corruption has been (or might still be) the cancer of Korean prisons (Hong, 1989; Moon and Maxwell, 2004b). A shameful example has occasionally been the selling of cigarettes by officers to prisoners (see Chapter 7, p. 207).⁵² Due to its strict ban on cigarettes as well as drugs, any cases related to these have been regarded as a situation where the prison might be in total disorder with to a great degree institutionalised connections. Corruption has touched senior governors and officials of even higher rank.

Although corruption cases in prison have sometimes been brought to public attention, in the past, members of organised gangs were known to have formed close connections with some prison staff or governors. Thus the Correctional Service has since maintained very strict controls on gang members who have served many sentences and are experts on prison life and prison officers.⁵³ Government regulations and the governor's emphasis on staff discipline have not been able to prevent the 'invisible' activities of prisoners which occur out of the governor's sight and include such offences as lying, gambling, stealing, quarrelling or loitering. Prison officers' corruption is often of a relatively trivial nature and seldom involves money. They reveal forbidden information to prisoners, intentionally neglect basic security requirements or fail to report violations of the regulations.

Prison officials' relationships with other prison officials exist within a complex pattern of interaction in which they are likely to be exposed to corrupting influences, to which they sometimes succumb. The connection may extend to people in the central government who can bribe prison staff by offering to use their power to post officials to a different place or to allocate budgets under their discretion. In 2003, an area manager and a Director General were accused of accepting money from a

⁵² Tobacco is strictly forbidden in every part of a Korean prison. Nobody is allowed to take tobacco into the prison facility.

⁵³ In 2003, there were approximately 1,500 gang members in prison throughout the country (Weekly Chosun, 2003).

person who wanted to provide a prisoner with an illegal service. Both of them resigned voluntarily with damaged reputations, even though one of them was subsequently found not guilty. In 2000, the governor of a local prison was accused of accepting money in exchange for illegally providing to a prisoner who was a well-known organised gang boss unfair opportunities to use a mobile phone. He was dismissed, prosecuted and sentenced to imprisonment, which destroyed prison officers' reputation in general (Donga-ilbo, 2000).

4.5 Conclusion

This chapter has discussed recent Korean history, charting the route which the prison service has followed since 1945. The discussion assumed that the working beliefs and attitudes of prison governors are influenced not only by the experience they bring to the work but also by organisational conditions and policies (Caeti et al., 2003). In doing so, this chapter has examined the Korean prison context in terms of broad transformational changes and their influences on prison organisational culture.

The chapter has shown that societal and political transformations have affected prison practices and values and prison organisations and the prison human resources management system in Korea. For a long time, a management informed by a paramilitaristic ideology was dominant, especially when security was regarded as virtually the only important purpose of prison. However, since 1998, prison policies in Korea have been characterised by the pursuit of rehabilitation and the enhancement of prisoners' human rights. These policies have been influenced by the country's economic growth and political democratisation. Governing prisons has become increasingly concerned with the human rights of prisoners and the need for rightfulness in prison management.

The study discussed that managerialism has not been recognised in the Korean prisons as important as in England and Wales. Even though the influence of managerialistic techniques has been slow, it should be noted that managerialistic techniques in Korean prison management will increasingly affect prisons and their

working strategies. One researcher interestingly argues that paramilitaristic culture will be disappeared by the introduction of managerialism. Hopton (1999: 71) notes that 'Managerialism is beginning to replace militarism as a paradigm for socially constructed ideals of masculinity (masculinism)'.

The changes which the prison administration has attempted and is attempting to bring about are important and meaningful to the current prison governors and affect their practices. In addition, the way prisoners are treated can often be a reflection of what prison governors believe and attempt to practise. Drawing on this chapter's information about the Korean prison context and on the literature review, this study will explore the activities currently available to Korean prisoners in the next chapter.

Chapter 5. The prison population and the regimes of the Korean prisons

5.1 Introduction

The previous chapter discussed the penological transformations relating to prison practices and values, prison organisation, and the cultural and organisational distinctiveness of Korean prisons. This chapter considers further prison-related issues such as the features of the prison population and prisoners' activities, in order to throw light on the governors' closest working environment. There might be obstacles to understanding Korean practices because of the lack of uniformity in the definitions and statistics used in Korean prisons, compared to Western countries. Thus, if necessary, the chapter presents some examples of Western prison experiences because, as scholars have noted, similarities are observable in many countries (Garland, 2001; Jones and Newburn, 2005) and uniformity flows from 'a perception of need' (Lynch, 1988: 199).

This chapter, consisting of three main sections, discusses Korean prison practices and the related key issues. They are the features and changes of the prison population, the prison organisations, security and control in Korean prisons, prisons manage prisoners' activities and justice in prison management. This is a contextualising chapter whose observations have implications for Korean prison governors' working credos. For example, some hard-line policies concentrating on security and control might encourage certain governors not to grant prisoners rehabilitative programmes. Another implication is that the higher the prison population the harsher the regime and therefore the less likely to engender a humanitarian credo (see Chapter 7). Similarly, comparison in the areas of prison population, educational programmes and justice may be useful for the agenda of the research.

5.2 The prison population and its influence on the governors' work

This section presents an overview of the prison population in Korea. As the task of prison management is to deliver prison services to a designated criminal offender population (Peak, 1995), the features of the prison population can affect a prison's

formulation of strategies designed to cope with the conditions; these strategies must be compatible with internal and external demands (Ditchfield, 1990). This section therefore examines the Korean prison population, its composition, the government policies concerned with the population, and composition of the prison population.

5.2.1 The trends of the prison population

The prison population has steadily increased since the liberation from Japanese colonial rule, albeit with a number of fluctuations and a marked decline from its highest-ever level in recent years. Taken as a whole, it increased from 19,882 in 1948 to 45,573 in 2006, an increase of 130 per cent over those 58 years. The fluctuations of the prison population are illustrated in Figure 5.1.

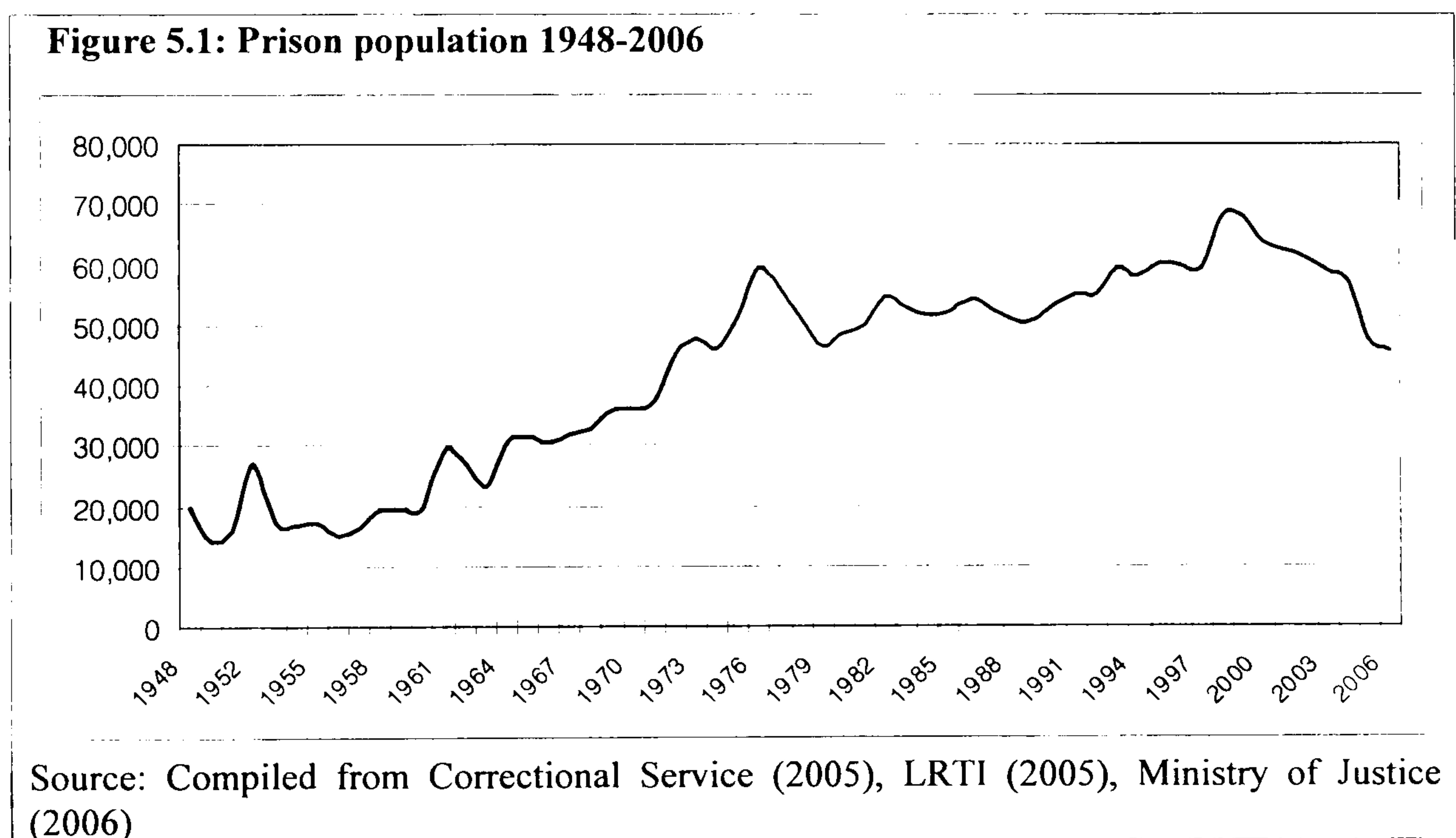


Figure 5.1 shows several peaks, but no specific changes in criminal justice policy have been found to be related to these. It is interesting to note, however, that these peaks coincided with important political and societal changes, notably those brought about by the Korean War (1950-1953), the emergence of the first military government in 1961, and the greatest-ever financial crisis in 1997 (see Chapter 4, p. 86).

As discussed in the previous chapter, the period between the late 1940s and the early 1960 was in the instability of society (see Chapter 4, pp. 78-80). After liberation in 1945, the prison population including leftist activists rapidly increased, and by 1948 the population had again risen to around 20,000.⁵⁴ After the Korean War (1950-1953), the prison population again increased sharply. According to the statistics from the Ministry of Justice, those imprisoned for espionage activities numbered more than two thousand throughout the period between 1954 and 1960 (MOJ, 1988: 101).

The Park revolutionary government took a hard line against criminal offenders in order to stiffen 'law and order' and this policy resulted in an immediate increase of the prison population, from 19,406 in 1960 to 29,180 in 1961. Also, the subsequent steady expansion of the prison population resulted from the industrialisation and urbanisation which occurred during the period of the military government of Park (MOJ, 1988). In 1976, the Korean military government, faced with disturbances mainly organised by vociferous anti-government movements, decided to crack down on crime in general and on what it considered to be crimes against the state. As a result, the number of crimes committed in 1976 was 504,603 and the number of arrested offenders was 609,177. Compared to the previous year, this was a great increase: in 1975, there had been 387,207 crimes and 462,908 arrests (LRTI, 1984).

The attitudes toward law and order of the Chun and Noh governments affected the size of the prison population during this period: the population increased in 1981 and 1982 when the Society Protection Law and the Purification Training Movement in local prisons were introduced (see Chapter 4, pp. 82-85). When the Noh government took prompt actions to respond to the people's demand and to ensure the success of the Olympic Games in 1988, the prison population decreased slightly but started to increase again when the regime faced strong challenges from people in the early 1990s.

As has happened in many countries where the development of social and political freedom has not contributed to reducing the use of imprisonment (South and Weiss,

⁵⁴ The prison population at the time of liberation from the Japanese colonial rule, in 1945, was 2,000 or so (MOJ, 1988).

1998), from 1992 to 1998 the prison population in Korea increased: however, since 1998, after reaching its highest-ever level, it has gradually declined.⁵⁵ This runs counter to the experience of most other countries.⁵⁶ It is important to note that this reduction has mainly been due to changes of criminal justice policy.

5.2.2 Criminal justice policies designed to reduce the prison population

In order to understand the decreasing trend of overcrowded population since 1998, an explanation of the changes of criminal justice policy in Korea will be helpful. A number of reform measures to deal with the size of the prison population have been taken by criminal justice agencies: courts, the prosecuting offices and the Correctional Service. Since 1999, these agencies have taken practical dramatic measures designed to reduce the numbers in prisons by holding down the number of people under arrest and releasing a larger number.⁵⁷ The former was pursued mainly by the courts and prosecution offices, while the latter by the Correctional Service, as discussed below.

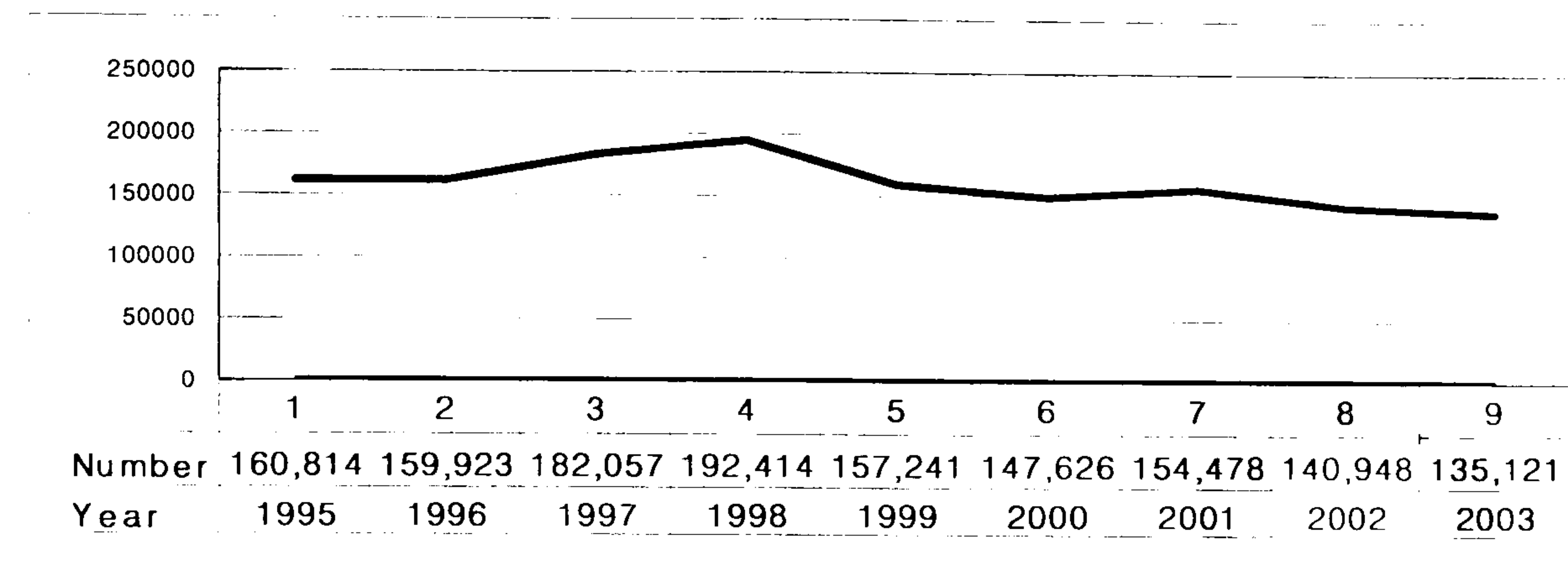
First, the number of cases related to the issuing of warrants of arrest by the courts underpins the fluctuation of the prison population. Figure 5.2 illustrates the relevant data issued by the Supreme Court. As Figure 5.2 shows, the cases related to the warrants of arrest greatly decreased from 192,414 in 1998 to 135,121 in 2003. These figures, showing the number of cases related to the warrants, could partly account for how many people were incarcerated. Thus, it is reasonable to suppose that the reduction of the number of arrest warrant-related cases has contributed considerably to the recent change of the prison population.

⁵⁵ In 1997, the country was facing a national financial crisis and had to secure a relief loan from the IMF. The prison population rose at an unprecedented rate to around 74,000 (Kim, 1988).

⁵⁶ In 2005, more than three-fifths of all countries, 62.5 per cent (for which figures are available), were holding 150 prisoners for every 100,000 members of the total adult population. Korean imprisonment rates were 100 per 100,000, placing the country below the mid-point in the world list: comparisons can be made with England and Wales at 142, Scotland at 132, Northern Ireland at 72 and Japan at 58. 73 per cent of countries have recently experienced an increase in the prison population (Walmsey, 2006).

⁵⁷ According to Home Office of England and Wales, the primary factors influencing the size of the prison population in the country might be 'the custody rate at the courts, the average sentence lengths given and the number of cases passing through the courts' (Home Office, 2003: 6).

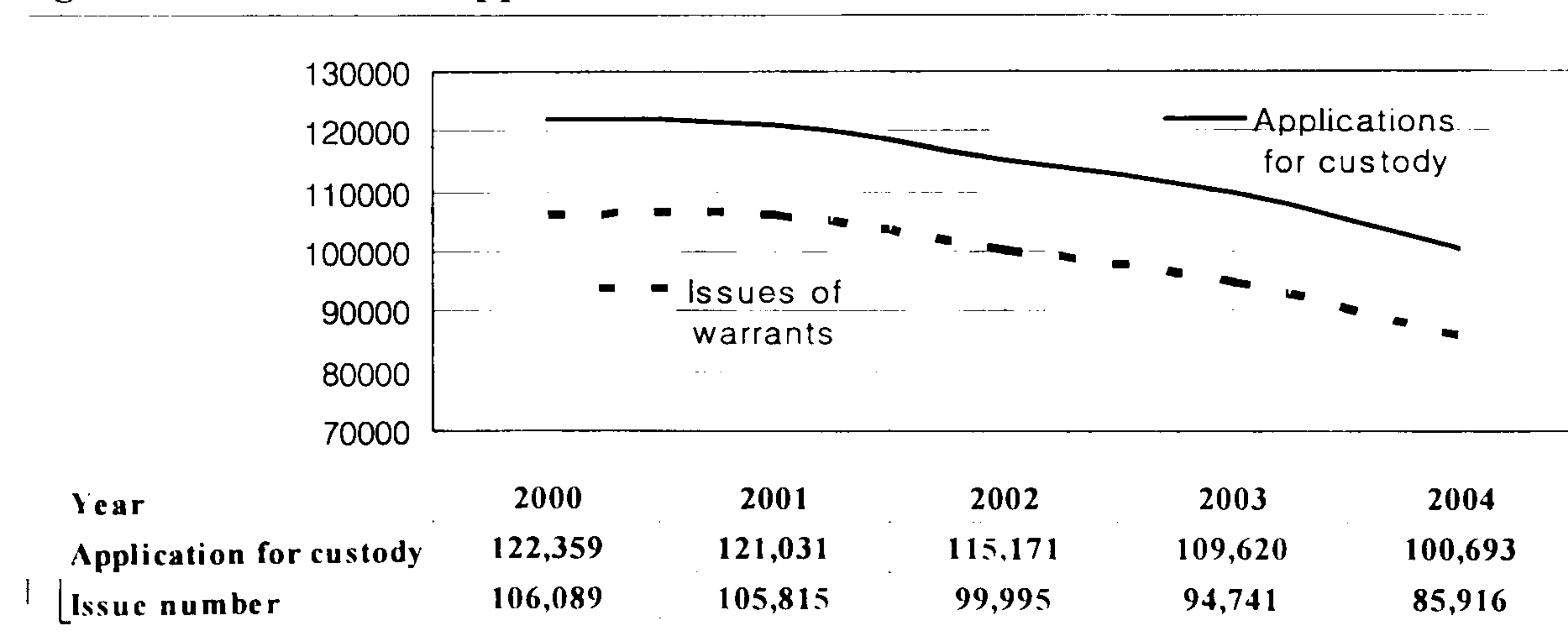
Figure 5.2: Number of cases related for warrants of arrest issued by the courts



Source: Supreme Court of Korea (2003)

Second, the prosecution offices and the courts made an effort to reduce the number of applications for warrants of arrest and their issue, respectively. Figure 5.3 shows how the number of applications and the issuing of warrants of arrest have recently changed. Also, the Practical Examination System for an Arrest Warrant introduced in 1997 contributed to this result. The system aimed at preventing illegal arrests and involuntary confessions, as legislated in the Criminal Procedure Law (s. 201-2) (Ministry of Legislation, 2008; Yonhapnews, 2006b). Figure 5.3 shows how the prosecution offices and the courts have contributed to the decrease in the number of prisoners in custody. The change in the number of applications for custody by the prosecution offices decreased, from 122,359 in 2000 to 100,693 in 2004. It thus appears that the offices have tried to be faithful to the principle that all criminal suspects should be investigated without physical detention.

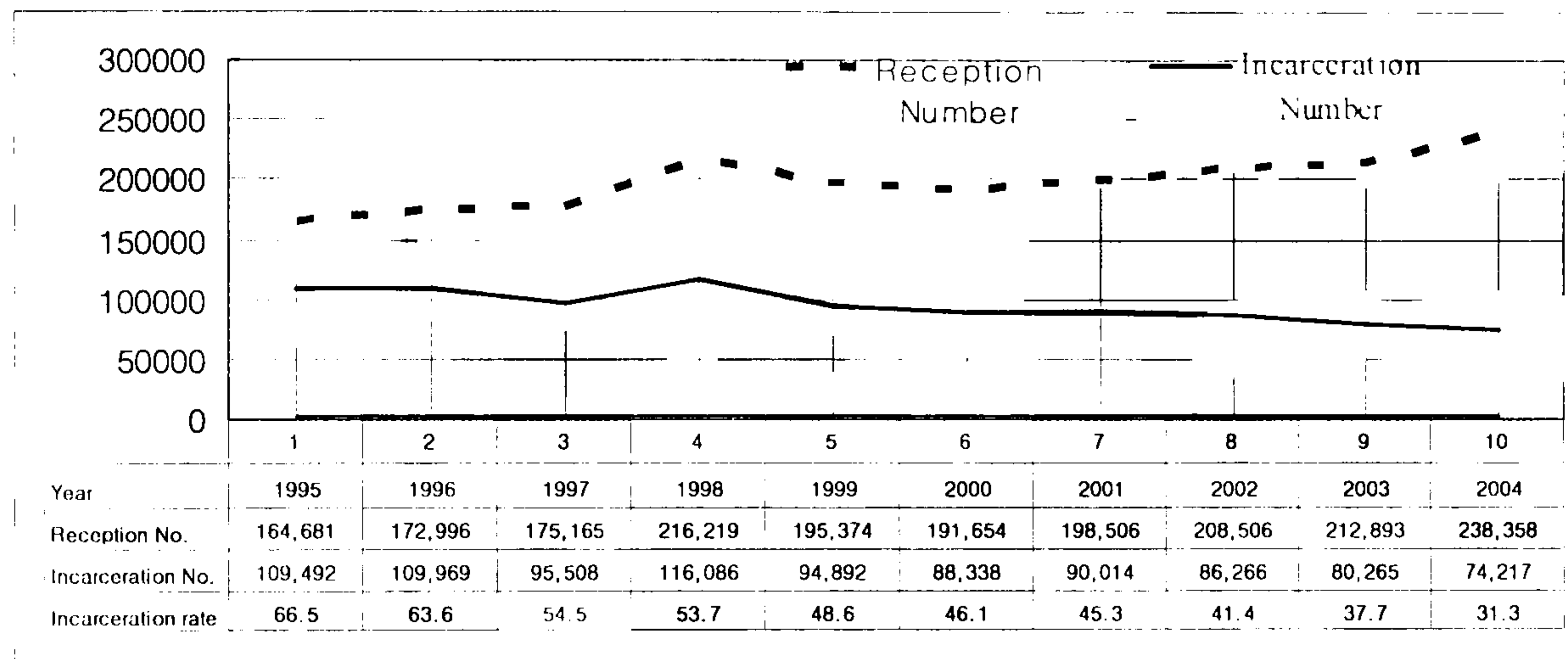
Figure 5.3: Number of applications for and issues of arrest warrants



Source: LRTI (2005)

Third, the courts also controlled their issuing of warrants of arrest, which fell from 106,089 in 2000 to 85,916 in 2004. Their collaboration contributed to the reduction of the number of people in prison custody. Figure 5.4 shows that those facing criminal trial at the first trial in the Criminal Courts increased in number from 164,681 in 1995 to 238,358 in 2004. However, those tried while incarcerated decreased from 109,492 in 1995 to 74,217 in 2004 and therefore the incarceration rate regarding the first trial at the Criminal Courts changed from 66.5 per cent to 31.3 per cent.

Figure 5.4: Number of accused committed for the trial and incarcerated at time of first trial in the Criminal Courts, 1995-2004



Source: Supreme Court of Korea (2005)

Note: Reception refers to number of those tried by courts at level of first trial.

Fourth, the Ministry of Justice granted parole to 2,614 prisoners in 1997, 4,790 in 1998 and 8,559 in 1999, rapidly expanding the number of parolees. The expansion policy was implemented from 1998 in order to reduce the overcrowded population in prison under the Prison Modernisation Project introduced by the Correctional Service in that year (see Chapter 4, p. 104). For example, the government started to grant parole to drug offenders and sex offenders, who had been excluded before. Moreover, prisoners who pass the college entrance examination or acquire a certificate of skill can obtain parole more easily. The Service granted the parole of a total of 9,729 prisoners in 2003, which was equivalent to 32.2 per cent of all those released. This constituted a dramatic change in the proportion of parolees, which had been under 20 per cent in the mid-1990s (LRTI, 2005: 352). The number of parolees increased to 11,218 in 2004 and 10,520 in 2005.

5.2.3 Overcrowding and prison practices

It is evident that the overall prison population has been reduced and the government's efforts deserve a positive evaluation; however, Korean prisons have still been overcrowded so that prisoners cannot enjoy as much as they do in society (Kang et al., 2003). Thus it can be noted that the quality of life of Korean prisoners has not much changed.

In order to understand the situation of Korean prisons in relation to prison population, the Correctional Service's definition of cell space gives cause for concern. This definition includes sleeping space, which will take up most of the 2.5 square metres allocated to each prisoner.⁵⁸ The Service defines the cell space for a prisoner as the space large enough to sleep in without touching others. This means that a prisoner cannot perform any activity that cannot be done in that small space, and their quality of life is thereby diminished, as a newspaper reports (Jungangilbo, 2007). It should be understood that there are no communal rooms for day-time use in Korean prison buildings.

If this arrangement is considered according to the concept of 'spatial density (actual prison population divided by maximum design capacity)' (French and Gendreau, 2006: 188), then Korean prisons must still be regarded as overcrowded. Thus, problems which could arise from prison overcrowding are likely to occur in Korean prisons.

The overcrowded prison population has brought many issues to the fore in prison management and other criminal justice practices. For example, if a prison is overcrowded, this can affect routine activities such as serving food, visits, recreation, medical services and prisoners' movement to and from court or other prisons (Millie et al., 2003). Moreover, overcrowding is apt to cause inhumane treatment: prisoners might suffer psychologically because of the inadequate space, and there might be

⁵⁸ It should be noted that prisoners sleep on mattresses that can be rolled up, and there are no beds in the prison cell.

insufficient resources to implement prison programmes (Blakely, 1999; Coyle, 2002a; Kim, 1998; Woolf and Tumin, 1991). Also, the high level of the prison population may impose a heavy burden on prison employees and can be regarded as the major barrier to the humane management of prisoners (Peak, 1995).

Prison construction programmes had not been sufficiently funded by national governments because of their financial distribution policy, which often resulted in the degradation of prison conditions (Kim, 1998). As researchers argued, if prison overcrowding were serious, prisoners should be forced to occupy much smaller spaces, which created fears that they would learn new crime techniques and become involved in a vicious cycle (Kim, 1998; Park, 1979). Moreover, overcrowding increased staff-prisoner tensions, wore out facilities and equipment, generated budgetary problems, and resulted in an inability to implement programmes and services according to accepted standards.

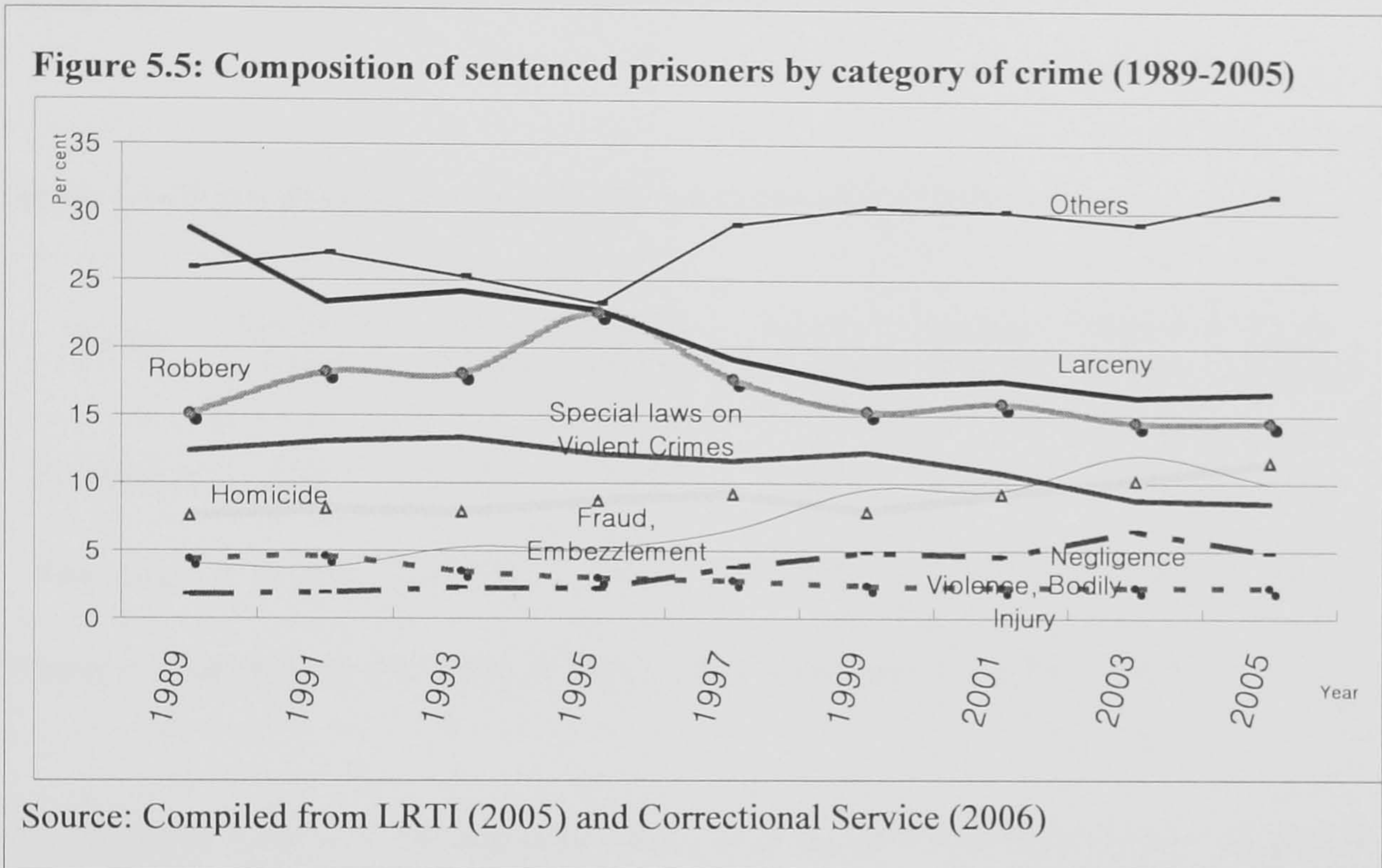
With the increased interest in the human rights of prisoners, the government came to recognise that prison overcrowding would be one of the most serious problems facing criminal justice (MOJ, 1998) and that the overcrowding itself could cause the infringement of prisoners' rights (Yoo, 2001a). Despite a recent slight decline in prison population, it is important to note that the situation in prisons with respect to overcrowding and prisoners' quality of life did not change. Thus, there still remain some problems in implementing prison programmes and providing prisoners with enhanced living conditions (Kang et al., 2003).

5.2.4 Composition of the prison population

This subsection presents certain key features of the prison population. It is important to discuss these features and their changes over time, since they are a crucial aspect of employees' working conditions and can affect penal policies, values and practices in local prisons. Thus, the discussion concerns the composition of the prison population by the categories of crime, sentence terms, sex and age.

5.2.4.1 Categories of crime and sentencing terms

By examining the distribution of the population by crime categories since 1989, a certain pattern becomes apparent, as shown in Figure 5.5.



Thus, the prisoners incarcerated for conventional crimes such as violent and property offences are dominant. Violent offenders (including violence, bodily injury, homicide, robbery and special laws on violent crimes) have accounted for around 40 per cent, and property offenders (larceny, fraud and embezzlement) for more than 25 per cent of all prisoners since 1989, although there have been small fluctuations from time to time. This demonstrates that the prison environment has not significantly changed in terms of the proportions of these prisoners in the population. Next, the numbers of prisoners jailed for fraud and embezzlement have been continuously increasing, while the numbers of most of the conventional offenders mentioned above have been slowly decreasing (LRTI, 2005). This may be partly because violators of business laws have increased with the country's economic development and because the judicial position regarding those crimes has hardened (Kim, 1998; LRTI, 2005; MOJ, 1998).

Meanwhile, depending on their sentence terms, prisoners tend to develop different ways of coping with their life in prison (Ditchfield, 1990), and these will affect governors' strategies in managing the facilities. Table 5.1 shows that prisoners' composition varies according to sentence terms.

Table 5.1: Population by sentence terms (as of December 2003)

Terms	Less than 1 year	1 year – 3 years	3 years - 5 years	5 years - 10 years	10 years - 20 years	20 years or more	Life sentence
Population	7,513	12,711	5,780	5,427	3,249	655	996
Percentage	20.6%	34.9%	15.9%	14.9%	8.9%	1.8%	2.7%

Source: Compiled from Correctional Service (2004), Ministry of Justice (2005)

As shown in Table 5.1, prisoners serving a sentence of fewer than 5 years constitute 71.4 per cent of all those sentenced. Long-term prisoners are relatively few in number. Compared to the statistics for England and Wales (Home Office, 2003), in 2002 more Korean prisoners were serving short sentences than were serving long ones.⁵⁹ For example, 20.6 per cent of prisoners were serving one year or less, higher than the rate in England and Wales (16.9 per cent of all sentenced prisoners), and 2.7 per cent of prisoners were serving life terms, also much lower than in England and Wales, 8.98 per cent. In addition, the death penalty in Korea has not been abolished and the local prisons were holding 64 prisoners under sentence of death as of 13 March 2006. However, the government has not executed the death penalty since 1998 and is unlikely to do so in the future.

⁵⁹ In England and Wales, 'long-term' is used for sentences of 4 years or more, 'medium-term' for sentences of 12 months to less than 4 years, and 'short-term' for sentences of less than 12 months (Home Office, 2003).

5.2.4.2 Sex and age

The proportion of female prisoners has also shown a rather steady increase,⁶⁰ which is similar to international trends generally and can be seen in many nations such as the UK, Russia, and the US (King and Maguire, 1994). According to Suh (2005), this steady increase in Korea is attributed to women's increasing participation in social activities, and so the number of female prisoners is expected to increase gradually in the future as well.⁶¹ However, prison administrators have been little concerned about female prisoners, not only because their number is smaller than that of male prisoners but also because female prisoners are likely to cause few disturbances in prison (Suh, 2005).

Since most female sentenced prisoners have been housed in Cheongju Female Prison, the only female prison, a minority of female prisoners have been distributed to other establishments throughout the country (MOJ, 2006). Except for Cheongju and those prisons not equipped to hold any female prisoners, Korean prisons have a unit for female prisoners where only female staff may usually enter. However, regulations and practices regarding female prisoners are no different from those for males. Therefore, as female prisoners increase, it can be argued that prisons need to change the structures or methods of conducting prison programmes, as most elements of the existing system, for example vocational training programmes, are designed for male offenders (Reuss, 1999; Suh, 2005).

There are different views on the interrelationship between age and behaviour. Some researchers argue that each cohort of prisoners influences prison management differently (Ditchfield, 1990; Flanagan, 1980), and claim, for example, that younger prisoners are more disruptive and more likely to be involved in violent behaviour.

⁶⁰ They constituted 5.2 per cent of all prisoners in 1999, 5.0 per cent in 2001, 6.3 per cent in 2003, and 6.0 per cent (2,743) in 2006.

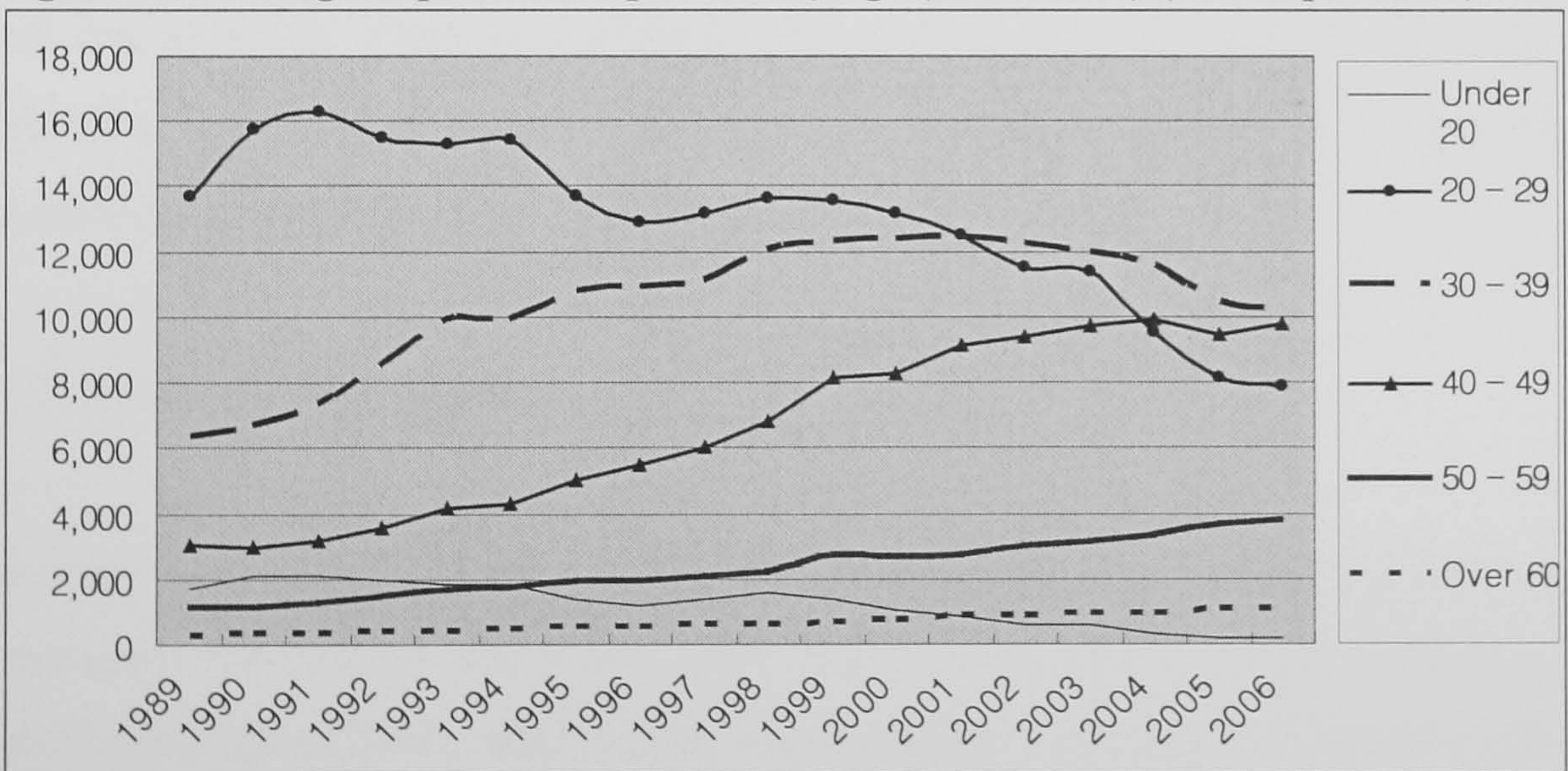
⁶¹ Statistics from LRTI (2005) show that property offenders have been dominant among female prisoners in recent years (for example, 71.1 per cent of all female offenders in 1995, 63.7 per cent in 2000, and 74.2 per cent in 2004).

Similarly, any prison regime accommodating fewer older prisoners⁶² is likely to experience more rule breaking, as Peak (1995) notes. For others, however, age per se cannot explain all the impacts on prison employees, especially in terms of security or control (Ditchfield, 1990). Apart from the security issues, at least, it is important to note that prison programmes for prisoners, old or young, can not help but depend on the composition of the prison population by age.

Juvenile prisoners are young offenders who are people of either gender and who have been imprisoned for a criminal offence (Kim, 2001a). Criminal justice systems in Korea often deal with young offenders differently from adult offenders, and apply the term 'juvenile offender' to the age groups from 14 to 20 years old (i.e. the age of criminal responsibility is set at 14). Juvenile prison keeps the young prisoners who are soon released until they are 22 years old. Otherwise, prisoners who are older than 20 are sent to other prisons.

Recently, the distribution of prisoners by age has changed, as shown in Figure 5.6. The figure indicates that the number of prisoners under 20 has gradually decreased, while that of prisoners between 30 and 40 has recently increased year by year.

Figure 5.6: Change of prison composition by age (1989- 2006) (as of April 2006)



Source: Compiled from Correctional Service (2006), LRTI (2005), Ministry of Justice (2006)
Note: Included are prisoners who are sentenced to labour due to their non-payment of criminal fines.

⁶² The definition of the older prisoner varies, making it difficult to compare data between related studies. Crawley (2005) defines 65 years old as elderly, following the UK state retirement age of 65 years, in order to consider these prisoners' psychological and physiological eligibility to adjust to the prison environment. Wahidin (2005) identifies 50 as the threshold age in a study on old women in English prisons.

As shown in the figure, as of March 2006, prisoners aged between 20 and 49 constituted the majority of the total.⁶³ Previously, prisoners in their 20s used to constitute the biggest grouping (LRTI, 2005): however, at this date, prisoners in their 30s and 40s formed the biggest grouping. Recently, for example, many countries started to pay attention to older prisoners because they had become aware of a steady increase in their numbers (Crawley, 2004b). Korea has also experienced a slow increase in the prison population of over-40-year-olds since 1990.⁶⁴ Even though the evidence for the increase of older prisoners in Korea has yet not been studied, some researchers note that the increase of older prisoners resulted from mass incarceration in some countries like the US (Crawley and Sparks, 2005).

It can be argued that the increase of older prisoners needs much more attention because it may have many practical consequences such as the increased cost of prison health care. According to Crawley (2005), older prisoners are facing many kinds of health problems; for example, they are more likely to have respiratory and heart problems, diabetes, depression, poor circulation, arthritis, bladder problems and hypertension. There is a concern that prisons could unwittingly harm older prisoners if the prison administration fails to recognise that they have particular needs (Crawley, 2004b, 2005; Watson et al., 2004).

5.3 Security and control

Security and control of the prison are critical factors affecting prisoners and employees (McMullen and Kain, 2000; Woolf and Tumin, 1991). According to Sundt and Cullen (2002), when prison employees feel endangered, it is expected that this perception will increase their punitive attitudes towards prisoners and decrease

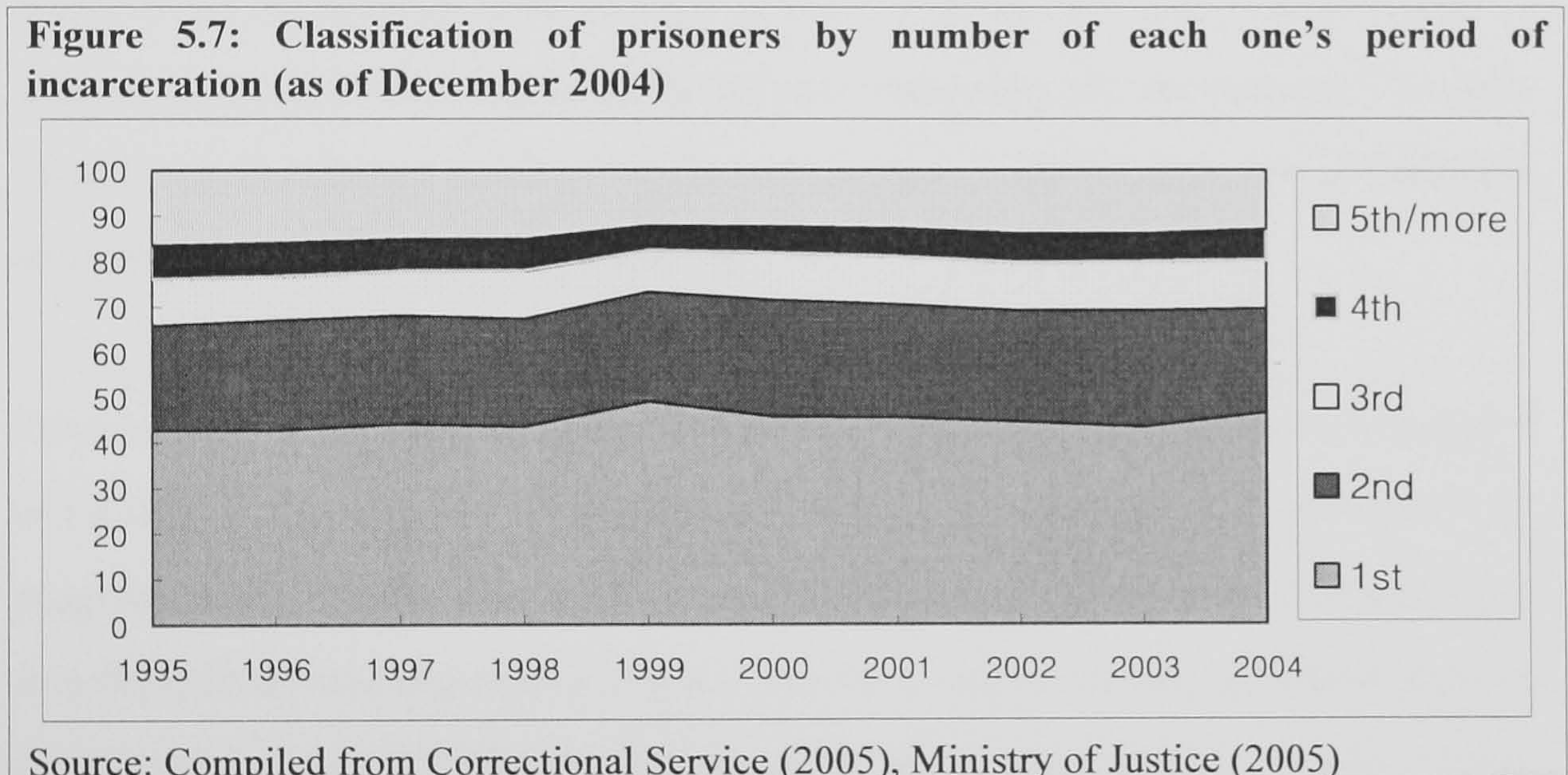
⁶³ In 2006, 549 prisoners under 20 were in the custody of the Korean prison authorities, and 170 prisoners were over 70 (Correctional Service, 2006).

⁶⁴ In England and Wales, the increase in numbers was striking: currently 4,680 males who are over 50 years old, and 176 female prisoners over 50. This represents seven per cent of the total prison population in 2003. Sentenced male prisoners aged 60 and above increased from 442 in 1992 to 1,359 in 2002 (Crawley, 2005; HM Chief Inspectorate of Prisons, 2005).

support for rehabilitation. Based on the argument that employees need to control disruptive prisoners effectively with appropriate methods (DiIulio, 1987; Sparks et al., 1996), this subsection discusses policy and practice regarding security and control of prison.

5.3.1 Allocation and transfer of sentenced prisoners

In Korea, there are no security criteria, for example the governing categories of maximum and minimum security, applied to prisons and prisoners in Korea. Instead, the Correctional Service categorises prisoners based on the number of each prisoner's separate periods of incarceration, as shown Figure 5.7.



The categorisation has some similar aspects to the dispersal system in England and Wales, where the most dangerous prisoners are dispersed among several larger maximum security prisons (Radzinowicz, 1999).⁶⁵ The Service disperses prisoners who have served many custodial sentences to several designated local prisons. Thus, the system does not take into consideration of the nature of crime or the length of sentences.

⁶⁵ The idea of the dispersal system was influenced by the Mountbatten Inquiry (Home Office, 1966). The maximum security prisoners are housed in the eight institutions of the dispersal prison system: Albany, Gartree, Hull, Long Lartin, Parkhurst, Wakefield, Wormwood Scrubs and Frankland.

Moreover, since Korean prisons are not categorised according to their security status, all of them have similar security facilities and trained officers. This often causes less dangerous prisoners to live under an unnecessarily oppressive regime and prison employees to be confused about their role (Thomas, 1974: 261). The system also disperses 'death-row' prisoners or members of a criminal ring to prisons throughout the country rather than concentrating them in particular prisons (Jo, 1998). One consequence of this policy is that every prison accommodating prisoners threatening security or order must be equipped with a similar level of staff awareness and security system (Kim, 1984). Prison employees must therefore be particularly prepared for the security level of each prisoner case by case. For example, when a prisoner is escorted outside prison, the officers responsible for the prisoner's security should take appropriate measures to prevent escape, considering the use of restraints or the reinforcement of security officers.

Prisoners can be transferred when the Correctional Service or governor considers it is needed. It may happen, for example, when a prisoner needs a new course of programmes in other prisons such as an education programme, a job training course or a disciplinary training course. For the transfer to occur, the two governors need to come to an agreement. If they cannot do so for any reason, the Correctional Service (or the Regional Headquarters, only when the transfer happens between two prisons in the same region) will decide. There is no provision for prisoners to be consulted as to their opinions or to have access to the information about their future. However, as Woolf and Tumin (1991) note, a transfer against the wishes of a prisoner can be one of the most resented actions because it can alienate prisoners from home. Thus they recommend that prisoners need to be given a satisfactory explanation for the transfer.

5.3.2 Use of physical restraints

To subdue a disruptive prisoner causing an immediate threat to his own safety or the safety of correctional staff or other prisoners, the use of restraints might be unavoidable (Woolf and Tumin, 1991). But, as McMullen and Kain (2000) note, it is important that the prison practices in the use of restraints should be regulated, that this information should be given to prisoners as necessary information, and that the regulations on the use of restraints should be prescribed in the laws.

First, in Korea, prison officers are not allowed to use instruments other than restraints regulated in the laws: head restraints, handcuffs, chains and ropes (s. 14(2), Prison Administration Law). The head restraints may be used on a prisoner who loudly defies an order to stop or who is likely to hurt himself or herself. The ropes and handcuffs may be used on a prisoner who is likely to incite a riot, use violence, escape, or attempt suicide, and on a prisoner under escort. The chains may be used in case a prisoner cannot be subdued with the ropes and handcuffs. The head restraints shall not be used for over 6 hours continuously. However, in case it is deemed necessary to continue its use, the period may be extended for up to 3 hours (s. 46, Presidential Decree regarding the PAL).

Second, in every case, the use of restraints shall be ordered by the governor when prison officers on the wing report the need (s. 4 of the Ministerial Ordinance for the Uses, Forms, and Usage Principles of Restraints).⁶⁶ The use of any restraints for a period longer than seven days should be checked by the Regional Headquarters (s. 13 of the Ordinance). Third, the restraints shall not be used as a punitive measure (s. 14(3) of the PAL) and shall be used only as a last resort. Even in these circumstances, the least restrictive method of subduing a prisoner should be employed and prisoners should be released from restraint devices as soon as possible. During the period of restraint, prisoners should be under close medical supervision (s. 8 of the Ordinance). In 2004, many reform measures were taken, for example the revision of the Ministerial Ordinance. The measures followed serious misuses of the physical

⁶⁶ Ordinance No. 556, 29 June 2004.

restraints which had been one of the main targets of criticism from human rights activists.

Especially, the advent of the NHRC in 2001, since when greater freedom has prevailed in prisons, has been a crucial factor. The NHRC produced evidence that prisoners' rights had long been severely violated and ignored in Korean prisons. The Commission argued that the regulations restricting the use of physical restraints were ambiguous, and that even after the danger that a prisoner might commit violence or suicide had passed, the restraints were not removed. Thus, it concluded that the excessive and unnecessary use of restraints had been taking place in all local prisons in Korea, and publicly recommended the unambiguous regulation of physical restraints and requested their reasonable use.⁶⁷ Moreover, the Commission demanded the abolition of two physical restraints: chains and straitjackets,⁶⁸ because their use could violate the human rights of prisoners owing to the lack of proportionality to the nature of the danger, leading to excessive use. Moreover, no specific legal regulation governed the use of straitjackets.⁶⁹ Furthermore, one of the district courts delivered a verdict that the government should pay reparations for a prisoner who died after use of handcuffs for longer than 100 hours and chains for longer than 70 hours (Munhwa-Ilbo, 2005).

5.3.3 Disturbances threatening prison security and control

Woolf and Tumin (1991) warn that the results of prison disturbances will be extremely serious. Judged by the statistics from the Ministry of Justice (2006), the situation in Korean prisons, in terms of security and control, seems to be aggravating. The details of incidents happening in prison from 1995 to the present are shown in Table 5.2.

⁶⁷ See Case No. 02 Jin-In 0126, 02 Jin-In 0329, 02 Jin-In 0076, 02 Jin-In 0100, 02 Jin-In 1245, 03 Jin-In 5132, 03 Jin-In 5132, 03 Jin-In 6158, 04 Jin-In 4100.

⁶⁸ The straitjacket was regulated in the Ministerial Ordinance, not in PAL, as equivalent to handcuffs. That is why human rights activists insisted on its abolition. With revision of the Ordinance, it was banned.

⁶⁹ See recommendations of NHRC of Korea: 02 Jin-In 0126, 02 Jin-In 0329, 02 Jin-In 0076, 02 Jin-In 0100, 02 Jin-In 1245.

Table 5.2: Incidents in prisons (as of December 2005)

Year	Escape*	Suicide	Incendiary Fire	Violence / Injury
1995	2	9	0	252 (3)**
1996	3	9	0	219 (5)
1997	3	8	0	214 (6)
1998	0	5	0	221 (1)
1999	0	10	0	389 (0)
2000	2	12	0	370 (0)
2001	0	7	1	332 (0)
2002	1	8	1	332 (0)
2003	2	5	2	405 (1)
2004	1	12	1	432 (0)
2005	6	16	-	336 (0)

Source: Compiled from Correctional Service (2006), Ministry of Justice (2006)

Note: * Escapes failing within 24 hours excluded

** Parentheses indicate prisoner fatalities resulting from violence or injury

The data reflect the fluctuations of four types of incidents occurring in Korean prisons from 1995 to 2005. For example, prisoner-on-prisoner violence causing injury has recently increased: more than 200 violence / injury incidents occurred annually in the late 1990s, topping 300 in the period 1999-2002 and 400 in 2003 and 2004. On considering the fluctuations of the prison population, the violence in prison is becoming more serious because the population has been decreasing. The number of escapes, never large, varies from year to year. It is hard to say how they have affected prison administration, one reason being that the Korean prison regimes do not explain the level of security for each escape incident, although the potential harm to society is related to the dangerousness of the escapee.

However, the occurrence of any major incident such as an escape or a suicide makes governors fear for their position because the Correctional Service will take disciplinary measures, for example suspension from duty. These measures are often taken, especially when the media build a campaign around the incident (Jo, 1998). In many cases, relatives of prisoners have won lawsuits against prisons (Yonhapnews, 2006).⁷⁰ Regarding suicides, it is generally considered that prison employees should be particularly alert for any harm the prisoner might inflict on himself or herself

⁷⁰ According to the newspaper accounts, the court said that the prison had a liability in neglecting its custodial duty for a prisoner who committed suicide in the bathroom and should bear 30 per cent of liability.

when such harm is reasonably foreseeable, the precautionary principle being, the earlier the better.⁷¹ In Korea, the number of suicides substantially increased from 2003 to 2006 (Kyung-Hyang, 2006).⁷²

5.4 Prisoner activities and justice in prison

This section first presents a description of prisoners' daily life, giving an idea of how prisoners spend their time and the extent of prisons' discretion. This is because, as researchers have noted, prison governors have a distinct mandate to exercise discretion, over prisoners through their staff (Cullen et al., 1993). Next, the section focuses upon the disciplinary system and the complaints procedures, not only because these have recently become key issues in Korea in terms of justice in prison but also because they have greatly affected prisoners' lives and governors' working environments.

5.4.1 Daily life in prison

The routine of life in prison is regimented and tightly scheduled, even when prisons operate work, education and treatment programmes (see Cullen et al., 1993; Hong, 1989; Lee, 2003d). Because in Korea as elsewhere all prisoners are compelled to live a restricted life in an isolated and artificially created facility (see Adams, 1992), they can be said to live a depersonalised and controlled life in permanently closed institutions (Hong, 1989). Prisoners' activities are also subject to limits of place and time. This subsection focuses on prisoners' daily activities and the medical treatment provided for them.

⁷¹ In 2002 in England and Wales, 11 per cent of suicide deaths occurred within 24 hours of arrival into prison, 33 per cent in the first week, and 47 per cent in the first month (Safer Custody Group, 2002). Suicide in UK prisons has become a critical issue and suicide prevention is hugely important for prison officers (Liebling, 1992).

⁷² Kyung-Hyang (2006) says that 5 (15.6 per cent) of the 32 prisoners who died in prisons in 2003 were suicides, 12 (30.8 per cent of 39) died by suicide in 2004, and 16 (50 per cent of 32) in 2005.

5.4.1.1 Prison regime

Prisoners are required to follow a time schedule in prisons, recommended by the Correctional Service (MOJ. 2006). The schedule is a kind of guideline to be followed in all prisons, although on-site decisions may depend on the situation in each prison. For example, a prison can delay the lock-up time until all the security measures have been taken. If governors would like to implement some programmes for prisoners at night, it might be possible; however, such programmes could be restricted by conditions or circumstances, for example budgets, shift arrangements and staff workload.

According to the schedule, prisoners' activities begin at 07:00.⁷³ Since they wash and eat inside the cell, all their activities there are performed without unlocking the door.⁷⁴ After prison officers check the number of prisoners and confirm that all are present, the cells are unlocked at around 08:00 for the prisoners who need to leave their cells. Their activities begin with education, work, physical exercise, and visits. Prisoners who stay in the cell have their lunch there, while participants in prison work or education are in the factory or the classroom. After the prisoners who have been engaged in outside activities return at 17:00, the cells are locked again and no prisoners are allowed to leave.

Prison officers in charge of the block are not allowed to let prisoners leave the cells except in an emergency. Normally, no official programmes such as group activities take place after 17:00, and voluntary activity and all visits also stop at this time. Prisoners have supper in the cell, after which they read, talk or watch television; the prison decides what they may watch. At 21:00,⁷⁵ prisoners are ordered to sleep with

⁷³ In summer, prisoners start their day at 6:00. They usually rise to the sound of radio or music which is controlled by prison staff.

⁷⁴ There are two types of prison cell: the single cell and the shared cell. As of 13 March 2006, the total number of cells in the local prisons throughout the country is 14,540 (37,018 square metres), including 8,222 single cells and 6,318 shared cells. As of 31 December 2005, there were 6,513 prisoners (13.7% of all 47,440 prisoners) in a single cell and the other 40,927 (86.3%) in a shared cell (MOJ, 2006).

⁷⁵ In summer, bed-time is at 21:30.

the cell lights on, in order that staff can watch for any incidents or check the number of prisoners.⁷⁶

Since prisoners live in a confined area, they are allowed to take outdoor exercise for up to one hour per day. Each cell block or factory lets prisoners go outside by turns. The time allowed for outdoor exercise may be extended up to two hours for a prisoner in cellular confinement (s. 96 of the Presidential Decree regarding the PAL). However, in practice, a prisoner's exercise period is often inadequate because of insufficient space and staff numbers, as prisoners should be prevented from associating with their accomplices. Often prisoners may have the opportunity to exercise by prison wing or with a small number of people; however, it may not be easy to arrange staff in prisons which hold several hundred or more than one or two thousand prisoners (Jo, 1998). Thus, in many cases, more benefits and favours depend on the prison culture or the governor's discretion.

5.4.1.2 Medical treatment

In accordance with the laws, the prison medical service includes general medical care, surgery, pharmacy and nursing. Prisons have a hospitalisation unit which provides more sensitive attention to prisoners requiring long-term medical attention. The prison arranges with dental or other health services in the community to provide medical treatment inside prison. Prisons may send prisoner patients to community hospitals for advanced care, if needed (s. 29(1) of the PAL). The cost of basic medical care is covered by the prison service, but prisoners must obtain advanced care at their own expense if they have the funds (s. 28 of the PAL).

Even though prison medical services have improved,⁷⁷ many deficiencies and difficulties remain. Despite its best efforts, the Correctional Service has been unable

⁷⁶ In some prisons, prisoners are allowed to adjust the light control in the cell.

⁷⁷ In 47 prisons throughout the country, as of September 2006, there were 177 doctors, 3 pharmacists, 70 nurses and 16 medical technicians. This shows dramatically improved conditions since 2003, when there were 73 doctors, 3 pharmacists, 66 nurses and 11 medical technicians. More prisoners were being treated outside prisons: 13,624 prisoners in 2003, 15,463 in 2004, and 17,459 in 2005 (MOJ, 2006).

to meet these challenges owing to budgetary problems and a deficiency of medical human resources, and this has produced dilemmas and problems for both prisoners and staff. The NHRC has drawn attention to these problems and made recommendations many times.⁷⁸

Unlike the system in the UK, where the Department of Health has been responsible for funding prisons since April 2003, Korean prisons have operated their own medical service employing professional staff. Similar to the recommendations of the Council of Europe (1998), the Korean government takes the position that prisoners should have the same access to health care and an equivalent service as in the community. However, the serious difficulties Korean prisons have experienced have been related to a wider debate regarding the medical treatment of prisoners. Many members of the public believe that medical care for prisoners should be set at a lower standard than outside prison; such people tend to believe that prisons should emphasise punishment and repentance. This attitude will influence the prison medical staff's (and sometimes the governor's) decision on medical care for prisoners, and therefore a closer cooperation with outside resources has been suggested by a researcher to improve medical services (Sim, 1994).

5.4.2 Classified and differentiated treatment

One of the important factors affecting prisoners' quality of life as well as the length of their sentence is the Progressive Treatment System.⁷⁹ The System decides the number of credits prisoners may earn and the level of privilege they can attain. According to the System, prisons allow each grade of prisoner to participate to varying degrees in prisoners' activities: the higher the grade, the better the quality of

⁷⁸ The National Human Rights Commission of Korea has noted problems and policy requirements relating to medical service in prisons. For example, Case No. 02 JinIn 0740, 02 JinIn 0680, 02 JinIn 1073, 02 JinIn 0138, 02 JinIn 0962, 02 JinIn 1524, 02 JinIn 5418, 03 JinIn 5231, 03 JinIn 1328, 03 JinIn 0878, 03 JinIn 1170, 03 JinIn 5392, 03 JinIn 0031, 03 JinIn 5897, 04 JinIn 4031, 04 JinIn 4609, 05 JinIn 1995, 05 JinIn 1913, 06 JinIn 0238, 05 JinIn 3011 (NHRC, 2003b; 2004; 2005; 2006).

⁷⁹ The Progressive Treatment System is similar to the Incentives and Earned Privileges Schemes in England and Wales.

life. The System affects many aspects of the prisoner's life including participating in prison work and education and even applying for parole.

5.4.2.1 Earned privileges

Prisoners are classified by a process of evaluation, using four kinds of classification grades from the fourth (lowest) to the first (highest). The PAL provides that a sentenced prisoner who has exhibited an excellent record with respect to prison administration and is very likely to adapt well to social life may receive adequate treatments as deemed necessary for social life (s. 34(2)). The system is intended to encourage responsible behaviour and constructive activity according to the regulations of the Ministerial Ordinance for the Classification and Treatment of Prisoners.⁸⁰ The obtainable privileges are affected or decided depending on the grade, which is evaluated according to the prisoner's behaviour and performances. The System seeks to build a more disciplined, better controlled and safer environment for prisoners and staff (s. 1 of the Ordinance; see also Jo, 1998).

A prisoner entering the prison after sentencing is automatically placed in the fourth grade. The evaluation of each prisoner's behaviour and performance is implemented by the officers concerned, for example those in the prison factory or cell block; performance in prison work is most important (Jo, 1998). If a prisoner gains a higher grade, the prisoner should receive better treatment. If a prisoner remains in a higher grade, the prisoner may have family visits more often, make more phone calls and be released earlier. For example, the fourth grade prisoner gets four visits a month, the third grade five, and the second grade six, while first grade can receive an unrestricted number of visits (s. 48(1) of the Ordinance). The detailed regulations of the Ordinance allow prison officers to take advantage of the System as a control measure to ensure that prisoners conform to prison rules (Jo, 1998).

⁸⁰ Ordinance Number 522, 18 July 2002.

5.4.2.2 Prison work and education programmes

Among prison programmes, prison work in Korea is distinctive because it is legally mandatory for sentenced prisoners (s. 67 of the Criminal Law).⁸¹ Prisoners who are not occupied with prison education or vocational programmes must work, unless they have a reasonable excuse such as sickness.

The money they earn is called the 'work bonus': it is not equal to pay or salary but is a form of benefit. The work bonus will be determined in consideration of the kinds and achievements of the work, the earned record and so on (s. 39(2) of the PAL). Two criticisms have been made by researchers with regard to prison work. One is that the money is insufficient to help prisoners settle into society when released. Another is that the productivity of prison work is relatively very low and uncompetitive, because neither the prisoners nor the prison staff responsible for overseeing prison work are professionals, unlike their counterparts in society at large (Kim, 2001a; Jo, 2000; Lee, 2003b).

Work programmes for prisoners include employment in areas such as housing maintenance, the food industry and clothing factories. All training prisons have factories whose concerns are similar to those in the community: metals, furniture, electronics, textiles, food processing and paper manufacture. Work shall be imposed in consideration of the prisoner's age, prison term, health, skill, character, hobbies, future occupation, future livelihood and other circumstances (see s. 35(1) of the PAL). In cases where it is deemed necessary to promote a return to society and acquirement of skills, a prisoner may be allowed to commute to and from work at an outside enterprise.

Prison education is provided not only because prisoners need to compensate for insufficient education but also so that they can obtain a sense of individual accomplishment and self-esteem (Home Office, 1991; Reuss, 1999). The main

⁸¹ Law No. 7624, amended 29 July 2005.

purpose of prison education in Korea is to provide the basic school curriculum, which covers primary and high school requirements. College level education is provided when there are applicants. It is considered that prison education should include various types of useful education programmes so that prisoners may be able to adjust to life in society upon their release (Correctional Service, 2005). It has been argued that prison education reduces recidivism (see Brewster and Sharp, 2002).

In Korea, the Correctional Service is responsible for allocating sufficient resources to education. Most prisons operate education programmes similar to the regular school system, with the same curriculum and textbooks, full-time for a year or 6 months, according to the level of course. If a prisoner wishes to apply for the course or the exam, the prison considers the prisoner's study background, security requirements, and so on. Some prisons permit prisoners to take a correspondence course and an Open University course for a degree or graduate qualification. Many prisons are inevitably receiving help from outside prison, for example from volunteer teachers.⁸² While most prisoners regard it as a means of killing time, some prison officers regard prison education as a means of softening a harsh regime and of keeping prisoners occupied (Brewster and Sharp, 2002; Reuss, 1999). Thus, it can be said that, in some prisons, the extent how well they operate education programmes often depends on the attitudes of prison employees.

5.4.2.3 Parole

Prisoners who have completed over a third of the sentence period (or 10 years for a life prisoner) are eligible for conditional release for a period prior to the termination of their sentence (s. 72 of the Criminal Law).⁸³ The prison should undertake the process on behalf of a prisoner applying for early release. Having completed at least the periods above is required to apply for release and the Parole Board must make a decision to release and provide the conditions of release. Parole is recommended by the governor, decided by the Board and approved by the Minister of Justice. The

⁸² As of June 2004, the number of volunteers for prison education, entrusted by the Minister of Justice, was 251 in prisons throughout the country.

⁸³ Ministry of Legislation, 2008: Law No. 7623, amended 29.07.2005

governor's recommendation is largely influenced by the credits obtained under the Progressive Treatment System (see p. 131). The decision to grant or not grant parole depends on the nature of a prisoner's offences, home circumstances, behaviour and achievements in prison, according to the PAL (s. 51). The decision of the Board focuses primarily on the risk to the public of a further offence being committed if the prisoner were released.

The Parole Board is not an independent committee,⁸⁴ compared to the organisation in England and Wales. The Board's decision can in theory be invalidated by the Minister of Justice; however, no Minister has yet disapproved any of its decisions (Jo, 1998).⁸⁵ The discretionary power of governors has been much reduced with regard to parole so they cannot influence the parole process to the degree possible in the past. Before 1996, a parole board was established in each local facility and governors were more deeply involved in the parole process; however, the Ministry of Justice decided to set up the Board under the Minister of Justice, in the form of a committee, on 12 December 1996 (s. 49 of the PAL). Its decision was made mainly because of the Ministry's pursuit of consistency in the process of parole (Jo, 1998).

In a local prison, in a case where a sentenced prisoner, who has served a term of imprisonment under Section 72 of the Criminal Law mentioned above, has maintained an excellent record and is deemed unlikely to commit a second offence, the prison governor shall propose that the Board examine his application for parole (s. 51(1) of the PAL). Subsequently, the Board takes into account all circumstances, such as the sentenced prisoner's age, charge, motive for crime, term of sentence, records of criminal administration, means of livelihood and living environment after parole and the likelihood of committing a crime again. (s. 51(2) of the PAL). In addition, since a session is opened once a month dealing with 1,000 or more applicants, if the Board were to process each application carefully the workload would be extremely heavy because of the small number of committee members. Jo

⁸⁴ The Board is composed of not less than 5 but not more than 9 non-standing members (s. 50 of PAL). They are appointed by the Minister of Justice and the Vice- Minister shall chair the Board.

⁸⁵ In England and Wales, the Parole Board was established in 1968 under the Criminal Justice Act 1967. In 1996, it became an independent executive body (Non-Departmental Public Body) according to the Criminal Justice and Public Order Act 1994.

(1998) notes, however, that the vast majority of decisions of the Parole Board have inevitably involved only a perfunctory review of the papers, without interviewing any prisoner applicants or witnesses. He observes that local prisons retain a great deal of influence over the application process, especially in granting the grades necessary for a successful outcome.

5.4.3 Contact with people outside the prison

It is important that prisoners should keep in touch with the people to whom they were connected outside prison while serving time because such contacts allow them to share family and social experiences, help them to remain emotionally attached, and to participate in social activities (Finney, 2002). Thus, Korean prisons intend to help prisoners maintain morale and ties with family members, friends and people in the community (Jo, 1998). However, as in the case of many other programmes, prisons have certain criteria for visits and contact with people from outside prison; for example, security considerations may restrict prisons' discretion regarding certain programmes.

5.4.3.1 Visit system

The visit system has developed in many ways in Korean prisons (Jo, 1998). The system is basically to help prisoners and their families who suffer considerable deprivation. Even though the regulations of the law limit the visiting system, its quality depends greatly on the attitudes of each prison, since the support for prisoners' visit programmes in reality varies from one prison to another (see Finney, 2002). The system has been operated under the situation of weak and very basic rights, leaving prisons with wide discretion; however, recently the Correctional Service has been cautious in its attitudes towards prisoners' rights and made efforts to provide prisoners with more opportunities to contact people outside prison (Kim, 2001b).

All visits take place in visiting rooms, in which physical contact between visitors and prisoners is forbidden.⁸⁶ Prisons may forbid any face-to-face visits to or from a person who is not acceptable according to the rules; for example, visits with a member of a gang may be strictly limited. Prisoners in segregation are not allowed visits from anyone until the end of the segregation period (s. 145(2) of Presidential Decree regarding the PAL). Restrictions on prisoner visits in Korea have been justified in terms of ensuring prison security, safety of prisoners and prevention of crimes such as destruction of crime evidence (Kim, 1998; see also Cram, 1993).

The Presidential Decree regarding the PAL prescribes that visits shall be limited to 30 minutes (s. 54). The rules about visiting someone in prison vary depending on the status of the prisoner, for example whether unsentenced or sentenced. Prisoners undergoing trial are allowed to have a visit every day, while those sentenced can have visits from twice a month to at least four times a month, depending on their classification under the Progressive Treatment System (s. 56). The conversation during visits, except those with an authorised person, for example a lawyer or a member of the NHRC, is recorded by a prison officer.

The restriction and controls on prisoners' visits with people outside prison have been relaxed recently (Kang et al., 2003; Kim, 1998; Jo, 1998). Besides the visits mentioned above, the Correctional Service introduced several forms of visits such as the Internet online visit, 'Open Day' for the family and the conjugal visit. Since 2003 it has been possible to 'tele-visit' prisoners from any prisons near visitors, throughout the country. In 2003, 7,272 visits were delivered through the on-line visit system; 66,002 followed in 2004, and 90,329 in 2005. The Open Day, which is usually held on Parents' Day, Korean Thanksgiving Day or some other national holiday, provides the prisoners with the opportunity to meet their family in the open area inside the prison. More than 300 prisoners a year are able to enjoy a conjugal visit programme at eight conjugal houses (Correctional Service, 2005).

⁸⁶ In England and Wales prisoners have family visits in a large room, watched over by prison officers and cameras (HM Prison Service and Prison Reform Trust, 2002).

5.4.3.2 Temporary leave

Prisoners are allowed temporary leave from the prison if they meet strict requirements, mainly because of the concern of security (Kim, 2001b). Prisons (or the governors) examine if the prisoner meets requirements after checking the prisoner's environments, for example security issues, family situations, criminal records and so on (s. 3, s. 4, and s. 5 of Ministerial Ordinance for Prisoner Leave).⁸⁷

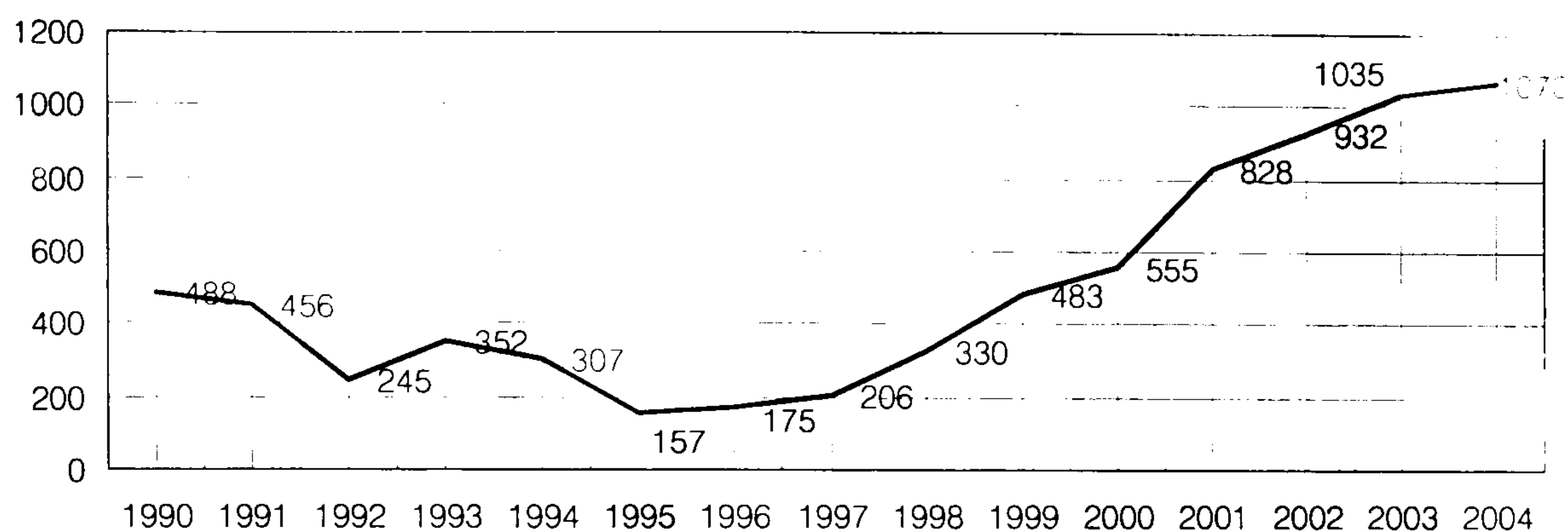
According to the PAL, a sentenced prisoner who has spent a year or more under confinement may be granted leave of not more than 10 days per year (s. 44(3) of the PAL), if he has served one-third of his prison term (7 years, in the case of imprisonment for life) and has an excellent record with regard to criminal administration. As a reform measure implemented in 2000, the Law prescribes that a sentenced prisoner having causes falling under any urgent needs (for example, a funeral for lineal ascendants, descendants, spouse, or lineal ascendants of spouse, or a marriage of lineal descendants) may be granted a special temporary leave of not more than 5 days per year, notwithstanding the requisites for permission and period of leave mentioned above (s. 44(4)). In this case, the period of leave shall be regarded as included in the term of imprisonment.

Moreover, the temporary leave is intended to enable prisoners to be present during a family crisis, visit a critically ill family member, receive medical treatment or participate in educational, religious or work-related functions (s. 2(1) of the Ministerial Ordinance for Prisoner Leave).⁸⁸ It is also designed to facilitate re-establishing family and community ties and allows a prisoner to participate in certain activities to help his or her reintegration into society. To re-acquaint themselves with society, prisoners who are close to their release date are allowed to visit some social facilities such as orphanages, historical sites and cultural centres. Even though the leave is generally allowed without escorting staff, governors may attach prison officers if the security of the prisoner is a concern. The details of the number of prisoners released temporarily since 1990 are shown in Figure 5.8.

⁸⁷ Ordinance Number 572, 21 July 2005.

⁸⁸ Ordinance Number 549, 03 April 2004.

Figure 5.8: Number of prisoners released temporarily (as of December 2004)



Source: Compiled from Correctional Service (2005), Ministry of Justice (2005)

As illustrated in the figure, the number of temporarily released prisoners before 1999 remained fewer than 500 prisoners per annum. However, the number started to increase steadily under successive democratic governments (1998 to the present), reaching 1,070 in 2004 (Correctional Service, 2002; 2003; 2004; 2005; MOJ, 1998; 1999). The radical change started when the government began to emphasise the human rights of prisoners in accordance with the Prison Modernisation Project (see Chapter 4, pp. 104). If a temporarily released prisoner failed to return, however, the governor would face a disciplinary action and might be relieved of his duty. This is why governors had been reluctant to encourage the system in the past (Kim, 1998).

5.4.4 Disciplinary punishments

As problems of order in prisons are intrinsic, discipline is regarded as an effective means to control and predict people's behaviours (Foucault, 1977; Sparks et al., 1996). It is used to restrain prisoners who disobey, and to enforce prison rules and procedures (Home Office, 1991). A formal disciplinary system of offences and associated punishments is inevitably required to maintain prison order and control prisoners who are confined involuntarily (Naylor, 2002). As insensitive or biased enforcement procedures of the disciplinary system are likely to lead to disturbances, they should be carried out with a view to the achievement of justice. The justice of the governor's exercise of disciplinary power should be guaranteed by an unambiguous form of legislation (Woolf and Tumin, 1991).

The Correctional Service enacted the laws relating to disciplinary punishment procedures: the Prison Administration Law (PAL),⁸⁹ the Presidential Decree regarding the PAL,⁹⁰ and the Ministerial Ordinance for Prisoner Discipline.⁹¹ The regulations and related procedures are designed to control the prisoners' unlawful activities to ensure the safe and orderly operation of the facility. Prisoners must obey the regulations, comply with the directions of the prison staff and follow the daily schedule as prepared by the governor (s. 45 of the PAL).

When a prisoner commits an offence, the procedure for disciplinary punishment including hearing, inquiring and adjudicating begins (s. 46 of the PAL). The PAL gives authority to an adjudication committee to adjudicate on any charge brought by the governor. The charge must concern an offence described in the PAL (s. 45) or the Ministerial Ordinance for Prisoner Discipline (s. 3). The adjudication committee consists of three to five senior prison officers, together with volunteers from outside the prison in order to ensure that the procedure is open, lawful, reasonable and fair (s. 47(2) of the PAL). The governor heads the committee as one of the adjudicators; this arrangement has been criticised by the NHRC (Lee, 2003a).

If the adjudication committee finds a prisoner guilty of an offence against discipline, the governor may impose one or more punishments (s. 46 of the PAL).⁹² Cellular confinement is the most severe punishment which may be applied, and the most effective in terms of control of the institution. The maximum number of days of confinement an adjudicator may order as punishment for an offence is 30.

After the enactment of these significant reform measures regarding disciplinary punishment, the severity of the punishment was mitigated and the concepts of humanity and justice were formally introduced into the laws and regulations (see s. 1-3 of the PAL). Before the reforms, for example, confinement in a special cell

⁸⁹ Law No. 7849, amended 21.02.2006.

⁹⁰ Decree No. 19563, amended 29.06.2006.

⁹¹ Ordinance No. 555, amended 29.06.2004.

⁹² They are warning, restrictions on the reading of newspapers and books for not more than one month, exclusion from work-by-request for not more than two months, reduction of the whole or part of the work bonus, and cellular confinement.

lasted for two months or more. It was argued by human rights activists that the regulations regarding punishments lacked legitimacy and infringed prisoners' rights not only because the provisions were vague but because their sole purpose was to control and manage prisoners (Lee, 2003a). Under the revised regulations, prisoners segregated in the interests of good order or discipline may not be segregated for more than one month.

Moreover, restrictions on prisoners under cellular confinement have changed. Prisoners serving such a punishment will not be allowed many activities at the governor's discretion (s. 145(2) of Presidential Decree regarding the PAL). Formerly, those prisoners were prohibited from receiving and mailing out any letter, calling, writing, exercising, reading newspapers or books, listening to the radio, watching television and using goods from the canteen. Prisoners who were preparing documents for a lawsuit could meet lawyers and communicate with others only for the purposes of their own case. Since the amendment of the Ministerial Ordinance for Prisoner Discipline in 2004, prisoners' entitlement to correspond, receive visits, write, read and use personal goods is unaffected by cellular confinement, where deemed necessary for rehabilitating and treating prisoners at the governor's discretion (s. 23).

Furthermore, governors are not allowed to order consecutive cellular confinements without giving a specific reason. Relentless consecutive cellular confinement had long been customary in local prisons but the former Minister, Ms. Kang Geum-Sil (see Chapter 4, p. 87), set a guideline for the prison officers of the day, which was welcomed by human rights activists as a progressive move (AHRC, 2003b).

Previously, the adjudication committee had been able to impose cellular confinement for a maximum period of 60 days according to the PAL (s. 46(2)) if a prisoner committed more than one offence.⁹³ The Correctional Service revised this power, restricting the period to 30 days (s. 4). This constituted a great improvement of the human rights of prisoners (Yoo, 2003), because governors had used the

⁹³ According to the report to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment in 1996, the size of cellular confinement cells for prisoners subjected to disciplinary punishment varied between 1.75 m² and 5.7 m² and there were no dark cells (CAT, 1996).

expedient method of ordering consecutive disciplinary punishments, thus subjecting the prisoner to at least two months' confinement (Hong, 1989; Lee, 2003a). However, researchers argue that the 30-day period is still too long, especially for young offenders (Lee, 2003a). In England and Wales, the maximum periods of cellular confinement are 21 days for adult prisoners and 10 days for young offenders (s. 55(3) of Prison Rules 2005, s. 60A(3) of Young Offender Institution Rules 2000).

5.4.5 Complaints procedures

Woolf and Tumin (1991) recommend that prisons should be equipped not only with procedures for decisions affecting prisoners, but also with procedures for dealing effectively with grievances and appeals against disciplinary decisions. In Korea, a prisoner may challenge the results and procedures of an administrative measure in several ways.

First, a prisoner may apply for an interview with the prison governor, and the governor should arrange time to hear prisoners' complaints on a regular basis (s. 9 of the Presidential Decree regarding the PAL). In this interview, a prisoner may speak with the governor with respect to his treatment or personal problems including disciplinary punishments. Previously, prisoners had been discouraged from asking governors to make time for the interview (Hong, 1989), and even when a prisoner was successful in arranging an interview, a lower-ranking officer would take the governor's place (Hong, 1989; Lee, 2003d). The current procedure for filing a complaint might make it easier to access the governor, but prisoners are inclined to resort to other measures, for example the courts or the NHRC (Lee, 2003d).

Second, a prisoner may petition the Minister of Justice or a public official on a circuit inspection. The petition is limited to a complaint regarding an instance of unjust treatment by prison staff (s. 6(1) of the PAL). The relevant procedures are regulated by the laws, for example s. 5(1) and s. 6 of the PAL, and s. 6 and s. 7 of the Presidential Decree regarding the PAL. The governor shall neither obstruct the prisoners in their filing of a petition, nor give them disadvantageous treatment on account of having filed the petition. Owing to the changes initiated by successive democratic governments, the number of petitions to the Minister of Justice has

steadily increased.⁹⁴

Third, a prisoner may take a case to the courts if the prisoner believes that there has been a breach of the laws with regard to any treatments. Should the courts find the application admissible, the prisoner will be granted an appropriate judicial review. In addition, a prisoner may apply to the Constitutional Court of Korea if the prisoner believes that there is an administrative measure which is unconstitutional (see s. 68 of the Constitutional Court Law).⁹⁵

Fourth, a prisoner may apply to the NHRC if the person is willing to file a complaint in order to have visiting and counselling regarding a human rights violation or discriminatory conduct. Upon receiving the application, the NHRC interviews the prisoner face-to-face and may then initiate the procedures for recovering the prisoner's rights. The hearing is conducted either in person with officials from the Commission and without any interference from prison staff, or in writing to the Commission. The Commission will then issue a report or a recommendation to the prison or the Ministry of Justice. According to the statistics issued by the NHRC (2003b), the largest proportion of all the complaints it received concerned prisons (39.3%), which is almost 10 per cent larger than the proportion of complaints concerning the police (29.6%).⁹⁶ Since the advent of the Commission in 2001, many prisoners have filed complaints and the Commission has often recommended a policy change or a revision of the law. The number of complaints to the Commission by prisoners has steadily increased.⁹⁷

5.4.6 Prison governor's discretion

As discussed earlier, Korean governors have a high degree of discretion in managing the prison and intervening directly in the lives of prisoners; discretion is a primary aspect of their work (Hong, 1989; Jo, 2000). Since the prisoners' routine life in

⁹⁴ 287 in 2001, 457 in 2002, 817 in 2003, 1,200 in 2004, and 1,229 in 2005 (MOJ, 2006).

⁹⁵ Law No. 7622, amended 29 July 2005.

⁹⁶ Figures are for the period 26.11.2001 to 31.12.2002.

⁹⁷ The numbers of complaints are 119 in 2001, 2,557 in 2002, 4,141 in 2003, 5,000 in 2004, and 5,130 in 2005.

Korean prisons is tightly regimented and very restricted (see 5.4.1.1. Prison regime; see also Adams, 1992), for the individual governor whose priority is the maintenance of prison order, the exercise of this discretion is an important part of his daily routine. The extent of his discretion is affected by the prison policy of the central government, the size of the prison population, demands for security and control and prison culture in general.

Given the low level of legal restriction or supervision exercised by the central government, governors are able to exercise discretion in providing security, stability and safety in prison, and in granting rewards to and imposing punishments on prisoners. They examine each case to see if the prisoner meets requirements for various rehabilitative programmes, often considering security issues and the prisoner's attitudes toward prison rules. As prisons have intrinsic problems of order, governors inevitably tend to often use disciplinary measures to maintain stable management of the institution (Foucault, 1977; Sparks et al., 1996). However, the NHRC (2006) has made the criticism that prisons have sacrificed the human rights of prisoners for the sake of security. The various prison environments may differently affect the prison governor's working credo (see Chapter 7), since the level and range of his discretion in specific areas, including security, will influence the credo.

5.6 Conclusion

This chapter has focused on prison practices, describing how Korean prisons are operated, since the key features of the prison population and prison operation can provide a detailed understanding of the prison governor's working environment. It is important to discuss the extent of the discretion governors (or prison officers under their command) have in practice, which can not only explain the limitations of their influence on prisoners and prison management but also shed light on the constraints and difficulties they face.

Greater political and social freedoms in Korea have contributed to the reduction of the use of imprisonment as a punishment for crime, and the increase of interest in prisoners' human rights, which Western countries did not experience (see South and Weiss, 1998). With a rate of imprisonment much lower than in the past, Korean prisons should have been able to deliver good physical conditions, positive regimes and good staff/prisoner relationships, and indeed it is undeniable that prison conditions have improved generally. However, it is also the case that prison employees have increasingly experienced difficulties which were relatively insignificant in the past, especially over the last ten years: notably a dramatic increase in litigation by prisoners and their families, and in the number of demands made by prisoners, and tremendous pressure from external stakeholders.

Recent reform measures in the prison arena have also had the effect of restricting prison employees' power and discretion. As a result there has been, for example, less use of restraints and disciplinary punishment, more intervention in the decision-making process by external agencies such as the media and human rights activists, and more detailed supervision by the Correctional Service. On the other hand, Korean prisons still operate according to a stringent interpretation of the regulations. In 2003, for example, with regard to the Progressive Treatment System (see p. 131), only three per cent of prisoners were classified as first grade.⁹⁸ In practice, governors would not tend to intervene in prison officers' decisions concerning the grading of prisoners; however, governors' decisions generally affect their staff's overall attitudes towards prisoners. There have been the continuing influence of the paramilitary culture in prison and the governor's dominance over a rigid hierarchy which most governors seek to maintain (see Chapter 4, pp. 100-103). There is considerable evidence that in practice Korean governors still enjoy a significant degree of discretion.

Evidently, criminal justice policies travel from country to country within a global context (Karstedt, 2002; Jones and Newburn, 2005). It is important to note that many

⁹⁸ In 2003, 15,062 sentenced prisoners (44.1 per cent of all sentenced prisoners) were in the fourth grade, 7,885 (23.1 per cent) in the third, 4,237 (12.4 per cent) in the second, and 1,039 (3 per cent) in the first grade.

Western influences have affected Korean prisons from the Japanese colonial period to the present. The processes might be implemented in various ways, for example modelling and imitating (Karstedt, 2002), or copying, emulation, combination and inspiration (Dolowitz and Marsh, 2000). On the other hand, with localised penal reform taking place in Korea's specific political and penological contexts, particular aspects of its prison system and programmes have emerged from its own historical and cultural background.

The discussion of Korean prison management and governors' working environment presented in the previous and present chapters (Chapters 4 and 5) has provided the necessary information to understand the context in which prison governors develop their working patterns and values. The socio-political history of Korean prisons, and the main features of the country's prison organisations and prison regimes have given rise to the cultural and organisational distinctiveness of Korean prisons and have influenced governors' attitudes. On the basis of this understanding, the next chapter (Chapter 6) will explore and present an appropriate methodology for this research and Chapter 7 will analyse the narratives of Korean prison governors, revealing the variety of influences occurring over the course of their professional lives.

Chapter 6. Research design and methods

6.1 Introduction

The previous chapters have reviewed the relevant literature on prison governors' working credos, and the development of prisons and their practices with reference to the Korean context. In the literature review, prison governors' work and penal ideologies have been extensively investigated and, especially, the typology and features of governors' working credos have been the focus. However, the narrower area of prison governors' working credos has not been well explored because of theoretical and empirical limitations, especially in Korea.

This chapter presents the study's research design and methods. It is divided into five main sections. The first section addresses the research aims and objectives, whose formulation reflects the limitations of the literature. Next, the chapter introduces the research methods used for collecting information on the working credos; the second section discusses the selection of the appropriate approach (qualitative rather than quantitative) and the main instrument (the face-to-face, semi-structured interview). The third section is concerned with generating and analysing data. It discusses the writing of the interview schedule, the choice of a sampling strategy, the relevance of the interviewees' demographic and career information, and the process of conducting the interviews. The fourth section presents the data analysis process, including the details of the processes of transcription, coding and framing. The fifth section is devoted to a discussion of the ethical issues which must be addressed by the researcher in studies of this kind.

6.2 Research aims and objectives

Given the limitations shown in the previous chapters, it would be valuable to identify the core values and working patterns of prison governors regarding prisoners and prison management. It should be possible to identify main characteristics of

governors' core values by exploring in depth a broad range of their attitudes towards their work, and it will be important to determine how and to what extent these values are realised in their day-to-day practice, carried out under a variety of constraints. The study aims to explore the working credos of prison governors in Korea in order to understand their interrelationship with different aspects of prison environments. In order to attain this aim, five research objectives were formulated:

1. To develop an explanatory model of Korean prison governors' working credos, classifying these according to the governors' priorities among their various duties and values.
2. To discover the characteristic features of the Korean governors' working credos and compare them with those found by previous studies.
3. To investigate the influences organisational, societal and cultural factors on the formulation of the governors' working credos.
4. To investigate the influences of individual factors on the formation of the governors' working credos.
5. To identify the implications of the findings for penology and penal policy.

With these aims and objectives, this study explored what the governors perceived to be their roles, what comprised their working credos or sets of beliefs, and how and by what their working credos were affected in ways which impacted on their daily practice. As prison governors and their work have received relatively little attention from researchers, a study of their working patterns and core values should prove useful in enhancing our understanding of prison management and its impact on prisoners and prison staff and, in doing so, providing important insights into a world which is both unfamiliar and yet socially significant. The objectives of the study are briefly explained here:

First, it was assumed that an explanatory model of a typology of governors' working credos could be constructed by discovering their priorities, investigating their reasons for deciding on those priorities, and exploring their perceptions of the values related to their decisions. Thus the governors' attitudes towards prison-related values, such as security and effectiveness, and prisoner-related values, such as rehabilitation (through programmes) and justice, would be examined in detail in order to explore how these attitudes impacted on which would inevitably be constrained by various factors both within and outside the prison. These would also be investigated.

Second, the research was intended to discover the governors' attitudes, beliefs and values through the process outlined above, and identify the characteristic features of their working credos. A conceptual framework would be needed, and so the literature was explored in order to identify those studies which would be most useful from a theoretical point of view and whose findings might be fruitfully compared with those of this research. A preliminary model of governors' working credos was constructed based on the studies of Rutherford (1993a) and Liebling (2004), which proposed a punishment credo, an efficiency or effectiveness credo, and a caring credo.⁹⁹ It was assumed that it would be meaningful to compare the findings of these and other relevant studies with those of this research in order to gain a better understanding of the particularities of the Korean governors' experience, including their relationships with various stakeholders both within and outside the prison, as those relationships would be key factors in the formation of the governors' working credos.

Third, the research would explore organisational, cultural and societal influences on the governors' beliefs and practices. This exploration would take account of organisational factors such as the character and particular features of the prison regimes under the authoritarian governments that dominated Korea from 1948 to 1992, and the transformations that occurred under the democratic governments that followed them; cultural factors such as the legacy of militarism and a particular view of masculinity; and societal factors such as the influence of external stakeholders,

⁹⁹ See Chapter 3, pp. 59-61.

including the media and the National Human Rights Commission, which reflects the country's democratisation and a recognition of the need for accountability.

Fourth, the research would examine the governors' individual characteristics such as age, educational qualifications and length of service to determine whether any correlation existed between these and the governor's working credo and its application in practice. It was not assumed that any such correlation would be found. Fifth, it would be an objective of the study to identify the implications of the findings for penology and criminal justice policy. This, it was hoped, would be useful to policy makers in the government as well as to penological researchers, and might be of interest to other readers in the wider society.

The identification of a gap and limitations in the literature led to defining these research objectives. The objectives were designed to explore the phenomenon and to enable the construction of a typology of the prison governors' working credos. In doing so, empirical evidence needed to be gathered with respect to particular aspects of the governors' work with prisoners, staff, government and the outside community.

The researcher was also concerned with the accuracy of the research data, and thus ensured that the research method was congruent with the research aims and objectives (Lincoln and Guba, 1985; Maxwell, 1996; Miles and Huberman, 1994). He knew that validity in general was demonstrated not through some of the specific traditionally recommended methods but by the researcher's explanation (Mason, 2002). Thus, the logic of the method employed in this study was developed, pursuing congruency with the research aims and objectives, and repeated reviews of them throughout the research. Based on these, the evidence was explored and analysed by appropriate methods, as explained in the following sections.

6.3 Choosing methods

This section presents information regarding the methods used as the basis for the current research project. It explains the methods chosen to achieve the aims and

objectives of the study, and discusses the reasons for choosing qualitative research, in-depth interviewing and a particular data analysis strategy.

6.3.1 Qualitative or quantitative method?

The qualitative approach was chosen as the most useful and credible means to achieve the research aims and objectives presented in the previous section. The researcher believed that governors' working credos, formed through an interaction between their perceptions of their work and their experience of possibilities and constraints, would be realised in their practice (see George and Jones, 1997), and that an understating of this phenomenon would be gained by an exploration of their world. Even though the relative values of qualitative and quantitative inquiries have long been debated by researchers (Bryman, 1995; Noaks and Wincup, 2004; Patton, 2002; Silverman, 2000), it is necessary to discuss here the choice of a qualitative investigation rather than a quantitative one.

The qualitative method was chosen for this study for many reasons. First, the governors' narratives concerning their everyday experiences and practices were regarded as the direct source of data. Therefore the researcher chose to acquire the data in the form of descriptive words rather than numbers. Second, the study was concerned with assigning meanings to the governors' experiences. The meanings emerging from the interrelations of the governors' working credos and their practices could not be exposed through a statistical approach. Third, the study was concerned with the patterns and values represented in the process of governors' work rather than results or outcomes. Thus, the appropriate research data were expected to be obtained through conversational interactions between the interviewer and the interviewees (Yin, 1994). Fourth, the interpretive approach was employed to analyse the answers to the questions, focusing on how personal beliefs and experiences were created and were attributed meaning (Denzin and Lincoln, 2000; Kvale, 1996; Mason, 2002). Thus, this study tries to explore the working credos through the meanings of data obtainable from accounts of daily life rather than by the analysis of questionnaires and statistics.

By contrast, the quantitative approach had limitations which made it unsuitable for this study. This approach could not directly explain the meanings of the detected relations or patterns. Because of its emphasis on obtaining numbers regarding a large sample size in a highly structured manner, this approach can not recognise or realise the meanings of social phenomena at the moment of experience. The meanings of social phenomena could better be revealed through narrated perceptions and experiences (see Malterud, 2001: 483).

The qualitative approach was useful here because it could render an account of the values and beliefs which shaped the daily work and concerns of the governors: the meanings that an individual governor assigned to experiences were discovered, other subjective aspects belonging to the naturally evolving life of a governor were understood, and motivations and empathies were explored (see Berg, 2007). Thus, the researcher acknowledged the outweighing advantages of the qualitative approach for the study's purposes. Supposing that the individual meanings describing a particular social phenomenon were relevant, the qualitative approach which emphasised meanings would be most appropriate to explore the social relationships surrounding the individuals (see Wincup, 1999: 114). The study also considered that this approach could be often applied to a small size sample to generate ideas emerging from the data (Bryman, 2004; Maykut and Morehouse, 1994: 17; Miles and Huberman, 1994: 9).

Applying this qualitative approach, the study sought to capture the governors' perceptions and their structural practices whilst avoiding the deductive logic legacy introduced in standardised measurement methods. Furthermore, this study tried to pursue an in-depth examination of the interrelationships revealed through the governors' experiences, and attempted to provide a greater understanding of the prison governors themselves through an examination of the factors which were particular to their careers. For this purpose, 'how' and 'why' questions were often posed in order to generate a narrative which would reveal the origins, development and effects of the subjects' working credos (Rutherford, 1993a). Having justified the use of the qualitative approach, a more specific examination of the in-depth interviewing method is now presented in what follows.

6.3.2 In depth, face-to-face and semi-structured interviews

Interviewing has often been used as a research method in qualitative research, with the appearance of a conversation rather than a formal 'question and answer' session (Arksey and Knight, 1999; Kvale, 1996; Mason, 2002; May, 1997). This study chose to conduct interviews as a means of obtaining information on the interrelationship between prison governors' working credos and practices. The reason for this is, as Patton (1990: 278-279) points out, that interviews 'make it possible for the person being interviewed to bring the interviewer into his or her world' and 'are to find out what is in and on a person's mind..., to access the perspective of the person being interviewed..., to find out from them things that we cannot directly observe'. In order to capture governors' working credos, this study employed the in-depth, face-to-face, semi-structured interview.

First, like many previous studies, this research used the in-depth interview because it has been chosen frequently as the most valuable source of evidence in seeking to understand complex phenomena or processes (Glaser and Strauss, 1967; Miles and Huberman, 1994; Patton, 2002). Rather than investigating a representative range of people as surveys commonly do, in-depth interviews provide insightful information about individuals' experience (Gillham, 2000: 16). This study also accepted the basic assumption in in-depth interviewing research that the meanings people made of their experience affected the way they acted upon that experience (Seidman, 1998: 4; Wengraf, 2001: 6).

Interviewing was thus believed to be a very useful technique for this type of study, concerned as it was with the governors' values and beliefs regarding their work. It was expected that through in-depth interviews, governors' working credos and practices which were not directly observable could be easily explored. In addition, the interviewees were expected not simply to reveal their own views in relation to their work but also, in particular, to describe how their beliefs affected their work. The expectations were drawn from the assumption that interviewing elites was the best way to discover what they believed and practised, as Crewe (1974: 42-43) notes.

In addition, as researchers note, since prison governors hold a pivotal role and influence in prison (Bryans, 2000; DiIulio, 1987; Peak, 1995: 269), interviewing them (or 'elites' in prison) may often be seen to provide greater credibility to a scientific inquiry than asking other groups of people in prison (or 'non-elites') (Welch et al., 2006). Elites can provide researchers with not only information but also authority for that information, and so research data obtained in this way may be regarded as more reliable. This is because prison governors are recognised as having an overview of the prison as a whole and are more involved in prison policy formulation.

Second, of the various interview types, this study employed face-to-face interview. This was chosen because of its advantages such as a normally high response rate, possible use of probing questions and correction of obvious misunderstandings compared to other types such as the telephone interview (Moyser, 1988; Robson, 2002: 282). Some researchers who study elites (like prison governors) hold that the face-to-face interview can bring broader appropriateness and fewer practical problems in use (Moyser, 1988: 112). Face-to-face interaction can capture deep meanings and preserve context (see Patton, 2002).

Third, semi-structured interviewing was chosen to provide the most appropriate means to allow the interviewees to express themselves freely and openly (see Arksey and Knights, 1999: 7). The study selected neither the fully structured interview method nor the unstructured, but chose the semi-structured interview with an interview schedule or list of questions so that the researcher could easily raise specific topics with the interviewees (Bryman, 2004; Mason, 2002). This was because the critical issues were not apparent at the beginning of the study and because the unstructured interview method was not appropriate because the researcher was not fully familiar with the necessary interview skills.

Thus, as Kvale (1996) points out, if the interviewer reduces control over the interview situation and tries not to define what the interviewees should say, the interviewees are likely to tell their stories more willingly. However, the study needed a protocol which could be governed by the interview process in order not to neglect

important areas during the interview (see Robson, 2002), and which, at the same time, could enable the prison governors to respond in their own words more freely than the structured interview would allow, as research studies note (Bryman, 1995; May, 1997: 111; Wengraf, 2001: 5). The interviews technique provided the study with both a distinctive access method which was flexible method in the interview process and a sensitive method of interacting with the interviewees through using follow-up questions whenever needed in order to make the questions clear. In addition, when interviewing people who experienced in speaking with people, like elite in an organisation or the governors in this study, the semi-structured interview method could help the interviewer control the process with the topics written in the interview schedule. It might be possible with both open and closed questions, at the same time without omitting topics to be dealt with.

Based on the methods chosen by the study, the researcher prepared to carry on generating data. He employed conversational interactions with the interviewees in order to explore governors' individual working credos and interrelationship with their work. He also paid attention to the individual meanings describing their interpretation about their attitudes towards their interrelationships with, for example prisoners, staff, government and the outside community. Thus, questions used for interviews were focused on their priorities and constraints they had at work.

6.4 Generating data

This section explains the method applied in this study. This is followed by a step-by-step report of the application of the method process (in accordance with the discussion in section 6.3 'Choosing methods'). Having understood the ongoing process of analysis and following the methods chosen as discussed in the previous sections, further actions to generate research data are undertaken. After conducting the interviews, the researcher needed to choose how to interpret the data in order to classify and describe the contents of the interview results (see Creswell, 1998). Here, the way in which the method was applied in the current context is described.

6.4.1 Preparation of the interview schedule

After the crucial methodological choices were made (see Maykut and Morehouse, 1994: 84), the interview schedule was carefully prepared in order to gain an intimate and comprehensive understanding of the prison governors' world. Even though Anastas (1999: 559) argues that the interview schedule (or interview guide) is nothing but 'a written description of the specific or general questions that will be asked during the course of a research interview', this researcher took great pains in drafting the interview schedule, as McCracken (1988: 31) suggests. At the drafting stage, the response results and their possible variety had hardly been identified, as the researcher could not get a clear idea of the answers to the interview questions because of both the insufficiency of previous research on this area and the researcher's insufficient experience. In doing so, the study needed to be developed to maximise validity (Johnson, 1997; Lincoln and Guba, 1985; Maxwell, 1996). The terms and questions were made easily understandable and ambiguous language was avoided; thus confusion was minimised between the information sought and the information received through the interviews.

The first part of the interview schedule contained diverse demographic questions and a series of general career background questions. Then the interviewer formulated questions on the governors' role, their views on their work, and the organisational environment. In order to examine how governors perceive their work, questions on values such as security, control, rehabilitation, and justice in prison were dealt with in detail. Lastly, the researcher developed questions regarding the governors' priorities in order to rank their working credos in order of importance and judge which was predominant in individual cases (The interview schedule is given in Appendix B, B-1).

The researcher paid great attention to whether the questions were properly formulated, what adjustments might be required, and what sequence of questioning would work best. In order to collect systematic data on the governors' perceptions and workplace attitudes, it was necessary to investigate the full spectrum of the governors' work. Thus, the schedule consisted of ten sections with a mixture of

closed and open questions. The first section was mainly questions regarding demographics and background information on the governors. The remaining sections consisted of semi-structured questions relating to the governor's duties, work environments, financial management, staff management, security in prison, control of prison, prisoner activities, justice in prison and the relative importance of penal values.

The semi-structured questions were supplemented mainly by open ones asking the interviewees to state their priorities, say what impact these had on their work, and name the main constraints on their practices; these usually began with 'to what extent' and 'in what ways'. Most of these questions were followed up by questions seeking to clarify why the interviewees held specific attitudes. In doing so, the researcher often asked what they would choose to do if they had full discretion; for example, by asking questions beginning 'If you had more discretion...', 'If you had unlimited funds...?', and 'What would you do differently...?.'

Interviewees were asked to reflect on what they thought of prisoners, how they prioritised their work, how they experienced their work, and why certain experiences typically occurred. The questions designed to explore how they perceived their work used particular phrases, for example 'the most important areas', 'the least important areas', 'the priorities of the Correctional Service', and 'the balance among security, control and justice'. These questions were constructed in order to measure a range of beliefs and working strategies which could imply their future practices.

All the interviewees were asked similar questions which were open-ended and permitted a variety of responses in order to make it possible to compare the various answers of the interviewees. The researcher also occasionally improvised the pre-scripted questions without changing the original intention, and asked prompting questions, which made it possible to follow up and explore particular issues raised during the interviews.

6.4.2 Sampling strategy

After the interview schedule was developed, and after the screening for Korean central and local prison environments, the sampling process began. Generally, it has been argued that time, budget and other resource constraints might impact on the design of sampling (see Patton, 2002). However, this study did not expect time and budget to present any great difficulties. Rather, the researcher considered the nature of the interview subjects and skills base. This required a suitable sampling strategy in order to collect interview results which were credible and made sense (see Miles and Huberman, 1994). The sampling process began with the understanding of the characteristics of the target population.

The information on the population was obtained from official sources as much as possible. Mainly, the Internet webpage (<http://www.corrections.go.kr>) of the Correctional Service of the Ministry of Justice of the Republic of Korea was consulted in order to get information about prisons: names of prisons, contact addresses and telephone numbers. More detailed information was obtained from an official responsible for the statistics on local prisons. The information on the Korean prisons included prison function, prison population, number of staff, and the year the prison was built. The information on Korean prisons was presented in Appendix A, Table 4.

Each prison has a governing governor, and therefore the study population comprised 47 prison governors. The number of governors breaks down into 33 training prison governors, including one for juvenile males and one for women, and 14 detention institution governors. Based on these characteristics of the population, this study used the purposive sampling technique. This was based on the expectation that the findings of this study would be likely to be similar to the true population values (Judd et al., 1991; Maykut and Morehouse, 1994).

Researchers have believed that generalisation in qualitative research is problematic (Malterud, 2001: 486). Generalisation of findings in qualitative research means that they are applicable to other populations or samples. Thus, it can be said that the

original data may be representative of a larger population (Bernard, 2000: 786; Ryan and Bernard, 2000: 786). For an empirical generalisation, a wider population would be reasonable, which is not often supported by qualitative sampling strategies because of the small number of interviewees. Also, the study setting of the study may limit generalisability of the study: for example, the primary goal of the current study was to explore the relationship between prison governors' working credos and their practices, as opposed to strictly achieving generalisation of results.

Since the study deliberately selected the sample to represent a range of characteristics and views, the results of the study, an exploration of governors' working credos, may not be appropriate for applying to the general population. However, this is not to say that this study could not achieve the 'wider resonance' advocated by Mason (2002). Theoretical or purposive sampling may support this type of generalisation (Mason, 2002; Yin, 1994). Selecting an appropriate population helps to control extraneous variation and to set generalisation limits with regard to research results. In this sense, the study's argument was theoretically generalisable in terms of a 'wider resonance' (Mason, 2002).

For the governors throughout the country, the following criteria for inclusion were specified:

1. The governor had to be the governing governor of a prison holding mainly convicted prisoners.
2. The governor had to have at least one year of service as a governing governor.

First, only governors of training prisons holding convicted prisoners were included in the sample because unconvicted prisoners are not regarded as guilty in legal terms, and because governors should not treat them as such in practice. Moreover, the main duties of these governors are different from those of remand prison governors: they are to provide programmes which tackle education and skills, and help prisoners prepare for their return to society. However, prisoners on remand are not inside for long enough for these programmes to make a difference to them, unlike convicted

prisoners. Thus, 14 governors of detention prisons whose main function was to hold unconvicted prisoners were excluded.

Second, the sampling considered the premise that the positional characteristics of prison governors such as length of service as a governor would affect the data gathering (see Reisig and Lovrich, 1998). Thus, the sample was recruited from the prison governors who had worked as a governor for more than twelve months. In modern managerialistic prison management, governors focus on achieving their performance within a 12-month period (see Bryans, 2000b). The researcher also considered one year of service to be the minimum period necessary to become familiar with the management work of a governor. This selection was based on two reasons: theoretical and practical.

On the one hand, established patterns of managerial behaviour can be correlated with length of service as a governor (see Wiersema and Bantel, 1992). Top managers who have worked for quite a time in an organisation are likely to have specific characteristics and tend to be affected by the culture of the organisation. Considering the argument that the effect of length of service in this respect was strong and consistent enough, this study set the length of service as a governor as one of the sampling strategies.

On the other hand, the researcher believed that the development of professional ideologies could be fully understood in the context of the critical issues happening during the 'one-year period'. Generally, Korean prisons set up a yearly plan at the beginning of each year and undergo an annual performance audit (see Kang et al., 2003). Governors therefore naturally focus on achieving results within a 12-month period. Prescribing a length of service of at least one year meant that governors would have sufficient working experience for the purposes of this research, and the study considered that governors who had working experience of at least 12 months were suitable because they would have become familiar with the occupational culture.

The information on the appropriate governors was obtained with the help of an officer working in the Correctional Service of the Ministry of Justice who was responsible for prison personnel management. This person thus provided the researcher with a short-list showing the names of governors with less than 12 months' service experience. As a result, 6 prison governors were additionally excluded for this reason. In the end, 20 of the total population of 47 prison governors were excluded and the sample group totalled 27. The object of this strategy was to achieve appropriate information for the sample governors.

Once the base population of the group had been determined, the researcher began the process of contacting individual governors of the sample. The researcher was able to make contact with the 27 governors through an introductory letter (see Appendix B, B-2: Interview introductory letter). In the letter, the research background was explained, including the introduction of the researcher to the prospective interviewees, the process of conducting research for a PhD thesis, the research subject and purpose, and the broad scope of the interview questions. Potential interviewees were asked to participate in a face-to-face interview at their convenience, and were assured of the confidentiality of the results. The researcher made it clear that the governors were free to withdraw from participation in the project at any time. One governor refused to participate in the study, and gave the following reasons: a busy schedule, other commitments, and a lack of interest in the study; he may have been reluctant to reveal his experiences and thoughts due to the probing nature of the questions. In the end, the total number of interviewees was 26.

It is thought essential to achieve an appropriate sample size in order to obtain enough data. The number of this research's final sample was just over a half the total population (26 out of 47).¹⁰⁰ Even though this could be regarded as a small number, it was not a small percentage of the total, and so did not influence the validity of the study. Rather, using a purposive sampling strategy, the study was able to concentrate on a representative group of interviewees, who were the governors of prisons accommodating convicted prisoners and had more than one year's incumbency as a

¹⁰⁰ Researchers consider that less than 20 is a 'small' number of interviewees (Crouch and McKenzie, 2006: 492).

governor. This study also made an effort to ensure credibility through the process of transparent, flexible and responsive interaction between the researcher and the researched. The study carefully explored the meanings of the interview data and covered each topic from a variety of aspects.

The research was able to generate enough in-depth data from the governors who fitted the study's criteria, and identified and analysed their working patterns, concepts, and values (see Strauss and Corbin, 1990). All the interviewees were asked the same questions so that their responses could be kept within the limits set by the study and could be easily compared.

6.4.2.1 Demographic information

The interviewees in this study were relatively old, born in the range 1948 to 1959, as shown in Table 6.1; thus there was an 11-year gap between the youngest and the oldest. Nearly two-thirds of interviewees (n=16) were aged over 57. The age profiles of the Korean interviewees were different from those found in England and Wales: much smaller than the 24-year gap in the case of governors in England and Wales (see Bryans, 2007: 92). The research sample contained no female interviewees, as all governors in Korea are male. This contrasts with the figure of around 14 per cent of female governors in both England and Wales and the United States (Bryans, 2007: 91; Flanagan et al., 1996: 388).

Age	Number
57-59	16
54-56	4
51-53	4
48-50	2
Total	26

Since only a few senior governors have ever chosen voluntary retirement, it was expected that most interviewees would hold their posts until they retired. However, given that the retirement age of Korean prison governors is 60, the majority of the interviewees had fewer than three years left.

The interviewees in the sample were asked to specify their formal qualifications. They had all graduated from high school,¹⁰¹ and half had undergraduate and postgraduate degrees, as shown in Table 6.2.

Highest qualification	Number
High school (Year 12)	13
Undergraduate degree	7
Postgraduate degree	6
Total	26

Among those with degrees, seven already had them when they joined the service, and six obtained them whilst working in the service, mostly through the Open University. The majority of interviewees (n=24) had had two or three years' military experience before joining the prison service; military service is still a mandatory duty for men. Two interviewees had missed military service because of personal matters: illness at the time of the draft, and exemption owing to responsibility for family support. If the recruiting system for prison employees had been biased in favour of applicants with military experience, a detailed examination of the interviewees' military experience would be important (Wall, 1998: 277). However, this is not the case for the Korean prison governors. The study showed that 22 of the 24 interviewees with military experience had served at a field rank, and that the other two had left the army with an officer rank.¹⁰² Most interviewees had not

¹⁰¹ The general public were required by law to receive, and governments to provide, compulsory education to Year 6 at the time when the interviewees went to school. Now Korean students are required to continue to Year 9.

¹⁰² There are two types of military ranks in Korea: officers, including non-commissioned officers, and field rank soldiers. The latter are below officer rank and make up the vast majority of military personnel. They are different from other ranked personnel in that they are not trained as leaders, and do not hold command positions. The field rank personnel are called 'other ranks' in the British Armed Forces.

pursued a profession before joining the prison service: five had worked temporarily in some occupation or for a short while for another public agency such as a community centre.

6.4.2.2 Career backgrounds

All the interviewees joined the prison service as uniformed prison officers; none had experienced other types of prison work such as counselling or teaching. Since all uniformed officers were distinguished by rank and were affected by the hierarchy according to that rank, their rank at the time of joining the prison service was meaningful, in that the recruit received a particular kind of job training. Under the Korean system, there have been three ways of joining the prison service, as shown in Table 6.3.¹⁰³

Rank on entry	Number
9 th (prison officer)	10
7 th (senior officer)	14
5 th (chief officer)	2
Total	26

People who joined the prison service at the 9th rank were attached to prison wing or cell to guard prisoners as a prison officer, whilst those joining at the 7th rank were attached to a prison wing to supervise 9th and 8th rank prison officers¹⁰⁴. Over half the interviewees (n=14) entered the prison service at the 7th rank.¹⁰⁵ The interviewees who joined as 5th rank officers were similar to direct-entry chief officers in England and Wales (see Bryans, 2007). Posts that the direct-entry officers held were, for example, directors in local prisons, which meant that they did not

¹⁰³ The recruiting system relates to the requirements for each rank; the examination subjects for the 9th rank are those for high school graduate equivalent, and those for the 7th rank are similar to degree holders.

¹⁰⁴ 8th rank officers are all promoted from 9th rank.

¹⁰⁵ See 'Table 2: Composition of uniformed prison officers' in Appendix A.

have experience of lower posts such as cell guard or wing manager. Unlike those in England and Wales, all public officials working in local prisons, including prison governors, are regarded as prison employees who wear uniforms and are distinguished by signs of rank. Two interviewees were recruited as direct-entry officers at the 5th rank, as Table 6.4 indicates.

The rank at which the interviewees joined the prison service affected the whole process of their career. Those who joined at the 9th rank entered at a younger age than those entering at the 7th or 5th rank: interviewees starting their career at the 9th rank mostly joined when they were between 22 and 27; those entering at the 7th rank were between 26 and 30; and at the 5th rank, between 29 and 30. To become a governor had been a slow, difficult and sometimes painful process, especially for the interviewees joining at the 9th and 7th ranks. Since the 9th and 8th rank officers are required to serve at least seven and eight years, respectively, to become a senior prison officer (7th) takes more than 15 years. Thus, although these interviewees' period of service in ranks below governor differed, none could have become a governor in less than 20 years except the two who joined at the 5th rank. This means that it is very unusual for a young officer to become a governor. All the interviewees had been promoted through the ranks, eventually becoming governors.

As shown in Table 6.4, over half of the interviewees (n=16) had joined the prison service between 1976 and 1980. The study found that the interviewees joining between 1986 and 1990 started their career at the 5th rank; those joining between 1981 and 1985 started at the 7th rank; and those who joined between 1971 and 1980 (n=20) started at either the 7th or the 9th rank.

Year joined (Years served)	Number
1971-1975 (32-36 yrs)	4
1976-1980 (27-31 yrs)	16
1981-1985 (22-26 yrs)	4
1986-1990 (17-21 yrs)	2
Total	26

All 26 interviewees had been working as a governor for less than six years, and had had more than one year's work experience,¹⁰⁶ as shown in Table 6.5.

Years as a governor	Number
1 to 2	14
3 to 4	8
5 to 6	4
Total	26

From Tables 6.4 and 6.5, it can be seen that the interviewees had spent most of their career as lower ranking officers, and that the period served as a governor was much shorter than that spent in the lower ranks. All the interviewees, irrespective of their rank of entry, had been assistant governors before becoming deputy governors or governing governors (with the exception of the two who had joined through the direct-entry chief officer recruiting system). All of the interviewees who joined below chief officer rank (from 9th and 7th) had spent most of their career in local prisons, especially in the Custody Department, which is responsible for the security and control of the prison. This meant that most of the interviewees had had much experience in the areas of security and control of prisons.¹⁰⁷

As shown in Table 6.6, before they became a governor, all the interviewees had occupied such operational posts as either deputy governor or director in local prisons: 22 of them had been deputy governors and all had been directors. Most of them (19 out of 26) had held at least one non-operational post before becoming a governor: 12 at Correctional Service Headquarters, 16 at Regional Headquarters, four had worked as members of the teaching staff at the training institution of the Ministry of Justice,¹⁰⁸ and two had been researchers at a research institution.¹⁰⁹

¹⁰⁶ The governors who had worked for less than one year were excluded from the sample (see this Chapter, pp. 157-158).

¹⁰⁷ Generally, the Custody Departments in Korean prisons have the majority of staff (around 90 per cent), almost all of them uniformed prison officers (see Appendix A, Table 1).

¹⁰⁸ All prison employees receive job-related training at the Legal Research and Training Institute.

¹⁰⁹ The Korean Institute of Criminology is a national crime and criminal justice research agency. One chief officer is detached to the Korean Institute of Criminology (www.klc.re.kr) to conduct a research study.

Type of experience		Number
Operational	Deputy governor (12 posts) ¹¹⁰	22
	Director (47 posts)	26
Non-operational	Deputy director (Correctional Service)	12
	Director (Regional Headquarters)	16
	Training staff (training institution)	6
	Researcher (research institution)	2

As shown the table above, all the interviewees had occupied operational posts in local prisons such as director or deputy governor, and less than half of them (n=11) had never occupied non-operational posts at Correctional Service Headquarters. All the interviewees had had experience as chief officers (5th rank) in local prisons. These experiences as chief officers before becoming governor were various, the most distinctive aspect being that their main experiences had had to do with custodial matters: all but one (n=25) had had this experience. Given the fact that the interviewees joined the prison service at 9th and 7th ranks and had worked for the Custody Department, this meant they well understood the job of maintaining the security and control of a prison institution.

The typical interviewee was male, 58 years old, a high school graduate and with a military background obtained more than 30 years before. He joined the prison service at 7th rank in 1978, and therefore had been in the service for some 29 years, and a governor for the last one and a half years. He had had operational experience in local prisons during most of his career before becoming a governor.¹¹¹

¹¹⁰ Relatively big prisons, in terms of prison population, have deputy governors to assist the governing governor.

¹¹¹ According to Bryans (2000a: 16), the typical governor in England and Wales is 'male, 50 years old, has been in the Prison Service for some 24 years and has been governing for the last six years.' He became a governor after holding the ranks of assistant and deputy governor. He joined the prison service on the direct entry assistant governor scheme 18 years ago.

6.4.3 Conducting the interviews

Using the interview schedule, interviews were conducted with the 26 governors by the face-to-face and in-depth method discussed in the previous sections. Prior to the interview, informed consent forms were given to each governor, reminding them of the nature of the study, their right to decline to answer any of the questions, and the confidentiality of the interview (The text of the form is given in Appendix B, B-3: Interview consent form). The interviews were conducted in the mother tongue of the interviewer and interviewees, Korean. Generally, the interviewees understood well and interpreted the questions in their own way, but if needed, the interviewer encouraged them to clarify their views with follow-up questions.

The researcher had been concerned by whether useful data would be obtained from the interviewees, who belonged to an organisation whose practices they might feel obliged to justify. He believed, however, that he could overcome this difficulty by building a rapport with them before conducting the interviews, and indeed once an initial rapport had been established, the interviewees were forthcoming and supportive. With a positive relationship with the interviewees, there was no problem of a power imbalance between the prison elite and the interviewer (see Kvale, 1996). Senior managers are often thought likely to respond to questions by representing and justifying the views of their organisation. If a rapport had not been built, the interviewees might have answered dishonestly and spoken on behalf of their organisation, merely referring to government policies and mission statements, which the researcher could have obtained from government reports (Welch et al., 2006). In the event, the interviewees were very supportive of this study mainly because they welcomed the purpose of the research's attempt to investigate a hitherto unexplored area.

The researcher was careful to ensure that the methods of data generation were consistent and could be standardised, and were objective and unbiased (Mason, 2002). Given that the interviewees did not provide answers in the form of a standardised set of measurements, the concept of 'reasonable stability' of the

research processes was considered (Mason, 2002), and 'reasonable care' was taken in implementing them (Miles and Huberman, 1994: 278). These steps were taken because it was possible that the method of data collection used in this study could be biased or subjective to some extent. This led the researcher to take account of the fact that he was an 'insider': both he and the interviewees belonged to the same organisation, the prison service. Thus, the researcher tried to achieve reliability in the following ways.

In order to be consistent in the process of data generation, this researcher took considerable care to follow closely the interview schedule during all the interviews. The schedule functioned as a guide to what evolved in all cases into a more informal conversation, and contributed to the consistency of the data. Moreover, the researcher put the questions in the interview schedule to all the interviewees without changing their content, in order to maintain consistency.

However, on the other hand, the researcher was aware that too much dependence on reliability can often result in a lack of validity, and that perfect reliability is not possible (Mason, 2002). Thus, whilst trying to obtain a reasonable degree of reliability, the study did not place undue stress on it, in order not to endanger the potential benefits of qualitative research. For example, expecting to capture richer and deeper data in an area of interest, the researcher used prompts or questions not listed in the schedule. This active pursuit of flexibility in data generation methods is one of the strengths of the qualitative study (see Eisenhardt, 1998).

Even though the interviewer used the same format and content in each interview, the interviews were conducted in a flexible manner. The researcher used his discretion to modify the order of questions in accordance with the flow of the interview. The interviewer also wanted to evoke responses which concerned normal aspects of the governors' experience, rather than fitting answers to preconceived categories or interpretations.

Deciding when to stop interviewing can be critical in research (Gillham, 2000). As the interviews completed came closer to the number of received informed consents

(n=26), new information and emerging concepts gradually reduced until very little new was emerging towards the end of the interview data collection period. However, the researcher was keen to explore all the interviewees' attitudes and especially to discover their priorities, and so all 26 were interviewed with equal care. The interviews varied in length, but most lasted about two and a half hours. Even though answers to the interview questions became repetitious over the course of the interviews, all the answers were regarded as important in their quality and quantity.

6.5 Data analysis

The interviews produced a wealth of rich detail regarding prison governors' perceptions of their work, and then the study embarked on a crucially important stage, that of data analysis (Miles and Huberman, 1994). This study took the position that data analysis was an ongoing process from the stage of collecting data, the main tasks of which were coding and categorising. The researcher was also careful to produce research findings which were credible and made sense, so that this study could obtain validity (Mason, 2002; Miles and Huberman, 1994). Since the researcher knew that the process of research should be transparent so that other researchers could see how the results were obtained (Lincoln and Guba, 1985; Mason, 2002; Maxwell, 1996), flexible and responsive data collection methods were used in order to eliminate ambiguity, and make sure that data collection and analysis were appropriate and, further, thorough, careful, and accurate (Mason, 2002).

This method of data analysis, broadly classified as traditional, can be differentiated from computer-aided methods, using the Computer Assisted Qualitative Data Analysis Software (Mason, 2002).¹¹² However, the researcher considered that using computer-aided methods might alienate this study from the interview data, and the context of the data might be lost if he started to work solely on the codes secluded from the text (Seidel and Kelle, 1995: 59). Moreover, the researcher was aware of

¹¹² The Computer Assisted Qualitative Data Analysis Software (CAQDAS) is based on the cut and paste method, and is designed to help researchers with analysis operations (Malterud, 2001), for example ATLAS.ti, NUD.IST, and Nvivo.

the language usage differences between English and Korean, which could lead to a distortion of the original meaning of the transcribed data in Korean when they were translated using the Computer Assisted Qualitative Data Analysis Software.

Synthesis of the interview data to produce a typology of the governors' working credos was performed in three stages. The first task was to transcribe the data, mostly the tape-recorded information. This transcription was the preliminary task of coding, which was to classify the meanings and the relationships of the interview data. Second, coding was used to summarise answer patterns. For each data element, the interviewees' answers were classified into categories and the data elements were assigned to one of the categories. A third set of analyses involved qualitative assessments, looking for and reviewing patterns in the various data in which interviewees demonstrated their attitudes towards their work, and exploring the key features of their attitudes.

6.5.1 Transcribing the data

The data analysis began with the transcription of the interviews. In order to capture more easily both the obvious meaning of the text itself and the implied meaning, all the interviews were transcribed in the researcher's mother tongue, Korean. Contextual validity was pursued in the process of transcription, so that the data were as close as possible to the interviewees' accounts (Johnson, 1997). Verbatim or direct quotations were used in order to obtain low-inference descriptions. Most of the transcribing was carried out immediately after each interview so that the researcher could obtain vivid data and understand the interviewees' narratives more clearly.

The transcription yielded many pages of text, but the work was done by the researcher himself to preserve the confidentiality of the research process and to become familiar with the content of the tape-recorded data. In order to keep the words intact and respect the interviewees' original expression, the researcher did not select excerpts or exclude any possibly extraneous or repetitive words or phrases.

This was decided because this study needed to put more emphasis on the interviewees' original perceptions than on the researcher's convenience.

The researcher decided not to translate all the transcribed data into English, because the translation would have been a huge task, and because most of the data would not need to be quoted in the research. Thus, after the researcher had analysed the transcribed data in Korean, he translated selected passages into English, with unaltered text apart from clarifications of meaning and a few deletions to ensure anonymity.

6.5.2 Coding the data and identifying the working credos

Coding was conducted after completing the transcription as both a way of identifying and reordering the data and a process of having ideas and using concepts about the data (Coffey and Atkinson, 1996). Each statement or passage of interview dialogue was taken into an analysis stage, where it was examined with respect to the governors' individual and organisational experience, practical views and attitudes, and work environments.

Coding is a process of having ideas and using concepts about the data, and of discovering commonalities, differences, patterns, and structures in the research data (Coffey and Atkinson, 1996; Seidel and Kelle, 1995). This was used in order to make the evidence more orderly before starting the actual analysis (Miles and Huberman, 1994). The codes used in this study consisted of 'tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study' (Miles and Huberman, 1994: 56). It enabled the researcher to review and break down a set of narrations in a meaningful way.

In order to compile reliable data, the researcher repeatedly interpreted the narratives in the light of the research aims and objectives, broke down the transcriptions, and organised and retrieved interview scripts from the text chunks, as researchers suggest (Mason, 2002; Strauss and Corbin, 1990). The researcher constructed major themes appearing from the process in relation to the meanings of the interviewees'

working credos and work practices. In doing so, he repetitively asked himself questions regarding the interviewees' attitudes. For example, how did internal and external influences impact upon the governors' working credos? How did they translate their working credos into practices? What were their preferences and difficulties in their work?

The process of coding the narratives involved constant comparison of other data, a technique advocated by researchers; for example, the researcher wrote down and highlighted key words and passages of interest in the margins, and compared each governor's interview data with those of the other interviewees, looking for commonalities and disparities. In doing so, the study also used index codes and measurement codes; the former to tag text for retrieval and the latter to assign prioritised values to text, considering the frequency or presence/absence of information (see Seidel and Kelle, 1995).

Through the coding process, the researcher made judgements with regard to the relevance and consistency of the data (see Miles and Huberman, 1994). He carefully looked into tendencies and priorities in order to identify the attributes of governors' views and working patterns. The features and elements of the data were grouped and categorised under the themes associated with the interviewees' set of beliefs and attitudes towards their work.

Through this process, the interviewees' core values and working patterns were identified and categorised, from which emerged the distinctive features of their working credos. With regard to this, the researcher understood the main aspects of their work sufficiently well to sort them into the several categories of the relationships they were engaged in. These broad categories, which were grouped according to the related themes, included their preferences and the difficulties affecting their work, and a number of sub-categories emerged concerning their relationships with prisoners, staff, government and the outside community. The task of assigning codes to chunks of text data continued in organising and retrieving the text chunks, and then in grouping and deriving conclusions (see Creswell, 1998; Glaser and Strauss, 1967; Mason, 2002; Miles and Huberman, 1994).

Finally, the researcher produced a typology of working credos, assessing the features or themes of the data. The analysis produced a typology which was used to interpret and understand the complex world of Korean prison governors, creating the categories that constituted a preparatory stage to the future elaboration of the model. The typology permitted a better explanation of the facts, and reduced the chaotic variety of the social reality into a manageable number of categories. Working credos emerged from this process, each credo representing a unique combination of characteristics necessary for the identification of the relevant category. The researcher regards the typology of governors' working credos as a picture of the governors' thought, which maybe interpreted to understand the present and foresee the future of the governors' world (see McKinney, 1966).

6.6 Ethical issues

This section examines the stance of the researcher and the advantages and disadvantages of personal involvement in the research. The researcher understood that much previous research had approached prison employees superficially, and that prison workers might be wary about the purposes and the possible impact of research, as Liebling (2000: 339) notes. Thus, the researcher made sure that the interviewees were reassured as to the study's confidentiality so that they would be inclined to cooperate fully.

6.6.1 Status of the researcher

The researcher decided to act as a main instrument in the qualitative inquiry process (Lincoln and Guba, 1985). However, he had a somewhat sensitive relationship with the interviewees as he was not only taking the role of a researcher but had the same social status. This study is the work of a researcher who is a full and permanent member of the interviewees' organisation, thus enjoying the status of an 'insider' in terms of the organisation's hierarchy and function. Regarding his prison-related work experience, the researcher joined the Korean prison service after passing the

Senior Administrative Service Examination to become a chief officer in 1993, a position similar to the rank of governor in charge of a department in local prisons. The researcher worked in a local prison as a supply department director for ten months, and then in the Legal and Research Training Institute of the Ministry of Justice for two years as one of the teaching staff instructing prison officials. His career has mostly been spent with the Correctional Service of the Ministry of Justice of Korea, taking charge of the Task Force for Prison Systems and Programmes.

The researcher's work covered various fields concerned with prison management. For example, he established the first private prison system in Korea as a new strategy for prison reform, which gave him an opportunity to reflect on general prison work. He often visited local prisons as a member of the inspection team which carried out the annual audit and performance evaluation of prisons by order of the Minister of Justice. In addition to these experiences, the researcher occasionally came into contact with prison governors regarding public or private affairs. Eventually, he was promoted to the rank of prison governor (4th) in early 2004. When the researcher returns to his country after completing the present research, he might be posted to a prison as a governor or to the Ministry of Justice where his work would be related to local prisons. Although the researcher did not have the experience available to an acting prison governor, his status gave him a prior understanding of the context of the research, with some advantages and disadvantages.

6.6.2 Advantages and disadvantages of the researcher-researched relationship

In general, the researcher and the interviewees are, for practical purposes, unknown to each other and will not meet again. This assumes that the researcher bears no specific social responsibility for the research (Platt, 1981: 75). However, the interviewer-interviewee relationship in this study was quite different from the customary one. The researcher and the interviewees were to some degree known to each other and they belong to the same restricted community, that is, the service responsible for prison administration in Korea. The researcher was among those who

wish to continue on their chosen career path when the research is completed, as Coghlan (2001) has depicted. This circumstance brought the study within the context of role conflicts and the insider's prior understanding.

The disadvantages were related to the conflicts between the researcher's role as a member of the interviewees' organisation and the research perspective. The identity dilemmas and role conflicts could affect the researcher-interviewees relationship, and he could feel set apart from organisational colleagues, and the relationships could vary in character from open to inhibited. As a colleague-researcher, he might overlook or take for granted situations which appeared all too familiar at first sight. The interviewees might assume that the researcher already knew about the matters discussed in the interviews, and this could affect the quality of their responses.

Moreover, close relationships with the interviewees could hinder the researcher from probing for sensitive information. There might be embarrassment at revealing certain details about themselves such as personal affairs and negative impacts on their career. As the researcher was not an outsider or ignorant of the situation, he might assume too much and failed to probe issues deeply enough. This tendency might cause him to fail to acquire relevant data, not only because of reluctance to cross hierarchical and functional borders, but also because he could be hindered from gaining deeper access which an outsider might obtain. Acquaintance with the interviewees might constrain the process, making the interviews bland and superficial, because the interviewees knew that the researcher would return and continue to work with the Ministry of Justice of Korea after completing this study. Therefore he needed to manage certain delicate aspects of organisational politics in order to generate valid and useful information.

By contrast, the membership role of this researcher had its own advantages, which distinguished it from an outside researcher's approach (Coghlan and Brannick, 2005). This researcher, for example, had a degree of access to the governors and information which other researchers would not have been able to obtain because of the nature of prison itself and the characteristics of the elite group under study.

The researcher's prior understanding discussed above consisted of 'such things as people's knowledge, insights and experience before they engage in a research programme' (Gummesson, 2000: 57). Sharing norms with the interviewees and having a similar interpretation of their rationale and content, the researcher was likely to make fewer mistakes in understanding the responses. The interviewees in their turn would be more willing to discuss openly their hopes, disappointments and expectations; indeed, they commented that they enjoyed talking about issues and alternative approaches, and the interviews were enhanced by trust and rapport; as Burgess (1995: 24) notes, 'the experiences of the insider would appear to outweigh the experiences of the outsider' (see also Liebling, 1999: 161).

As shown above, there were strengths and weaknesses associated with the stance of the researcher. In order to develop the advantages and overcome the difficulties, he carefully evaluated the research design and found a way to benefit from the merits of the researcher's status rather than allowing that status to become an obstacle.

6.6.3 The researcher-researched relationship

The ethical issues associated with a research project involve responsibilities regarding both the contribution to academic knowledge and the research subjects participating. Indeed, the researcher believes that researchers in this field should carry out studies in such a way as to advance knowledge and benefit all those concerned relating to criminological and penological issues. In addition, a researcher should take account of how the research process and its results could affect the research subjects and others connected with the project.

This consideration should be given throughout the research process, as Mason (2002: 201) recommends, and researchers should refer to certain guidelines used in their jurisdictions. In this study, ethical concerns and responsibilities were continually checked throughout the process, but since there were no such guidelines in Korea, the study referred to the Code of Ethics for Researchers in the Field of Criminology produced by the British Society of Criminology (2006) for assistance with the study, for example in assessing the choices and decisions which were

involved and arose in this research process. Even though the code presents only limited guidance on how to address ethical issues, the study referred especially to the broad guidelines on the responsibilities of researchers.

The researcher paid great attention to responsibilities towards the interviewees. He bore in mind that the rights, interests, sensitivities and privacy of the subject governors were not to be adversely affected by participation in the research, and that participation should not disturb their social status. He fully understood the constraints which might affect the governors participating in the research, and was careful not to inhibit their responses by imposing any unnecessary burdens on them. For example, the researcher did not ask the person in the Ministry of Justice (see p. 158) to exercise any influence over the governors the researcher had tried to contact. Since governors in local prisons were strictly controlled by the central government through the personnel management system of the country, the researcher considered that any words from the central government might unduly influence them.

In addition, the researcher was well aware of his responsibilities regarding the interviewees' privacy and confidentiality. Research techniques such as interviews often include information on the characteristics and behaviour of the individuals who participate in the research. This information might have the potential to cause problems for the interviewees if any of it were to be made public. Since this research included personal information which interviewees might not want to be made public, it followed the recommendation of the British Society of Criminology (2006) to conceal such information from those who might wish to use it for non-research purposes.

The researcher assured the interviewees that no individual confidential information would not be released or used in a published document, as researchers recommend (Maykut and Morehouse, 1994: 187; Roberg, 1981: 45; Wengraf, 2001: 187). The objections of three interviewees who declined to be tape-recorded were also respected in accordance with the principle of confidentiality. Identifying details such as the interviewee's name and the location of the interview were sufficiently changed in order to secure the degree of anonymity requested by the interviewees

(Maykut and Morehouse, 1994: 187; Roberg, 1981: 46; Wengraf, 2001: 187).

In order to achieve confidentiality, the study did not identify the name of the interviewees or describe any features of the prison they belonged to, which might harm the anonymisation of the data. Instead, each governor was designated only by a pseudonym and was not asked to mention any private information which could possibly help others identify him. Relevant information was, however, given on the interviewees' demographic and career background, but the researcher treated the information so as not to violate the agreed confidentiality. Further, the interviewer himself transcribed the tape-recorded interviews without others' help, and coded the transcriptions for himself in order to ensure confidentiality and interviewee privacy.

The code of the British Society of Criminology (2006) recommends that researchers should maintain a good relationship with the funding agency. Since the Korean government, which sponsored the research, had no specific guidelines on its content and quality, the researcher might have felt that he had little obligation towards the government. However, as a public servant, the researcher tried to maintain a good relationship with the government in a general sense. In order to avoid bringing the wider public servant community, which is also sponsored to study abroad, into disrepute with the government and to avoid damaging confrontations between himself and the government, he tried to pursue his aim of advancing academic knowledge by informal and unwritten agreements to conduct good quality research and contribute to the development of the Korean penal administration.

Even though the researcher had to criticise the penal conditions of Korea in some respects, which might be construed as disrespectful to some officials, he did not hesitate to fulfil his role as an academic researcher, believing that this would be proper and appropriate. Regarding contentious topics, the researcher did not avoid them but welcomed their introduction by the interviewees, even when some governors criticised the current penal administration. The researcher believed that any data, no matter that they were adverse to the current government, would ultimately benefit the penal administration. He also believed that the question of role

conflict, and his future position as a governor or civil servant in the Ministry, was not a substantive issue.

6.7 Conclusion

This chapter has outlined the research method used for the thesis; to be specific, it has discussed the manner in which the method was used, the method to generate and analyse data, the usefulness of the method for this study, and ethical issues to be considered. The study first introduced the aims and objectives of the study and, on the basis of that understanding, the researcher considered that the most effective way to achieve the study's aims and objectives was to listen to and learn from the prison governors themselves.

Thus, the necessary data were collected from in-depth interviews with prison governors in Korea, with whom the researcher was involved to a certain extent. He situated himself as a colleague and made it possible to obtain easier access and richer data, whilst avoiding biased results. The interviews were transcribed, and the analysis began with the transcribed interview data. The researcher carried out interpretation and coding processes through repeated reviews and breakdowns of the completed transcriptions.

Finally, the researcher formulated a typology of working credos according to the themes emerging after the narratives had been segmented and categorised into the governors' various relationships, within which they were facing difficulties and opportunities in their daily work life. The coherence of the narratives was ensured by comparing and contrasting them in each subject category. Repeated reviews of the study's aims and objectives allowed the analysis to achieve successfully the final framing. The results of the collection and analysis of the qualitative data are reported in the next chapter.

Chapter 7. Exploring the working credos in practice: patterns and core values

7.1 Introduction

The previous chapter described the research methodology employed in the study. Attention was mainly focused on the aims and objectives, the research method and the procedure employed in interviewing the Korean prison governors. The interviews aimed at collecting data regarding their beliefs and attitudes towards their work and prisoners. This chapter analyses the data collected from the interviews.

With the primary aim of examining how the governors put their working credos into practice, the chapter presents the characteristics of their working credos, particularly as these reflect their conception of criminal justice. However, none of the participants provided a concisely articulated definition of his working credo. This was to be expected; as Miller (1973: 142) notes, ‘credos tended to be preconscious rather than explicitly held.’ Nor did the features of the governors’ working credos simply conform to those discussed in the literature. This chapter explores prison governors’ working credos using interview data; the interviewees revealed a mixture of various ideas, values, orientations and working strategies. In all the data complexity, their analysis revealed a distinctive pattern which permitted the working credos to be categorised and formed into a typology. On the basis of that typology, this chapter then discusses the main features of each working credo, particularly in relation to the core ideologies and values which underpin each of them.

7.2 Typology of working credos

The analysis of the interview data made it possible to characterise the governors’ perceptions with regard to their work and classify these into four specific and

comparable groups. The main source of the analysis was the interviewees' statements about their views regarding their work and role. As Bryans (2007: 159; see also Reiner, 1991: 303) notes, the study found that they were working in accordance with widespread beliefs and strategies in managing and operating their institutions. The typology was used as a framework in interpreting and understanding the complex world of prison governors, based on categories created in order to identify their common beliefs and ways of working (Bryans, 2007; Dory and Glick, 1994; McKinney, 1966).

7.2.1 Defining the characteristics of working credos

Through interpreting a number of narratives, the characteristics of the governors' working credos emerged and enabled the construction of a typology. The process of interpretation was employed according to the various aspects of the interviewees' daily encounters, and was thus applied to their perceptions of prisoners, staff, government policy and actors in the external environment such as the media and the National Human Rights Commission (NHRC) as well as the general public. As Bryans (2007: 146) notes, 'The Governor has internal (prison) roles in relation to staff and prisoners, and at the same time external (Prison Service) roles in relation to Headquarters and the broader community', and the study considered each working credo in relation to each aspect of the interviewees' working practice.

After this, the characteristics of each working credo were defined on the basis of similar attitudinal patterns and core values. The definition was based on the degree to which the values and beliefs shaped the governor's daily work. Through an analysis of the data, it was found that the interviewees could be categorised as holding predominantly one of the four types of credo. From the interviews, the four working credos were identified: the punishment, the paramilitarist, the managerialist and the humanitarian credo. Each credo has particular characteristics, and Table 7.1 presents a comparison of the main features of the four types.

Aspects	Punishment credo	Paramilitarist credo	Managerialist credo	Humanitarian credo
Prisoners	Holding antagonistic attitudes towards prisoners	Indifferent to prisoners' welfare but anxious to avoid incidents	Having little direct contact with prisoners	Trusting prisoners, not differentiating prisoners from others
Staff	Devaluing staff; personally intervening in staff practices	Compelling obedience of staff	Being willing to delegate work to staff	Trusting and supporting staff
Government	Rejecting the government's human rights policy	Submitting to government authority	Overcoming governmental constraints	Coming into conflict with government policy
Community	Resisting public scrutiny and media intervention	Fearing negative effects of outside intervention	Negotiating with outside community	Seeking help from wider community

Table 7.1 shows the main features of four working credos according to various stakeholders: prisoners, staff, government and outside communities such as the media (mainly the press) and human rights organisations. First, among the punishment credo's key features are antagonistic attitudes towards criminals, negative perceptions of prisoners' human rights, and enforcement of discipline through the intimidation of prisoners. This credo is substantially based on the belief that prisoners should be treated differently from people who do not commit crimes. Those holding this credo tend to regard prisoners as idle and selfish and, in some cases, dislike and morally condemn them. Their staff management style is to devalue staff competence, distrust them and so rely on a personal interventionist approach. The role of the governor mostly consists of supervising the junior staff, ensuring that they take a hard line with the prisoners. They also reject scrutiny or supervision by external bodies such as the media and the NHRC.

Second, governors holding the paramilitarist credo are inclined to be indifferent to prisoners' welfare and see all prisoners as potential troublemakers who are likely to threaten prison security and order. These governors seem to be constantly afraid that prisoners will cause incidents. Thus, prisoners are perceived as an inflexible and proactive group which could frequently challenge authority and even exercise power, and thus the governors tend to tighten staff discipline and delegate authority as little as possible. In doing so, the chain of command and organisational hierarchy are often prioritised. They see the government as embodying a greater or lesser degree of authority to which they feel compelled to submit. In addition, governors are concerned about tensions between the prison and external stakeholders, and strongly reject outside intervention.

Third, the managerialist credo concerns the efficient and effective management of the governor's busy schedule. Time pressures force the governor to reduce direct contact with prisoners and avoid dealing with individual matters concerning them. Instead, such governors focus on managerial issues, on overcoming governmental constraints and on negotiating with the outside community. They devote much time and energy to overcome such governmental constraints as lack of financial resources, criticise the inflexibility of government policies and carefully adhere to the laws and regulations. They do not hesitate to delegate work and authority to staff, relying on staff to handle the details and at the same time valuing the use of manuals and checklists. They are very conscious of the importance of negotiating and maintaining good relationships with the outside community.

Last, the humanitarian credo is characterised by optimistic and constructive views and by empathy towards prisoners, who are believed to be potentially responsive to rehabilitative programmes and capable of being reintegrated into society. The key concepts of the credo with regard to prisoners also include trust, caring for more than the prisoners' basic needs and fostering the development of their potential. Supporting and trusting staff, those holding this credo tend to ensure that staff are aware of their importance to the prison operation; and willingly rely on their staff, whom they regard as competent co-workers not subordinates. Criticising government policy, which they see as devaluing prisoners' human rights, they tend to overcome

constraints such as inadequate budgetary and human resources, and seek help from the wider community. They greatly value the contributions of prisoners' families and of human rights agencies in humanising prison programmes.

7.2.2 Distinctive qualities of working credos and interviewee governors

The punishment and humanitarian credos are distinctive in that the primary concern of the interviewees embracing them was the prisoners in their charge, while the other two are more concerned with managerial stances related to the governor's work and role. The opinions of interviewees holding the punishment credo differ markedly from those holding the humanitarian. In their view, prisoners should be regarded as in some way essentially unlike the law-abiding majority. In contrast, the humanitarian credo holders seek to empathise with prisoners, regard them as moral agents and believe that they should be treated with humanity.

The holders of the paramilitarist and managerialist credos pay more attention to how to manage the prison, and tend to be alienated from prisoners in both beliefs and practices. They regard moral and ethical issues concerning prisoners as marginal, in contrast to the holders of the punishment and humanitarian credos, and focus on the efficient operation of their institution in much the same way as the heads of private and other public organisations do (see Avio, 1998; Camp et al., 2001). They also have little contact with prisoners. It is worth noting here that researchers have found that there has been a recent decrease in governors' direct contact with prisoners, and that generally as managers they are not particularly associated with a specific penal ideology (Bryans and Wilson, 1998).

The picture given in the literature provides a context for understanding these governors' beliefs and attitudes about prison management (see Brownlee, 1998; Bryans, 2000b; Jacobs, 1977). They have no interest in ideology and are concerned only with practical matters. Judging by their comments, the distinctive characteristics of their management style are that, besides being uninfluenced by penal ideologies, it is emotionally detached. The two credos are distinguished on the basis of how and in what ways their practices are employed.

The governors holding a dominantly paramilitarist credo showed distinctive features, focusing on institutional hierarchy, chain of command and avoidance of incidents. They regard agents in the external environment as embodying a greater or lesser degree of authority and feel compelled (or deliberately choose) to submit to them. In contrast, the governors who hold the managerialist credo, if they consider the traditional culture's demands unreasonable, would not automatically accede to them as the paramilitarist governors feel compelled to do. Acknowledging the changed work circumstances, they emphasise their own and their staff's values such as autonomy, efficiency and smooth management within a transparent organisational culture.

The process of formulating and identifying the four 'ideal type' credos allowed a better understanding of the governors' attitudes towards work and their core values. However, the study found that no interviewees in the sample could be entirely identified with one of the four ideal type credos. Rather, in practice, the interviewees' credos incorporated various approaches, styles and philosophies.

The identification of the distinctiveness and variation of the interviewees' attitudes and core values was aided by a consideration of their individual and career backgrounds and of the social contexts they had experienced. The interview data suggested that each governor had struggled to establish his working credo whilst confronting environmental constraints and realising opportunities. The process had been one of balancing individual and organisational goals. In what follows, the study tries to provide appropriate information linking the interviewees' working credos and their experiences.

7.3 Punishment credo

The study found that the six governors who held the punishment credo were strongly attached to certain aspects of it. Table 7.2 shows the main features of the punishment credo as they relate to four key aspects explained in detail in later subsections.

Table 7.2: Main features of the punishment credo	
Aspects	Features
Perceptions of prisoners	<p>Believing strongly that prisoners are different from law-abiding people</p> <p>Believing that since prisoners have committed crimes they should be treated with appropriate severity</p> <p>Criticising prisoners' idleness and malingering</p> <p>Aversion towards and condemnation of criminal offenders</p>
Staff management	<p>Devaluing and finding fault with staff, who are regarded as incompetent, unreliable or vulnerable in various degrees</p> <p>Adopting a personal interventionist approach to staff management: supervisory role</p> <p>Not fully trusting staff</p> <p>Taking hard line to boost staff morale</p>
Government policy	<p>Criticising leniency of government policy</p> <p>Rejecting idea of prisoners' human rights</p> <p>Regarding disciplinary punishment as too weak</p> <p>Asking for less lenient government policy regarding prisoners' conditions</p>
External stakeholders	<p>Reluctant to have presence of media, and to accept media access</p> <p>Not informing public of all details of incidents in prison</p> <p>Not informing public about practices that might be exaggerated or misunderstood</p> <p>Objecting to intervention of NHRC</p>

Even though they did not articulate a belief in punishment as a positive value, their comments suggested that they held punitive attitudes. The interviewees revealed a number of values, ideas and sentiments regarding the prisoners in their care which these governors saw as appropriate to their role: antagonistic attitudes towards criminals, negative perceptions of the prisoner's human rights and enforcement of discipline through the intimidation of prisoners. Many of their attitudes and actions as governors, as discussed in the interviews, could be reasonably interpreted as punitive. But while they retained punitive and degrading attitudes in implementing

their duties, they appeared reluctant to reveal their true feelings. This is a common inhibition, as Rutherford (1993a: 11) notes. Background information on these six interviewees is given in Table 7.3.

Interviewee	Character and background information
Taewoo	Over 30 years in prison service, over five as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 7 th rank, undergraduate degree
Jonggu	Over 25 years in prison service, over two as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 7 th rank
Dusik	Over 30 years in prison service, over one as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 9 th rank
Lasuk	Over 30 years in prison service, over one as governor, joined prison service at 9 th rank, worked as researcher for a year, undergraduate degree
Sangu	Over 30 years in prison service, over three as governor, joined prison service at 9 th rank, worked as teacher at prison officers' training institute for three years, undergraduate degree
Suhong	Over 30 years in prison service, over one as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 9 th rank

As shown in Table 7.3, the interviewees were older than the other group of interviewees; all (n=6) were nearly in their sixties: two aged 58 and four aged 59. Most of them, five, had worked for more than 30 years in the prison service. Four had started their career at the 9th rank and had been promoted to become governor, whilst the other two had joined the prison service at the 7th rank.¹¹³ Three had an undergraduate degree.

¹¹³ Ranks range from 9th (lowest) to 1st (highest except political officials such as ministers and vice-ministers) for civil servants in Korea (see Appendix A, Table 2).

All six had worked for local prisons since chief officer (5th) rank until reaching governor grade, and other experience varied. Two-thirds of the interviewees in this group (n=4) had never held a non-operational post at Correctional Service Headquarters. Of the two who had served in such a post, one had been a researcher at a research institute and the other had been a teacher at a training institute for prison officers. Those who had worked at local prisons before they became a governor had mainly had experience with the Custody Department. Thus, it should be noted that these interviewees had had much experience in the areas of security and control in prisons.

7.3.1 Holding antagonistic attitudes towards prisoners

The study found that the interviewees were generally antagonistic towards prisoners. They held the firm belief that prisoners are different from law-abiding citizens mainly because they have committed crimes and have therefore been ordered to be separated from the community, and also because they are naturally idle and make no effort to change themselves. Answering the questions about the main activities available to prisoners, and some others regarding priorities in case of discretion, Suhong revealed his dislike and moral condemnation of prisoners, especially those he thought were inclined to idleness:

I'm sick and tired of prisoners who don't adapt and are always making trouble... Even when I was an officer, I was often despondent, and now I've become a governor... I want to stop this vicious circle of feeling... I usually can't help but dislike prisoners who live an idle life. It's a reality that I can't change. If I were given the opportunity, I'd change it so no prisoners could stay in their cells doing nothing.

[Suhong]

Similarly, another interviewee complained about the idleness of prisoners who were working in the prison factories. He agreed that prison work is mandatory for convicted prisoners, and the prison's basic responsibility was to punish them by forcing them to do hard work in a factory. However, he did not agree that all prisons nowadays implement this strictly enough. Answering the questions, 'What are your

priorities in relation to providing activities for prisoners?’ and ‘Which of your duties are you least comfortable with?’, Jonggu said:

Whenever I make a tour of the factories in my prison, I can sense that they’re just pretending to work. Through my experience, I know how to make them work harder, no matter whether they pretend or not... they need a stick... if prisoners are working in a factory which is operated by civilian businessmen inside or outside the prison, they’ll ask the company to bring in some food or sometimes tobacco.¹¹⁴ If they don’t get what they want, they deliberately start a go-slow. That’s their way of working...

[Jonggu]

Four interviewees strongly holding this credo saw prisoners as untrustworthy and abnormal by nature. For these interviewees, an awareness of prisoners’ difference from normal, law-abiding people and an understanding of their characters was important; because of this attitude they did not trust the prisoners, and they emphasised their responsibility as custodians. Sangu feared breakouts, based on his distrust of all prisoners on principle:

I’ve always operated on the premise that the prisoners will take some action against the prison authority, so I can’t expect them to behave responsibly. One of my strategies in checking security is never to trust them. There’s always the possibility that they’ll attempt an escape.

[Sangu]

Two interviewees complained about prisoners’ manipulative behaviour and selfishness:

The effective delivery of medical services is hampered further by many prisoners. In fact, I’m angry about the malicious behaviour of some prisoners. For minor ailments, prison doctors often don’t prescribe drugs but many prisoners demand to be sent to see a doctor in the community. If they’re refused, they make a complaint to the National Human Rights Commission or resort to lawsuits.

[Lasuk]

¹¹⁴ See Chapter 4, p. 107.

Prisoners nowadays are more individualistic, as well as cheeky, and they can't get along with other prisoners. Many of them refuse to share a cell because they like to be alone, but there aren't many single rooms, as you know. Prison isn't a hotel where they can choose how to live ...

[Dusik]

The interviewees holding this credo showed punitive attitudes towards prisoners based on their aversion to and condemnation of criminal offenders. According to them, prisoners should regret their criminal behaviours, and should not waste their time in idleness whilst their victims were condemned to spend the rest of their lives in pathetic and wretched conditions. Thus, the interviewees regarded their duty as to hold in strict security prisoners who were only reaping what they had sown in their vicious and licentious youth, and further to purify prisoners' souls and clean their hearts before they went back into society. Suhong said,

If I were given the opportunity, I'd want to make this prison serve in the cause of justice... I want to make them feel more remorse for their wrongdoings in the past...

[Suhong]

Their narratives expressed their perceptions of the prisoners' characters, most notably their 'criminal nature'. These perceptions were most frequently expressed in connection with incidents when prisoners were not behaving as they should. The interviewees' attitudes to prisoners were embedded in their practices; equally importantly, these perceptions often related to their attitudes towards their staff, the government and outside stakeholders such as the media.

7.3.2 Devaluing staff; personally intervening in staff practices

The interviewees holding the punishment credo were characterised by their devaluing staff, and by their personally intervening in staff management more than the other interviewees. They considered that their staff were less competent, less reliable or more vulnerable than their standard dictated. Based on this belief, or on their conception of the typical prisoner's character, they held two broad attitudes to staff. Firstly, they insisted that their officers should maintain strict discipline and

rigid order. Maintaining order and discipline was a central concern and some use of force was regarded as in a sense inevitable. Second, they did not completely trust their staff to maintain order and discipline and so adopted a hands-on management style, constantly checking and monitoring their officers.

Words often repeated in referring to their role in relation to staff management were supervising, regulating and maintaining. Of these, 'supervising' occurred most frequently, particularly when they emphasised their responsibility for regulating and controlling staff discipline in order to maintain stable operation of the institution.

Four interviewees were discontented with their staff because the latter often did not carry out their responsibilities or follow instructions as these governors required. For this reason, the interviewees felt unable to fully trust their staff. Suhong complained that his officers had little capacity for initiative and their work was often unsatisfactory:

Recently, the staff haven't budged until I, as a governor, have instructed them in all the details. As an old saying has it, I can take them to a well, but I can't make them drink the water¹¹⁵... Even if they implement something, the quality of their work can't be compared with that of the past.

[Suhong]

Suhong believed it was necessary for staff to show that they were hard-liners, and was concerned that otherwise the safety and morale of staff would be seriously harmed. The study found that the interviewees were sure that their staff held antagonistic attitudes towards prisoners. Jonggu explained:

For me, to be a hard-liner is very important for staff morale... As you know, all our prisons hold criminal offenders so violent that they can't be released directly into society... troublemakers... not a day passes without any violent incidents. Damn right, the victims are mostly my staff members, and I should show them I'm behind my officers who have to deal with those prisoners.

[Jonggu]

¹¹⁵ Compare the English saying, 'You can take a horse to water, but you can't make it drink'.

As Fitzgerald and Sim (1982: 14) note, prison officers tend to expect that their governors should be strict with prisoners and the interviewees holding this credo considered it essential to be hard on prisoners and indicated that their regime should be harsh enough that prisoners could be controlled by their staff. However, since the use of disciplinary measures such as physical restraints was tightly restricted by laws and regulations, Taewoo regretted that the regulations did not permit his officers to enforce strict discipline with the harshness that had been possible thirty years before:

Dealing with prisoners, especially disruptive ones, I've learned from past experience that more coercive governors will get more support from staff. When I joined the prison service in 1978, many dissidents, who were mostly students, were confronting the prison authority and wouldn't back down. Because of this, the prisons were in a state of extreme disorder. Our governor was determined not to allow the prison to be overwhelmed by the prisoners, and so he adopted harsher and harsher measures to deal with them. We prison officers fully supported him at that time... because his strategies really worked.

[Taewoo]

Prisoners' behaviour can be dealt with informally through good staff-prisoner relations. As Crawley (2004) notes, if positive relationships can be built between staff and prisoners, it should be easier to ensure the security of the prison and the efficient control of prisoners. If not, Reiner (1997) notes that the law should be under-enforced. His recommendation of restraint is supported by several researchers who argue that prisons should be policed legitimately in order to secure higher levels of justice and order (see Sparks et al., 1996; Woolf and Tumin, 1991). However, the building or development of positive relationships did not seem to concern these interviewees.

Other interviewees added that some staff could not withstand the temptations offered by some prisoners. They expected that their staff should beware of and refrain from any intimate association with prisoners and should not ignore minor offences or neglect the strict enforcement of prison regulations, mainly because they were concerned that their staff could be vulnerable to the schemes of prisoners. At the same time, they insisted that the supervision and maintenance of staff discipline was the most important part of staff management. Most interviewees sought to establish

a strict relationship between staff and prisoners based on the harsh enforcement of discipline, fearing that a more intimate connection might result in the corruption of a member of staff. For example, Sangu emphasised his strict attitude towards any potentially embarrassing failure of discipline:

Since corruption was widespread in the past, I've seen many careers ruined because of it... many colleagues have been discharged with dishonour, and one of them was imprisoned... One of my strategies in staff management is to handle any humiliating incidents, for example a bribery scandal, as harshly as possible.

[Sangu]

The study found that these interviewees also emphasised an attitude towards staff linked to the lack of confidence and trust discussed above. Five interviewees tended to have a hands-on approach to staff management (see Bryans, 2007: 42). They felt compelled to check staff practices in person. When asked about their main strategies in staff management, they stressed the importance of supervision of staff behaviours and regular inspections of them. Random touring of the prison facilities allowed the interviewees to see how their staff were dealing with their own work. Two interviewees clearly mentioned this:

When I visit the cells, if the prisoners are well behaved or if I can't find anything wrong, I conclude that the officers' work is satisfactory... When I don't see any prisoners wandering about alone, or when no prisoners complain directly to me when I tour the cells, I can see that there will be no problem.

[Suhong]

Sometimes I come back to check on the night shift without giving them any notice.

[Sangu]

One of the interviewees' routine duties was to monitor their staff and establishments. In doing so, they dealt with reports and documents, met with staff and visited the cells and factories. The observational visits were the most important part of their daily schedule (see Bryans, 2007: 123). This study found that the interviewees holding this credo described their typical day similarly: after arriving at the prison, they received a report from the night shift officers, held a meeting with directors in which they discussed general operational issues and distributed the incoming mail.

met staff to make a decision regarding the operation of the prison, tasted the prisoners' food brought by the staff, had lunch with senior staff, toured the facility or made random inspections, met with visitors, and received a report from the day shift officers.

The interviewees' practice of monitoring staff frequently was evident in their daily working schedule. However, while they often made important decisions at the meeting with senior staff, they did not consult with the staff who were to implement them. They thought it was enough to issue orders and ensure that they were obeyed, but to ensure this required a hands-on approach. Describing his typical day and style of staff management, one interviewee indicated how he often contacted staff directly:

When doing my office work, I often required the presence of the staff concerned... Even though I should deal with all the reports and documents in the Bummusam¹¹⁶ through the Internet, I often needed to hear details from my staff... and often spent time with their staff in the evenings to chat and gather information on operational matters... Even when I'm at the desk in my office, I'm always concerned about what and how my staff are doing. But, for fear that any incidents might occur, I try to visit them often and show that I'm always watching them.

[Jonggu]

7.3.3 Rejecting government human rights policy

In the narratives of all interviewees holding this credo, denial of prisoners' human rights was strongly evident (see Crawley, 2004: 153). They believed that the establishment of the National Human Rights Commission in 2001, the enactment of the National Human Rights Commission Law (Law No. 6481, 24 May 2001; see Chapter 4, p. 87), and developments in the courts' decisions on prisoners' rights had only aggravated the situation. Uncomfortable with the changes in the external environment, the interviewees holding negative perceptions of prisoners' human rights criticised the government for paying too much attention to human rights activists and listening only to their arguments. Unsurprisingly, most of the

¹¹⁶ Electronic document management software system of the Ministry of Justice. This is used to digitally create, collect, store, manipulate and relay office information needed for accomplishing daily tasks and reports. Data storage, electronic transfer and the management of electronic business information comprise the basic activities of an office automation system. This system covers all the local prisons with a LAN (local area network).

interviewees in this category (n=4) disapproved of the government's concerns for the human rights of prisoners. Lasuk's reaction is typical:

The disciplinary punishment [in the regulations] is too lenient. It's mainly because of the government's recent drive for the enhancement of the prisoner's human rights... In the past, they were put into a single cell for more than five or six months; that was the disciplinary punishment. But, as you see in the regulations on the disciplinary procedure, the regulations have changed to reduce the period of the punishment to no longer than one month. They ought to know that prisoners aren't going to be daunted by one month of disciplinary punishment.

[Lasuk]

The regulations on disciplinary punishment had been weakened recently (see Chapter 5, p.139), and four interviewees complained that they could no longer control disruptive prisoners who made trouble for other prisoners and prison officers. Their criticism centred on the government policy that responded to the human rights activists' voices but did not care about the victims' situation or prison staff's welfare. The government was implementing programmes for the development of human rights, and they thought that as a consequence prisoners were being treated far too leniently. They seemed to believe that serious incidents in prisons were the responsibility of the government, which had not predicted them, and had no idea how to cope with this change. Two interviewees explained how their experiences had affected their views on this government policy:

The government has enhanced the quality of prisoners' lives, and I can't object to its drive for prisoners' human rights... As a governor, I shouldn't say a word against the policy, but it's been thrown off balance... In fact, prisoners are arguing too much that they have a right to do whatever they like.

[Taewoo]

Even one prisoner... can disrupt the proper running of the prison. But it's not easy to sue a prisoner because that would cause still more problems... We can't move him to another prison, nor do we have enough prison officers to handle these problems... Because no member of staff wants to be the cause of trouble even though he's done nothing wrong, he'll get anxious and agitated and will hesitate to come into physical contact with prisoners, and we might end up being unable to control the prisoners... Indeed, the prioritisation of human rights by the government has resulted in a situation where we can't deal with the problems affecting the good prisoners.

[Suhong]

Taewoo and Suhong were concerned that prisoners were able to take advantage of government policy to put the prison authority in a difficult situation, and they were worried that prisons might be unable to defend themselves. They argued that the government should do something to enable local prisons to fulfil their responsibilities. However, the study found that not all the interviewees holding the punishment credo were consistent in their attitudes to government penal policy. Five interviewees criticised the government policy designed to enhance the quality of prisoners' lives. For example, they regarded as unfair the provision of leisure or medical services beyond what they deemed appropriate. Even though the central government has improved the quality of the prisoner's life through, for example, increasing budgets or developing better food programmes, the interviewees blamed the government for wasting money, because prisoners did not reflect on their crimes or attempt to reform but still complained about their living standards. Sangu cited the case of the prison's medical service:

I'm least comfortable with the fact that some prisoner patients who've committed hideous crimes are treated particularly well, even though the prison budget isn't large enough. They're better treated than people in society who live law-abidingly... They take advantage of the service provided in prison to get their illness treated for free. They are killing time, avoiding their penal servitude by undergoing medical treatment. The government has gone too far... and is wasting the nation's resources in helping these prisoners.

[Sangu]

Sangu criticised that the government policy for the prison medical service was in the wrong direction. Like him, many interviewees tended to believe that prisoners should be treated so that prison conditions could provide less eligible warmth, food, and clothing than the poor in the outside society, highlighting more or less a reflection of the utilitarian-based principle of 'less eligibility' (see also Crawley, 2004a: 126; Sparks, 1996). As Bentham (1791) argues, so the interviewees noted that the government should not make prisoners' conditions more eligible than those of the poorest citizens. Comparing prisoners' conditions to those suffered by innocent people like the poor in the community, Jonggu thought that the government had already gone too far its concern for prisoners' welfare:

This is ridiculous because prisoners don't deserve any better... there are many people who are living like beggars in the street... They haven't committed any crimes... But where does the government go from here? More and more benefits? It's already in the wrong place.

[Jonggu]

Furthermore, being aware of the conditions of the urban poor, the interviewees holding this credo thought that prisoners' conditions should be worse than those of those in poverty but who are nevertheless honest. The principle of less eligibility is relevant to this discussion because, as Fox (1952: 131-133) notes, 'the justness' of the principle is 'deeply ingrained in common thought about the treatment of convicted prisoners'.

Even though the prisoners were removed from society, their food was monotonous, their work was arduous and they were controlled by stringent regulations, they were at least given board and lodging, and provided with some education and medical facilities. Whilst these interviewees might not deny that the government should take account of the demands of both the public and the penal reformers (see Hawkins, 1983: 99), they seemed to want to make prison conditions bad enough to deter those considering committing an offence, without making them intolerable. They acknowledged that it should be unacceptable in a civilised society if prisoners were kept in dirty conditions, made susceptible to disease and starved. But they did believe that the current material prison conditions were more than adequate when compared with those of the poor and that the government's treatment of prisoners was too indulgent.

7.3.4 Resisting public scrutiny and media intervention

Four of the interviewees holding this credo showed negative attitudes towards actors and agencies outside prison that were monitoring or trying to intervene in prison affairs. 'For most people [prisons] have historically been "out of sight and out of mind"' (Martin and Rosazza, 2004: 41), but this is no longer the case in Korea. However, the study found that these interviewees believed that punishment and its related issues and activities should not be discussed outside the prison by someone with different perspectives or who was ignorant of prison realities. Their narratives

were mainly related to the media and the NHRC.

All four interviewees revealed that they were reluctant, in various degrees, to have the media intrude into their practices. Even though they did not reject the general belief that prison is a part of civil society and its management is an important element of public service (Coyle, 2002a: 41), they put more emphasis on the *raison d'être* of the prisons' high walls and fences. Sangu mentioned how he regarded the media:

This institution doesn't attract the media's attention much when things are normal. The media and then the public, including politicians, generally pay attention to prisons only when something goes wrong. Similarly, discussion about the appropriate use of imprisonment usually occurs only in the aftermath of a high-profile crime or when the release of a notorious prisoner is being considered.

[Sangu]

Sangu's comments were based on his conviction that the process of punishment inside prison should not be overseen by outside agencies. Judging from his narrative, he believed that the public wanted prisons to be perfectly run, but on the other hand, they regarded prison activities as not being matters of great public importance until serious incidents such as escapes or riots occurred. The study found that these four did not identify the media's requests with the right of the public to observe the practices of the criminal justice system, based on the belief that the media were probing for information to serve their own interests. Furthermore, one interviewee argued that the media should not be allowed access to prisons, so that prisons could continue to carry out their functions without interference:

... The media go to extremes. They describe prisons as places where prisoners are treated better than people who abide by the law, or where prisoners can enjoy drugs and luxuries. On the other hand, in some cases, the media refer to prisons as places where officers deprive prisoners of their human rights... If prisons are subject to the media's constant intervention, they will lose their bearings and forget their purpose.

[Lasuk]

The interviewees considered that the media were only concerned to entertain the public, who were always looking for a story to feed their curiosity. They were concerned because the public could easily be misled by media reports, and because events and issues would be either exaggerated or misunderstood. For these reasons,

the interviewees did not agree that the public should be given all the details of events in prison. This point was supported by Taewoo:

The demands for the enhancement of prisoners' human rights from outside the prison are just too unreasonable. I think they should be limited in many respects... If penal punishment is to be influenced by the public, for example, justice can't be served and it will cause a paralysis of the whole prison system.

[Taewoo]

Five of these interviewees demonstrated negative perceptions of the advent of the NHRC and its intervention in prisons in the name of the enhancement of the prisoner's human rights. Since 2001, the concept of prisoners' human rights has been accepted, even in prisons, and the NHRC has influenced prison practices in many respects. Because of the compliance of the prison service, these interviewees' decisions had been challenged by NHRC intervention. They faced many difficulties which stemmed from the difference between the NHRC's uncompromising view and the reality of the constraints placed upon them. The following remark was typical:

The appearance of NHRC staff in prison has led to misunderstandings concerning both the staff and the prisoners. I know that things are constantly changing but, still, prisoners should be in custody because of their previous behaviours... We also have well-established audit systems such as the Peripatetic Prison Inspection Team and the Bureau of Human Rights Safeguard inside the Ministry of Justice. We need to avoid overlapped supervision... Sooner or later they [the NHRC] will be worn out by the demands of ill-intentioned prisoners.

[Suhong]

7.4 Paramilitarist credo

Nine interviewees seemed to be strongly influenced by the norms of military culture and their way of working tended to be based on predetermined principles and inflexible values. Broadly speaking, they emphasised and, at the same time, were influenced by the prison environments: the central government and its agencies, particularly the Correctional Service and the Ministry of Justice, and external organisations such as the media and human rights activists. These were regarded as embodying a greater or lesser degree of authority, to which they felt compelled (or

deliberately chose) to submit. As servants of the system, they felt that their role was to loyally obey established authority, which they tended to see as composed of interrelated elements.

They were anxious to be seen as able and competent, particularly in maintaining order, so they tended to pay particular attention to staff discipline, micromanage and insist on unquestioning obedience. If significant incidents such as an escape occurred, they knew that they would suffer shame and humiliation, whether the incident occurred through the governor's errors or due to events he could not have foreseen. Table 7.4 shows the main features of the paramilitarist credo.

Table 7.4: Main features of the paramilitarist credo	
Aspects	Features
Perceptions of prisoners	Indifferent to welfare of prisoners but anxious to avoid serious incidents Regarding prisoners as troublemakers apt to cause incidents Regarding prisoners as an inflexible and proactive group which could frequently challenge their authority and sometimes exercise power
Staff management	Compelling obedience of staff Tightening discipline Delegating authority as little as possible Prioritising chain of command and hierarchy in the organisation
Government policy	Submitting to and supporting government authority Practising self-protection to secure their position Being intensely concerned with the maintenance of order
External stakeholders	Fearing negative effects of outside intervention Avoiding tensions caused by intervention Having a strong dislike of outside intervention Recognising need to establish good relationships with external bodies

Background information on these nine interviewees is given in Table 7.5. The interviewees were relatively older than the managerialist credo group, eight of them being over 55. All had worked for more than 25 years in the prison service, and their period of service was slightly less than that of the punishment credo interviewees.

Two had started their career at the 9th rank and the others had started at the 7th rank. Three had undergraduate or postgraduate degrees.

Interviewee	Character and background information
Jongmin	Over 25 years in prison service, over three as governor, joined prison service at 7 th rank
Samo	Almost 25 years in prison service, over one as governor, joined prison service at 7 th rank
Junin	Over 25 years in prison service, over five as governor, served as army officer, joined prison service at 7 th rank, postgraduate degree
Douk	Nearly 30 years in prison service, over three as governor, joined prison service at 7 th rank , undergraduate degree
Hojun	Over 25 years in prison service, over two as governor, joined prison service at 7 th rank, undergraduate degree
Hunnam	Over 30 years in prison service, over two as governor, joined prison service at 9 th rank
Byungdae	Nearly 30 years in prison service, over two as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 9 th rank
Muhan	Over 25 years in prison service, over two as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 7 th rank
Yunjin	Over 25 years in prison service, over four as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 9 th rank

As shown in Table 7.5, their work experiences in the prison service varied. Two-thirds of this group, six, had occupied posts at Correctional Service Headquarters when they were chief officers (5th rank). The other three had not experienced non-operational posts at Correctional Service. All had worked at local prisons before becoming a governor and were well aware of the areas of security and control in prisons. All of them had served in the army before joining the prison service; only one of them had been an officer. However, the study found that these interviewees'

military experience did not differentiate them significantly from the other groups of interviewees, as most of the 26 interviewees had had experience in the army.

7.4.1 Being indifferent to prisoners' welfare but anxious to avoid incidents

The nine interviewees holding this credo were worried about the possibility of major incidents but seemed unconcerned about normal prison practices such as prisoners' rehabilitation activities. They regarded prisoners as troublemakers who were likely to cause incidents and seize any opportunity to escape.

The majority of these interviewees, eight, said that they attached great importance to preventing or controlling any disruption that might threaten order and discipline. 'No incidents' became their watchword even when dealing with such matters as the operation of rehabilitation programmes, and one of them, who was indifferent to prisoners as individuals and cared only for the maintenance of security, took no interest in rehabilitation, even though he was ultimately responsible for the success of the programmes:

When I visit a classroom, I usually ask staff straight away 'Anything wrong with them [prisoners]?', and the officer usually replies, 'No incidents'. That's what I want to hear, and when I do, I know that nothing needs my attention and I can kind of feel free... 'No incidents' [*isang-mu* in Korean] is also used by my staff as a salute to me.¹¹⁷

[Hojun]

'No incidents' was mentioned many times in the interviewees' narratives. It meant, apart from confirming that no incidents had occurred, that prisoners were behaving in the proper manner, or that the prison programmes were being conducted in an orderly way. The phrase thus connoted the stability of the prisoners' activity, which was very important to these interviewees. Because they were concerned to avoid risk and placate authority, they were habitually anxious and insecure; hence the practice of some to constantly monitor the prisoners' activities. Douk stressed the importance of maintaining order:

¹¹⁷ A similar formula is/was used in the Korean Armed Forces: "All present and correct!".

My priority is that I should be faithful to the principles which begin with the maintenance of order. Without it, I can't guarantee that the prisoners will be able to pursue any activities. If I ask, what is needed to develop prison management? I think I should start with the prisoners' orderly behaviour. Since I came to this institution, I've established the 'No Incident Movement'. This movement has put primary emphasis on the operation of prison programmes.

[Douk]

Douk placed great stress on the maintenance of order as the key priority and central concern of management. By 'maintenance of order' he meant a situation where no prisoners committed major violence or caused chaotic malfunction of the prison regime (see Sparks et al., 1996: 119). Hunnam mentioned that the avoidance of shame was of great importance to him, and answered the questions, 'Which of your duties are you least comfortable with?', 'What is the most difficult thing about your job?', and 'How satisfied are you with your job?' by referring to his fear of humiliation:

I hate to see any incidents in my institution. I want to be recognised as an able governor, but if a disruptive incident occurs and I'm blamed, I feel great shame... Since I'm retiring soon, I don't care about personal matters such as promotion, but the most uncomfortable thing for me would be when someone points out my mistakes; that's most humiliating... One of my principles is never to forget even for a moment that prisoners are always making trouble... So I've never felt safe.

[Hunnam]

For this interviewee, prisoners were such an inflexible and proactive group that they could frequently challenge the prison authority and sometimes exercise power. Their demonstrations of power were sometimes collective: protests over food, hunger strikes, riots, and go-slows in the factories. As for individual protests, the interviewees gave some examples they had experienced: self-harm as extreme as attempted disembowelment, suicides, hunger strikes and complaints to the prison or outside agencies.

The reasons for these protests, individual or collective, included transfer to another prison, parole board decisions, permission for personal possessions in cells, adjudication committee decisions and participation in prison education or vocational training. Their protests often met with some success, in that the prison authority would take such collective complaints seriously. Answering the questions ‘What are the main ways in which you maintain security in your prison?’, and ‘What are the main ways in which you maintain control in your prison?’. Yunjin said:

... first of all, I check the security requirements because prisoners will always attempt to escape if possible... At normal times, prisoners must remain visible, and are not allowed to walk around alone, anywhere, any time... They’ll make trouble whenever they feel they aren’t being controlled... I’m only satisfied when they seem to be living in an orderly way, without any trouble... If I see a prisoner on a visit to a wing, and he makes a complaint, I take it as an indication of some kind of trouble.

[Yunjin]

The interviewee regarded prisoners as troublemakers. Even when making observational visits, his concern was focused on the prevention of disturbances. The study found that the interviewees holding this credo generally seemed to regard all prisoners as likely to threaten prison order and therefore imperil normal prison management. In the course of their daily management, they did not closely monitor prisoners’ activities, but were very concerned to maintain order and discipline.

7.4.2 Compelling the obedience of the staff

Seven interviewees, whose narratives showed they were submissive towards authority, demanded that their staff should in turn be totally obedient to their authority. They expected their staff to follow their orders unquestioningly; often, they were highly aggressive towards their staff in the name of organisational hierarchy. They explained that there was a two-way hierarchical structure connecting them to their staff.

On the one hand, individual staff members were given a certain degree of autonomy and authority in return for a commitment to act always in the interests of the

interviewees. On the other hand, the interviewees expected more out of each staff member in return for supporting and training them to increase their ability to perform effectively. These interviewees' main strategy of enforcing obedience was tightening discipline through the mechanism of hierarchy. Thus, one staff management strategy was to tightly control the chain of command. Muhan emphasised the importance of the chain of command for efficient staff management, which depended on a stable hierarchical structure:

It's my main strategy of staff management... Indeed, I put a great value on the hierarchical structures of authority. I think it directly relates to creating an atmosphere in which all my staff can meet each target successfully. The chain of command should come first. It's important because I can't personally check the work of each individual member of staff... Authority and responsibility should be passed between different ranks to each staff member appropriately.

[Muhan]

Muhan's strategy regarding staff management was based on the safe delegation of his authority by prioritising the chain of command. However, the interviewees were aware that delegation carried risks: they demanded obedience from their staff, but the staff could not guarantee perfect efficiency or satisfactory outcomes. They had no option but to delegate authority to their staff, but they did so as little as possible.

As managers, the interviewees processed a channel of information between the upper and lower levels of the hierarchy. When the Service formulated and published prison policy, the interviewees were responsible for its appropriate implementation through supervising their staff. Since they accepted the orders and instructions from the Service without any questions, they expected similarly that their planning, organising and decision-making would be accepted by their subordinates and implemented without any difficulties. Thus, they tended to coerce their staff to follow what they wanted and ordered.¹¹⁸ Similarly, some interviewees noted that they would like to control their staff directly as much as possible, to micro-manage with less delegation. Their motto seemed to be 'seeing is believing'. Samo constantly checked how his staff were working:

¹¹⁸ This is in contrast to the methods adopted by the interviewees holding the managerialist credo, who coached, mentored or facilitated their junior staff. pp. 219-226.

I'm not comfortable when I'm away. Even on holidays, I'm always prepared to come back to the institution if necessary. The duty officer on the night shift and the Director of the Custody Department must always be reachable by phone at any time... I only go to bed after the officer on duty rings to inform me that there have been 'no incidents'.

[Samo]

Since these interviewees would not have direct contact with prisoners, they mainly controlled prisoners through tight staff discipline. If any major incidents of staff indiscipline occur in a prison, it becomes widely known that the governor has lost control of his staff. For Douk, tightening staff discipline was the main means of achieving the institution's purposes:

The most important strategy in establishing security and control is to tighten staff discipline. If I give instructions, my orders should be transmitted from a higher-ranking officer to a lower-ranking person right off, without delay. Also, if I want to know if my staff are working properly, I just check to see if the instruction has gone to the person who's expected to carry it out. If anyone does something wrong, he deserves a severe reprimand.

[Douk]

Jongmin explained why he needed to pay attention to staff discipline, mentioning his most humiliating experience which occurred when it was discovered that one of his officers had committed a crime with a prisoner by trading cigarettes, which is absolutely prohibited:

My most humiliating moment came when one of my staff was implicated in a bribery case, a 'cigarette scam'.¹¹⁹ You should know that I and all my officers think it's a most disgraceful business. The cigarettes were traded for six months between an officer who worked in a cell block and a prisoner. The prisoner's family paid the money into the officer's bank account. Of course, the media reported the case, noting that a prison officer sold a packet of cigarettes to a prisoner for 300 thousand Korean won [around £ 250], 100 times the normal price outside prison. The moment I heard about the case, I lost my temper... The officer was kicked out and came back as a prisoner; his uniform had changed. It was more than a crime to me, and I considered resignation. I was thought of as the governor who'd made the prison service lose its prestige.

[Jongmin]

¹¹⁹ See footnote 52, p. 107.

The interviewee was unaware of the corruption, but could not avoid responsibility. He considered that he should have supervised staff-prisoner relationships better and should have made it quite clear that there were boundaries the staff must not cross. Similarly, Liebling and Price (2001: 105) point out that 'The dangers of corruption [spring] from the need to maintain relationship with prisoners and from the difficulty of saying "no" if it might cause harm to that relationship'. The interviewee also indicated that staff discipline could be maintained through carefully monitoring relationships between staff and prisoners.

7.4.3 Submitting to government authority

Seven of these interviewees clearly showed their support of and submissive attitudes towards the established authority which controls the prison service. As all the interviewees agreed, the most influential authority over prison governors is the Correctional Service. This agency exercises its authority through both legitimate orders and customary traditions and cultures. Research studies note the importance of the employer's authority: 'The development and consequences of criminal justice practitioners' working credos cannot be adequately understood in isolation from the employing organisation... Prison personnel... have to work within the constraints emanating from ministerial responsibility' (Rutherford, 1993a: 83). Two interviewees indicated that since the Prison Service had the authority to control them they should follow its orders:

The Correctional Service and the Ministry of Justice have the power in personnel staffing matters such as transfer and promotion... I can't help but follow whatever they order me to do.

[Samo]

Even though the policy of the Correctional Service is unreasonable, it's impossible to oppose... It's because the Service has the rights of personnel management and budget matters. I've no discretion.

[Muhan]

The interviewees knew that if they failed to direct their staff, to train and supervise them in accordance with the Correctional Service's instructions, they would be

transferred to another prison as subjects of one of the 'administrative disadvantages' imposed by the Service. Self-protection was therefore considered essential and the easiest way for the interviewees to secure their position. But they could not expect their practices to be free from criticism, and they would be accountable for any malfunction in managing the institution, including liability for infringements of prisoners' constitutional rights. Douk explained that protecting himself from criticism by government agencies was very important to him; he needed to avoid any risk that he might be blamed if something went wrong:

... in order to evade the criticism and demands of the human rights activists, the Correctional Service recommends that prisons should have at least one member within the Adjudication Committee who is recruited from outside the prison. It's very problematic in reality... It's difficult to recruit an appropriate person and convene the meetings of the Committee at times convenient for them... But I've no option but to recruit a lawyer as a voluntary participant, otherwise I'll be reprimanded by the Service.

[Douk]

Other interviewees emphasised that maintenance of security and prevention of escapes were their most important responsibility and regarded these as a core part of their duties, as many previous studies have noted (Bryans, 2007; Maghan, 1999; Stohr et al., 1996). Similar views were found in the narratives about the interviewees' duties regarding security and control. Hunnam observed that there was a tension between the government's desire for innovation and its continual pressure on governors to prioritise the maintenance of order. He commented on the conflict between these duties and the new government's idealistic recommendations:

I think that the new government has required governors to be creative, try new ideas, and seek new experiences to improve the performance of both governor and staff in relation to the prisoners... However, you know, we prison employees are in a difficult situation... Given the amount of tension in prisons, we should implement the central government's policies under tight constraints, ensuring that no major incidents occur.

[Hunnam]

Besides the interviewees' anxieties about possible major incidents and unwanted but inevitable change, they also raised the issue of the culture within the prison service, and some discussed the negative aspects of the hierarchy, referring in particular to

the crossing of moral boundaries. A few interviewees had found it extremely difficult to withstand the demands of certain Service officials and other influential individuals which conflicted with their sense of morality. Self-protection might occasionally induce a governor to bend the rules for powerful individuals or groups. He might justify this by saying 'I couldn't refuse', and by insisting there were limits to this behaviour. However, he risked shame and humiliation if found out; this would add to his sense of insecurity and increase anxiety. Nevertheless, some interviewees reported that they had tolerated many illegal and unjust actions committed by individuals whom they could not refuse, usually working in the Correctional Service. Byungdae claimed to have certain moral boundaries he would not transgress:

Sometimes people I know have asked me to do something dubious. I'm talking about people from the Correctional Service, friends, politicians and so on. They'd ask me to do a special favour regarding a parole application, a special visit, or some other services... If I don't know them then, yes, of course I refuse their request. But if it's someone I know, I can't help but comply with the request because it's something I can't refuse. But it's my principle that I don't take bribes or take advantage of my connection with them to ask for something for myself.

[Byungdae]

Byungdae was fairly typical of these interviewees, who seemed to have no will or power to refuse the request of an influential individual or group. They gave many reasons for their behaviour, but it was clear that either they did not regard laws as social standards which apply to all, or they just submitted to the culture they belonged to, which they saw as beyond their ability to change. For them, networks were more important than laws.

These interviewees' rationalisations are of a kind associated with Sykes and Matza's classic theory regarding 'techniques of neutralisation'. They justified their inappropriate behaviours by claiming that they had no choice but to obey these figures of authority, explaining that they had been forced into situations beyond their control. Another interviewee also proposed that they were, so to speak, victims of the prison service's network and its culture; a justification similar to Matza's 'denial of responsibility' (see Matza, 1964). Two other interviewees holding this credo tried

to justify their behaviours by blaming those in authority; Hojun explained: 'I couldn't avoid getting around the regulation because I wouldn't have been allowed to get away with it'. However, at the same time, they clearly acknowledged that their behaviour was wrong and they had submitted because they wished to maintain their network and to avoid creating any tensions with powerful individuals.

7.4.4 Fearing the negative effects of outside intervention

Seven of the nine interviewees holding this credo clearly acknowledged that there was a great deal of tension between the prison service and outside organisations such as the media and the NHRC, mainly because of their interventions. The study found that they had a greater distrust and suspicion of such agencies than did the interviewees holding the other credos: they felt ashamed, especially when the external stakeholders condemned shortcomings in their practice. Thus, the interviewees expressed their intense resentment of any intervention and disclosure, especially interference from outside the prison service. Three interviewees holding this credo remarked on their attitudes towards the intervention of the media, and Byungdae's comment was typical:

These days, the media are everywhere... No exceptions in prisons... They've always tried to contact prisoners in order to pry into prison affairs. A few weeks ago, a newspaper reporter in the region illegally interviewed a prisoner who claimed he'd been hit by a prison officer, using a false identity as a member of the prisoner's family. That made me very angry.

[Byungdae]

Despite their misgivings, however, the interviewees could not ignore the central government's demand that they should establish good relationships with the media and the NHRC. For example, according to them, the Correctional Service checked how often and how much they explained their activities to the public, because the prisons' public image was poor and based on misinformation. The interviewees explained that as public officials they could not help but follow the government's policy or abide by the law. For example, Hojun said 'The central government requires us to be friendly to the media', and Yunjin admitted: 'No matter what I think, I have to allow the NHRC members to carry out their responsibilities in my prison'.

Even though they had to be very cautious in their attitudes towards the outside community, their remarks about external influences revealed their concern that the intervention of outside stakeholders would have undesirable results. To the question ‘To what extent, and in what ways, do external agencies or persons affect your work?’, Douk, who presumably disliked or was frightened of change, noted:

Nowadays, I’m surrounded by many stakeholders or external agencies... They’re getting more access to the prisons and more opportunities to participate in the prison service... If nothing happens, it’s OK. But, for example, if the media report even a trivial case, it’ll have a big impact and undesirable effects on prison operation.

[Douk]

Jongmin condemned the media in even stronger terms:

They are like hyenas attacking vulnerable prey... In my prison, I think there should be a principle that no news reporters should be admitted... They distort the truth and prevent prisons from becoming what they should be.

[Jongmin]

Douk’s and Jongmin’s comments indicated that, if an incident generated columns of press coverage, this might affect how people in the Correctional Service decided penalties or disadvantages for prison governors. In the past, prisons had been subject to fewer interventions from outside. However, the increase of press attention to prison matters and the press coverage had caused relatively trivial prison issues to be taken more seriously than they deserved. The interviewees holding this credo also indicated that the media had a tendency to report every trifling matter, sometimes bringing the case to national attention and embarrassing the prison service. The interviewees criticised press coverage generally and feared the media’s aggressive tactics. They regarded the media’s intervention more than troublesome; they saw it as a complete nuisance damaging their prestige.

The interviewees passed this judgement in the name of prison security and order. One interviewee made it clear that he disliked intervention by the media because of his sense of responsibility for any incidents. Muhan was clearly motivated by his

need to protect himself. If there was any negative press coverage, he would carry the blame:

... If a major escape happens, I'm supposed to take all the responsibility, directly or indirectly, but the public wouldn't know the reasons or just what went on in the prison... Usually, powerful people, including people from the Correctional Service, who are politicians after all, are very sensitive to public opinion.

[Muhan]

Four of the other interviewees had very negative views on the effects of the NHRC. The big change they faced was that NHRC staff could visit a prison facility when a prisoner requested it. According to the regulations, an agent from the NHRC can interview at any time prisoners who allege maltreatment. Several interviewees mentioned that a particularly difficult problem for them was prisoners' litigations or applications for a visit by a member of the Commission. Since prisoners could access information about the institution, without any limitation on the number of requests, some made requests more than ten times a day, and others sued staff because they had not replied to the request.

In reality, over 90 per cent of the cases against prison officers have not had positive outcomes for the prisoners, whose allegations were dismissed as unfounded (see NHRC, 2002; 2003b). Noting these facts, one interviewee then gave his view of the character of NHRC staff and their likely pre-conceptions:

The majority of the NHRC's members consist of human rights activists who had served time in prisons during the crackdown on the democracy movement... The NHRC staff are enthusiastic, but I'm afraid that they'll have an antipathy towards prison officers, and that their investigation may become biased.

[Yunjin]

Junin revealed similar attitudes towards the NHRC, but emphasised security and control issues. His ostensible reason was that the intervention of the NHRC might undermine the legitimate exercise of public power. Answering the question 'How comfortable are you with your priorities (regarding control of prison)?', he said:

... I'm least comfortable with the fact that there are too few means to control disruptive prisoners. Most measures that were available have been restricted by the laws that were revised due to the pressure from human rights activists. We're virtually disarmed...

[Junin]

7.5 Managerialist credo

The study found that eight interviewees predominantly held this credo. The main features of the managerialist credo are shown in Table 7.6 according to four key aspects of the interviewees' practices: the details will be explained in later subsections.

Aspects	Features
Perceptions of prisoners	<ul style="list-style-type: none"> Having little direct contact with prisoners Devaluing task of dealing with individual prisoner matters Concern for prisoner's willingness to participate in programmes Abiding by regulations in dealing with prisoners
Staff management	<ul style="list-style-type: none"> Willing to delegate work to staff Relying on staff to handle the details Delegating authority mostly to department directors Managing staff by use of manuals or checklists
Government policy	<ul style="list-style-type: none"> Overcoming governmental constraints Being concerned about lack of financial and human resources Relying on performance checkpoints Criticising inflexibility of government policy
External stakeholders	<ul style="list-style-type: none"> Negotiating with outside community Compromising, mutually influencing, confronting, and negotiating Maintaining good relationships with external bodies Actively challenging prejudice of media and NHRC

As shown in the table, they tried to eliminate any inefficiency in their work. Most recognised that social and political changes inevitably affected the external prison

environment, and had either consciously adapted themselves to changed circumstances or were just ‘going with the flow’. Their perceptions of prisoners were not clearly expressed, especially in terms of moral and ethical perspectives. However, even though they took little interest in matters concerning individual prisoners, they seemed to have considered prisoners’ intentions and showed willingness in operating programmes for prisoners. Some values which had previously been taken for granted were changed or discarded, and new working strategies, including the use of IT, were being applied to prison management. All these impacted on how the interviewees handled prisoners, worked with staff and coped with government policy and external influences. Background information on the eight interviewees holding this credo is given in Table 7.7.

Interviewee	Character and background information
Pansu	Nearly 30 years in prison service, over five as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 9 th rank
Minho	Over 25 years in prison service, over three as governor, joined prison service at 7 th rank, postgraduate degree
Sinwan	Over 20 years in prison service, over two as governor, direct entry at 5 th rank, postgraduate degree
Munwon	Over 25 years in prison service, over two as governor, undergraduate degree
Kimun	Nearly 30 years in prison service, over five as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), served as army officer, joined prison service at 7 th rank, undergraduate degree
Jangsu	Nearly 30 years in prison service, over three as governor, joined prison service at 9 th rank
Anjung	Over 25 years in prison service, over two as governor, never occupied post at Correctional Service HQ since chief officer (5 th rank), joined prison service at 7 th rank, undergraduate degree
Jaesang	Over 25 years in the prison service, over one as governor, joined prison service at 7 th rank, postgraduate degree

These interviewees were relatively highly educated: three had an undergraduate degree and the other three had a postgraduate degree. The age of the interviewees ranged from early 50s to late 50s. All had worked for more than 25 years in the prison service. Their period of service as governor was longer than that of the other interviewees; half of them, four, had served more than three years as a governor, and of these two had worked more than five years. Five had had work experience at Correctional Service Headquarters before becoming a governor. One interviewee had joined the service as a direct-entry chief officer (5th rank), and five had joined at the 9th rank.

7.5.1 Having little direct contact with prisoners

The interviewees holding this credo were concerned about every aspect of general prison management, not only individual prisoner matters. The study thus understood that the overall effective and efficient operation of the institution was important for them, particularly the maintenance of order and balancing the values of security, control and justice in prison (see DiIulio, 1991: 82; Woolf and Tumin, 1991: paras. 9.19–9.22). The study found that managing staff and prisoners and, most critically, the interface between the two was their priority.

The typical working days of these eight interviewees were fairly similar to those of the others, although the pressure of administrative work was perhaps greater. As they often mentioned, they constantly had to cope with a great deal of paper work such as performance reports, audit documents and action plans, which required them to carefully manage their time schedule (see West, 1997: 35). The main difference between them and the other three groups, however, lay in the frequency of their direct personal contact with prisoners. Three-quarters of them, six, reported that they usually visited prisoners less than three times a month. Two interviewees commented:

I usually visit prisoners once a month... Compared to the past, the frequency has been reduced... I know the deputy-governor visits every day and the director of the Custody Department is always in contact with the prisoners. So I rely on their reports, which is enough at normal times. But in an emergency I could visit more.

[Sinwan]

I go to the wings to see prisoners maybe twice a month... There are more than 1,000 prisoners and the prison estate is also quite big. So it takes more than a whole day to make a normal visit. If I visited as often as the governors of smaller prisons do, I couldn't handle my other tasks. Dealing with documents and meeting staff and visitors in my office are my normal daily tasks.

[Jangsu]

Dealing with matters concerning individual prisoners was not a priority. Instead, they concentrated on other managerial matters such as planning programmes and staffing issues. The reasons varied: the size of the facility, the work load, managerial practices such as delegation, and so on. They often had to make choices among various duties and tended to focus on managing the staff who were directly concerned with prisoners' demands and activities rather than being involved themselves personally. They did not believe that they needed to be present at all the prisoners' activities, but thought that it would be enough if they read reports on the process and results later on. Importantly, many interviewees saw delegation of tasks to their junior staff as the answer to their difficulties. Anjung indicated that having his staff handle prisoner matters was more efficient than being directly involved:

According to the regulations, prison governors should attend the adjudications. But I don't participate in the meeting, instead I have the deputy-governor attend... I can deal with some other matters while the meeting is in progress...

[Anjung]

Even though they did not have much direct contact with prisoners, this did not mean that prisoners were not important in their conception of the prison as an institution. Indeed, they emphasised that prisoners were subjects, not objects. In commenting on prison practices, five interviewees recognised that prisoners were the main constituent of a prison, and the interviewees generally acknowledged that prisoners have come to win recognition as significant figures in prison operation. This contrasts with the understanding of most prison governors of earlier generations, who had regarded prisoners as the objects of prison operation; but it is evident from the findings of this study that this unsympathetic view still persists among some governors in Korea.

To the question, ‘What are your priorities in relation to providing activities for prisoners?’, the answers of four interviewees clearly indicated that they viewed prisoners as subjects, and the replies of three others suggested that they held similar views; only one was equivocal. They regarded it as important that prisoners should agree with or at least acquiesce in decisions regarding the practices that affected them, for example selecting participants for prison education or vocational training. Munwon explained:

In operating a high school course, for example, I give priority to the participating prisoners’ individual intention... I’ve seen many prisoners make trouble because they didn’t like to study... and the operation of the programme would be very difficult if prisoners were brought together in a classroom by force... when selecting the participants, I most of all consider their intention or willingness to participate.

[Munwon]

Jangsu similarly highlighted his policy of obtaining the cooperation of the prisoners in maintaining the daily routine of prison operation:

Like other institutions, this prison faces the problem of the excessive use of energy. I ask the prisoners to help in saving energy. If prisoners intentionally waste water or electricity, I can’t operate this facility within the limits of its budgetary appropriation.

[Jangsu]

All the interviewees seemed to hold to the principle that they should abide strictly by the regulations in their treatment of prisoners. To the question ‘What are your priorities in relation to ensuring justice in your prison?’, five interviewees replied that the laws and regulations should be observed. But the interviewees were careful to stress that this strict observance did not apply only to themselves and their staff; it also applied to the prisoners. Jaesang explained:

... some prisoners who misunderstand the meaning of this idea [the enhancement of prisoners’ human rights] are recklessly initiating litigation and requests for government information. If it is evident that they’re violating the regulations, we should exercise public power and apply the law strictly to punish their misbehaviour. We shouldn’t evade our responsibility because of any anxiety that intervention by the NHRC might be painful.

[Jaesang]

7.5.2 Being willing to delegate work to staff

The majority of the interviewees, seven, said that they relied greatly on their staff to handle the details of prison work, and that they just signed the documents and reports at the last stage. They would delegate wherever possible and saw their role in this respect as building a team which could be trusted to function effectively. More complex tasks than could be handled by the junior staff, such as deciding on appropriate action against poor performers, involved a significant delegation of authority to department directors. One of the reasons four of them mentioned was that they were usually transferred between prisons too often, and so they could not involve every detail of management matters.¹²⁰ Another reason five of them mentioned was that managing and supervising all operations of the institution and its staff were in practice impossible mainly because of the institution's being too big. Jangsu stressed the importance of delegation:

There are some aspects which the management of a penal institution isn't much different from that of other public organisations... The days when the prison governor had a free hand to manage personally are long gone, but I cannot go into particulars... too frequent transference to another prison, too much to do as a governor... So prison management now largely depends on staff and other resources. In fact, my prison is entirely managed by staff on my behalf. If they can carry out their responsibilities, it means I'm doing my job.

[Jangsu]

Delegation and, as its result, autonomy were seen to have a positive effect on the staff member's job satisfaction (see Cullen et al., 1993; Flanagan et al., 1996). The interviewees regarded this effect as important, because they expected their staff to learn to use their own initiative. Their staff management strategy rested on the principle that more autonomy would increase staff motivation, thereby enhancing management efficiency. The interviewees' priority with regard to staff management was therefore to guarantee the autonomy of their staff, especially that of the directors

¹²⁰ Among all the interviewees, four were transferred for less than a year from another prison, 11 of them worked one and a half years, and only two of them worked more than three years in the previous prison.

of departments. Pansu explained his practice:

I try not to intervene, but if it's inevitable, I try to be reasonable... Even if I see that a director of a department can't handle, say, a complaint raised by staff, I'll only intervene personally when I think it'll be genuinely useful and helpful... But I don't go further unless there's no option, because my purpose is just to assist the director to achieve an outcome that is satisfactory to them. After the case, I arrange a follow-up discussion with the director to confirm satisfaction with the result. I also monitor the situation so that similar cases do not occur.

[Pansu]

However, it has been noted that there can be disharmony between governor and staff regarding their differing role expectations. The governor, more than anyone else in the institution, can be caught by dilemmas if his notion of responsibility is misinterpreted by his junior staff. Anjung commented on the consequences of such misunderstandings:

A common error regarding the relationship between governor and staff is to assume that they have a similar way of thinking. Unfortunately, if one makes this assumption with line officers, it often leads to poor results, or worse, to exacerbating existing issues.

[Anjung]

Since difficulties can arise when different departments have no formal means of communicating with each other, one interviewee took measures to avoid any misunderstandings or malfunctions, and another explained his role in balancing conflicting demands:

I make it a rule that each department should explain the current issues to other departments; this also facilitates communication and information transfer.

[Jaesang]

I've operated many programmes for prisoners...sometimes the directors of the Department of Rehabilitation Programmes and of the Department of Custody Management have asked me to look at both sides of the case and come to a decision. Their aims or criteria can be different, but I can't neglect any aspect of their arguments. I know I could just order them to do whatever I decide, but I have to make a rational decision. The success of the prison operation depends on my ability to balance conflicting demands.

[Jangsu]

A governor's staff management skills are often tested, and many interviewees mentioned that it was uncomfortable dealing with staff who did not accept or understand government policy, particularly regarding prisoner's human rights. The current situation was that prisoners were turning the trend to their advantage and often ignored the prison authorities; this was starting to have a negative effect on the officers' morale. It was not easy for the interviewees to convince their staff to follow government policy, although they knew that it was an important duty.

Being aware of these difficulties, the interviewees mentioned the usefulness of staff manuals, which enabled them to perform their duties efficiently; they could, for example, receive satisfactory reports from the day and night shift officers, set up an internal inspection team and review the effectiveness of staff performances. Kimun asked his staff to write a detailed description of their duties and standards they needed to attain because he believed that manuals of this kind would help them understand in detail how to handle prisoners and situations staff might face:

... I ask my staff to make a manual containing the standards that apply to their work. I believe it can help reduce errors and misinterpretations, and help any other members of staff who are substituted from another shift or transferred.

[Kimun]

Since one of their duties was to set the level of services to be provided, how this was to be accomplished within the resources available had to be carefully planned beforehand. Prison governors in general need to give their staff a clear vision about how their goals are to be achieved and how their tasks are to be accomplished. Also, prisons' objectives should be set up in respect of institutional level priorities in advance, for example in the year ahead (see Woolf and Tumin, 1991: 297). Thus, the interviewees thought it useful to ask their staff to organise their work with the aid of manuals and checklists, and to follow regulations scrupulously. Anjung required the directors to use checklists to help them remember what to do:

Sometimes staff are under great pressure at work because they've been so busy during the day that they hardly know what they have to do... That's why I always keep asking them to use checklist sheets. With the lists, they can predict, check and monitor staff work, so they're always prepared and they don't miss anything.

[Anjung]

Abiding by the regulations was helpful for the interviewees; Pansu's motto seemed to be 'do it by the book':

It's easier to depend on the regulations. If something is doubtful, I'll say to staff, 'Did you look up the regulations?', 'Keep the rules', or 'Just follow the laws'.

[Pansu]

Despite the general public's demands for change, some irregularities persisted into the 1980s and beyond.¹²¹ The governors holding this credo, who had experienced irregularities such as bribery which had been prevalent in those days, were trying to adopt the new ways of thinking. Jangsu did not want his staff to behave as he had done in the past. He described an experience that he said he would have preferred to forget and which had changed him:

He [a governor] was always calculating how to make money for himself... Since I [an accountant] was aware of what he wanted and the culture put me under pressure, I had no option but to milk money for him, manipulate documents, and cut corners in the normal process not to pursue efficiency but to overprotect the governor's authority... It was such a nightmare, and I've suffered because of it for a long time... I can say that my experience changed me. Also the government's efforts have made it possible to create a general culture that is anti-corruption. Some staff have ended up being dismissed or prosecuted, and others earned a bad reputation as a person of low integrity...

[Jangsu]

Jangsu had changed his attitudes. His change of heart, which appeared to be genuine, might have been prompted by the realisation that it was time to eradicate such practices and that such clandestine abuses would be discovered and severely punished. According to other interviewees' narratives, the study found that occupying a governor's position required the incumbent to be a model to his staff. The government's anti-corruption drive had also brought about many changes since the purification of officialdom started in the early 1990s.¹²² Nowadays, as is shown by Jangsu's comments, if someone gets a bad character, for example a reputation for

¹²¹ See 4.4.4 Lingering problems of corruption in Korea.

¹²² See Chapter 4, p. 85.

being greedy for money, or worse, for acting illegally, it would be a fatal blow to others' perception of his competence as a leader and could lead to prosecution.

7.5.3 Overcoming governmental constraints

The majority of these interviewees indicated that they were hampered by a lack of financial and personnel resources and frustrated by the irrelevance of the government's policy. However, they did not try to just avoid the constraints, but interpreted the central government's policies or administrative measures in a way that enabled them to fulfil their conception of their role. Using their discretion, which they still had to a considerable degree, they manipulated the centrally prescribed policies, and furthermore, they challenged or sometimes circumvented the central policy regulations in order to develop other courses of action.

The interviewees noted that the Correctional Service, their supervisory organisation, did not supervise directly and on a daily basis, but relied on the performance checkpoints, which were similar to performance indicators, as their main means of performance supervision. Thus, with limited personnel and financial resources, the interviewees formed their own strategies, retaining a significant degree of discretion in the way prison practices were carried out through creative manipulation of the performance statistics (see Liebling and Price, 2001). Whilst they had undoubtedly suffered from an overall reduction in discretion, they still determined the manner in which prison practices were conducted.

The interviewees' main difficulties in their relationship with the central government, the Ministry of Justice, and more specifically, the Correctional Service, were inadequate budgets and personnel resources. Thus, the interviewees argued that the Correctional Service should increase budgets to renovate facilities and enhance the quality of service for prisoners and staff, because the existing budgets were too low to fund the kinds of programmes they wished to introduce or to provide facilities that would improve staff morale. When they faced difficult situations, they did not meekly submit to the Service's decisions, but tried to find ways around them and to

implement their duties as efficiently as possible. Some of them asked the Correctional Service to increase the budgets, whilst others took alternative measures to mitigate the constraints. Generally, these interviewees criticised the government's policy on the prison budget and particularly its inflexibility:

If I have any argument with the Correctional Service, it's mainly based on the need to get a bigger budget.

[Anjung]

[Have you introduced any new activities for prisoners?... Did you experience difficulties with implementing these activities?] Yes, I have, but the delivery of my schemes is often hampered mainly due to a lack of funding. But I don't ask the Correctional Service for more money because I believe that, if I'm successful, it'll mean that other prisons will lose out because it's a 'zero sum game'. Instead, I've called for help from outside the prison...

[Sinwan]

Kimun took the initiative and established innovative joint ventures with voluntary-sector individuals or organisations to run needed programmes:

Lack of experience or confidence in managing a budget shouldn't be an excuse for neglecting my job. There is a lack of financial resources, and I have to prioritise among various demands. In doing so, the main strategies are that I should appoint the right staff member, someone who has the proper credentials and motivation to complete the work, and that I should try my best to raise funds to compensate for the lack of an adequate budget.

[Kimun]

Kimun realised that he needed to discover new sources of funding because he simply could not rely on the budget allocated by the Correctional Service. Even though he had no experience of working in business, he was determined to be businesslike. He noted that donors also constituted important alternative sources of funding, especially after he found that the Correctional Service could not provide further support. Since donation is legal if the necessary process is followed, some interviewees eagerly sought donors in order to realise their projects. These could be prisoner rehabilitation programmes or have to do with staff employment conditions. Similarly, Jaesang noted that he had struggled to find a way from the outside community to satisfy both prisoners and staff:

The thing I'm least comfortable with in my work is to see the lack of medical services, without being able to do anything meaningful about it. The central government has tried to reform the situation by increasing medical staff and medical facilities, but it's failed, as you know. There are still too many waiting lists with various medical demands, but I don't have the resources... So I've invited community doctors in on a regular basis. Some come and serve as volunteers; others, dentists for example, work for a reasonable fee. As a result, complaints about poor medical services have reduced and staff also welcome this initiative.

[Jaesang]

Jaesang took the initiative to compensate for the government's failures in the provision of medical services, bringing in doctors and dentists who would work for little or nothing. Minho simply tried to be as efficient as possible:

I think I've tried to be pragmatic at work. When I've faced difficulties, I've looked for the simplest and quickest solution.

[Minho]

In addition, another barrier is created by the regulations which limit the governor's discretion. The Correctional Service places many restrictions on the participation of gang members in rehabilitation programmes. Kimun argued that the regulations, more often than not, did not keep up with the requirements of good practice, and described his difficulties in implementing effective rehabilitative programmes which would be available to all prisoners:

Once I tried to give an opportunity to a prisoner who had been a gang member to participate in a prison education programme held in this prison. But the regulation says that a gang member can't join the programme because the Correctional Service is afraid of what may happen if such offenders are allowed to mix with other prisoners... I really believe the regulation should be changed and leave the operation of individual programmes to governors so that they can have flexibility and so that their methods do not violate justice.

[Kimun]

Even though governors may experience many difficulties in exercising discretion (Morris and Morris 1963: 209; Sykes 1958: 130), generally they do possess a considerable degree of discretion (Liebling and Price, 2001). Kimun's discretion was restricted by the government official's timidity and caution, which stemmed from a

preoccupation with the observance of regulations. Having little discretion for direct supervision, Kimun commented that governors generally experienced difficulties in exercising the leadership necessary to bring about change and reform in local prisons. He argued that the governor's discretion should be increased in order to allow the regulations to be interpreted more flexibly for the good of deserving prisoners.

7.5.4 Negotiating with the outside community

To the question, 'To what extent, and in what ways, do external agencies or persons affect your work?', seven of the eight interviewees mentioned that the media and the NHRC affected them most significantly. They recognised that, whether the media and the Commission took the officers' or the prisoners' side, neither would be desirable, because in both cases prison practices would be distorted, leading inevitably to criticism. They generally agreed that both routinely influenced the prison service and their own work (see Sparks et al., 1996).

Among them, five interviewees clearly stated that they maintained contact with the media on a regular basis in order to develop their relationship, and the other two also did not deny that the media had an important function. All eight interviewees were well aware that the media would be interested in reporting on events involving the prison, both positive and negative. Thus, they tried to handle the media as a vehicle to draw attention to and highlight their accomplishments among the community, and to explain the needs and challenges that the prison was facing. Anjung acknowledged the importance of maintaining a good relationship with the media:

... In the past, the media and the prison service were in conflict and tension was high... Even now the media seem to be very dubious about what happens inside prisons. I think I should prioritise maintaining a good relationship with the media... They can be selective, so I need to give them accurate information; for example, tell them how we cope with disruptive offenders and what prisons do to change prisoners within lack of resources.

[Anjung]

Anjung argued that the media should not be so suspicious and implied that the public's negative attitudes towards prisoners and prisons could be changed if the media provided more factual descriptions of the actual situation in prisons. He mentioned that tensions had existed between the media and prisons, which had caused misunderstandings because the public were not aware of the problems faced in prisons. The interviewees generally noted that, based on the negotiation and cooperation with the prison service, the media should provide information on the functions of prisons, the role of prison people and the effective measures taken to reform the reality of prisons. Like Anjung, Minho was trying to establish good relations with the media:

... the media always try to serve as the eyes and ears of the public by offering evidence of corruption or incompetence... I'm establishing good relations with the media because I believe that it will help positive reporting about the institution and the prison officers...

[Minho]

Pansu paid great attention to the media's reports as part of his everyday practice. He believed that he needed to understand how the media perceive prison matters. At least, if he provided the media with sound information, they would not feel free to make false reports to the public. This would be more likely if he established a good relationship:

I care about the reports of the media. The first thing I do every morning is to check the news about prisons. Once false news is reported, it's impossible to change... if I can establish a good relationship, I believe I can reduce the possibility of this kind of reporting.

[Pansu]

Pansu also remarked that while some people will dismiss such reports as being of no great significance, others may be greatly influenced by the media's stories (see Coyle, 2002a: 42). The interviewees were concerned that the media sometimes claimed to speak for the public, particularly when demanding the enhancement of prisoners' human rights. None of the interviewees was opposed to the media adopting this role, but they criticised the media for not caring about their problems such as inadequate

budgets, personnel, and other resources. Munwon condemned the media's attitude but admitted that in one case he should have explained the situation:

... Recently, the Jungangilbo [newspaper] criticised my plan to put CCTVs in certain cells. We need to put prisoners in the dog-legged and blind facilities because we need to prevent violence between prisoners, assaults on prison staff and other inhumane incidents. But this report just objected to the idea of CCTV because of prisoners' privacy. This made me regret that I hadn't let them know the reality of the situation.

[Munwon]

All eight interviewees holding this credo recognised the importance of the NHRC regarding the establishment of a new paradigm for prisoner management. Despite all the conflicts with the NHRC, generally speaking they did not oppose the Commission's recommendation that the prison service should adopt approaches which would guarantee the humanitarian treatment of prisoners. Sinwan admitted that the Commission contributed to the general improvement of prison conditions through its focus on the prisoners' human rights:

The prison service has experienced many difficulties because of the advent of the NHRC. Lots of negative aspects were introduced into the local prisons, for example the distortion of the prisoner's status and the increase of his false expectations, and so on... But, in a sense, I now think that the idea and policy of enhancing the prisoner's human rights in regard to prison facilities have brought positive aspects and greater resources because of the focus on ideal goals... I can't deny the positive function of the Commission.

[Sinwan]

However, the study found that the eight interviewees holding this credo had not fully internalised the current thinking about human rights. The findings suggest that their understanding was inadequate, and many of them revealed an ignorance of humanitarian perspectives, especially those emphasised by the NHRC's recommendations.¹²³ Jaesang was still somewhat grudgingly following the NHRC

¹²³ The NHRC issues recommendations when it decides the government needs to change its policy.

regarding the prisoner's human rights, and conceded that this trend was now a reality, but he did not seem to be an enthusiastic advocate:

Since the establishment of the NHRC, we've had to pay attention to the human rights of prisoners. We can't disregard the issue... Also, we should agree that even prisoners shouldn't be regarded as people who deserve to be maltreated. I think we should take this trend as a reality.

[Jaesang]

7.6 Humanitarian credo

The study found that three interviewees held humanitarian values in their working patterns and attitudes towards their work, and that they viewed their work with prisoners as optimistic and constructive. Their attitudes towards their work regarding the aspects of staff, government and community might stem from the views on prisoners. Indeed, this credo was based on humanitarian values and was characterised by empathy towards prisoners, who were believed to be potentially responsive to rehabilitative programmes and capable of being reintegrated into society. In addition, three interviewees stated that they would refrain from using force if at all possible because it might lead to increased tension and so to violence perpetrated by both prisoners and staff (see Johnson et al., 1997).

Moreover, these interviewees argued that prison work programmes should provide opportunities for prisoners to develop their minds and human capabilities. Their narratives often contained passages outlining their ideal role and articulating their core values regarding the treatment of prisoners: empathy, trust, caring for more than basic needs and fostering the development of potential. They viewed prisoners differently from the governors who held the punishment credo and who were convinced that prisoners should be treated very differently from law-abiding citizens. However, they reported that they had experienced many difficulties when they

attempted to put these convictions into practice. Table 7.8 shows the key aspects and main features of the humanitarian credo.

Table 7.8: Main features of the humanitarian credo	
Aspects	Features
Perceptions of prisoners	Trusting prisoners, not differentiating prisoners from others Taking prisoners' emotional problems seriously Paying attention to individual prisoners' concerns Establishing good relationships with prisoners Encouraging prisoners change of attitudes and behaviours
Staff management	Trusting and supporting staff Ensuring staff's importance in operation of prison Happily relying on staff competence Regarding staff as co-workers, not subordinates Fostering positive relationships between staff and prisoners Emphasising fairness to reduce tensions between staff and prisoners
Government policy	Conflicting with government policy which devalued prisoners' human rights Recognising tense relationship with Correctional Service over its devaluing of prisoners' issues Seeking enlarged discretion and local prison autonomy Demanding policies which prisoners really needed
External stakeholders	Seeking help from wider community Regarding community resources as helpful and meaningful Expecting NHRC to be more dedicated to wider areas Emphasising role of family in humanising prison programmes

As shown in the table, they emphasised that staff should be trusted and supported, and regarded them as co-workers, not subordinates. On the other hand, they criticised the substance of the Correctional Service policy aiming at what was convenient for the agency, which sometimes made the relationship with it a tense one. In order to help prisoners further, the help of the outside community was

thought to be frequently needed and inevitable. They tried to overcome any constraints caused by the lack of government resources, grounded in morality rather than in any managerial requirement.

Background information on these three interviewees is given in Table 7.9. Two interviewees, Kisan and Dowon, had many similar individual and career characteristics: they were highly educated compared to almost all other interviewees, both had obtained postgraduate degrees in criminal justice-related areas, both had had experience of working at Correctional Service Headquarters, they had been on the teaching staff at the Legal Research and Training Institute before they became governors, and they had much less experience of working in the Custody Department of local prisons.

Table 7.9: Information on humanitarian credo governors	
Interviewee	Character and background information
Kisan	Nearly 20 years in prison service, joined prison service as a direct-entry chief officer, postgraduate degree
Dowon	Over 25 years in prison service, joined prison service at 7 th rank, postgraduate degree
Jaekun	Over 30 years in prison service, no experience of working at Correctional Service Headquarters, joined prison service at 9 th rank

As shown in Table 7.9, Kisan had joined the prison service as a direct-entry chief officer (5th rank). He was one of the youngest interviewees, being in his late 40s, and had served for less than 20 years, the shortest time among all the interviewees. In addition to not having served in the army, he had not spent much time in the prison service during the military government regimes (before 1992), and he was young when their social and political ideology had affected the society. Dowon had entered the prison service as a senior prison officer (7th rank) and most of his career before becoming a chief officer (5th rank) was spent at Correctional Service Headquarters. Nothing of particular significance was found in Jaekun's background except that he was in charge of one of smaller prisons compared to other interviewees' facilities.

7.6.1 Trusting prisoners, not differentiating them from others

The study found that these interviewees had strongly held sympathetic and compassionate attitudes towards prisoners. Whilst the interviewees in the first group (the punishment credo) tended to believe that criminals have peculiar characteristics and a deficient moral sense, the interviewees in this group did not differentiate prisoners from others, and believed that prisoners have a similar sense of morality to that of law-abiding citizens. Furthermore, they were convinced that prisoners needed more care and help than other people in society. Regarding their relationships with prisoners, the study found that the values emphasised by the narratives included in various degrees respect, humanity, trust, support, fairness, order, safety, well-being and decency. Jaekun, who had struggled to help prisoners throughout his career, noted:

... Even though I made up my mind to do right in terms of humanitarian practices, I've often witnessed prisoners' mental and physical sufferings; for example, abuses and violent ill-treatment in prison, which I just couldn't accept... I shouldn't neglect to pay attention to the processes and results of prisoners' activities... to take an interest in what prisoners really need.

[Jaekun]

The interviewees emphasised the importance of trusting prisoners. They argued that stigmatising prisoners as a dangerous group would be the wrong way to manage them. Kisan mentioned a particular case:

My main duties cover more than the security of the prison; we have more than 1,500 prisoners, and most of them aren't dangerous in terms of security. I can say that most prisoners don't escape even when they have the chance. You see... there was a prisoner we'd released who came back to this prison, where he'd served his sentence, because he found that he'd been wrongly discharged owing to mistakes by the staff.

[Kisan]

During the interview, Kisan stressed several times that trust should come before employing rehabilitation programmes. His comments also suggested, however, that prisons should not make the mistake of refraining from implementing rehabilitation programmes because they feared that the security of the public might be endangered

by a small number of prisoners who might escape, and that the many should not be sacrificed for the sake of the few. He was confident that most of the prisoners in his institution would not try to escape and trusted them not to do so. He had been encouraged in this by the case above of the wrongly discharged prisoner. But whilst trust between staff and prisoners may help accelerate the process of rehabilitation, that process is invariably a long one, as Dowon admitted:

We have to be aware that rehabilitation is a long journey. We can't achieve it once and for all; instead, it's a continuous process that can't be accomplished in a short time. By preparing them for a new life, we can help them start again. It's challenging, but we know that it's our job, and that we should start by recognising we need to acknowledge that prisoners can be changed.

[Dowon]

Jaekun presented an example of what can be achieved by interest and willingness to communicate with a prisoner. Jaekun spoke confidently of having motivated the prisoner to change by gaining his confidence. According to him, mutual trust in this case proved very effective and the outcome was highly satisfactory:

One of the prisoners in this institution, who'd been serving a life sentence for more than 10 years for a sexual offence, was in continuous conflict with staff officers... Since it seemed to me that the officers couldn't control him, I decided to meet him... After hesitating to talk to me for a while, he started to tell me why he had been a troublemaker. He had only one hope: to be treated like the other prisoners who had earned similar incentives and privileges... Even though there might be good reasons that my staff weren't treating him as he wanted, I decided to trust him and had him appointed as a foreman in one of the prison factories. It worked... he really changed and became a model prisoner. Whenever I visited the factory area, I observed him carefully and showed him I was interested in him. He never made trouble again.

[Jaekun]

From past experience, this prisoner assumed that any one who had caused enough trouble to be visited by the governor would be cruelly ill-treated, and so he was very disturbed by the governor's surprise visit. Jaekun's narrative made clear that the prisoner who had been a troublemaker changed when he was trusted and given a responsible position instead of being punished. Despite his initial and

understandable anxiety, he was open and honest with the governor and this led to the building of a good relationship. The narrative showed that the governor's trust produced positive outcomes. Jaekun considered that the best way to defuse the tension between prisoners and staff was, where possible, to try to understand the prisoner and attend to his grievances, if they were genuine. In this case, the governor's trust was justified, in that the former troublemaker became a model prisoner, and the prisoner's trust was rewarded: he was treated like others serving long sentences. It should be noted, however, that the case was exceptional.

Exceptional as it was, the case shows that understanding and trusting prisoners can present an opportunity for change. These interviewees, whose views could be described as predominantly humanitarian, saw it as part of their role that they should do something for prisoners who needed their help, thus actively challenging the prevailing negative attitudes towards prisoners. Dowon explained how he demonstrated his belief in practice:

When I came to this institution as a governor, I felt that there were so many prisoners who were hostile towards other prisoners, more so than in other prisons. It seemed that they were hardhearted and didn't care about their fellows. So I started to encourage them to participate in voluntary work in the community, for example helping residents of old people's homes, or cleaning up the environment, and... I believe these activities contributed to healing their minds and changing their attitudes. The prisoners got a lot out of it... I was so pleased to see this, to a degree that words can't express. I felt like I'd become their father.

[Dowon]

Dowon recognised that the prisoners were alienated from one another, and that voluntary work could help them relate positively to other people. He was unusual in taking the prisoners' emotional problems seriously and the action he took was successful in that the prisoners came to feel that they were doing useful work as members of the wider community, and this contributed to reducing the conflicts between them. As a result, Dowon realised that activities of this kind could encourage prisoners to change their ways of thinking and behaving.

7.6.2 Trusting and supporting staff

These interviewees ensured that their staff were critically important to the operation of the prison. They often used particular words to describe their role with regard to staff management, including harmonising, helping and mediating, but the words most emphasised were trusting and supporting, which they thought best expressed their attitudes towards their staff. All three interviewees indicated that they happily trusted and relied on their staff to carry out routine work. To the questions, 'How do you normally deal with staffing issues?', and 'Why do you think this is the best way to deal with staffing issues?', Jaekun, the longest-serving of the three, who had worked his way up from the lowest rank in local prisons, replied:

I fully trust my staff. I can't decide to assign a prison officer to a segregation unit where there are very many problems still happening unless I trust his competence... and I know the many different kinds of prison officers and how to work with them. But the most important thing is that I should show how much I trust them, because otherwise they won't do as I expect.

[Jaekun]

The interviewees were well aware that they were far removed from the scene of staff –prisoner contact, and that they would probably be among the last to learn about the impact of their decisions upon the relations between staff and prisoners. They noted that, to a great degree, their decision making would inevitably be chiefly based on the reports presented by their staff. Thus, their strategy was to work as closely as possible with them.

Furthermore, even though in Korea there was no organisation like the Prison Officers Association in England and Wales, the interviewees acknowledged that every member of staff was important and that they regarded their staff as co-workers, not subordinates. Dowon said that he appreciated his staff's contribution to the prison:

The staff are my companions... They know what is best for the prison. I fully thank them for their support, without any doubt.

[Dowon]

Another important strategy of staff management employed by these interviewees was to attempt to foster social relationships between trusted staff and prisoners (see Bryans, 2007). It was particularly important because the interviewees agreed that the most difficult thing they had to deal with was the tension between staff and prisoners. It has been argued that this strategy is effective in negotiating the peaceful operation of an institution (see Liebling and Price, 2001); however, it was not easy for the interviewees to decide to adopt it in practice because it would be risky in that it might encourage improper relationships between staff and prisoners. Jaekun explained the benefits and difficulties:

... I had to think about the possible results in a positive way, otherwise I couldn't have asked my staff to engage in more intimate relationships with the prisoners. I judged the matter using my long prison experience, and I believe a good relationship will reduce any tension between staff and prisoners and among prisoners, and in the end it will bring less violence... In reality, it's difficult to have such relationships in the security sections because of both the prison culture that emphasises security and the high turnover of prisoners. So I applied this to some limited areas such as education classes and factories.

[Jaekun]

Jaekun indicated that he adapted his practices appropriately according to the different prison environments because the conditions in the security sections were not always conducive to the formation of closer staff-prisoner relationships. But he implied that if positive relationships between the two sides were established, it would be easier to ensure the security of the prison and the efficient control of prisoners (see Crawley, 2004). Moreover, if staff can manage to build positive relationships with prisoners, who are after all confined against their will, they will ultimately enjoy a friendlier working environment. Thus, Kisan emphasised the desirability of building good relationships with prisoners:

I emphasise the importance of good relationships with prisoners. I ask my staff to get to know the prisoners better; for example, I ask them to call the prisoners by name not by their numbers. I think it's relatively easy to build relationships here because this prison is small compared to other facilities.

[Kisan]

Two interviewees mentioned fairness as a strategy for reducing tension between staff and prisoners. When replying to the question, ‘What are the main issues which arise with the management of prison staff?’, all three interviewees emphasised fairness. Dowon’s narrative was typical:

... I feel it’s also essential to go further and focus on fairness in every aspect of staff management... I also recognise that making my prison secure is prerequisite to achieving fairness, and so I’m struggling to overcome the challenges and difficulties. But in doing so, I put a high value on fairness and due process... The stand I’m taking comes from my experience.

[Dowon]

As for the informal matters which all the interviewees thought of as part of their duties, participation in their staff’s rituals and ceremonies was particularly mentioned. According to Korean customs, participating in and attending relatives’, friends’ and acquaintances’ events are valued, being regarded as a matter of course: generally they are funerals and wedding ceremonies. Kisan remarked on the effect of his attendance at a funeral:

When I attend the funeral of one of my staff’s family members, the bereaved man always thanks me for attending. Usually, prison staff spend their life within the prison walls, and for many of them the only friends who attend these funerals are their co-workers, the prison officers... If I go, I know it’ll make other staff members attend, even those who originally didn’t plan to come.

[Kisan]

The interviewees were confident that their staff would know their managerial style well and that they were important figures who set and checked the tone and pace of the prison culture. Attending ceremonies would not improve staff performance, but the interviewees were convinced that it did much to establish positive relationships and a good working environment for their staff.

7.6.3 Coming into conflict with government policy

Generally, prison governors cannot directly oppose the central government’s policy, because it would be seen as resistance to authority or to the culture of the prison

service in general (see Kang et al., 2003). However, all three interviewees holding this credo indicated that the relationship between themselves and the Correctional Service was a tense one, and that they faced significant constraints in implementing the Service's policies. Thus they confessed that they found it difficult to translate their beliefs into practice.

Their narratives pointed out that the Service's policy, which often emphasised process and measurement, sought to make local prisons similar to other public institutions without careful consideration of likely effects on criminal justice. When the nature of the governor's task changed in accordance with the changes of government policies, governors who wished to practise long-held beliefs often faced role conflicts. For example, Dowon was not satisfied with the government policy emphasising reform of prison administration in the name of efficiency and performance. He argued that prisons were being forced to treat prisoners inhumanely:

I think the Correctional Service regards prisoners as units. They are counted in numbers, and the prison's performance is reviewed in numbers as well. If a prison fulfils its duty to operate a programme for the prisoners, to take one example, the Service regards it as having achieved one point. They don't take account of the programme's quality...

[Dowon]

The interviewees took the view that the central government wanted to manage all prisons in the country in the same way and to maintain the status quo. Two interviewees argued that prisons needed greater autonomy. Jaekun was particularly critical:

The Correctional Service demands that the institutions be run efficiently and justly according to the regulations and without any major trouble. Their policy is just 'obey the rules and don't have incidents'. Rehabilitation and human rights? I doubt that's what they really want... The problem is that they want the regulations to be applied to all the prisons and in the same way across the whole country. All the same!... You see, prisoners are all different, prison facilities are various, and conditions around the institutions vary. Each prison needs its own policies.

[Jaekun]

Jaekun criticised the style and substance of the government's prison management mainly because the Correctional Service had designed its policy on local prisons according to what was convenient for the agency, although it paid lip service to rehabilitation and human rights. In particular, security requirements often hindered the prisoners from obtaining what they really needed.

Kisan criticised the government's attitude, which was to disregard a prisoner's effort to change his situation. He had expected that the new government would increase the number of parolees as much as possible because he believed that a prisoner who repented of his crime should be positively considered for parole, but his hopes were frustrated because of the attitude of the people in the Ministry of Justice:

... Last month, this prison applied for the parole of a prisoner, almost 60 years old, who had spent more than 18 years in prison serving a life sentence. His application form was sent with a couple of certificates for vocational qualifications and prison education. But his application was rejected. The reason given by the parole board¹²⁴ was that his crime of rape and murder was too heinous. You see, the people up there haven't changed their attitudes yet.

[Kisan]

Kisan believed parole was an important mechanism designed to help prisoners. However, even though this prisoner had enough qualifications to show that he had made an effort to change, including the certificates for vocational training and prison education, the parole board was still only concerned with the fact of the crime committed almost 20 years ago, not the fact that the prisoner had changed. The Ministry's officials are very influential in the board's decisions, and the application is usually screened by the Correctional Service before the board meets. Both bodies tend to be unsympathetic to applications made on behalf of prisoners who have committed serious crimes. Kisan expected that the Ministry would give more weight to the prisoner's attempts to reform and less to the offence; however, the result was disappointing.

¹²⁴ The parole board usually consists of judges, lawyers, academic specialists and officials, including the Director General of the Service and senior prosecutors in the Ministry of Justice.

7.6.4 Seeking help from community

The prison service is not often a high priority for financial support compared with other functions of government, and so the help of the outside community is frequently needed and is in some senses inevitable (Martin and Rosazza, 2004). This group of interviewees indicated that prisons would be improved if they could obtain help from the outside community, and in this they differed from the other interviewees, especially in the great value they placed on the help of volunteers and family members. They spoke passionately about their belief that they had a duty to overcome any constraints caused by the lack of government resources, that their sense of duty was grounded in morality rather than in any managerial requirement to carry out their duties, and that moral goals could better be achieved with the help of the outside community. Downon described how he obtained this help:

As I said, this prison lacks budgetary and personnel resources. But I can't spend all my time loafing without doing something for the prisoners. If you look outside, there are plenty of people who are ready to help the prisons... If anything's lacking, I often carry out the duty of resource gathering; you could say I'm a fundraiser... I'm enjoying realising what I want to do with the resources I've gathered.

[Downon]

The other two interviewees, Kisan and Jaekun, also indicated the importance of establishing partnerships with external community members such as volunteers, prisoners' families and the NHRC. They pointed out that external bodies could provide or support services which were beyond the prison service's capability. Kisan thought that his staff had not yet internalised the idea of prisoners' human rights and that the NHRC should try to help them:

... the NHRC has contributed to the enhancement of prisoners' human rights. Unfortunately, however, the NHRC is obsessed with prisoners' complaints. But I think that its role should be more than that... to enlighten people who have misperceptions about human rights. There are still some prison staff whose understanding of the prisoner's human rights is inadequate. So the NHRC has to make an effort to help them.

[Kisan]

Kisan recognised that the NHRC had spearheaded the positive changes made in prisons during the previous ten years. The Commission had forced prisons and the Correctional Service to face up to the problems associated with the enhancement of prisoners' human rights. It was encouraging prison governors to try to anticipate what needed to be done and to keep abreast of the government's human rights policy so that they would be able to deal adequately with prisoners' complaints, or better still, they would not receive any.

Jaekun emphasised the role of the family in humanising prison programmes because he considered that not only had the prisoner's family contact been neglected in prison practices, but also in government policy, family contact had been a low priority. These interviewees were aware that families and prisoners were suffering considerable deprivation. Their interest in family visits and contact with prisoners was realised in the extending and widening of relevant programmes. They allowed prisoners to have special visits with their aged parents, private visits with their family in their living accommodation for a day and special day visits with their family in a house provided for this purpose. Jaekun emphasised that an important part of his duties was to encourage prisoners who felt isolated from their family, and he talked about his efforts to bring them together:

I've seen many prisoners who felt excluded from their family's care. Since I think that family relationships are crucially important for prisoners, I put great efforts into the maintenance or restoration of the family relationship. So I've allowed prisoners here the privilege of 'special visits'¹²⁵ with their family.

[Jaekun]

Jaekun valued the maintenance of the family relationship as enabling the prisoner to adapt well to life in prison. In order to reduce any damage which might result from imprisonment, he used his discretion to allow the prisoner to enjoy being with his family and benefit from the strengthening of family solidarity. Rather than thinking in terms of the normal prison visit, he empathised with the prisoner and so regarded it as a good opportunity for the prisoner to gain self-esteem. Thus, he arranged for

¹²⁵ These visits take place in an open space where the prisoner and his family can come together without any barriers.

the prisoner and his family members to meet more freely and comfortably, which was very different from the normal prison visit, which is inhibited by physical barriers and a ban on physical contact. Dowon talked about the remarkable impact of a programme for family solidarity:

I was impressed when I saw that a couple of prisoners who were participating in the programme [the Father's School] were moved to cry. To see a prisoner who was a gang member or a murderer cry is a really amazing experience. I doubt that this kind of programme could be established without the help of volunteers.

[Dowon]

7.7 Conclusion

The study found that the four working credos were not mutually exclusive, however they shared certain similar features in some respects with one or more other credos. A governor who predominantly held a particular working credo might have similar or even identical attitudes towards certain aspects of his work to those of a governor holding a different credo. However, his credo could be categorised through an analysis of his overall working patterns and core values. The study found it useful to consider the operation of each credo in four overlapping and interactive arenas, and so, on the basis of the interview data, examined the interviewees' attitudes towards prisoners, staff, government and the outside community. The categorisation of the credos was thus grounded in the data. By comparing in this way the interviewees' values and working patterns, the study was able to identify their core values and to formulate a typology. Each group of governors emphasised and prioritised a fairly distinct set of beliefs and attitudes with respect to each of these arenas and this helped to define the features of each credo. Four distinct credos emerged from the analysis; these were termed the punishment, paramilitarist, managerialist and humanitarian credos.

First, the study found that six interviewees held punitive attitudes towards prisoners which were realised in their practice, although there were individual emphases with

regard to certain aspects of their work. A core belief was that prisoners should be treated differently from people in society who live law-abidingly. Allied to this was the conviction that prisoners are idle and selfish and uninterested in their moral rehabilitation. The interviewees felt justified in disliking and morally condemning the prisoners in their care.¹²⁶

Their perceptions about prisoners led them to develop particular attitudes towards staff, government policy and external agencies. They devalued their staff's competence, distrusted them and therefore adopted a hands-on approach to staff management. They saw their main role as being conspicuously hard-line and ensuring that their junior staff were also strict disciplinarians. Those holding this credo engaged in emotional denial of government policy, which they criticised because of its leniency towards prisoners and its focus on the prisoner's human rights. In addition, the interviewees expressed their reluctance to accept external supervision from the media and the NHRC. They emphasised that the demands for the enhancement of prisoners' human rights by the government and outside agencies had been excessive and had made it difficult to manage easily prisoners' inappropriate behaviours. Given greater discretion, these interviewees would choose to act in accordance with their conception of their role but would disguise their real attitude towards prisoners.

Second, nine interviewees indicated that they were submissive towards authority, both formal and informal, and that relying on the hierarchy of the prison organisation gave them a sense of security. They tended to adhere to predetermined principles and inflexible values and were very uncomfortable when compelled to transgress moral boundaries. They were anxious to be seen as able and competent, particularly in their control of order and discipline, and in staff management. They were concerned about the possibility of serious incidents, blaming prisoners as troublemakers, and so they laid great stress on 'no incidents' but were otherwise not

¹²⁶ This study's punishment credo corresponds to Rutherford's (1993a) 'Credo One' or 'punishment credo', Cavadino et al.'s (1999) 'Strategy A', and Cavadino and Dignan's (1997) 'law and order ideology'.

interested in the prisoners, either their welfare or their rehabilitation, unless directed by the government.

The interviewees demanded that their staff be obedient to them, by tightening discipline, emphasising the mechanism of hierarchy and prioritising the chain of command. At the same time, they supported and submitted to the established authorities of the prison service, the Correctional Service and the Ministry of Justice. In order to avoid any malfunction in the prison practices and protect their reputation within the prison service, they focused exclusively on the maintenance of order. However, they found it difficult to avoid becoming compromised by the unethical demands of influential people and thus they tolerated many illegal and unjust actions committed by individuals whom they claimed they could not refuse, often people working in the Correctional Service.

Third, eight interviewees presented the attitudes that effective management was one of their critical concerns and focused more on managerial matters such as planning programmes and staffing issues than on individual prisoners. To cope with managing a busy schedule, they delegated many of their less important responsibilities to staff they had trained to work as a trustworthy team.¹²⁷ As the Correctional Service provides governors with a degree of discretion, they delegated wherever possible, allowing the staff some autonomy in looking after the prisoners; but they found that the Service placed limits on their discretion in other areas and they had to struggle to have certain decisions accepted. Generally, they believed that prison management should be an 'enabling process', as the Woolf Report (Woolf and Tumin, 1991: 295) suggests.

Even though they tended not to make direct contact with individual prisoners, this did not mean that they neglected or ignored them. On the contrary, they paid regard to the prisoner's individual intention and willingness to participate in rehabilitative programmes. When facing dilemmas and ambiguities in their practices, they tended to adhere to the laws and regulations, a few encouraged their staff to write up a

¹²⁷ The managerialist credo corresponds to Rutherford's (1993a) 'Credo Two' or 'efficiency credo', Liebling's (2004) 'effectiveness credo', and the Cavadino et al. (1999) 'Strategy B'.

manual and relied on checklists. The interviewees made an effort to overcome the lack of financial and personnel resources, and would protest at the irrelevance of the government's policy, in contrast to the submissiveness of those holding the paramilitarist credo. In challenging or circumventing the governmental constraints, they either confronted the Service or sought help from the community.

Fourth, three governors emphasised that prisoners should be trusted and sought to understand them. They argued that prisons should operate within an intensely moral arena (see Crawley, 2004), taking the prisoners' emotional problems seriously and paying more attention to prisoners' individual concerns. Holding this view, they made efforts to empathise with the prisoners, to establish good relationships with them, and to encourage the prisoners themselves to change their attitudes and behaviours.¹²⁸

In operating their prison, they sought to instil a strong sense of what the institution's values should be and to make their ideas acceptable to both staff and prisoners. They regarded prisoners as no different from people outside the prison and insisted that they should be treated similarly. Furthermore, they sought to establish a strong moral framework in practising their policies which demanded more than following regulations or requiring basic standards to be observed. Basing their practice on mutual trust, they tried to cater for the prisoners' emotional as well as physical needs and to foster the development of their potential as much as possible. The interviewees increasingly understood and perceived the prisoner's status in the way demanded by the laws and principles regarding human rights.

They showed a positive attitude towards their staff, trusting and supporting them. They regarded their staff as co-workers and relied on them to take care of the prisoners. In doing so, they often encouraged them to build positive relationships with prisoners and sought to reduce tensions between staff and prisoners through emphasising fairness. They admitted that they were having difficulties in performing their role as they would have wished, mainly due to the reluctance or opposition of

¹²⁸ The humanitarian credo of the study corresponds to Rutherford's (1993a) 'Credo Three' or 'caring credo' and the Cavadino et al. (1999) 'Strategy C'.

the prison officers, but also because of the apprehensions of officials in the Correctional Service. Although they could not directly challenge the Correctional Service's policy, their ideals sometimes led to conflicts and tense relationships with Service officials.

They wished to have greater discretion and an appropriate autonomy for each institution in order to maximise the success of rehabilitation programmes. However, they experienced many difficulties apart from their problems with officers and the Service, notably inadequate budgetary and human resources. In trying to overcome the constraints, they sought and found help in the community and put a special value on the maintenance or restoration of family bonds. They also acknowledged the positive role of the NHRC and one called on it to help educate staff who had not yet grasped the concept of prisoners' human rights.

In sum, this chapter has examined the participated prison governors' working credos, presenting the characteristics of these through an analysis of the interviewees' working patterns and sets of values. The study found that the governors could be separated into groups on the basis of similarities in these patterns and values, which differentiated them from others, and thus their working credos could be identified by a number of distinctive features. Since each credo's features were related to the core ideologies and values which underpinned it, this study formulated a typology of working credos based on this commonality of features, which was revealed by the interview data.

This research has yielded some interesting results. First, it identified a new set of working credos; most importantly, it identified paramilitarist credo grounded in the Korean cultural and penological context. Each credo was shown to have meaningful attributes in terms of the interrelationship between the governors' core values and their practices. Second, whilst punitive and paramilitarist attitudes were found to be evident to a great degree in the working patterns of Korean prison governors, humanitarian attitudes were relatively rare. Third, it seemed that Korean governors were less familiar with managerialism in their routine work than governors in Western countries such as England and Wales.

The typology of governors' working credos presented above and the discussion of the impact of the different dimensions of the typology on the various aspects of governors' working practices have important practical and theoretical implications, which will be discussed in the next chapter. These implications can be divided into two categories: (1) managerial implications for matching the desirable working credos to the working environments in the prison service, and (2) the typology's implications for theory and research on prison matters.

Chapter 8. Conclusion

8.1 Introduction

The main purpose of this study has been to explore the working credos of Korean prison governors. Through analysing extensive interviews conducted with twenty-six governors, the study identified four credos, explaining the different forms of their working patterns and core values. The findings also provided a structured and systematic description of the credos' component features associated with the governors' relationships with prisoners, staff, government and the outside community. This concluding chapter summarises the findings in relation to the research aims and objectives (see Chapter 1, p. 6). Then, the study considers the implications of the findings, particularly their relevance to the field of penology and their possible administrative impacts on penal policies.

8.2 Summary of the findings

The study produced a number of findings, which are related to its key objectives. It constructed an explanatory model of Korean governors' working credos and identified the characteristic features of each credo in order to understand the interrelationship between their working credos and practices. Although previous studies have conducted valuable pioneering research, they have done little more than discuss the basic concepts and identify a few of the main characteristics of each working credo. While they have been helpful in providing a description of the governors' working credos, they have not contributed to a deeper understanding of the interrelationship between the governors' credos and their work. This study claims originality in the following respects.

First, it is the only comprehensive study of Korean prison governors and constitutes a unique attempt to evaluate the Korean prison system through an investigation of the values and attitudes informing their managerial practices. Some studies have been conducted on the Korean prison system and prison officers (for example, Moon

and Maxwell, 2004a; Reisig and Lee, 2000). However, they are mostly descriptive and cannot provide applicable recommendations regarding prison policies on current issues, such as demands for the enhancement of prisoners' human rights.

Second, this study gathered a considerable amount of empirical data on the impacts of the governors' working credos on their work using in-depth qualitative research methods. The findings supported a small number of studies reporting similar issues (e.g. Rutherford, 1993a; Liebling, 2004). Although prison governors are critical stakeholders, whose influence can greatly affect prisoners and prison officers, the impact of their working credos on the prison practices have been little understood because of a lack of empirical evidence.

Third, this study examined the interrelationship between the governors' working credos and their working patterns and strategies in terms of the perspectives of individual governors. It is thus different from previous studies. For example, Rutherford (1993a) has examined working credos, but confines his analysis to a straightforward exploration of the credos and their formation, neglecting to examine the interrelationship between working credos and practices.

Fourth, the study found a distinctive type of governors' working credo, the paramilitarist credo, which has not been found by previous studies. The emergence of this working credo suggests that Korean governors have been much influenced by their organisational and societal environments, which differ in important respects from those in England and Wales. The working patterns and values of the governors holding the credo were found to be common throughout the Korean prison service (see Chapter 4, pp. 100-103). Thus, this study has expanded the field through its explanation of Korean prison experiences and societal and cultural influences.

The paramilitarist credo can be evaluated in two contrasting perspectives. On the one hand, it could contribute to enhancing the security and control of a prison because governors holding the credo prioritise the orderly operation of prison strategies. A consistent emphasis on the operation of the chain of command makes the governing of prisons more effective. On the other hand, these governors, who were indifferent

to the prisoners' welfare, were likely to behave inhumanely towards them, not only because they disliked prisoners, but mainly because they were convinced that it was in the prisoners' nature to commit serious incidents and to challenge their authority. This finding should prove useful to penal policy makers, practitioners and prisoners, by providing an opportunity to pay more informed attention to efficiency, effectiveness, and humanity in prison management.

In what follows the researcher next explains the findings of the study with reference to its five objectives as presented in Chapters 1 and 6. The first objective was to develop an explanatory model of Korean prison governors' working credos, classifying these according to the governors' priorities among their various duties and values. The study formulated four working credos, which it termed the punishment, paramilitarist, managerialist and humanitarian credos. Although no individual governor's credo consisted entirely of features belonging to one particular type, the study found that each governor predominantly held one of these four working credos. The first placed a high value on the punishment of criminal offenders, the second was strongly influenced by paramilitaristic values and attitudes, the third emphasised the efficiency and effectiveness of managerial strategies, and the fourth sought to reform and rehabilitate prisoners by treating them as humanely as possible within the prison environment.

In many respects, the paramilitarist credo governors had attitudes and beliefs in common with the punishment credo and the managerialist credo governors. Governors holding the punishment credo and those holding the paramilitarist credo had negative or restrictive attitudes towards outside intervention, and neither placed much trust in their staff. Similarly, the punishment credo and the humanitarian credo governors were more interested in individual prisoner matters than managerial issues; the reverse was true of governors holding either the paramilitarist or the managerialist credo.

Despite these and other instances of overlap, each credo was found to have a distinctive set of internally consistent features, and so this study was justified in classifying the features into four different credos. The governors were also grouped

according to the dominant working credo held by the individual member. This typology of working credos is indebted to the work of Rutherford (1993a) who has identified three working credos among criminal justice practitioners including prison governors: the punishment, efficiency and caring credos. The characteristics of these working credos vary markedly, as researchers have noted: the punishment credo stresses a 'law and order ideology' and punitiveness; the efficiency credo involves concern for throughput and efficiency, and tends to be managerial, bureaucratic, pragmatic and utilitarian; and the caring credo is explained as liberal, humane, anti-punitive, with a minimalist view of intervention and a pronounced concern for due process and individual human rights (Cavadino et al., 1999: 12-13; Rutherford, 1993a: 11-13).

The second objective of the study was to discover the characteristic features of the Korean governors' working credos and compare them with those found by previous studies. The main features of the Korean governors' working credos were found to be similar to those proposed by previous researchers in England and Wales. The Korean prison governors' 'ideal type' working credos were identified in terms which allowed comparison with those of governors in England and Wales. Even though the prison system in England and Wales is different from that in Korea, it is interesting to note that prison governors in both systems have similar working credos. While the governors' working values and patterns differed from individual to individual, they could be categorised on the basis of similar features as belonging to a particular working credo. The governors' perspectives and behaviours were examined with respect to four areas of relationship: with prisoners, staff, government and the outside community, because these areas emerged as significant factors from an analysis of the interview data.

The study found that the Korean governors were engaged with some aspects of these relationships on a daily basis; besides prisoners and staff, government officials and policies were found to be important, as were agents in the external environment such as the media and the National Human Rights Commission (NHRC), as well as the general public. The main features are delineated and compared in Table 8.1.

Table 8.1: Comparison of main features of Korean governors' working credos with those of previous studies		
Working credos	Previous studies' working credos	Korean governors' working credos
Punishment credo (Credo One, Strategy A, Law and order ideology)	Dislike and moral condemnation of prisoners Authorities should have as few fetters as possible to control criminals, in ways that are punitive and degrading	Condemning prisoners, believing they should be treated with severity Adopting supervisory role to staff management, devaluing staff competence Criticising leniency of government policy, rejecting idea of human rights Reluctant to accept access of media, not informing public of all details of incidents in prison, objecting to intervention of NHRC
Paramilitarist credo	(<i>no relevant previous studies</i>)	Indifferent to welfare of prisoners but anxious to avoid serious incidents Compelling obedience of staff, tightening discipline, delegating authority as little as possible, prioritising hierarchy in the organisation Submitting to and supporting government authority for self-protection Fearing negative effects of outside intervention, avoiding tensions
Managerialist credo (Credo Two, Strategy B, Efficiency credo)	System-based management, process-oriented, not on a moral mission Protection of public a key ideology Best value from resources, links with other agencies to maximise effectiveness	Having little direct contact with prisoners, devaluing prisoner matters Willing to delegate work to staff, relying on them to handle the details, managing them by use of manuals Overcoming governmental constraints, concern about lack of resources Negotiating and compromising with community, but challenging prejudice
Humanitarian credo (Credo Three, Strategy C, Caring/Humanity credo)	Humanitarian, empathy with prisoners Open and accountable procedures A minimalist view of intervention Location of criminal justice within the broad arena of social policy	Trusting prisoners, not differentiating them from others, paying attention to individuals' concerns, encouraging change of attitudes and behaviours Trusting staff, relying on their competence, and regarding them as co-workers Tense relationship with the Service over its devaluing of human rights Seeking help from wider community, emphasising role of family

Note: Parentheses contain the credo names used by previous studies such as Cavadino et al. (1999), Liebling (2004) and Rutherford (1993a)

Table 8.1 shows that three of the Korean governors' credos, the punishment, managerialist and humanitarian credos, had similar features to those previously discussed in the literature: the punishment, efficiency and caring credos, respectively (see Chapter 3, pp. 61-68). One of the key features of the punishment credo was similar to that found in previous studies: a powerful dislike and moral condemnation of prisoners (Cavadino et al., 1999; Cavadino and Dignan, 2002; Liebling, 2004; Rutherford, 1993a). The Korean governors holding the managerialist credo focused on the elimination of any inefficiency in their work, similarly to Rutherford's efficiency credo governors. Regarding the humanitarian credo, Liebling (2004: 7) has observed that the caring credo's key features are 'empathy with offenders... optimistic, belief in constructive work', and the Korean governors holding the humanitarian credo were found to emphasise that prisoners should be trusted with responsibilities and that efforts should be made to understand them. Given that the governors holding this credo saw it as their duty and responsibility to help in a humane way to change prisoners' attitudes and behaviours, this credo seemed to be the diametrical opposite of the punishment credo, as Cavadino et al. (1999: 45) note.

It is important to note that the prison service in both countries has experienced, and may still be experiencing, similar problems such as overcrowding, albeit to different degrees, and managerial demands from the government and a variety of demands from external bodies such as human rights organisations. These similarities were reflected in the study's findings: some features of governors' working credos in both countries showed evidence of a convergence in penal policies (see Jones and Newburn, 2005: 76). These similarities notwithstanding, the features of the Korean governors' working credos were different from those found by previous studies and thus the findings of the study are contrasted with those of previous studies below.

The Korean governors understood efficient and humanitarian ways of working differently from the governors in Rutherford (1993a). This study found that the governors holding the managerialist credo did not use phrases and terms found in Rutherford (1993a) and Liebling (2004) such as system-based management, process-oriented strategies and links with other agencies to maximise effectiveness. It is important to note that in Korea the central government has not placed much

emphasis on modern management techniques such as organisational de-layering, decentralisation and devolution of operational responsibilities, or on the use of performance management strategies such as targets and key performance indicators. In contrast, in England and Wales, there has been an increased use of public/private competition, changed forms of oversight to make more use of performance information, and the adoption of the executive agency form for delivering prison services (see 3.2.3.2 Influences on prison service).

Similarly, the governors holding the humanitarian credo did not emphasise such features as open and accountable procedures, minimal intervention and location of criminal justice within the broad arena of social policy. In both England and Wales and Korea, prisoners have been recognised as vulnerable and the term 'humanity' has been considered important for all human beings (Liebling, 2004: 217; Lim, 2000). In addition, the concept and nature of human rights have been discussed in terms of what the state may not do rather than what the prisoner can claim (Fowles, 1989; Kim, 1998). However, the degree of attention to humanity in prison has been different between two countries. In England and Wales, prisons have been more influenced by international level influence, human rights activists and the courts than those in Korea.¹²⁹ In the area of prisoners' human rights, outside organisations in Korea, due to their lack of influence and formal power, have faced difficulties in having their recommendations taken seriously by the Correctional Service.

It is interesting to compare the pattern of prevalence of Korean working credos with that found in England and Wales. The study found that some Korean governors held the paramilitarist credo, which is not found in England and Wales, and that the proportion of prevalent working credos was not equivalent to that found in the previous studies. In Korea, nine governors held the paramilitarist credo, six held the punishment credo and eight held the managerialist credo (see Chapter 7). Korean governors seemed to have a greater tendency to hold punitive attitudes and cling to a paramilitaristic culture, and were less affected by managerialism than their

¹²⁹ For example, since 1988, the HM Prison Service has used the term 'humanity' in the 'Statement of Purpose' of the Service, while the Correctional Service in Korea has substantially used the term only since the late 1990s (see 3.2.2.1 Definition of humanity in prison; Chapter 4, pp. 85-86).

counterparts in England and Wales, where the dominant working credo was found to be the efficiency or effectiveness credo (Liebling, 2004: 35; Rutherford, 1993a).¹³⁰ This implies that the Korean governors' understanding of efficient and humanitarian working strategies was not as developed as that of their counterparts in England and Wales. Moreover, each government had different priorities, which affected prison governors. These are explained further and in detail below, in relation to the next objective of the study.

The third objective of this research was to examine the influences of organisational, societal and cultural factors on the formation of the governors' working credos. The study found that the formation of the Korean prison governors' working credos had been influenced by various organisational and societal factors. Especially, the study found a new and distinctive type of working credo related to the specific Korean context: the paramilitarist credo. Nothing like this credo has been reported in England and Wales, and it seems to be a product of Korea's particular history and culture. The credo is so named because some governors were strongly influenced by the behavioural norms and ways of thinking characteristic of military culture. Their values and working patterns were very similar to those of military people, and the recent history of Korea allows us to understand the emergence of this credo. The country's past military regimes seem to have influenced Korean prisons and their people by inculcating the military culture which had long been prevalent in Korean society.

A different aspect of societal and cultural influences could be seen in the Korean governors' attitudes towards corruption in prison, a phenomenon rarely reported in studies in England and Wales. Even though many Korean governors spoke about their concerns regarding staff corruption, there was some evidence of corruption among high ranking officials. It is important to note that all the governors had experienced and lived within the context of prevalent corruption in society and some admitted that they had personally been affected by it at some time in the course of

¹³⁰ In England and Wales, the most prevalent working credo has been found to be the efficiency credo, the punishment credo being rather less so (Cavadino and Dignan, 1997: 302; Cavadino et al., 1999: 41; Garland, 1990: 183; Liebling, 2004; Rutherford, 1993a).

their work (see Chapter 7, p. 194).¹³¹ In some prisons, corruption may be institutionalised, sometimes relating to the chain of command, starting from the lowest rank and extending to the highest level (see Chapter 4, pp. 105-108).

Although no governors were lenient towards staff corruption, the paramilitarist governors were even stricter than those holding other credos. Whilst the punishment credo governors strengthened staff discipline mainly because they believed that their staff were incompetent and vulnerable to prisoners' criminal schemes, the paramilitarist governors were anxious to preserve their prestige, which depended on the stable operation of their institution. While most governors were opposed to corruption on moral grounds or because they feared that corrupt practices would threaten their position, those holding the managerialist credo were dedicated to stamping out corruption because it damaged the smooth operation of their prison, regarding it as part of the old tradition which had to be eradicated, and they believed that it would harm the normal and efficient prison management.

The humanitarian credo was practised to some extent in Korean prisons, but only three governors held it to any significant degree: a very small proportion of the total twenty-six, and much fewer than the number holding any other credo. Only recently have human rights issues become an issue of concern to people in Korea. Even though many dissidents during the period of military governments (1961-1992) had struggled for democracy and human rights, Korean society in general as well as the prison service was hardly affected (Lee, 2003c). Rather, actions taken by human rights advocates or incidents which initiated by prisoners demanding their rights and benefits often threatened and aggravated prisons' problems with security and control, alienating those prison employees adhering to a 'law and order' ideology. Even though the Korean government initiated a human rights policy after the late 1990s, mainly driven by external pressures from human rights activists, the core values informing the policy were not internalised by either government officials or most prison employees. Furthermore, especially when the NHRC and the media criticised

¹³¹ South Korea placed 43rd out of 180 countries surveyed in a global corruption index, an international corruption watchdog, the Berlin-based Transparency International's annual corruption perception report. South Korea scored 5.1 and ranked 25th out of 30 OECD member countries (Transparency International-Korea, 2008).

prison practices, governors came into conflict with them, on the grounds that the external bodies were not taking into account the prison's lack of resources, including budgets and staff.

The fourth objective of the study was to investigate the influences of individual factors on the formation of governors' working credos. The study found that governors' working credos were partly woven from various influences of individual factors. The findings demonstrated that the punishment credo was to a significant degree influenced by the governors' age and period of service in the prison service. The governors holding the credo were from the older and more experienced cohort of governors: all of them had joined the prison service in the 1970s and all were due to retire soon. Many of them had started their career in the lowest officer rank (9th) and had been promoted through the ranks. The governors, who tended to have low levels of formal education, did not need to have any higher qualification to enter the prison service.

Governors holding the paramilitarist credo were also older and had longer experience in the prison service than governors holding any of the other credos except the punishment credo. It is possible that these governors who had had longer experience of the military culture could have been more affected by this culture. For example, like the punishment credo governors, their working experience had been gained only in prisons. By contrast, governors holding the managerialist credo were more highly educated and some were younger than the other governors in the study. All of them had served longer as a governor and relatively many had worked at Correctional Service Headquarters. Even though it is not clearly evident, it is possible that these factors might have in varying degrees influenced them to hold the managerialist credo.

Similarly, the researcher suggests, but cannot confirm, that working experience at Correctional Service Headquarters and the Legal Research and Training Institute might have influenced governors to hold the humanitarian credo. Since the number of governors holding the humanitarian credo was so small, it cannot be claimed that their individual backgrounds were determinants of their working credo. However, it

is important to note that two out of the three humanitarian credo governors were highly educated compared to other governors and had experience of working at Correctional Service Headquarters and teaching staff at the Legal Research and Training Institute. However, the study could not find any particular significance in one governor's background, except that he was in charge of a small institution. Even so, it is possible that policy-related work, less experience of military culture and higher level of academic qualification could have influenced these governors to hold the humanitarian credo.

8.3 Implications for policy

This section discusses possible directions in which penal policy may move forward, and what governors and the prison service might do to facilitate this. Knowledge of governors' working credos such as this study provides should be useful for understanding a wide variety of phenomena in prison governors' work and its environments. Such knowledge is assumed to be useful in addressing temporary or long-term policies such as reforming the use of human resources. If applied to thinking about strategies to deal effectively with prison crises such as violence and overcrowding, an understanding of governors' working credos could suggest a number of possible courses of action (see Cavadino and Dignan, 2002). Similarly, policy makers may become too greatly concerned with specific issues or seek to impose a general and inadequately thought out strategy. A valuable corrective to such errors might be a more focused analysis, specifically designed to examine the interrelationship between the values and practices of prison management.

The study found no clear evidence that the Korean government encouraged governors to hold features of the punishment and paramilitary credos. Rather, the researcher argues that those of the managerialist and humanitarian credos were prioritised by the government, which has been concerned to reform prison management. Given this concern, the influence of the punishment and paramilitarist credos on the prison culture should be lessened or negated for the sake of the

positive development of prison management in Korea. Similarly, neither the Ministry nor the Correctional Service had paid much attention to the value of efficiency or effectiveness because they did not see the necessity. The Korean governors, unlike their counterparts in England and Wales, seemed not to have heard much about, or given much thought to managerialism, probably because the government did not often use it in its communications. It is important to note that the managerialist credo's administrative advantages will be constructive in making the prison service run smoothly and cost-effectively, and that the humanitarian credo will also be valuable in reforming and rehabilitating prisoners as well as in enhancing their human rights (see Cavadino et al., 1999: 13, 51). Thus, the Correctional Service should design performance improvement measures which stimulate the managerialist and humanitarian credos and that restrict the punishment and paramilitarist credos.

Therefore, the researcher suggests that the prison service should, as some researchers have recommended, 'minimise punishment and ensure fairness and due process within the criminal justice system' (Cavadino et al., 1999: 45). Whilst practices based on the punishment credo might result in violence, it is important to note that the humanitarian credo can contribute to the conduct of prison practices in a way which helps the rehabilitation of prisoners (Home Office, 1991; Woolf and Tumin, 1991). Thus, the Korean prison service should formulate policy to encourage the establishment of humanitarian approaches to the treatment of prisoners because, as the study found, the humanitarian credo has no significant influence within the prison service.

The findings of the study imply that humanising the prison service is not only an issue for governors but concerns all the organisations and people who have dealings with the prison service. Among them, the Correctional Service is in a key position to manage the direction and pace of change. Given that the Service has the greatest and most direct influence of any organisation concerned with how prisons are run, the most effective way of humanising prison conditions and promoting justice in prison would be to change the structure of the Correctional Service in ways that would best establish humane values within the Service.

Thus, separating the organisational structure of the Correctional Service from the Ministry of Justice could be one way to reduce the pressures on governors, who are greatly affected by the Service's policy decisions, particularly as the Service tends to be militaristic, favours hierarchy and demands obedience. The study also found that some governors holding the humanitarian credo had a tense relationship with the Correctional Service, which they saw as devaluing prisoners' human rights. Since the central government has a critical influence on prison management, it is important to take account of the nature and stance of the Ministry of Justice, which oversees the prison service and the investigation rights of prosecutors (see Chapter 4, pp. 90-91). Often the ministry controlling investigation rights is likely to become more militarised in order to deal with criminal investigation and identification more effectively (see Coyle, 2002a) which might have an impact on its policies regarding prisons and prisoners, for example the number of parolees. Some ministers might tend to directly intervene in the Correctional Service's policies, restricting the Director General's discretion or delegating less authority.

The Council of Europe has also recommended that prisons should be separated from military, police or criminal investigation services and made the responsibility of public authorities (Council of Europe, 2006).¹³² As Coyle (2002a) notes, this reform would not be for the benefit of the prison service, but it would be in the public interest by placing the emphasis on humane treatment and rehabilitation rather than on the punishment of prisoners. Given the significant number of paramilitarist governors identified by the research, the study agrees with Coyle (2002a: 14) that it is 'essential that prisons should be organised within a civilian rather than a military structure.'

Separating the Service from the Ministry might help to change the punitive and militaristic culture of the prison service (Coyle, 2002a: 48). Moreover, this argument is supported by the recent behaviour of the Ministry of Justice, which exposes the contradictions of the current system. Some Ministers of Justice, depending on their

¹³² See Rule 71 in Part V.

priorities, have been sending mixed messages, on the one hand promoting human rights (to conform to international or human rights activists' demands) but on the other also insisting on security, order and discipline. Thus, the governors holding the humanitarian credo found it difficult to translate their beliefs into practice.

Another implication for penal policy relates to the need to introduce some human resources development strategies such as education and training. mainly because the study found that more than a half of the governors (n=15) held the punishment and paramilitarist credos and were unwilling to provide prisoners with positive training or treatment and reduce levels of punishment. Through education to instil appropriate attitudes conforming to the managerialist and humanitarian credos, governors should be ensured that their practices are humane as well as efficient and effective in order to reduce any possible criticism from stakeholders such as prisoners, staff, government and the outside community. Prison management may become unstable and problematic if it refuses to respond to the demands of the prison environment.

Governors' frequent transfer between prisons did not encourage them to improve efficiency and effectiveness of prison performance. Moreover, the Service neglected to set targets and employ appropriate evaluation. The prison culture remains unperturbed by government audits except when these threaten to discover illegal or corrupt behaviours (see Chapter 7, p. 200). The study also found that there were some governors who, while generally sympathetic to the idea of the prisoner's human rights, had not internalised the thinking favoured by the NHRC and within the government. Many governors besides those holding the humanitarian credo saw the idea of human rights in a positive light (or at least they recognised it was a reality they had to address), but had not made it part of their credo. Their understanding was inadequate and many of them revealed an ignorance of humanitarian perspectives. Many governors, including those holding the humanitarian credo, reported that they had faced significant constraints in coping with the general culture and the regulations of the Correctional Service.

The findings of the study may relate to their long professional exposure to the influence of strong conservative and authoritarian governments which emphasised the ideology of law and order in penal practices. Spending their whole career in the limited world of the prison service had clearly affected their attitudes towards their work. They admitted that it was important for the preservation of order that they should take a hard line and ensured that their junior staff were strict disciplinarians. Recently, as discussed in Chapter 4, the Korean government has made considerable efforts to enhance prisoners' human rights; however, this policy has not become embedded in local prisons. Gradual reform of the prison service would be assisted by governors who are able to maintain self-reliant development. Since the internalisation of progressive attitudes concerning human rights is an inherently long-term process, coercing governors would produce only superficial change and would not necessarily help the process of reform. Thus, Korean prison governors should have more opportunities for professional education or training in order that their practices should combine efficiency with humanity. This should be reconsidered, considering that researchers note that professionalising prison staff through education and job training will help them to be less punitive or more humane towards prisoners (Jurik, 1985; Van Voorhis et al., 1991).

The researcher also proposes that the Ministry of Justice and the Correctional Service should establish meaningful partnerships with the NHRC. It is important to note that a human rights body can contribute to an effective understanding of the need for human rights and provide practical training in human rights techniques (Reilly and Niens, 2005). Effective measures for the quality assurance of human rights training could be promoted through forums, seminars, workshops and the development and publication of training materials.

In addition, the study found that few of the governors understood or were interested in the concepts of managerialism, despite the Korean government's recent attempts to introduce some managerialist administration methods into the prison service. Even the managerialist governors generally regarded managerialist ideology as irrelevant to the task of managing a local prison, putting equal or greater emphasis on equity and fairness. Thus, the researcher believes that the Correctional Service

should educate its managers, at governor level and below, in system-based, process-oriented techniques so that the prison service can achieve efficiency and effectiveness.

The researcher proposes that the Correctional Service should strengthen the provision of appropriate education for prison governors, because this might succeed in changing the attitudes of those governors who misunderstand or are unsympathetic to the principle of prisoners' human rights. Although governors receive education before and after becoming a governor, this education is mostly undertaken to enhance their chances in the promotion process, which is intensely competitive. The nature of this process entails that ambitious officers often have to give up satisfying tasks conforming to their own values in the face of organisational demands and in order to evade criticism they also have to adjust themselves to the organisational culture. Therefore, the researcher suggests that the Correctional Service should develop targeted education courses (for example, a senior management course for prison governors) to be delivered by outside bodies such as universities. Institutions with experience in teaching students to understand and debate humanitarian ideas may be able to change governors' beliefs and values. In order to focus on areas where Korean governors are ill equipped, for example managerialistic techniques, links with other audit organisations such as the Board of Audit and Inspection of Korea may also bring about desirable changes.

Governors who were relatively old and had worked exclusively or very largely in prisons were likely to hold the punishment or paramilitary credos. This suggests that prison governors who have had little experience of responsibilities other than those related to security and control should have more opportunities to gain a variety of experiences in other areas; an educational programme might be one useful measure. This may not be enough to reform the prison service, however, and it may be necessary to adopt more radical measures. The study found that, despite the government's efforts to introduce humanitarian and efficient ways of working, a significant number of governors, especially those holding the punishment and paramilitarist credos, found it very difficult to adapt to the new requirements. Thus, the researcher proposes that the Correctional Service should consider that such

governors should be encouraged to take early retirement. A similar policy has been successfully implemented in Poland, where 6,000 out of a total of 21,000 staff retired from the service between 1990 and 1991, and by the end of 1992, 45 per cent of prison officers had left (Coyle, 2002a: 20). If governors holding the punishment or paramilitary credo are found to be unable to cope with the requirements of the government, the Service should consider similar measures.

8.4 Conclusion

This study began with the assumption that the governor is the most important individual in Korean prisons. In recent years, governors have been faced with increasing and conflicting demands from advocates of prisoners' human rights, discontented staff, manipulative or disruptive prisoners, the Correctional Service - in the form of performance requirements- and critics in the outside community. All these constrain the practice of the governor and are similar to what Andrew Rutherford found in England and Wales in the late 1980s and early 1990s. In addition, the prison service in Korea as elsewhere has to conform to international standards in terms of managerial techniques and humanitarian ideals, although the government's demands may be contradictory so that the governor receives no clear guidelines as to what should be prioritised.

Despite these conflicts and contradictions, the findings were clear. The research found that the Korean governors held three working credos which were very similar to those found in England and Wales, and that in addition there was one particular working credo peculiar to the Korean context. This indicates that the way the prison service and culture is organised in developed countries with different social, cultural and political histories can be similar, though not identical. The fourth Korean credo, the paramilitarist credo, is a legacy and expression of the militarist culture for long a dominant influence on Korean life, being inculcated by successive military governments.

Given that the predominant credos held by governors in Korea were found to be punitive and paramilitary, and that humanitarian ideals played a negligible part, it is imperative that the Service finds effective ways to respond to the various demands from prisoners, staff, the government and the outside community, seeking to optimise benefits. In this task, a knowledge of governors' working credos and an understanding of the relationships involved in their daily practice are of particular importance.

Since their working credos were mainly formed under the influence of the internal prison environment, the culture of the service generally and governments' socio-political policies, the study suggests that all these should be changed, in so far as is possible, so that the service can make progress. The question of prison reform extends far wider than the governor, of course, to the justice system and beyond, to the broad arena of social policy. But the governor is of pivotal importance as the link between the world of the prison and the wider world, and so governors should be not only competent and effective managers but also, and equally importantly, progressive in their thinking and committed to reform.

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Appendices

Appendix A: Information about the Korean prison context

Table 1. Number of Prison staff (as of June 2004)

Total	Uniformed Officers	Non-uniformed Officers (1,446)					
		Counselling	Classification	Medical (doctors)	Engineering	Vocational Teaching	Others
12,802	11,356	309	196	179(67)	83	91	588

Source: Compiled from Correctional Service (2005) and MOJ (2005)

Table 2. Composition of uniformed prison officers (as of June 2004)

Name of rank	Rank	Main post	Number
Correctional Commissioner	2 nd	Chief of Regional HQs	6
Correctional Director	3 rd	Governor (big prison)	17
Superintendent	4 th	Governor	67
Chief officer	5 th	Chief of department	198
Principal officer	6 th	Chief of district (wing)	866
Senior officer	7 th	Guard	1,347
Assistant senior officer	8 th	Guard	4,304
Prison officer	9 th	Guard	4,551
Total			11,356

Source: Compiled from Correctional Service (2005) and MOJ (2005)

Table 3. Comparison of number of criminal justice agent population (1995-2004)

Year	Crime		Prison staff		Policemen		Prosecutors		Judges	
	Number	(Index)	Number	(Index)	Number	(Index)	Number	(Index)	Number	(Index)
1995	1,399,085	(100)*	12,027	(100)	90,639	(100)	1,060	(100)	1,374	(100)
1996	1,494,846	(107)	12,013	(100)	87,419	(96)	1,110	(105)	1,434	(104)
1997	1,588,613	(114)	12,054	(100)	89,629	(99)	1,087	(103)	1,494	(109)
1998	1,852,792	(132)	12,079	(100)	96,286	(106)	1,214	(115)	1,447	(105)
1999	1,840,927	(132)	12,352	(103)	90,201	(100)	1,284	(121)	1,674	(122)
2000	1,867,882	(134)	12,410	(103)	90,670	(100)	1,348	(127)	1,724	(125)
2001	1,985,980	(142)	12,410	(103)	90,819	(100)	1,287	(121)	1,738	(126)
2002	1,977,665	(141)	12,490	(104)	91,592	(101)	1,357	(128)	1,794	(131)
2003	2,004,329	(143)	12,490	(104)	92,165	(102)	1,514	(143)	1,874	(136)
2004	2,080,901	(149)	12,802	(106)	93,271	(103)	1,587	(150)	1,974	(144)

Source: Compiled from Correctional Service (2005) and LRTI (2005)
 Note: * Parentheses are population index for each group since 1995

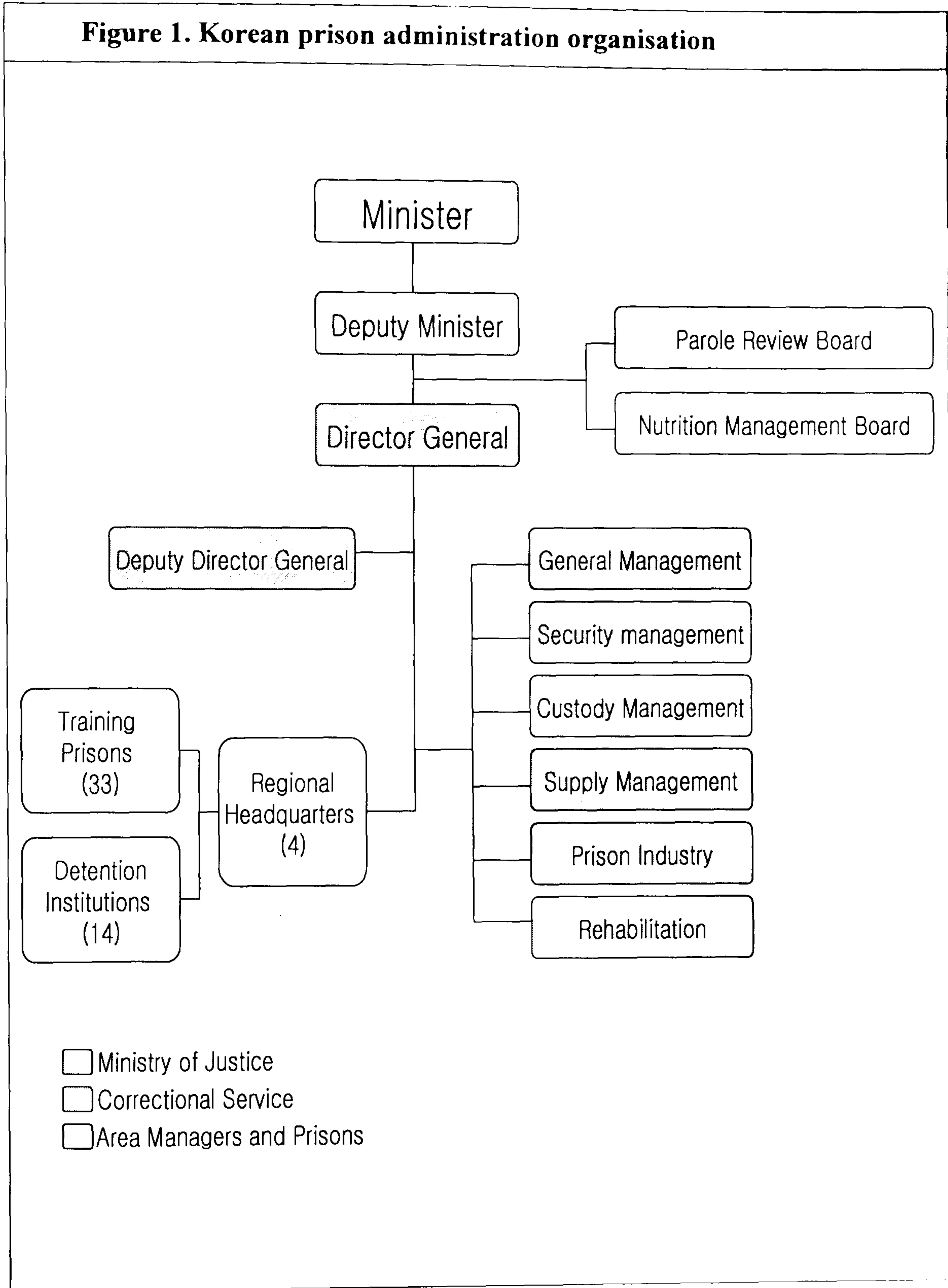
Table 4. Information on Korean prisons (as of May 2006)

Region	Prison Name	Prison type	Prison Population			No. of Staff	Year Built
			Total	Sentenced/ Unsentenced	Life		
Seoul Regional HQ	Seoul	Detention	2,569	1,025/ 1,544	6	629	1987
	Anyang	Training (m)	2,100	1,668/ 432	6	397	1963
	Suwon	Detention	1,457	595/ 862	0	396	1996
	Seondong	Detention	1,528	596/ 932	0	399	1977
	Incheon	Detention	1,462	561/ 901	0	361	1997
	Youngdeungpo	Detention	1,339	422/ 917	1	383	1969
	Yeoju	Training (m)	1,425	1,359/ 66	0	269	2001
	Eujeongbu	Training (m)	1,295	739/ 556	1	287	1981
	Youngdeungpo	Training (m)	1,099	1,097/ 2	0	316	1972
	Chuncheon	Training (m)	933	764/ 169	1	211	1981
	Wonju	Training (m)	897	824/ 73	52	201	1979
	Kangreung	Training (m)	381	245/ 136	0	144	1974
	Pyongtaek/Branch	Detention	193	88/ 105	0	54	1996
	Taegu Regional HQ	Taegu	Training (m)	2,202	1,825/ 377	122	421
Pusan		Detention	1,639	540/ 1,099	0	468	1973
Chungsong/Vocational		Training	1,320	1,320/ 0	50	319	1981
Pusan		Training (m)	1,460	1,405/ 55	83	287	1977
Masan		Training (m)	1,409	978/ 431	32	291	1971
Pohang		Detention	1,312	879/ 533	0	264	2005
Jinju		Training (m)	1,263	1,163/ 100	30	254	1990
Taegu		Detention	1,084	334/ 750	1	249	1998
Chungsong		Training (m)	434	434/ 0	0	184	1982
Andong		Training (m)	777	696/ 81	33	222	1985
Chungsong(2)		Training	200	200/ 0	8	231	1992
Kimcheon		Training (m)	422	344/ 78	1	158	1981
Chungsong(3)		Training	331	331/ 0	0	137	1982
Ulsan		Detention	409	137/ 272	0	155	1993
Kyungju		Training (m)	463	323/ 140	7	172	1973
Tongyoung		Detention	264	212/ 52	0	126	2004
Taejeon Regional HQ	Taejeon	Training (m)	3,215	2,627/ 588	163	529	1983
	Cheonan Open	Training	236	236/ 0	0	84	1988
	Cheongju	Training (m)	1,062	810/ 252	45	234	1979
	Cheonan Juvenile	Training	429	429/ 0	1	157	1990
	Cheongju	Training	553	553/ 0	36	129	2003
	Kongju	Training (m)	679	663/ 16	28	191	1978
	Chungju	Detention	416	358/ 58	0	140	2004
	Honsung	Training (m)	453	400/ 53	24	150	1974
	Nonsan/ Branch	Detention	152	116/ 36	4	61	1997
	Cheonan/Branch	Detention	146	55/ 91	0	63	1989
	Seosan/Branch	Detention	139	66/ 73	0	77	2001
Kwangju Regional HQ	Kwangju	Training (m)	1,958	1,958/ 1,480	478	379	1970
	Jeonju	Training (m)	1,295	1,295/ 1,012	283	269	1972
	Suncheon	Training (m)	1,425	1,425/ 1,307	118	243	2004
	Mokpo	Training (m)	1,223	1,223/ 1,159	64	234	1989
	Kunsan	Training (m)	994	994/ 886	108	233	1988
	Jeju	Training (m)	496	496/ 320	176	145	1971
	Changheung	Training (m)	347	347/ 336	11	144	1974

Source: Correctional Service (2006) and MOJ (2006)

Notes: Prison type: Detention- Detention institution, Training- Training prison, (m)- sentenced and unsentenced prisoners are mixed

Figure 1. Korean prison administration organisation



Appendix B: Fieldwork materials

B-1: Interview schedule

Note: The interviews will follow this list of questions. The italicised notes will be mentioned to the interviewees, the prison governors, as an introduction to each section. The interviews will be conducted in a flexible way, according to the conditions of the interview and the conversational flow.

A. Demographics and background

I would like to ask about personal information and your individual background.

1. How old are you?
2. What formal qualifications do you have?
3. What military service did you do?
 - A. How long were you in the military?
 - B. Did you enjoy your time in the military?
 - C. What did you particularly enjoy/dislike about your military service?
4. What was your work experience before joining the Corrections Bureau?
5. Why did you join the Corrections Bureau?
 - A. When did you join the Corrections Bureau and at what level?
 - B. What other posts have you held in the Corrections Bureau? [*check other Governor posts*]
 - C. How long have you been a governor?
 - D. Has your career progressed as planned? Please give reasons for your answer.
6. Please answer following questions on job-related training.
 - A. What training did you receive when you joined the Service?
 - Did the training prepare you adequately for working in the Service?
 - B. What training have you received since joining the Service?
 - How has your on-the-job training adequately prepared you for your current position? Please give reasons for your answer.
 - C. Which parts of your training were most useful?
 - D. What parts of your training were least useful?
7. What supervision do you receive in your current role? Do you find it useful? Please explain your answer.
8. Looking back on your life, or your career, what has been most influential in shaping your outlook as a governor? Please give reasons for your answer.
9. Are there any other aspects of your life (or career path) experiences that contributed to shaping you as a governor?

B. Governor's duties

I would like to ask about your duties as a governor.

10. What do you regard as your main duties?
 - A. Which of these are the three most important?
 - B. Why do you think these duties are the most important?
 - C. Do you think they should be the most important?
 - D. Which of your duties are you most comfortable with? And why?
 - E. Which of your duties are you least comfortable with? And why?
11. What do you think are the most fundamental elements of a successful prison regime? Please give reasons for your answer.

[Prompts if necessary: safe working environment, humane values (e.g., care, respect), highly integrated chain of command, efficiency and effectiveness, order and discipline]
12. How would you describe a typical day as a prison governor?
 - A. How much contact do you normally have with prisoners?
 - B. Do you think that the amount of time you spend with prisoners is enough? Please give reasons for your answer.
 - C. How much contact do you usually have with staff? Please give reasons for your answer
 - D. Do you think you have enough daily contact with your staff? Please give reasons for your answer.
 - E. Do you have any difficulties or constraints in managing your daily schedule? Please give reasons for your answer.
13. Is there anything about your current duties which we have not discussed which you would like to raise?

C. Work environments

Now, I would like to ask about your working environment.

14. Which agencies (or persons) within the government are responsible for managing your work?
 - A. In what ways, and to what extent, does their oversight impact upon your work?
 - B. Do you think that their interventions are justified?
15. To what extent, and in what ways, does the work of the audit agencies affect your work?
 - A. Do you think that their interventions are justified?
16. To what extent, and in what ways, do external agencies or persons (for example, the media, volunteers, and human rights activists) affect your work?
 - A. Do you think that this is justified?

17. To what extent, and in what ways, does Government policy affect your work?
 - A. Do you think it should be altered? If yes, what would you do differently if you had the chance?
 - B. What do you think of the recent reform measures of the Corrections Bureau? Please give reasons for your answer.
18. To what extent, and in what ways, do Government targets affect your work? Please give reasons for your answer.
 - A. If you fail to meet the targets, how would it affect you and your work?
 - B. Do you think that your prison has improved because of the targets?
 - *If yes*, how and in what way have they improved?
 - *If no*, please give reasons for your answer.
19. To what extent, and in what ways, does prison culture amongst staff and/or prisoners affect your work? Please give reasons for your answer.
20. How do the following institutional conditions impact on your work? Please give reasons for your answer.
 - A. Prison population (including number and categories of prisoners)
 - B. Conditions of prison building
 - C. Degree of security
 - D. Staffing issues including number and qualifications of staff
 - E. Size of the budget
21. Which of the influences we have discussed has the most impact on your work? Please explain your answer.
22. Is there anything else you would like to discuss about your working environment?

D. Financial management

I'd like to ask about your views about financial management.

23. To what extent are you responsible for the financial management of your prison?
24. Which parts of financial management of the prison are you responsible for?
25. What are your priorities with regard to financial management?
 - A. Why do you have these particular priorities?
 - B. How comfortable are you with your priorities? Please give reasons for your answer.
 - C. If you had more discretion in financial management, what would be your priorities? Please give reasons for your answer.
26. Has your prison experienced financial difficulties or constraints?
 - *If yes*, what were these and how did they impact upon your work and the prison?
27. If you had unlimited funds to spend on the prison, what would you do with them? Please give reasons for your answer.
28. Do you have anything to add about financial management?

E. Staff management

I'd like to ask about your work with regard to staff management.

29. How much impact do staffing issues have on the effective management of your prison? Please explain your answer
30. Which parts of staff management are you responsible for?
31. What are the main issues which arise with the management of prison staff?
32. How do you normally deal with staffing issues?
 - A. Why do you think this is the best way to deal with staffing issues?
33. What are your priorities with regard to staff management?
 - A. Why have you set these priorities?
 - B. How comfortable are you with your priorities? Please give reasons for your answer.
 - C. If you had more discretion in staff management, what would be your priorities? Please give reasons for your answer.
34. To what extent, and in what circumstances, do you delegate authority to deal with prisoners to your staff?
35. How much control over your staff do you think you have?
 - A. Is this enough? Please give reasons for your answer.
36. How do you deal with performance or disciplinary issues which arise with your staff?
37. What are the main constraints with impact upon the way you manage your staff?
38. Do you have anything to add in relation to staffing issues?

F. Security in prison

I would like to ask about your views on security in prison.

39. What do you understand by the term 'security'?
40. What are the main ways in which you maintain security in your prison?
 - A. Which of these are the most important?
41. What are your priorities in relation to maintaining security?
 - A. Why have you set these priorities?
 - B. How comfortable are you with your priorities? Please give reasons for your answer.
 - C. If you had more discretion in security management, what would be your priorities? Please give reasons for your answer.
42. What are the main constraints with regard to security in your prison?
43. Do you think security in your prison is adequate?
 - A. Please explain your answer.
 - B. What would you do differently in relation to security if you had the chance?
44. Do you have anything to discuss more with regard to security in prison?

G. Control of prison

As prisons are keeping criminal offenders in custody, I suppose you may have many things to discuss about control of prison based on your various experiences.

45. What do you understand by the term 'control'?
46. What are the main ways in which you maintain control in your prison?
 - A. Which of these are the most important?
47. What are your priorities in relation to maintaining control?
 - A. Why have you set these priorities?
 - B. How comfortable are you with your priorities? Please give reasons for your answer.
 - C. If you had more discretion in the management of control problems, what would be your priorities? Please give reasons for your answer.
48. What are the main constraints with regard to control in your prison?
49. Have any incidents affected the way you do your work as a governor, especially in terms of your control strategies or attitudes towards prisoners? Please give reasons for your answer.
50. What methods of punishment do you use regularly to deal with control problems such as disobeying lawful orders, using threatening or abusive words or behaviour, and committing drugs offences?
51. Do you think the punishments imposed on prisoners are generally adequate? Please give reasons for your answer.
52. What do you think should be the most important strategies for ensuring control of your prison? Please give reasons for your answer.
53. Do you think control in your prison is adequate? Please explain your answer.
54. What would you do differently in relation to control if you had the chance?
55. Do you have anything to discuss more with regard to control in prison?

H. Prisoner activities

I would like to ask about your views on prisoner activities including programmes and treatment for prisoners.

56. What are the main activities that are available to prisoners?
 - A. Which of these are the most important?
57. What are your priorities in relation to providing activities for prisoners?
 - A. Why have you set these priorities?
 - B. How comfortable are you with these priorities?
 - C. If you had discretion, how would you change these priorities?
58. How important is to provide activities for prisoners? Please give reasons for your answer.
59. Have you introduced any new activities for prisoners?
 - A. *If yes*, which ones?
 - B. Why did you introduce them?
 - C. Did you experience difficulties with implementing these activities?

60. Would you like to introduce new activities for prisoners?
 - A. *If yes*, which ones?
 - B. Why do you want to introduce them?
 - C. Why have you not introduced them?
61. Do you have anything to add about prisoner activities? Please give reasons for your answer.

I. Justice in prison

I would like to discuss about how prison is run in terms of justice in prison.

62. What do you understand by the term 'justice'?
63. To what extent do you think the prison service ensures justice?
64. What are the most important aspects of prison regimes which impact upon levels of justice?
65. What are the main ways in which you ensure justice in your prison? Which of these are the most important?
66. What are your priorities in relation to ensuring justice in your prison?
 - A. Why have you set these priorities?
 - B. How comfortable are you with your priorities? Please give reasons for your answer.
 - C. If you had more discretion in relation to issues of justice, what would be your priorities? Please give reasons for your answer.
67. What are the main constraints with regard to justice in your prison?
68. What do you think should be the most important strategies for ensuring justice within your prison? Please give reasons for your answer.
69. Do you think justice in your prison is adequate?
 - A. Please explain your answer.
 - B. What would you do differently in relation to justice if you had the chance?
70. Do you have anything to discuss more with regard to justice in prison?

J. Relative importance of penal values

I would like to ask about your views on the relative importance of penal values.

71. Which of the areas we have discussed are the most important? Please give reasons for your answer.
[Prompts if necessary: financial management, staff management, security in prison, control of prison, prisoner activities, justice in prison]
72. Which of the areas we have discussed are the least important? Please give reasons for your answer.
[Prompts if necessary: financial management, staff management, security in prison, control of prison, prisoner activities, justice in prison]

73. Do you think that the priority you are given currently in the Correctional Bureau is correct? Please give reasons for your answer.
74. How do you balance security, control and justice?
75. Which of these three things do you see as the most important?
76. How do you put this into practice in your prison?

K. Concluding questions

I would like to close this interview with a few more questions.

77. Generally, how satisfied are you with the way your prison operates? Please give reasons for your answer.
78. What is the most difficult thing about your job?
79. What is the most enjoyable part of your job?
80. Generally, how satisfied are you with your job?
81. What qualities do you think are required to make a good governor?
82. Have you any other comments or suggestions you would like to make?

Thank you for your co-operation!

B-2: Interview introductory letter

Dear _____

I hope you are in the best of health.

I am currently studying for a PhD at the Centre for Criminal Justice Studies of the University of Leeds in the UK. My research is about the interrelationship between prison governors' beliefs and practices in Korea. This involves interviewing prison governors about their work experiences and practices and therefore you have a valuable contribution to make to my research. The study relates to my work experience with the Correctional Service of the Ministry of Justice of Korea. So I am writing to ask if you would be willing to be interviewed.

The interview will cover all aspects of your work. It will last approximately an hour to an hour and a half. Anything you say during the interview will be kept confidential. The interview will be anonymous as you will not be named in the thesis or in any subsequent publications. Interview transcripts will also be available to you.

I hope that you feel able to participate in my research. However, if you require any further information before you make a decision, please do not hesitate to contact me by telephone (+44-113-268-7212) or e-mail (lawbcy@leeds.ac.uk). Otherwise, I will contact you in the next few days to find out whether you are able to participate and make the necessary arrangements for the interview to take place.

Thank you in advance for your consideration of my request.

Yours sincerely,

Byung Chul Yoo

B-3: Consent Form

Agreement to Participate

I agree to participate in an interview being conducted by Byung Chul Yoo under the supervision of Dr. Anthea Hucklesby and Professor Clive Walker of the University of Leeds. I have made this decision based on the information I have read in the information letter. As a participant in this study, I realise that I will be asked to answer various questions and I may decline to answer any questions, if I so choose. All information which I provide will be held in confidence and I will not be identified in any way in the thesis or any subsequent publications. I understand that I may withdraw this consent at any time.

I also understand that I may contact Byung Chul Yoo if I have any concerns or comments resulting from my involvement in this research.

Participant's Signature: _____

Participant's Name: _____ *(Please print)*

Date: _____