part one
penology

Core area:  1.1 thinking like a penologist
Introduction to the series

Welcome to the Sage Course Companion: Penology. Many people are drawn to the study of punishments, crime control, and other means of responding to wrongdoing and social deviance. Those who harm, and how we should best respond to those harms, fascinate us. This focus on punishment and penal institutions, such as the prison, and their possible justifications is the remit of what is called ‘penology’. Students can approach penological subject matter from various different academic disciplines, such as history, social policy, or the social sciences. The study of penology is a fast-growing area in many universities and, while there are many specialist books and introductory textbooks, it is difficult for those who are new to the subject to work out what best to read and in what order. The intention of this book is to provide you with a one-stop, easy-to-use reference guide that covers the main themes of prison and punishment modules.

The book is not intended to act as a replacement for lectures, textbooks, journal articles or specialist contributions in the field, but rather as a complement to such materials. In short, the aim of this book is to help you to get the most from your studies. If this text can either clarify and make sense of a complex penological debate, stimulate your interest, encourage you to look at issues in more depth, or help you use your imagination to start thinking more creatively about how social
problems can be conceived of or addressed, then it will have achieved its aim—and perhaps much more.

How to use this book

This book is specifically designed to help undergraduate and postgraduate students on prison and punishment modules to succeed. This includes students on a range of degree programmes, including those studying law, humanities, anthropology, sociology, psychology, philosophy, health studies, political sciences, business management, and criminology and criminal justice. The book introduces some of the common principles and concepts of the discipline; it provides hints, tips and handy summaries of the main themes and issues; and, ultimately, it aims to enhance your understanding of, and ability to use, penological knowledge. For undergraduate students, this book can act as a revision guide and can help with passing exams. It should help you to structure and organise your thoughts, and it should enable you to get the most from your textbooks and the other reading that you do as part of your course. The book is also a helpful starting point for students doing a dissertation or postgraduate research project in penology, especially those who have not previously undertaken a penology module. I also hope that the book appeals to the general reader who is looking for a straightforward introduction to, and summary of, penology that is easily digestible and can be read relatively quickly. Overall, the course companion should help you to challenge common-sense and populist assumptions about ‘crime’ and punishment, and help you to think critically about the subject matter.

Course companions are designed to point you in the direction of key thinkers and key ideas, and to give you the briefest of introductions to their work and how to put their work in context. This, of course, is only a starting point, which must be followed up with wider reading and reflection. You should use your companion to supplement, not to replace, other sources, such as recommended course textbooks. In addition, you must continue to follow the course you have undertaken. Familiarise yourself with lecture content and seminar questions, because these will give you the best guide to what your examiner will be looking for in your exams and coursework. Look carefully at your penology module booklets, and at the readings and themes that they highlight. Unless you are a general reader, you need only focus on the themes that are identified by the module or course you are studying. Look to the
chapters that reflect the course and what is most relevant to you at this given moment. Finally, the key to success at undergraduate and postgraduate level is wider reading. When you have finished a chapter, go to the actual sources and texts cited here and read them for yourselves. This is the best and most enjoyable way of studying.

Structure of the book and key features

The book is divided into four main parts. Part one provides you with an introduction to your course companion and explains how you can make the most of using this book. You are given a brief introduction to the discipline, followed by guidance on how you can learn to think like a penologist. Here, you are given advice on how to enter the mindset of penal experts and you are introduced to the kind of terminology that they use.

Part two starts by identifying the ‘running themes’ in penology that recur throughout the core curriculum, which is then overviewed in the following 11 chapters. These begin with a discussion of the philosophical and sociological accounts of punishment and imprisonment, and then move on to identify some of the key sources of penal knowledge. The book is largely focused on prisons and punishment in the United Kingdom, but the next chapter in part two examines international comparative studies of penology and their implications for thinking about penal sanctions closer to home. The next three chapters provide an account of the history, aims, policy and organisational structures of penal systems in the United Kingdom, before moving on to consider some of the problems and controversies that are encountered in prison life and the current means of penal accountability. Part two concludes with a discussion of non-custodial forms of punishment and a review of three alternative visions of the future: penal expansionism; penal reductionism; and penal abolitionism. Many, if not all, of these issues will be discussed in your course, but you must ensure that you are clear regarding the focus and content of the module you are studying. This can only be achieved by attending lectures and seminars. Reading appropriate chapters in advance, however, may help you to understand your lectures and to prepare for your seminars.

To help you in your studies, the book provides bullet points of key arguments and debates throughout. Alongside this, your course companion uses the following unique features to help you to develop insights into penological thought.
• **Running themes** Each chapter starts with a list of central themes in penology. All of the running themes are listed together at the start of part two.

• **Key penologists** At the start of many chapters, three important penologists are highlighted, each of whom has made very significant contributions to the area under discussion.

• **Summary boxes** These shaded boxes highlight and summarise some of the key issues on a given topic.

• **Tips and common pitfalls** Tips boxes appear throughout the chapters and offer you key factors to remember, along with advice on what to do and how to best answer a question; common pitfalls remind you of common mistakes and give you some indication of what not to do. These boxes will also help you to question dominant assumptions and common-sense ideas on ‘crime’ and punishment.

• **Questions** At the end of every chapter in part two and dispersed throughout part three, you are given example questions and indications of how these might be answered.

• **Taking it further** At the end of every chapter in part two, you are given details of recent debates, penal controversies or examples of in-depth readings on that topic area.

• **Textbook guide** These guides offer you a list of some of the best books to read first when developing your knowledge in a module or to undertake as background reading for a dissertation.

Part three offers you guidance with your studies. This should be read in conjunction with part two. If you work your way carefully through part three, by its end, you should be better equipped to profit from your lectures, benefit from your seminars, construct your essays efficiently, develop effective revision strategies and respond comprehensively to the pressures of exam situations, and, finally, think clearly about the organisation and structure of your dissertation. In the five chapters in this part, you are presented with: checklists and bullet points to focus your attention on key issues; worked examples to demonstrate the use of such features as structure, headings and continuity; and tips that provide practical advice in nutshell form.

Part four concludes the book with a glossary that provides brief definitions of a number of key penological terms and a bibliography listing the sources cited in the book.

**Fugitive thought: a brief introduction to penology**

We all have been punished and have probably perpetrated some form of punishment at some stage of our lives. Although the discipline of
penology has been primarily concerned with punishments sanctioned and undertaken by the state, it is important to recognise that punishment does not begin there, but rather within wider society. Punishments can be physical or psychological, performed publicly or privately, and can be either informal or a formal and legal sanction. You may have experienced some form of sanction or punishment by a family member while as a child at home, or at school through informal interactions with friends or for breaking school rules. As an adult, such informal punishments may take place in relationships or in the workplace. You may feel that this form of punishment has served you well in your life, or you may have found it no use at all. From this experience, you may think that punishment is a ‘necessary evil’—that is essential for the raising of children or for the regulation of adult human life—or it may have led you to think that such sanctioning is counterproductive.

Punishments are invoked when someone is believed to have done something wrong. This means that they are believed to have breached the rules, whether those rules are legal, social, organisational or moral. Wrongdoing and rule breaking are probably inevitable in human societies, and so the pertinent question becomes ‘how should we respond when wrongful acts and breaches of rules occur?’ Should we aim to include or exclude offenders, to help them, to control them, or to harm them? Alongside this, we must also recognise that the manner in which rules are defined and understood may vary over time and space. Rule breaking and doing wrong reflect the different interests, values and goals of those in positions of power, and of those who define the rules in the first instance. Consequently, some wrongdoing is illegal and defined as a ‘crime’, while other forms of harm are not. Further, whether a person is punished for a wrongdoing is not only a consequence of the act itself. It is just as important to think about who the offender is. You may often have heard the term ‘don’t do as I do, do as I say’: an adult or teacher (people in positions of power in a given social context) who breaches family or school rules may be much less likely to face sanctions than a child or student (the powerless) who does the same.

The nature and extent of action that the government and its official servants take in response to human wrongdoing tells us a great deal about the kind of society in which we live. Many penologists and politicians have highlighted over the centuries that the way in which we deal with offenders is a major indication of the level of civilisation and commitment to human rights and civil liberties in our society. The study of punishment and penalties, then, is not only about those who are subjected to them, or even those who work in the criminal justice system,
but is something that goes to the heart of our culture. We may only be bystanders in the punishment business, but it is in our names—and apparently our interests—that the harms of punishment are inflicted.

The study of punishment has a very long history. There are documents detailing penal philosophy in the times of the great Greek civilisation, and both Plato and Aristotle wrote on punishment. There is also evidence of penal theory in the Egyptian and Roman civilisations. You have probably heard the saying ‘an eye for an eye, a tooth for a tooth’. This phrase is derived from the ancient Jewish tradition of lex talionis. Although it is still widely used today, its real meaning of restoring balance is often misinterpreted. The great social thinkers, sociologists and philosophers—from Kant and Hegel, to Durkheim and Foucault—have all written about punishment, with the latter writing also on imprisonment. But the discipline of penology is often seen as emerging in the eighteenth century, with the philosophical insights of Cesare Beccaria and Jeremy Bentham, alongside the penal reforms inspired by evangelical Christians such as John Howard and George Onesiphourus Paul. What all of this indicates is that the history of ‘fugitive thought’ is closely tied up with a number of different disciplines, and with the work of penal practitioners and reformers. You should be aware that this multidisciplinary approach and pragmatic application of knowledge continues to shape the discipline of penology today.

**What is penology?**

Penology is a multidisciplinary subject that aims to study and evaluate the application of penal sanctions to wrongdoers. It has broadly focused on the justifications, characteristics and effectiveness of penal institutions. Since the eighteenth century, many penologists have conceived of prison as a place with rehabilitative potential, emphasising its role as a means of reducing reoffending or of instilling moral backbone into offenders. More recently, penologists have expanded their remit to examine the daily lives and culture of prisoners and staff, and some of the inherent dangers of confinement. Since the 1960s, penologists who are very critical of the penal system have evaluated its practices and legitimacy, calling for society to end the use of imprisonment and to consider non-punitive responses to wrongdoing and rule breaking. Penology attempts to understand the complex, difficult and emotive issues that are raised when we think about punishment.
Penologists are interested in the responses to human wrongdoing and, specifically, in the practices, forms and evolution of the punishment and social controls that exist in contemporary society.

Penologists focus on the criminal justice system and develop arguments concerning its legitimacy.

Although united in their focus of investigation, penologists come from a wide range of disciplines, including psychology, geography, history, philosophy, social policy, sociology and criminology.

In general, penologists look to understand the deployment of penalties within their social, historical, economic and political contexts.

When thinking about the criminal justice system, penologists use their ‘imagination’ and do not take the practices, or even existence, of punishment at a straightforward or common-sense level.

Unlike practitioners, who are concerned almost exclusively with the operational practices, laws and procedures shaping punishments and their apparent effectiveness, penologists also ask broader questions concerning who we punish, for what offence, when and why.

Penologists are interested in the justifications of penalties and social sanctions, and develop a specific theoretical framework that informs, and shapes, their research and arguments.

You may also have noticed that I have not mentioned ‘crime’ here. The relationship between ‘crime’ and punishment is very complex, and penologists have looked to other factors influencing punishments.

Thinking like a penologist

The key to success in your course is to learn how to ‘think like a penologist’—that is to say, to learn how to speak academic language, using the terms and phrases that mark out ‘penologist speak’ from that of everyday talk on ‘crime’, punishment and imprisonment. This book will give you hints and tips about when and how to use this language, and on the ways of thinking about the world that come with this language. It is important that you use the appropriate terms and phrases—but there are no easy short cuts here: you must be able to unpack terms
and use them. Academic language is a form of shorthand and, to get good marks, you must be able to demonstrate that you fully understand the words you are using, and their implications for the deployment of penalties in society.

To think like a penologist it is important that you think critically about prisons and punishment. This does not mean that you simply criticise everyone and everything, but rather that you are able to develop analytical skills that help you to evaluate and judge the issues that you are studying. ‘Crime’ and punishment are popular debates, but discussions are often rooted in complete misunderstandings of key facts and issues. The kind of stories and debates that you hear generally, in pub talk or on a radio phone-in, are pragmatic, individualistic and authoritarian. You must allow yourself the opportunity to think beyond such penological illiteracy. You must be able to develop an analytical and critical framework when assessing the validity and appropriateness of current forms of punishment and imprisonment, and to engage with wider social theory, philosophy, social policy, history, psychology and, especially, sociology.

Thinking like a penologist involves challenging taken-for-granted and populist assumptions. It involves taking on what appears, at first, to be quite alien ideas. One of the most remarkable arguments made by penologists is that we should rethink the relationship between ‘crime’ and punishment. You have probably grown up and lived your life with the belief that the existence of punishments is intimately tied to the problem of ‘crime’, and that the extent of ‘crime’ is the most important factor in determining the level of punishment. But some of the most important and influential penologists, such as Emile Durkheim, Georg Rusche and Michel Foucault, argue that ‘crime’ is relatively insignificant, and that the form and extent of punishments in society must be understood through its relationship with other social, economic and political factors. Thinking like a penologist means thinking outside the box.

Some penologists put the word ‘crime’ in inverted commas to indicate that the content and meanings of the term are contested. They may offer alternative words, such as ‘troubles’, ‘problematic behaviours’ or ‘social harms’ to describe rule breaking and wrongdoing.

Penology is a theoretical discipline and, when theorising about punishment and imprisonment, it is important that you are able to locate
the issues and debates within the 'big picture'. One of the best ways to do this is to develop what has been described as your ‘sociological or criminological imagination’ (Mills, 1959; Barton et al., 2006). This is a quality of mind, a particular way of approaching, thinking about or interpreting social problems and their possible implications and resolution. Unlike ‘pub talk’, you look to uncover wider social, political and economic factors that might influence who is punished and why. Central to penological thought are concerns around power. This entails analysis of the form and nature of wider power relations in society, and of the exercise of the power to punish. You must constantly be aware of ‘power’ when thinking about punishment: who has the power to define and label; who are the powerless; who are the powerful; and how these power differentials shape crime controls.

To think like a penologist, you should attempt to understand punishments within their structural, historical and social contexts. You should try to form an understanding of the world in which individual choices, experiences and daily lives are located within a given historical moment and wider structural contexts, such as age, gender, sexuality, financial resources or perceived ‘race’. You should consider how the wrongdoing and rule breaking of people at the lower end of the social hierarchy may be perceived and treated differently to that of those at the top. You should also try to see things from different perspectives and points of view, including the world views of the prisoner and the powerless.

Using your imagination

It is perhaps stating the obvious to say that the only people who can tell us what the experience of imprisonment is really like are those who have actually been in prison. You can, however, study penological and sociological research on prison culture, and/or read prisoner autobiographies to gain some insight of what it would be like to be imprisoned. What is clear from these sources is that prison is a lonely, isolating, disempowering, brutalising and dehumanising experience.

Imagine being locked in your bathroom—put an inspection hole in the door; put bars on the windows; remove the bath and, in its place, put three beds. Then imagine what it might be like to spend 15–23 hours a day in this ‘cell’. Imagine what it would be like if the two people you most dislike in the world were to be in the cell with you. You must eat, sleep and ‘shit’ in your cell in the company of others, and it is possible that all three activities may be going on in this small space at the same time. If you leave your
‘bathroom/cell’, you have only very limited choices, power or sense of personal responsibility: somebody else will open doors for you; somebody else will tell you what to do, where to go, when to eat, work, sleep and, perhaps, even when to speak.

This may be a worst-case scenario in relation to imprisonment in many Western nations, but it remains an all-too-common reality of prison life in the United Kingdom in 2008. Using our imaginations in this way presents us with a frightening picture of the potential impact of imprisonment on the conception of the self, even before we start to talk about the minuets of prison life: the (poor) quality of the food; the limited access to family friends, and constructive activities; the negative attitudes and treatment of other prisoners or of the staff guarding you. It is difficult to see how this environment can do anything to help the perpetrator to acknowledge the harmfulness of their wrongful behaviour or meet the needs of the victim of the harm, except perhaps to satisfy their understandable, although not necessarily healthy, retributive emotions or to provide a symbolic reaction denouncing the problematic event. Yet prison persists. Its costs are varied. But all are very high.

When thinking like a penologist you can develop a new vocabulary for understanding the lived experiences of those you are studying. Using your sociological imagination as Charles Wright Mills (1959) intended can help you to develop ways of understanding the social world that intimately connect individual meanings and experiences with wider collective or social realities. Moreover, it should help you to understand why many penologists believe that prisons must be placed within wider social and structural contexts, rather than considered in isolation. To ‘think like a penologist’, then, means to develop such an imagination when contemplating punishments.