Soft power in prison: Implications for staff–prisoner relationships, liberty and legitimacy

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Abstract

As penal power has been transformed in recent years, so too have relationships between prisoners and staff. This article discusses how these relationships are forged by the terms of 'neo-paternalism', focusing in particular on what is labelled 'soft power'. It describes some of the impediments that hinder the development of closer relationships between prisoners and uniformed staff. It explores the implications of soft power for the prison's interior legitimacy, and discusses soft power in relation to the culture of uniformed staff.

> *'I don't like the pretend-ness about it. Like they really want to help you, or whatever. When I was in my last jail, the screw who was my personal officer, I thought he was alright. I always said hello to him. I'm polite. So I thought "yeah, it'll be alright when he's doing my report for parole". But no, not at all. (Billy)[1]*

It is widely agreed, in both official and academic discourse, that at the heart of any prison is the relationship between staff and prisoners. These relationships are generally considered to be more positive in England and Wales than in many other jurisdictions (Liebling and Price, 2001). This is despite a fairly recent history that confirmed many of the dystopian prognoses made by scholars of the pathologies and psychology of power (most notably Haney et al., 1973, and Milgram, 1963). Writing in the 1980s, McDermott and King (1988: 361) described a culture of mutual contempt and hostility: 'Staff are [seen by prisoners as] callous zoo-keepers, indifferent to, or enjoying, the indignities suffered

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by their charges; prisoners are [seen by staff as] no better than animals who don't deserve proper sanitation.' Other accounts of the period documented unprovoked aggression and antagonism, wilful neglect and various other forms of abuse and mistreatment (see, for example, King and McDermott, 1990; Scraton et al., 1991).

Some writers continue to characterize staff–prisoner relationships in England and Wales largely in terms of fear and loathing (for example, Sim, 2007). Others argue that changes in staff recruitment (see McHugh et al., 2008) and the regulation of staff power have eroded many of the more abrasive aspects of staff culture, albeit incompletely, and have reduced some of the 'heat' from the prison landings (see Crawley, 2004). Recent research in the UK suggests that there is no longer an unbreachable barrier between prisoners and uniformed staff in most prisons and that few prisoners see uniformed staff as 'the enemy' (Crewe, 2005, 2009). In their ostensible form, then, staff–prisoner relationships appear to have changed and improved considerably in recent decades.

These changes should be understood in relation to the reconstitution of penal power (Crewe, 2009). To rehearse this case briefly, the collective power of prison officers has been greatly diminished; they represent and implement most aspects of institutional power, but to say that they embody it is more questionable. At the same time, officers hold a large amount of discretionary power, particularly through their role in determining privilege levels and in their everyday use of authority. They also contribute to the reports that feed into decisions about categorization and early release. In this respect, officers are crucial in mediating the forms of psychological power that are among the main sources of hope and frustration for prisoners, especially those on longer sentences.

The nature of power on the landings has thus altered. Through policies such as mandatory drug testing and early release schemes, power operates to a large degree 'at-a-distance', anonymously, and without the need for direct staff intervention. It works through psychological as much as physical means, via self-interest and self-regulation. It is less directly coercive or authoritarian than in the past, and in many ways it operates more lightly. However, it grips tightly, constrains effectively and is highly intrusive.

This 'soft power' is the core component of the wider form of 'neo-paternalism' that characterizes the prison system of England and Wales (Crewe, 2009). It is the sphere of power that makes unnecessary or precedes the use of direct command or coercion – what might be referred to as 'hard power'. It comprises those aspects of treatment and regulation that are accomplished directly through staff–prisoner relationships and indirectly through the policies that officers assist or put into effect. These policies encourage prisoners to regulate their own behaviour, putting the onus on them to govern their conduct, address their offending behaviour, engage positively with the regime and accept responsibility for any failings to do so. They are predominantly neo-liberal in their character, aspects of what Garland (1997) and others refer to as 'governmentality' (see Dean, 2006; Rose, 1999). They provide prisoners with pseudo-autonomous space in which to make decisions about their lives at the same time as training them to exercise this autonomy in particular ways and rewarding them for doing so. Where prisoners fail to regulate themselves appropriately, the prison's authoritarian face reveals itself through the orders, controls and punishments that prisoners have no scope to negotiate (Crewe, 2009).

Drawing primarily on a study of power, adaptation and social life in an English prison (Crewe, 2009), this article explores some of the characteristics and implications of 'soft

power'. First, it focuses on the staff–prisoner interface, highlighting some of the impediments that hinder the development of close relationships between prisoners and uniformed staff. Second, looking at the regime of psychological power that officers mediate, it discusses some of the implications of soft power for the prison's interior legitimacy (see Sparks et al., 1996). Third, it discusses soft power in relation to the culture of uniformed staff, noting that shallow engagement between officers and prisoners reflects and perpetuates social distance, undermines rehabilitative ends and may lead to officers being careless in wielding their authority.

Soft power and staff–prisoner relationships

In its corporate messages, the Prison Service of England and Wales consistently affirms the centrality of staff–prisoner relationships in maintaining decent and stable regimes and in aiding the rehabilitative process (see, for example, National Offender Management Service, 2008). Superficially, at least, there are indications that an organizational emphasis on interpersonal decency has had positive effects. Most prisoners with long-term experience of incarceration describe uniformed staff as more approachable and less authoritarian than in the past (Crewe, 2009), and survey data provide further evidence that relationships on the landings are often relatively relaxed and harmonious (see Hulley et al., under review).

These relationships are far from straightforward, however. The reduction of social distance between prisoners and uniformed staff has been achieved, to some degree, through mutual compulsion. Officers are encouraged to mix with prisoners partly in the interests of 'dynamic security' – to identify and inhibit discontent. This imperative has become more significant as security has taken primacy over other concerns since the early 1990s (Liebling, 2004). Meanwhile, prisoners are induced to interact with staff for equally instrumental reasons. Establishing a good relationship with an officer can make a significant difference in terms of gaining minor favours, enhancing one's privilege level and obtaining positive reports. For prisoners seeking to expedite their release, engaging with staff is highly advisable. Staff–prisoner relationships are therefore 'sticky' but often rather artificial – the outcome of expediency and self-interest as much as genuine engagement.

These non-normative motives have a somewhat distortive effect on the officer–prisoner dynamic. They raise the question of whether relationships and interactions on the landings can ever be pure and authentic, or whether, for an officer, even 'sharing a cup of coffee with a prisoner is a practice of power' (Ugelvik, personal communication). Certainly, some prisoners develop relationships with officers that are not instrumental, and most acts of staff humanity are not just subtle moves in a dynamic of domination. But prisoners cannot *assume* that staff engagement is sincere, and many struggle to reconcile the apparently conflicting responsibilities of officers to deliver decency alongside control and public protection. Such prisoners see friendliness as fundamentally disingenuous if outcomes are unfavourable:

> 'In that other place they all wore name badges. You had to call the screws, even the governor, by their first names.'

Did you like that?

'No. Not at all no . . . What I didn't like was the sort of hypocritical . . . they'd call you by your first name, and they'd go in the office and write down a load of crap about you. . . . People like me would rather be called a wanker to our face than [have] someone going and smiling at you, then going in the office and knocking us. That's worse to me.' (Stephen)

'I don't really like speaking to them, to tell you the truth. Because they're all nice to you one minute, and then the next minute they're trying to give you a nicking for smoking on the landing or eating on the landing or something. They just play mind games with you.' (Connor)

Crewe (2006) describes the volatile reactions that occur when male prisoners feel that female officers 'switch' from providing pseudo-intimacy to enforcing authority. Relationships with male officers are less emotionally turbulent, but they are still precarious and they generate similar feelings of confusion and resentment about the precise nature of staff engagement. If an officer is being friendly to you – the logic goes – they should be 'on your side' in general; if they are going to write negative comments in your wing file, they should not present a positive façade to your face. Given that officers need to maintain good relations with prisoners while also meeting their custodial duties, it is extremely hard for them to avoid accusations of cowardice, deviousness and duplicity.

The ambiguity of these relationships – and the everyday use of authority – can be experienced by prisoners as a 'charade' or a psychological threat ('head games').[2] Opaque and sluggish decision-making processes are frequently interpreted as 'tests' of one's patience or one's commitment to change: 'After twelve months I went for [recategorization to] D-Cat. Seven months later I'm still here. They've delayed it and delayed. Is that deliberate or are they just not very well organized? It's just stuff like that, winding me up' (Wilson). In an environment where deficits in information, control and personal autonomy are inherent, it is natural for prisoners to complain about not knowing 'where they stand'. For some prisoners, there is more comfort in 'knowing your enemy' than in an unreliable form of shallow rapport. Likewise, if prisoners cannot rely on 'the system', there may be more ontological security in 'withdrawal', and more psychological comfort in abandoning expectations, than in chasing 'carrots' that might not be obtained. As studies of eating disorders and hunger strikes show, some sense of mastery can be achieved from the sheer act of refusal (see, for example, Bordo, 1993; McEvoy, 2001). Instead of relying on others, prisoners may capture an elemental form of power by renouncing hope completely.

A very small number of prisoners choose to live highly ascetic existences, rejecting privileges including televisions and sometimes mattresses in order to avoid dependence and to sidestep institutional power. A more common adaptive style is to disengage less fundamentally from institutional offerings by making no attempt to gain enhanced status or by declining options to apply for home leave. These decisions can provide prisoners with psychological certainty, give them a sense of masculine dignity, and liberate them from the need to manage their impressions. As Marcus explained: 'I just don't like depending on them. I don't have to worry about keeping in his good books so he can give me a better life or [not] pad-spin me. I don't have to depend on [not] upsetting some

member of staff.' For many prisoners, though, disengagement from the regime is not viable or desirable. 'Pragmatists' rely on material privileges in order to get through the sentence; 'stoics' cannot afford to withdraw from or alienate staff if they want to be freed as quickly as possible; and 'enthusiasts' actively engage with staff to prove their moral worth.[3]

To 'get on well' with officers is not always a simple matter of choice. Prisoners who have been socialized in a more hostile climate of staff–prisoner relationships find it hard to overcome their mistrust. Their relationships with uniformed staff are courteous rather than close. They are haunted by recollections of antagonism and by the nagging voice of an 'inmate code' that, in the past, was highly suspicious of prisoners who were friendly with officers. Some prisoners use terms such as 'just not for me' to convey a sense that developing close relationships with officers would breach some aspect of personal or criminal identity. As one interviewee summarized: 'I'm not the type to sit and talk with an officer: *that's not the way I am*' (emphasis added). For these prisoners, and for men with deep-seated mistrust of authority figures, the barriers to closer engagement are ingrained in self-identity or are matters of deep psychological unease. Prisons are low-trust environments (Liebling, 2004), holding people whose experiences of trust tend not to dispose them to put faith in others. Wariness is pervasive (Irwin, 1985), and niceness is often met with scepticism: 'I suppose it's a bit of a suspicious mind really. Everyone seems nice to your face, but then, I don't know. Sometimes it's *too* nice' (Brian). It is unsurprising that resistance to taking staff at face value is somewhat intractable.

Even when prisoners come to trust officers, they are often less trustful of the system that officers mediate. Indeed, it is common for prisoners to praise their relationships with wing staff while expressing discontent with the institutional world above them and the capacity of officers to shape it. For example:

> 'I get on alright with my offender supervisor, but you can't trust the system. You do a course, and build a relationship with them, but then the reports are written and they're totally off-key. They pick up on certain comments, they twist everything, they ignore all the constructive stuff you do. . . . Officers are good. You couldn't get better [officers] in terms of teaching you respect. . . . But as for them *doing* things for you . . . [they can't]. They can only phone through to where you want help from. . . . Wing staff have no authority to be taken seriously. The regimes people organise what you do and where you go, but they don't know you and who you are.' (Prisoner, fieldwork notes)

There are two key, related points here. The first is that the role of the modern officer is not just to help with the prison's 'hotel functions'. Officers provide the first point of call for links to offender managers and outside agencies and for information about offending behaviour courses and increasingly complex sentence conditions. For prisoners on long and indeterminate sentences, 'progression' through the system is as vital a part of the prison experience as food, visits and mail. The second point is that, for prisoners to feel that their treatment is legitimate, friendly relationships are necessary but insufficient. Officers may be 'nice people' who strive to achieve things for prisoners but lack the authority or expertise to accomplish what matters most to them.

Soft power, legitimacy and liberty

I suggested earlier that soft power is made up of both staff–prisoner relationships and a range of policies that exert influence in relatively light, subtle and disembodied ways. These policies differ in their range and target from more authoritarian strategies. They seek to exercise a broader and tighter grip on behaviour and cognition. With the aim of encouraging prisoners to address their 'offending behaviour' and as part of the process of ensuring their compliance, the scope of conduct that the prison has assumed a right to govern has been extended. These demands go beyond the core requirements of ensuring order and obedience. It is not enough for prisoners to move passively through the system, avoiding trouble and sticking to the rules. Rather, they are expected to show a commitment to change and to engage actively with institutional aims. Meanwhile, the terms of the incentives and earned privileges (IEP) scheme induce prisoners to manage the details of their everyday behaviour, rewarding prisoners for 'responsible behaviour and participation in hard work and other constructive activity' (see Liebling et al., 1999). These demands shape the terrain on which legitimacy is contested, and they have significant consequences for how liberty and autonomy are conferred and curtailed.

An important issue here is *comprehension*. Some prisoners believe that, if they are behaving themselves and causing no problems for the prison authorities, they need not be concerned about how they are evaluated. As Derek put it, 'If you don't do anything wrong, you've got nothing to worry about'. It is true, in a sense, that prisoners are not punished for complying to the letter with the prison rules. However, it is erroneous to assume that docility or passive obedience fulfil the institutional template of ideal behaviour (compare to Foucault, 1977). Further, for many prisoners, the mechanics of risk assessment are simply unfathomable. They have little comprehension of how actuarial tools function (see Attrill and Liell, 2007); they are bewildered when they sit the offending behaviour courses required of them but are told that they have not reduced their risk sufficiently; and they often believe that early release and IEP decisions are inconsistent, illogical or arbitrary. In these respects, from the point of view of many prisoners, soft power lacks clarity and transparency.

Other prisoners are aware but resentful that obedience and docility are insufficient if they want to enhance their living standards and accelerate their release. Through a range of arguments, they question the right and the ability of the prison to evaluate and decree the details of their behaviour. One line of reasoning is that this goes beyond the core logic of imprisonment:

> 'I realise that I've done wrong. And I realise I should be in prison. And if I spend the rest of my life in prison because of the murder I've committed . . . that's fair enough by me. But I shouldn't be kept in prison because somebody doesn't like my attitude.' (Pete)

> 'Why can't you just be *not* giving any trouble and just keep your head down? . . . You've got to go to be talking to the screws all the time, having a laugh and a joke with them. You shouldn't need to do that.' (Billy)

Here, then, the focus of discord is the prison's *entitlement* to govern how prisoners should govern themselves (beyond the demands of law) once it has already removed their liberty.

A related complaint concerns issues of autonomy. Some prisoners dispute the legitimacy of officers going out of their way to 'catch people up to mischief' and invading their 'private' space. Once securely held in custody, Jacob reasoned, prisoners are entitled to a certain amount of freedom from direct intrusion: 'If there ain't no trouble, [officers shouldn't] go looking for trouble . . .. It's like [they're] invading [our] privacy and our privacy is *already* invaded.' Here, the concern is with the prison's incursion into the physical as well as the psychological space of the prisoner.

Such views remind us that prison subculture develops as a response to the afflictions and limitations of confinement (Sykes, 1958), and that carving out spaces of relative autonomy is a vital coping mechanism. There are dangers when prisoners develop 'no-go' areas for staff (Liebling, 2004; McDermott and King, 1988), but it is understandable that they seek some spaces that are sheltered from the encroachments of power. Only 15 or so years ago, many prisons in the UK were much more tolerant of activities such as gambling and cannabis use, which seemed to cause little harm while aiding smooth governance. The recently retired Chief Executive of the National Offender Management Service (NOMS) argued as a junior governor that prisoner subculture 'fulfils a number of prisoner needs' (Wheatley, 1981: 3) and that some aspects of this culture should be tolerated, even when officially illicit. Although the prevailing organizational wisdom has changed, not all prisoners accept the new consensus about the right of the institution to enter their collective space and so closely regulate their social behaviour.

In a similar vein, prisoners complain about the *breadth* and *appropriateness* of the evaluations made by officers. As the following quotation illustrates, they resent comments in their wing reports that note that they 'question authority', are influential within their peer group or do not get on with some other prisoners:

> '"High in my peer group": what does that mean? I have a laugh with my mates . . . "Question authority": I question some things but [when] I question them I don't say "fucking hell, you've done this wrong". If I query something, I will ask about it, there's nothing wrong with that. "Certain inmates I don't get along with": there's sixty lads on the wing – they want me to get on with every one of them! It's not gonna happen.' (Martin)

Many prisoners feel that the net of assessment has expanded beyond a legitimate point. In relation to early release decisions, they question the relevance of in-prison conduct to judgements about future risk. There is some evidence that offending behaviour traits manifest themselves in the prison environment (see Clark et al., 1993). However, the link between prison behaviour and recidivism is far from clear-cut (Clark et al., 1993). Officers tend to report negatively on prisoners who are challenging or socially influential because they are institutional irritants or putative control threats. The fact that the statements provided by wing staff are often overlooked in decisions about risk is immaterial insofar as prisoners regulate their behaviour in case they are deemed relevant. Prisoners can never be certain of what is or is not deemed pertinent to reports and assessments. In this respect, the nexus of control exerts influence much like a panoptical gaze (Foucault, 1977), working through subjects in areas well beyond its actual focus.

A related argument – although it is not generally put in these terms – is that the demands of soft power are sociologically blind. In their own words, prisoners document

the triumph in prison of the 'psy' disciplines (Rose, 1996) and the waning of a more sociological conception of offending and the social realities of prison life (Simon, 2000). In the excerpt below, a prisoner argues that it is unreasonable for the prison to censure his friendship choices because this takes no account of established networks of loyalty and affiliation:

> 'I've had one [officer say] to me, "you're hanging around with drug dealers, and people that are known to be within the drug infrastructure of the jail", and I said "you're telling me not to hang around with the people that I've known for years. . . . You're telling me that I've got to pick my friends [differently]".' (Tyler)

Judgements about social affiliations are unlikely to determine early release decisions, but they are not insignificant. They can influence how often a prisoner is drug tested or subjected to cell searches. By indicating an 'anti-social attitude' on a wing file, they can shape decisions made at disciplinary adjudications. These evaluations give little consideration to the pressures on prisoners to associate with people from their hometowns (see Crewe, 2009; Irwin, 2004). Nor do they seem to appreciate that, in a context of scarcity and insecurity, prisoners rely on each other for social and economic support. In the eyes of the institution, such affiliations sometimes become seen as potentially criminogenic pressures that prisoners should simply resist.

Similar frustrations are expressed about offending behaviour programmes. As others have argued, these courses are based on a cognitive behavioural framework that largely elides sociological explanations of crime (see, for example, Carlen, 2008; Fox, 1999a; Hannah-Moffat, 2005). Prisoners less often comment on this – indeed, despite common histories of disadvantage, addiction and mental illness, the majority subscribe to the official view that offending is a simple matter of choice (see Halsey, 2008) – than on the tendency for course content to provide simplistic moral scenarios that are incongruous with the norms of their home communities. In discussing role-plays relating to assertiveness and aggression, for example, they point to the importance in their social networks of personal 'reputation' and the dangers of appearing 'weak'. In debates about informing, many prisoners recognize the moral rectitude of turning to the authorities in certain situations, but raise concerns that doing so would threaten their safety and reputation. In sociological terms, these apprehensions are rational and prudential. Within the discourse of cognitive treatment, they are 'distortions' or 'thinking errors', marks of irresponsibility or pathology (Fox, 1999a; Maruna and Mann, 2006). In Matt's terms, life is more complex than cognitive behavioural courses implied:

> 'If you make a mistake after you've done the course – just say you get nicked for having an unauthorised article in your [cell] – they'll say to you, "well you've done the course, you shouldn't be making these mistakes". And life's not as simple as that, is it? A lot of [prisoners] do know the difference between right and wrong, people do think things through, y'know, but you're not always going to make the right choice. . . . You might get yourself into a situation where there's three options, and each option's wrong but you just pick the least [wrong].'

Prisoners also challenge the competence or *legitimate authority* of the people who evaluate and assess them. Many of those on indeterminate or parole sentences resent the

fact that important decisions are informed by unchartered psychologists ('23-year-old girls') or inexperienced officers, 'who, six months before, . . . were packing shelves in a shop or something. These are people who write reports on me, and that affects whether I stay in or don't' (Tommy). Setting aside some of the prejudices expressed in these dismissals, it is worth noting that a tremendous amount of power has been handed to an occupational group – psychologists – who have only superficial contact with the people whose lives they can determine. Professional judgement, based on familiarity, has been supplanted by scientific risk instruments (Tombs, 2008). Most prisoners cannot understand how people who do not know them can draw conclusions about their future prospects.

Few prisoners want to return to the days when 'you used to come into prison, [and] nobody was interested in who you was or what you was about' (Alexis). Distant, discordant relationships with staff are no more desired than disingenuous ones. Many prisoners speak positively about the contribution that courses have made to their lives: improved relationships with partners and children, greater insight into their offending behaviour and its impact on victims, and general guidance on how to 'think before I speak, so I don't get myself in trouble' (Sidney). Most are crying out for psychological interventions, alongside assistance with social problems, such as housing and employment. The problem is not with 'responsibilization' or offending behaviour programmes per se. It is the particular form that both have taken and their side-effects in terms of personal autonomy. Soft power forces prisoners to regulate all aspects of self, it harnesses them in its process of governance, and it erodes their freedom to be left alone. It is not visible to all prisoners, nor do all object to its demands. For others, however, it creates powerful feelings of illegitimacy and resentment.

Soft power and officer culture

There are always difficulties in sustaining positive staff–prisoner relationships in an environment that is ultimately coercive. Officers are socialized to value the order and security dimensions of their work more than the rehabilitative parts (Crawley, 2004), whose results they rarely see, or the paperwork duties whose processes they rarely enjoy. As Arnold (2008: 414) argues, prison officer training promotes 'overcaution, personal detachment and some aversion towards engaging with prisoners in more informal and proactive ways' beyond what is required to meet their basic needs and to maintain security.

Whereas the welfarist dimensions of soft power encourage closer relationships between prisoners and staff, its neo-liberal policies hinder them. First, they reduce the need for staff to engage with prisoners in the pursuit of order. With such a battery of tools available to make prisoners comply, strong relationships – 'knowing your prisoners' – take a backseat to other means of ensuring compliance (see also Drake, 2008). Since prisoners self-regulate, order can be achieved without the need for either hard intervention or deep engagement.

Second, by presenting a particular criminological vision, recent developments in penal practice reinforce certain norms within officer culture and thus exacerbate social distance between prisoners and staff. The cognitive behavioural assumptions that

dominate offending behaviour programmes are consistent with widely held officer beliefs about the causes of offending. Crime is seen as a pure choice; prisoners are regarded as cognitively deficient and as the architects of their own predicaments ('morally autonomous', to use Fox's, 1999b, phrase). The version of rehabilitation that is promoted within the discourse of public protection appeals to many officers because it does not appear too pro-prisoner. Its emphasis is not on meeting prisoners' needs as such but on treating them in ways that help 'prevent the next victim'. In fusing assistance with control, this licenses officers to focus their attention on the negative rather than the positive aspects of prisoner behaviour while promoting a form of engagement that is detached and instrumental. Good relationships with prisoners become 'another mechanism of control' (Drake, 2008: 164).

Third, the association of risk reduction with offending behaviour programmes discourages officers from seeing the importance of informal relationships in helping prisoners to turn their lives around. Rehabilitative work is hived off to specialists and is seen as a matter of cognitive re-wiring rather than interpersonal influence. The creation of off-wing Offender Management Units often removes officers who are committed to resettlement work from residential areas, while promoting a view among the staff who remain that 'rehabilitation' is not a core part of their remit. Among many officers, there is little sense that desistance might be a difficult and complex process, requiring positive reinforcement over a prolonged period (Halsey, 2008).

Prisoners attest to the importance of faith and affirmation in their testimonies of change. They highlight the significance of being 'pointed in the right direction', getting a 'positive response' from staff, being reassured that they are 'doing the right things'. They are often plagued by anxieties that backstage forces will conspire against their efforts to go straight. Those who feel untrusted or ignored are liable to give up: 'If I think people are suspicious, I think "fuck off" and then I don't make the effort. . . . If I don't start to get help, I'm just gonna play the system' (prisoner, fieldwork notes). If staff fail to engage with prisoners, if they do not get to know their histories, if they doubt that prisoners can change, and if they are obliged to act within highly risk-averse parameters, it is less likely that they can successfully promote desistance.

Empathy is unlikely when engagement is shallow, instrumental or tainted by mutual suspicion. Most officers recognize the conventional 'pains of confinement', such as missing loved ones or fearing for one's safety. However, few are attuned to the subtler, less visible frustrations of modern imprisonment, including those that I have outlined here. This blind spot means that officers often misjudge the impact and influence of 'biro power'. Consider the following statements:

> 'All we've got is the power of the pen. If they're rude, you put comments in their wing file, but what's a comment in a wing file? It's only like a bad report in school.' (Prison officer)

> 'They get behind their doors on their own; there's not much confrontation. If they're arsey [i.e. argumentative] I say "I'll write you up". It's better to write stuff in their files than to nick them – they get their IEP dropped, it lasts longer, it's on their wing file forever.' (Prison officer)

In the first quotation, the assumption is that comments in wing files have a negligible effect on prisoners. The opposite is assumed in the second, but the casual tone

demonstrates the same misjudgement about the appropriate use of this aspect of soft power. For prisoners, 'the power of the pen' is potent precisely because it is enduring and cannot be erased and because of its impact on determining their freedom.

Comments of this kind alert us to the new ways that staff can victimize prisoners and abuse their power (see Crawley, 2004). Physical brutality in prison is far less common than it was two decades ago, but the misuse of soft power can have consequences that are just as profound. Abuses tend to occur not through hard means, in flagrant violation of the prison's rules, but through softer methods, within its bureaucratic folds. At their most damaging, they involve the tarnishing or neglect of prisoner reports – being 'written off' on file. Certainly, prisoners' complaints about officers often relate to their use of paperwork: negative and petty comments, incomplete files that delay parole proceedings, or the over-use of written forms of authority at the expense of informal, face-to-face means. Like soft power itself, these forms of negligence and mistreatment transpire 'quietly', without direct contact or personal embodiment.

Concluding comments

In his work on international relations, Joseph Nye (2004) defines soft power as the ability to achieve one's ends through persuasion and attraction as opposed to coercion or payment ('hard power'). There are clear parallels between Nye's formulation and soft power in the penal realm. In both contexts, soft power is less 'raw' and rudimentary than hard power, more diplomatic and potentially more efficient. Whether it is a more legitimate form of power is an empirical question.

Tom Tyler's work is highly instructive in this regard. Through empirical research in a number of contexts, Tyler (for example, 1997, 1998; and Tyler and Blader, 2000) has demonstrated that whether outcomes are favourable is less important in determining people's acceptance of decisions than whether the processes and procedures used to reach them are fair: 'if people evaluate the procedures used to be fair, they have positive feelings irrespective of the outcome' (Tyler, 1997: 227–8). People evaluate procedures in 'relational terms' that are clearly separate from outcome considerations. These include the neutrality of procedures, the trustworthiness of the authority's motives and the degree to which treatment respects their dignity, rights and feelings.

Penal scholars have been drawn to this work (in particular, Sparks et al., 1996), for it implies a solution of sorts to the legitimacy problems that afflict an environment that is the 'unfavourable outcome' *par excellence* of modern society. Unless the prison differs greatly from other domains, then, even while depriving people of their freedom, it can achieve some level of interior legitimacy if the manner in which it treats them is fair and respectful. But prisons may indeed be a special case when it comes to matters of legitimacy. Disparities in power are exceptional. Prisoners do not have the same 'voice' (Tyler and Blader, 2004) as free citizens when decisions are made about them: they have fewer opportunities to express their views and are taken much less seriously when they do. There is little contact with some key decision-makers, including psychologists and parole board members. The outcome stakes are especially high when it comes to decisions about privileges and release. Meanwhile, interactions with prison officers are not one-off or even serial events, but parts of much longer-lasting relationships (Liebling,

2000). Inconsistencies between treatment and outcomes therefore have rather different consequences from other fields of criminal justice. All of these factors help to explain why procedural decency in prison, while always better than procedural indecency, can be somewhat empty if prisoners believe that the system is excessively insensitive, one-sided and demanding, and if they think its logic is fundamentally unfair. In such situations, even if staff–prisoner relationships are highly trusting and empathic, the prison's legitimacy remains highly compromised.

Finally, prisoners' frustrations about penal power raise important questions about how much we should direct the behaviour of the confined and seek to change their thinking. This is not just an issue of effectiveness, although it is sensible to ask whether governing prisoners so closely might undermine attempts to make them 'responsible'. It is also a matter of what we think are the appropriate limits to personal autonomy, and what right we have (with what consent) to try to change who people are.

Notes

1. All names used in this article are pseudonyms, and are consistent with those I have used in other publications (for example Crewe, 2009).
2. The frustrations that result from inconsistent decision-making and rule enforcement have been described elsewhere (Crewe, 2006, 2009) and I will not dwell upon them here. These are not new irritations (see Mathiesen, 1965; Sparks et al., 1996), although I suspect that they have become more significant as prisons have become less rigidly authoritarian environments.
3. These adaptive styles are discussed in greater detail in Crewe (2009).

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