

‘Penal policymaking and the prisoner experience: a comparative analysis’

Recent years have seen renewed interest in the political economy of punishment (e.g. Wacquant 2001, 2009; Cavadino and Dignan 2006; Lacey 2008), yet almost no attention has been given to the factors that translate broader socio-political arrangements into penal practices (Garland 2013) or the specific nature of imprisonment within different kinds of political-economic systems. Based on research in England & Wales and one of the Nordic nations, the goals of this research project are to expose the dynamics of the penal state and bring into relief the nature of penality in countries that are considered ‘exclusionary’ (or ‘neo-liberal’) and ‘inclusionary’ (or ‘social-democratic’) respectively in their social, economic and penal practices. These goals will be achieved through four connected sub-projects, each of which will be undertaken in comparative form: first, a study of penal policymaking and the ‘penal field’ – that is, the set of players and processes that shape penal policy and practice; second, an exploration of the texture of imprisonment for women and imprisoned sex offenders, groups which seem likely to experience inclusionary and exclusionary penal practices, in distinctive ways; third, a study of how these prisoners experience points of entry into and exit from the system; and, fourth, a study of the ‘deep end’ of the prison system in both countries, i.e. the units and conditions holding those prisoners who are considered the most risky and dangerous, and which therefore reflect wider concerns about national identity, security and the limits of the state sanction.

One of the main aims of the research is to explore systematically some widespread assumptions about the relative mildness and severity of punishment practices in inclusionary versus exclusionary nations. The research will draw upon and enhance a framework that has recently been developed by the principal investigator to conceptualise different aspects of the prison experience, formed around the concepts of the ‘depth’, ‘weight’, ‘tightness’ and ‘breadth’ of imprisonment. At the same time, the research will foreground the roles of shame, guilt and stigma in shaping prisoners’ attitudes and adaptations to imprisonment. Such concepts have been widely applied to theories of offending and reintegration, are relevant to inclusionary and exclusionary state practices, and seem particularly pertinent to the two main prisoner groups under study. Yet they have remained almost entirely absent from sociological accounts of imprisonment. Meanwhile, through the broader concept of ‘penal consciousness’, the project will explore the interaction between the punitive intentions of the state and prisoners’ subjective understanding of the purposes of their punishment: a matter which has been largely unexplored within the literature. Overall then, the project will have a number of groundbreaking dimensions: it will interrogate matters of penal power and legitimacy that have not been applied to important prisoner sub-groups; it will reinsert moral concepts into the sociology of imprisonment; it will develop an analytical framework that will challenge and reshape the field of comparative penology; and it will provide both a ‘horizontal’ and a ‘vertical’ analysis of modern penality, assessing the operation of penal power in different places and phases of the sentence, and linking macro issues of the penal state to the lived realities of the prison landings.

2.a. State-of-the-art and Objectives

According to a range of highly influential accounts, the aims and functions of punishment have been radically transformed. Feeley and Simon’s (1992) groundbreaking ‘new penology’ thesis posits that concerns to rehabilitate prisoners have been supplanted by discourses that prioritise retributive austerity, risk management, and low-cost containment (see also Simon 1998; Wacquant 2001).

Other prominent theorists have described a 'crisis in penal modernism' (Garland 1990: 4), in which the rehabilitative ideals that were emblematic of the era of penal welfarism have been reconfigured or virtually abandoned. Penal sensibilities have hardened, and the retributive and expressive dimensions of punishment have been revived (Pratt 2000). Such shifts are reflected in new forms of forms of indeterminate sentencing, stricter enforcement of parole and supervision conditions (Wacquant 2009; Padfield and Maruna 2006), and the 'reinvention of the prison' not only as a site of public retribution but as a central institution in modern statecraft.

However, such 'grand narrative' accounts have significant blindspots and limitations. As Nicola Lacey notes (2008: 26), much of the literature on 'late-modern' or 'neo-liberal' penality is rather schematic, and risks 'elevating an explanatory framework largely informed by the specificities of the US situation to the status of a general theory'. As in penal theory generally (Howe 1994), women (and gender more generally) are largely ignored, practitioners are regarded as passive conduits of wider social forces, and prison systems are imagined as uniform entities, in which penal conditions are the same for different prisoner sub-groups, and at different stages of the sentence. In part, these tendencies reflect assumptions of growing convergence in penal practices and the global spread of neo-liberal ideals (Garland 2001; Wacquant 2009). They also expose a wider pattern in contemporary criminology whereby penal theorists and prison ethnographers work in domains that are largely disconnected from each other. As a number of scholars have noted, prison sociology has been marked by a striking and intellectually-corrosive separation of 'macro' studies of what prisons are *for* from 'micro' studies of what they are *like* (e.g. Carrabine 2000; 2004; Sparks 1996).

This 'analytical division of labour' (Carrabine 2004: 3) is seen just as clearly in relation to the body of work which has explored the relationship between political-economy and penal severity (*inter alia*, Cavadino and Dignan 2006; Lacey 2008). Such research has exposed the 'almost watertight dividing lines' between different types of national political-economies and their respective penal practices (Cavadino and Dignan 2006: 446), explaining variations with reference to broader social arrangements, national identities, and the strength of state bureaucracies. John Pratt's various and celebrated publications on 'Nordic exceptionalism' (e.g. Pratt 2008a, 2008b, 2013) are exemplars of this kind of account, arguing that the Nordic countries' distinctive histories and socio-cultural arrangements shape a penal system that is unusually mild and humane.

Yet one of the most striking characteristics of such scholarship is that it stops at the gates of the prison, judging levels of harshness or humanity largely by metrics such as imprisonment rates and prison conditions. While scholars in this field have recognised that imprisonment rates are 'crude' (Cavadino and Dignan 2006: 452), 'have limitations' (Lacey 2008: 43) and are 'only one strand of penal exceptionalism' (Pratt 2008b: 14), for researchers whose heads are inside prisons, peering out, rather than outside them, squinting in, the deficiencies of these measures are arresting. Imprisonment rates, while undoubtedly telling, are poor indicators of the prisoner *experience* – it seems perfectly possible that a state might imprison relatively few people, but in a highly punitive manner, or relatively many, in conditions that are decent. Meanwhile, it is a mistake to confuse the material with the psychological dimensions of incarceration (Liebling 2004), or – as the classic works of prison sociology emphasised – to neglect the relevance of the prisoner social world to the prisoner's lived realities (Sykes 1958). It is difficult, therefore, to be satisfied with accounts of the prison experience that merely dip a toe into the swirling waters of the prison's inner world. To feel such misgivings is not to diminish the value of recent work on either 'neo-liberal' or comparative penality, but to propose that it

could be advanced and made more compelling if its insights were married with those provided by empirical and ethnographic analyses of prison life.

Such accounts are all the more important because of the scepticism that has been expressed about 'Nordic exceptionalism' by Nordic scholars themselves (see Ugelvik and Dullum 2011) as well as non-native scholars of these systems. While some studies have identified threats to exceptionalism and changes in Nordic penal cultures (e.g. Pratt 2008b), others have disputed the idea that these cultures were ever consistently moderate. Most notably, Barker (2012) highlights a range of practices, including the use of pre-trial detention (often involving forms of solitary confinement), and the compulsory treatment of drug addicts and alcoholics, which represent highly intrusive and oppressive forms of penal power. Notably too, such interventions are disproportionately used against certain categories of people – particularly those perceived as 'outsiders' - in the name of the 'public good'. Thus, to give an example, the *inclusionary* concept of the Swedish welfare state as a 'people's home', with a place for everyone, might in fact rely on (and mask) practices and processes which are in many ways decidedly *exclusionary*.

For current purposes, two key points should be highlighted here: first, the manner in which an apparently 'inclusionary' penal state is experienced is highly differential. Second, since Nordic penalty appears more Janus-faced and paradoxical than orthodox accounts have claimed, it is all the more important to find a conceptual apparatus which allows us to measure it in all of its complexities, and compare it to other penal systems. To conduct this kind of comparative penology requires considerable conceptual effort. Here, recent work undertaken by the Principal Investigator is of significant value.

Depth, weight, tightness and breadth: a framework for comparative analysis

In *Contrasts in Tolerance*, a (1988) comparative analysis of English and Dutch penal policy and practice, David Downes argued that the extent to which imprisonment was 'damaging and repressive' depended on a range of factors: 'relations with staff; relations with prisoners; rights and privileges; material standards and conditions; and a sense of the overall quality of life which the prison regime made possible or withheld' (Downes 1988: 166). Summarising the impact of these factors through the concept of the 'depth' of imprisonment, Downes argued that, in English prisons, imprisonment was experienced as 'an ordeal, an assault on the self to be survived, time out of life' (1988: 179), whereas in Dutch prisons, the rupture of confinement was 'not so marked, the passage of time less prolonged, the sense of social distance from society less acute, and the problems of psychological survival less chronic' (p.179). Drawing on Downes' analysis, King McDermott (1995) suggested a modification to his terminology: when prisoners used the term 'depth', they were generally referring to 'the extent to which [they were] embedded into the security and control systems of imprisonment' (p90). When talking of 'the deep end' of the system, prisoners meant being in high-security establishments, years from release, almost subterranean relative to the surface of liberty. What Downes described, they said, was better phrased as 'weight' – the sense of confinement 'bearing down' upon prisoners, and the almost palpable burden of psychological oppression. The metaphor was apt in part because it evoked the sense that the prison experience felt like a burden on one's shoulders, or a millstone around one's neck (King and McDermott 1995: 90).

Because of a crude association of power with coercion, and an enduring view among critical penal scholars that power, and its application, is always dangerous and objectionable, little reflection has occurred in relation to the concept of 'weight'. Yet recent research conducted by the PI and colleagues (Crewe et al, in press) has

revived and elaborated this concept, arguing that prisons that are excessively 'light' are as undesirable as those that are 'heavy', and that the tone and quality of prison life depend on the combination of weight with a related phenomenon: the 'absence' or 'presence' of staff power. Meanwhile, in other work (Crewe 2007, 2009, 2011), the PI has developed the term 'tightness' to convey aspects of contemporary imprisonment that cannot be captured through conventional metaphors of 'depth' and 'weight'. 'Tightness' describes the outcomes of a deliberate 'compliance project' (Liebling 2004) in prisons in England & Wales, which has increasingly sought to 'responsibilise' prisoners, hold them accountable for their own risk reduction, and make them self-regulate a wide range of conduct. It is connected to the softening of penal power, which has altered the dynamics of control, enmeshing prisoners in a highly invasive regulatory web, and to the emergence of new arbiters of punishment, treatment and release - such as prison psychologists and offender managers - whose increased power in turn reflects changes in sentencing conditions and practices (Crewe 2009). As also suggested in Barker's (2012) analysis, these softer forms of penal power are not necessarily experienced as more humane than harder forms.

The final - and least developed - part of this framework is the idea of 'breadth': the reach and impact of the prison sentence beyond the point of imprisonment. What is meant here is not just the official 'disqualifications and disabilities' (the 'negative c.v.') that result from a conviction (Garland 2013: 478), or the particular conditions of release that ex-prisoners face. Breadth also refers to the multitude of unofficial consequences that are carried by the prisoner post-release, whether concealed or conspicuous, and whether permanent or provisional. Some are corporal, such as changes in diet, health, appearance and demeanour (see Moran 2012); some are psychological, such as changes in levels of intersubjective trust, intimacy, existential security and sense of routine (Jamieson and Grounds 2005); others are social, such as concerns about public stigma, ostracism by family and friends, and being enduringly 'marked' by one's offence.

This framework has groundbreaking potential. Very little systematic comparative work has been undertaken in prisons since *Contrasts in Tolerance* (1988), in large part because the conceptual tools required to make meaningful comparisons have not been developed. And yet our accounts of penal culture and practice - indeed, our conception of what punishment *is* - are demeaned by this lack of attention to the realities of the prison experience.

Penal policymaking and the penal field

A second major limitation of grand narrative accounts of penal change, and indeed of more nuanced studies of political-economy and penal policy, is that they remain largely at the macro-level. This focus on 'background' factors prevents them from being able to explain how structural trends play out locally, and why the same kinds of political-economies might exhibit very different kinds of penal outcomes. In his 2012 Sutherland address to the American Society of Criminology annual meeting, Garland himself noted this shortcoming. Pointing to the rarity of 'properly comparative' approaches within the growing field of 'punishment and society' studies (see Garland 2013: 482), he urged the prioritisation of 'small-n' studies, 'focused on a few jurisdictions selected for their theoretical relevance' (p476). Only through such research - which would represent a radical reorientation of research agendas - can we break apart this 'black box' of penal transmission and expose the processes and mechanisms by which social causes are 'translated' into specific penal effects (p. 483).

While Garland suggests reorienting research towards the structure and operation of state institutions, an alternative strategy is to try to map the 'penal field', a concept which draws on the work of Pierre Bourdieu. The penal field is the 'social space in which agents struggle to accumulate and employ penal capital' (Page 2011: 10), and thereby shape the penal agenda. It is organised hierarchically, in the sense that some actors have more resources than others to influence outcomes and shape the set of 'rules' about what is thinkable and unthinkable in policy terms. As Page (2011: 12) notes, penal fields are 'like prisms: they refract external pressures like economic downturns, moral panics, and war'. They are also determined by the struggles among agents or 'players' in competition with each other. This framework therefore offers a highly fruitful means of explaining differential penal cultures through consideration of both the wider socio-political contexts in which policymaking is situated, and the particular orientations of its key players (their 'penal consciousness' - see below). Yet whereas Bourdieu's conception of the penal field suggests a bounded, semi-autonomous domain, one aim of this project will be to chart the movement of penal policies and ideologies between nation states. This is all the more important, given assertions that processes of policy transfer have accelerated, fuelled by the growth of policy intermediaries and entrepreneurs, such as think tanks and policy networks (Peck 2003). What is essential, then, is fine-grained analysis of the 'players, conditions and methods' of the import, export and imposition of penal practices and doctrines (Deflem 2001: 308).

Penal consciousness

As conceived by Lori Sexton, in currently unpublished (2012) doctoral work, 'penal consciousness' refers to the ways in which prisoners understand and orient themselves to their punishment. This approach inserts an important consideration of subjectivity into our thinking about the experience of the penal sanction, and helps situate punishment in the broader context of prisoners' lives. While Sexton's definition and deployment of the term is relatively limited, 'penal consciousness' seems particularly pertinent to our understanding of how different prisoners might experience their sentence, and how imprisonment might be experienced as a different kind of state activity depending on the wider culture in which it sits. Certainly, there is evidence that, for some prisoner groups, such as chronic drug addicts, the subjective experience of imprisonment is shaped primarily by its comparison with the experience of addiction in the community (Crewe 2009). Such prisoners generally consider incarceration to be less painful and depriving than narcotic dependence (or, to give a different example, sexual exploitation), and often become 'enthusiasts' for the sanction of the state, using their time inside to reconstruct themselves morally.¹ Here, feelings of shame, guilt and moral regret are paramount (see below).

Whether such processes occur among other prisoner groups is an empirical question. The point here is to highlight three issues: first, what prisoners feel is being done to them, by whom, and for what purposes, depends on their wider consciousness, and this determines their overall orientation and adaptation to the sentence. Second, if prison is sometimes a site of narrative and moral reconstruction, due to the ways in which it is threaded into life-courses of addiction, abuse, and other outcomes of structural disadvantage, we need a new vocabulary for describing and theorising the kind of institution that the prison represents. Here, we might need to look past conventional terminology, such as the 'total institution', and beyond increasingly stale theoretical debates about 'imported' and 'indigenous' determinants

¹ Indeed, these prisoners use metaphors of incarceration to describe their previous predicament.

of prison life. Instead, we should interrogate how prison intervenes in prisoners' life narratives and structures, formed within national conceptions of the purposes of imprisonment. We should also look to emerging theorisations of largely *non*-penal organisational forms as 'reinventive institutions' (Scott 2011): sites of willing transformation. Such theorising takes us into difficult but important territory, in which we need to ask whether prisons can be 'anything else than places of punishment' (Liebling 2004: 49), and what it means if, for some prisoners, they can. Third, adopting the concept of penal consciousness enables us to think in new ways about the crucial issue of penal legitimacy: how it is shaped by previous life circumstances and broader national mentalities. Finally, in order to achieve a more rounded conception of penal politics, we should seek to expose the penal consciousness of penal agents or players: their conception of the purposes of punishment, the audiences on whose behalf they operate, their modes of capital, and their wider penal 'habitus' (Bourdieu 1977).

Shame/guilt

Shame – in its various forms – is central to social life and social order. Goffman (1959) argued that embarrassment had 'pancultural importance' (Scheff 2006: 17), permeating everyday interactions and providing the key mechanism of restraint on individual behaviour. For this reason too, shame has become an increasingly prominent concept within theories of offending, desistance and reintegration (Braithwaite 1989). It is curious, then, that, on the whole, issues of shame and guilt have been bracketed off from sociological studies of prison life. Early theorisations of prison culture recognised the role of shame in determining the normative system among prisoners. Sykes (1958), for example, argued that imprisonment entailed a significant loss of moral status, and that the inmate code was a collective means of 'rejecting one's rejectors', that is, compensating for social and moral humiliation. Goffman (1961) himself described the 'mortifications of the self' that occurred wherever inmates entered total institutions. Yet perhaps because they are seen as matters of law and psychology, issues of guilt and shame have largely disappeared from prison sociology, except in relation to the causes of interpersonal violence (Gilligan 1996). This absence is especially surprising given that one might expect prisoners' subjective experiences of punishment (i.e. their penal consciousness) and attitude to the authorities to be shaped significantly by feelings of remorse and defiance. Indeed, as discussed above, for some prisoners, feelings of moral regret are the principal mainspring of prison adaptation. As Maruna and Ramsden note (2004: 130) 'the management of shame involves a social process of autobiographical reconstruction'. Attending to the role of such moral emotions in processes of narrative reform and in prison adaptation will help us address more fundamental questions about the prison's wider normative functions.

An important characteristic of shame is that it is a 'self-evaluative' emotion: one that is felt through the judgment of others. Whether being punished is experienced as shameful depends on the subcultures and audiences in which we are located and in whose eyes we wish to be considered (Massaro 1991). Shame is therefore culturally determined – a concept that is pancultural and yet formed within specific local contexts (including the prison, in which forms of self-monitoring have always been imperative). This has relevance at both the interpersonal and national level, directing us to consider how different kinds of societies might engage in different forms of shaming. What Braithwaite calls 'reintegrative shaming' has an inclusionary logic, 'uncoupling' the act from the offender, and accepting him or her back into the moral community, while 'disintegrative shaming' is exclusionary, involving stigma and moral humiliation (Braithwaite, 1989). These different processes may lead to different emotions: guilt, which enables offenders to admit mistakes in reparative ways, and

shame, which makes it harder to shed disparaging labels and generates resentment and social withdrawal (Scheff 2006).

If the 'earmarks of reintegrative shaming' are social cohesiveness, communitarianism, informal social control mechanisms, and strong family systems (Massaro 1991:1924), then we should expect inclusionary Nordic countries to be more reintegrative, and exclusionary neo-liberal countries less. Yet the evidence base here is inconsistent (see, for example Baumer 2002). Indeed, the opposite could be true - inclusionary societies may still require scapegoats, perhaps all the more so to shore up 'in-group' identities, while the individualistic ethos of exclusionary societies might make it easier for offenders to adopt the grandiose narratives of agency and self-determination that have been linked to successful desistance (see Maruna 2001). Again, then, our attention should be drawn to the potential paradoxes of Nordic culture and penalty, and the need for a systematic, comparative study of the relationship between shame and imprisonment.

2.b. Methodology and research design

While specific details about each sub-study are provided in the subsequent section, first, some explanation should be provided for the main choice of prisoner sub-groups:

Prisoner sub-groups

Prison theory and research have tended to generalise on the basis of considerations of mainstream male prisoners (Howe 1994). Women remain absent from many theories of imprisonment and from considerations of key penological issues such as fairness, legitimacy and order (Bosworth 1996). Meanwhile, the literature on female prisoners is impoverished by its disproportionate focus on themes that are defined by their gendered status – e.g. emotion, motherhood, and sexual behaviour – at the expense of issues that are most pertinent to *imprisonment*, such as power, authority and justice (Liebling 2009). How such issues pertain to sex offenders is even less clear. Sex offenders have received even less academic attention than female prisoners, let alone mainstream male prisoners, despite comprising over one-tenth (and a growing proportion) of the England & Wales prison population. Much of the legislation that marks the 'punitive turn' has emerged in response to collective sentiments about sex offenders (Garland 2001), subjecting them to especially stringent forms of sentencing and moral regulation (Matravers 2005; Ward et al 2007; Lacombe 2008). Yet the vast majority of research on these prisoners is focused on technical issues of risk, treatment and dangerousness (e.g. Friendship et al 2003; Wakeling et al 2005), with little consideration of how they experience and adapt to forms of penal power.

Despite these deficiencies in the research literature, there are good grounds for believing that all of the key conceptual concerns of this study will bear upon female prisoners and imprisoned sex offenders in distinctive ways. First, they are likely to experience depth, weight, tightness and breadth in ways differ from the traditional subjects of prison research, and from each other. Both are subjected to regimes and security standards that are deeper than seems necessary - having been developed around the model of the young, male prisoner – despite the fact that they rarely present threats to internal order or security. Both groups are liable to lose contact with partners and families through their incarceration, albeit for different reasons. In relation to staff power, both groups are disciplined more invasively and arbitrarily than mainstream male prisoners (Sparks et al 1996; Carlen 1998), and may be particularly sensitive to the use and misuse of authority, due to prior experiences of powerlessness and abuse. Among both populations, sexual and gendered behaviour

is a particular focus of staff regulation, raising important questions about how femininity and 'subordinated masculinities' are policed both within and outside the institution (Thurston 1996; Carlen and Worrall 2004). With regard to tightness, as Liebling (2009: 21) notes, 'the recent emphasis on responsabilisation and self-governance is particularly pertinent to women, given the emphasis in women's lives on self-control'. Finally, in relation to breadth, both groups have to manage 'spoiled identities' (Crawley and Sparks 2006) and highly gendered forms of stigma (Thurston 1996), but it is unclear how these forms are managed at different stages of the sentence, upon release, and beyond.

Second, then, we see the salience of shame and guilt to these prisoner sub-groups. Both appear to bear feelings of inadequacy and powerlessness (Pollock-Byrne, 1990). Sex offenders often deny their crimes and their consequences (e.g. Kennedy and Grubin 1992), whereas female prisoners present scripts of self-condemnation as a result of failing to live up to feelings of maternal responsibility (Geiger and Fischer 2003). How such sentiments are transformed into shame or guilt, and with what implications, remains unexplored. Meanwhile, shame itself has gendered and bodily dimensions. It is linked to forms of visibility and being exposed (Gilligan 1996), issues to which female prisoners may be especially sensitive (Moore and Scraton 2013). Women are more regulated by shame in the outside community, but less likely to harbour the forms of unresolved shame that are manifested in extreme violence (Scheff 2006). How external audiences structure such sentiments is an essential question, for while there has been a softening of public and political views in relation to female prisoners in recent years (see e.g. Corston 2007), attitudes towards sex offenders have hardened (Simon 1998; Wacquant 2009). How, then, do moral discourses, of shame and guilt, flow within the penal field? Just as – in Pat Carlen's (1998) terms – women are not seen as 'real prisoners', women's prisons are not seen as 'real prisons', and female prisoners are not seen as 'real women', the equivalent seems to hold for sex offenders. How do such processes shape the penal consciousness of these groups, with what bearing on their feelings about the legitimacy of what is being done to them and why?

Finally, there is good reason to think that the interaction between gender and imprisonment will vary by jurisdiction. If penal welfarism is marked by a form of state paternalism (Garland 2001; Barker 2012), while the 'new penology' (Feeley and Simon 1992) is 'gender-blind', how might differences in penal cultures be manifested in the treatment and experiences of women and 'subordinate men'? To what degree is punishment enacted by the state 'in the interests' of the individual, with what consequences for its recipient? These questions are all the more pertinent given, for example, Sweden's history of the forcible sterilisation of women (see Barker 2012) and its metaphor of the national 'People's home', with its gendered overtones. Women have always served as emblems of wider concerns about family life, community and national purity, and, for them, the mechanisms of social control that are generally seen in positive terms within criminological theory may feel rather less benign. Sex offenders occupy a different position in the public imagination, as pure 'outsiders', desecrators of moral innocence, and the family's 'enemy within'. Indeed, Wacquant (2009: 225) considers sex offenders to have acquired an axiomatic position in the US's culture of criminal vilification, partly because their crimes 'touch directly the foundation of family order', leading to this group facing 'particularly virulent stigma' (p210). The treatment of both groups, then, is symptomatic of wider social anxieties and sensibilities. Clearly, the relationship between gender, power and punishment requires further exploration (Howe 1994), in a way that meets Carlen's call for studies of men's and women's imprisonment to inform each other, in an overarching study of punishment or penalty, with gender present but not always central in the analysis.

Sub-study one: policymaking and the penal field

Conducted by the PI, Ben Crewe, and the Senior Research Associate, primarily in years two and three of the project

Combining insight from criminology and public policy, this sub-study will provide a comparative analysis of policymaking and the penal field in England & Wales and one Nordic jurisdiction. These countries, which will be fieldwork sites of all four sub-studies in the project, reflect different kinds of political economies or 'varieties of capitalism' (Lacey 2008): neo-liberal or *exclusionary*, and social-democratic or *inclusionary*, respectively (that is, more or less likely to blame, marginalise and stigmatise criminal offenders). The comparative dimension of this sub-study is particularly important given assumptions that the UK is the first port of call and 'acclimation chamber' for neo-liberal penal policies exported from the US 'on their way to the conquest of Europe' (Wacquant 1999: 327). As Peck (2003: 230) suggests, then, documenting penal policy and practice in neo-liberal and other kinds of political economies is a means of charting 'some of the key dynamics of neoliberal diffusion, institution building and statecraft', and, of course, the dynamics of other kinds of penal ideologies. As Peck also notes, this form of analysis requires considerable methodological effort: 'The methodological challenge here is to develop adequate conceptualizations and robust empirical assessments of policies 'in motion', including descriptions of the circulatory systems that connect and interpenetrate 'local' policy regimes' (2003: 230). Comparative analysis of the penal field in two jurisdictions not only meets Garland's call for fine-grained inquiry into the translation of social causes into concrete policies;² it also offers a way of exploring the relationship between different national-level policy domains, and the discourses and networks which connect them.

This sub-study will involve some analysis of documentary and official sources (e.g. parliamentary debates; organisational reviews) alongside fifty interviews in each jurisdiction with key players in the penal field, such as practitioners, politicians, political advisors, and policy entrepreneurs within think tanks, pressure groups, media organisations, and other such bodies. Distinctively, in order to address the following questions, it will also involve the shadowing of selective players in their daily working lives. Among the key questions are the following: what moulds the imprisonment agenda? How are policies shaped, and penal decisions made? What are the 'rules of the game', and the people and places of key influence? What modes of knowledge are thinkable and unthinkable, respected and excluded? What forms and levels of capital do different players bring to bear on the field, and how do these serve as 'barrier, modifier, or multiplier' of broader structures and sensibilities (Garland 2013: 483)? In relation to what other fields – political, legal, welfare – does the penal domain operate? How do national penal fields interact with each other? What are the relationships between different players, both within and beyond state boundaries? How much power and autonomy do various players have, relative to each other, and how do forms of trust and honour circulate? What are their subjective understandings of what they are doing, and is there some kind of shared 'penal consciousness' which animates policy and practice? How do discourses of shame and forgiveness feature in their values and ideologies of penal agents? More generally, how do these values, practices and processes differ by jurisdiction, and in relation to different prisoner groups?

² This broader term is preferred to a narrower conception of the 'imprisonment field'

Sub-study two: penal power and the prison experience among female prisoners and sex offenders

Conducted primarily by the Research Associates and the Senior Research Associate, with assistance from the PI, in years three and four of the project

The 'eclipse' of prison ethnography has been much lamented by penal scholars (e.g. Wacquant 2002). Yet some prisoner populations were never included in the golden era of prison sociology or have been marginalised from mainstream penological theorising. Based on four-month ethnographies in prisons holding (a) women and (b) sex offenders in both England & Wales and the Nordic fieldwork nation, this sub-study will explore the lived realities of these groups, using the various conceptual lenses that are central to this study. In some respects, the ethnographies will revisit and revive some of the key concerns of prison sociology – matters of hierarchy, social relations and the everyday normative system, for example. Here, however, an explicit attempt will be made to explain how such these aspects of the prisoner society are determined by the particular forms of penal power to which these prisoner groups are subjected, and by the distinctive forms of penal and moral consciousness that they carry.

In other respects, these ethnographies will address questions about prisoners' daily practices and adaptations that reflect the changing theoretical parameters and empirical concerns of the field. How do the individualising tendencies of modern penal policies, and their emphasis on self-reliance and 'empowerment' (Haney 2008, 2010), affect social relations and self-identities among prisoner groups who have traditionally been perceived as individualised and acquiescent penal subjects (see Crewe 2009)? What are the implications of more risk-based penal discourses for prisoners who rarely present threats to internal order or security but are often considered 'high-risk' in terms of dangerousness and future offending? How do the terms of 'soft power' – e.g. the insistence that prisoners actively engage with staff; the potency of 'the personal file' – impact on their relationships with prison personnel? How do particular combinations of neo-liberal and therapeutic punishment practices 'work upon' these groups in practice? How do they cope with the increasing 'tightness' (Crewe 2009) of the prison experience? Given that legitimacy might function differently for different populations (see Bosworth 1996), how are new forms of governance and sentence conditions creating particular legitimacy deficits, and modes of compliance and resistance? What are the forms and functions of drug culture among these groups? How do the terms of their imprisonment relate to wider systems of gender and power? To what degree do these differ between countries, and between different population groups?

Since the framework of depth, weight, tightness and breadth is central to this sub-study - and to sub-studies three and four – considerable time will be spent by the PI in Year I of the project elaborating and defining these concepts. Particular effort will be required to develop 'tightness' and 'breadth', since these are the most original and empirically un-tested concepts. Depth will refer to such issues as the sense of distance from freedom (including length of sentence, and level of prison security) and the porousness of prison life to the outside world, 'both in terms of the actual opportunities for contact with family and friends by visits, home leave, letters and the telephone, and also by the permeating of the institution by the outside world agencies, whether recreational (visiting pop groups, etc.), informational (access to the media, newspapers, etc.) or social (visits by students, politicians, academics, etc)' (Downes 1992: 15-16). Weight will be defined in terms of issues such as staff treatment, the use of staff authority, conditions and privilege levels. These four concepts will be operationalised into a survey tool, which will be used in the main

fieldwork sites in this sub-study, and subsequently administered in two further research sites for each population group in each jurisdiction. This triangulation of research methods, which is relatively atypical in prison sociology, will strengthen the study's external validity, adding crucial empirical breadth to the in-depth approach of the main research method. It will also enable clear cross-cultural comparisons, both in this study and in future comparative research within the discipline. The ethnographic studies themselves will take place in establishments holding prisoners in the mid-phase of their sentences. Inasmuch as possible, these sites should be comparable within and across jurisdictions.

Sub-study three: entry and exit

Conducted primarily by the Research Associates and the Senior Research Associate, with assistance from the PI, in years two and four of the project

Both symbolically and materially, points of entry into and exit from the prison system represent stark moments of exclusion and inclusion, when the moral status of the individual is profoundly altered. While entry into prison has been depicted as a ceremony of public shaming (Goffman 1961), exit lacks equivalent ritual processes, with consequences for post-release stigma and recidivism (Maruna 2011). The absence and presence of such processes, and the particular forms that they take, have wider significance. Penal rituals reinforce and reflect collective morality (Garland 1991), and bring into clear relief issues of citizenship and freedom, and the meaning of the state sanction. For the individuals that undergo them, they are fateful episodes, when the individual confronts a ruptural break with his or her past (and potential future), and encounters penal power at its most tangible. Exploring these key chapters of the penal process, and how they differ between jurisdictions, promises to expose the deepest functions of state punishment, whether expressive, normative or instrumental.

This sub-project will focus specifically on the experiences of female prisoners and imprisoned sex offenders as they enter into and are released from prison. Based on observations and interviews in the two jurisdictions, and employing the framework of depth, weight, tightness and breadth, it will ask how these periods of penalty are constructed, and how they are experienced and negotiated by prisoners. Specifically, around 40 women and 40 sex offenders in each prison system, purposively sampled and serving sentences of less than two years, will be interviewed shortly after entry and then *re-interviewed* around four months after release (a small number of interviews will also be conducted with relevant prison staff). Through narrative interviews, the aim is to document the prisoner experience longitudinally, as the prisoner is plunged into the system and moves towards and beyond its shallower (but possibly tighter) realms. What forms of 'emotional energy' (Collins 2004), and feelings of belief, belonging and expulsion, do these penal phases generate? How are they interpreted as practices of the state, and reflections of public judgment? How do prior experiences of abuse, addiction and state power shape the meanings that are attributed to them, and the ways that offenders integrate such messages into their narratives? What are prisoners' main fears, concerns and preoccupations during these moments of transition? How do narrative identities change during the sentence? How do they manage feelings of shame, guilt and resentment, in relation to which audiences (family, community, nation, self)? Which discourses of blame and forgiveness are in circulation? To what extent is it true that the stigma of incarceration is (or *feels*) less powerful in Nordic nations, and that imprisonment restores 'full membership' of society to those who have breached its norms (Pratt 2008: 130)? How deep, how heavy, how tight and how broad is penal power during these phases, and how do these co-ordinates vary by jurisdiction and prisoner sub-group?

Sub-study four: deep-end custody

Conducted by the PI and the Senior Research Associate, in years three and four of the project

The treatment of prisoners in the depths of the system –indeed, the composition of prisoners in the highest-security conditions – reveals a great deal about the ‘internal and external politics of punishment’ (Wacquant 2003: xi). Deep-end custody represents state power at its most extreme, and is a symbolic repository for a range of fears about threats to national identity and security. How these corners of the prison system are configured in different jurisdictions, and what goes on in within them, reveals a great deal about social values and the limit points of state coercion.

Based on observations and interviews with thirty prisoners (including mainstream male prisoners, female prisoners, and sex offenders) and selected staff in both jurisdictions, this sub-study will explore the relative depth of the deepest, and generally the heaviest, parts of each penal system. Its main aim will be to document how different jurisdictions conceive of risk and danger, and how their consequent strategies for managing those prisoners considered to be particularly high-risk are experienced. How do prisoners in the highest-security conditions understand and evaluate their predicament, with reference to which normative audiences? How do these conditions shape their penal and moral consciousness? What messages do they receive from staff about their moral status? To what degree are practices in this corner of the system consistent with those in its less extreme spaces? Given the emphasis in Nordic nations on the normalisation of prison conditions, what attempts, if any, are made to humanise the environment and alleviate its depth? What ideologies and values animate the work of practitioners in this part of the system, and how are these strained and challenged both by external events and by prisoner behaviour?

Concluding comments

The four sub-studies that comprise this project draw on relatively conventional research methods. However, the ambition and contours of the research design are highly innovative. With reference to its ambition, it is worth noting the basic fact that, at the very point at which it is most needed – at a time when the penal system has moved ‘to the forefront of social and political life’ (Garland 2013: 476) – prison ethnography ‘is not merely an endangered species but a virtually extinct one’ (Wacquant 2002: 385). The dearth of empirical prison sociology is brought into relief all the more clearly when one considers the burgeoning literature on trends in modern penality, described above. The patchy and piecemeal nature of empirical prison research makes it almost impossible to compare jurisdictions, and what *actually* occurs in prisons cannot be derived from official documents and policy rhetoric. In the UK, for example, it is only because of the primacy given to official proclamations over insider testimonies that it was possible to characterise the post-war period in terms of ‘penal-welfarism’. Rehabilitative ideals were never embedded in staff practices and ideologies, leading to gross disparities between official discourses and the realities of prisoners’ daily lives (Crewe and Liebling 2011). As Valverde (2010: 119) argues, what is needed, therefore, is ‘concrete analyses of concrete situations’, not just to understand prisons themselves, but to understand state practices, since these practices ‘actually exist’, whereas ‘The State’ (or ‘neoliberalism’) is ‘not to be found anywhere’ (p.119).

With regard to the project’s contours, the sub-studies will comprise comparative analyses of: (a) policymaking and penal experiences *between* two penal jurisdictions;

(b) the penal experiences of women and sex offenders *within* each jurisdiction; (c) the penal experiences of prisoners *at different stages* and *in different locations* within their prison sentences and systems (what might be called a 'horizontal' form of analysis); and (d) the connection between the everyday lived experience of incarceration and the external field of penal politics and sensibilities (what might be called a 'vertical' form of analysis). Horizontal analysis is crucial, for penal experiences vary according to which part of the system one is imprisoned in: as Barker (2012: 19) notes, the apparently contradictory elements of Nordic penal culture are not stratified by offender type or social group, 'but can affect all offenders at different stages of the criminal justice system. ... the same offenders could be subject to isolation during pre-trial detention but later sentenced to a low level 'open prison''. Vertical analysis is vital in order to bring into the same conceptual frame the study of penal cultures and sensibilities outside the prison and the study of the prison experience itself. This articulation of exterior and interior dynamics, which has been much promised but never delivered in practice, is one of the most pioneering aspects of the proposed research, illustrating the connections between the mundane practices and interactions of the prison landings (its experiential texture) and the wider aims and functions of the penal state.

The recent glut of theoretical accounts of modern penalty points to the movement of the penal system to the centre-stage of contemporary politics and statecraft, and to the growing importance of studies of punishment and society. Yet there is a conspicuous scarcity of the kinds of empirical studies that might complement, corroborate or challenge these disquisitions on modern punishment. In many respects, as Valverde (2010:118) argues, 'how prisoners are governed matters more than how many of them there are'. This project will take a vital step in charting these modes of governance, and in documenting the differential shape and impact of modern punishment practices. Its design will ensure an analysis of modern penalty that is comparative and cross-national, while also being 'horizontal' and 'vertical' within the two fieldwork jurisdictions. It promises to re-connect sociological analysis with a consideration of moral and normative factors, such as shame and guilt, and to join up macro and micro level forms of penological analysis. It will ask fundamental questions about penal power and legitimacy, about the relationship between gender, punishment and national identity, and about the very nature of prison as an institutional form and sanction.