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**REVIEW:
DISCOURSE, POWER AND JUSTICE
IN SCOTTISH PRISONS**

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M. Adler and B. Longhurst **Discourse, Power and Justice: Towards a New Sociology of Imprisonment**, London: Routledge, £45, hb, 1994, ISBN 0415042372, 279pp.

The late 1980s and the turn of the decade were almost too full of challenge in the Scottish Prison Service. Hardly a month passed without headlines in the media about a death, a riot or a hostage incident. At one point it seemed as though the whole penal system might collapse. The need for radical change was inescapable. To its credit the prison service responded positively. This period is the backdrop to the research project which resulted in **Discourse, Power and Justice**.

The authors describe the book as a study of the relationship between the important social actors who work in or have influence on the prison system. It considers various levels of the decision-making process in one of our major public institutions at a time of radical change. To lift the veil on one of the last great secretive organisations in our society is an important service, not only for the academic world but also for everyone who has an interest in the workings of an executive arm of central government.

The book has a sound theoretical foundation which reflects the academic disciplines from which each of the authors comes. It is based on a socio-legal

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approach to the administration of justice combined with a view of the sociology of knowledge which is influenced by the work of Karl Mannheim.

Mannheim laid great stress on the importance of knowledge and its relationship to the exercise of power in society. He saw this as inherently competitive. Adler and Longhurst show how relevant this discourse is to the administration of prisons at all levels, but particularly to decisions which affect individual prisoners. These can be to do with security categories, with transfers between prisons, with procedures for making requests or complaints. They can also be about decisions affecting release on parole.

The thesis that power is at the heart of social life and that it can be significantly increased by control of knowledge is supported by an examination of administrative decision making in the prison system.

The authors correctly distinguish between what they call the 'end discourse', that is what is an institution for, and the 'means discourse', which is about how an institution is run. This has been a real debate within the prison systems of the United Kingdom for several years. The prison system as we know it came into being in Scotland with the passing of the Prisons (Scotland) Act of 1877. For the succeeding fifty years there was a very close link between the legal and judicial system in Scotland and the administration of prisons. This ensured that close attention was paid to the 'what' of imprisonment. In 1929 the Scottish Prison Commission was abolished and prisons came under the direct supervision of a government department. From that time on the main debate in relation to prisons has been about the 'how' of imprisonment. In other words, not 'what are prisons for' but instead 'how are they to be managed'.

The method used for 'classifying' prisoners in Scotland is a good example of this distinction. Convicted prisoners are divided into short termers, those who are serving up to eighteen months, and long termers, those who are serving longer than eighteen months. The authors describe the system which was developed for deciding the prison to which prisoners serving longer sentences should be allocated. Superficially sophisticated, the system was in reality little more than a set of bureaucratic devices which bore scant relation to the needs of prisoners or even of the prison system.

This part of the administrative decision-making process became increasingly irrelevant throughout the 1980s as the prison estate altered and attempts were made to give prisoners some vestige of personal responsibility.

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The compact nature of the Scottish prison system means that it is possible for a small number of strategically placed individuals to effect a significant change of direction for the organisation. This was what happened during the period covered by Adler and Longhurst's research. The unusual element of this development, unusual for the prison system, was that a real attempt was made to provide a theoretical basis for the change of emphasis in dealing with prisoners at a practical level. The manner in which this happened can be traced through the official published documents. The first of these, **Custody and Care** (1988), reflected the best practice of the time and set the tone for what was to follow. It was more of a bottom up document than Adler and Longhurst acknowledge, although, as a consequence, as the authors note, it failed to set the context within which changes were taking place. The second document, **Assessment and Control** (1988), was indeed a top down document and misinterpreted some of the new philosophy which was being developed. The confidence which was beginning to exist within the system was reflected in the fact that the adverse reaction to this document was taken into account in **Opportunity and Responsibility** (1990), which Adler and Longhurst correctly describe as 'a remarkable document'. It provided the theoretical basis for imprisonment which had been absent in the earlier documents. There is strong evidence for suggesting that **Opportunity and Responsibility** influenced the eventual structure of the Woolf Report (1991) in England and Wales.

If **Custody and Care** and more crucially **Opportunity and Responsibility** were about the 'what' of imprisonment, the bureaucratic machinery re-asserted itself with the two final official documents of this period which were drafted by a firm of management consultants. **A Shared Enterprise** (1990) and **Organising for Excellence** (1990) were very firmly about the 'how' of imprisonment. The first of these dealt with managerial strategies and with management-speak such as mandate and mission. The second dealt with ensuring that the managerial structure of the organisation provided proper channels of internal accountability. In terms of the central thesis of Adler and Longhurst, these documents were concerned with ensuring that the main power brokers in the system were working together. Within this narrow context, their weakness was that they attempted to bring together the power exercised by governors of prisons and the civil servants in the central administration, but ignored the crucial power exercised on a day to day basis by the two key groups in the system, prison officers and prisoners.

The authors of **Discourse, Power and Justice** put their fingers on the main failing of these organisational changes. It was that they concentrated on

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internal, bureaucratic accountability and ignored the need for external accountability. It should have been possible for a body such as HM Inspectorate of Prisons to provide a degree of independent supervision. This has happened in England and Wales, due in no small measure, according to the authors, to the fact that the Chief Inspector of Prisons in that jurisdiction is a judge. The Chief Inspector in Scotland has not so far exercised anything approaching a similar degree of influence.

The main accountability would, however, come from a modern legal framework, based on the primary legislation of a new Prison Act and the statutory framework contained in new Prison Rules. Such a 'legal discourse' would take account of the norms and guidelines contained in international treaties and conventions. Until this legislative framework is forthcoming there can be no real hope 'of holding the power-holders to account'.

It is doubtful that **Discourse, Power and Justice** succeeds in developing a new sociology of imprisonment as its authors intended. It is certainly an important contribution to our understanding of how prison systems operate. The size of the Scottish prison system lends itself to an analysis of this sort. The conclusions reached in this book can be applied to imprisonment in the wider arena. The research was undertaken during a period of unprecedented change when genuine attempts were being made to change the structure of imprisonment in Scotland. The authors of this research have provided the reader with a window onto the internal struggle which went on in the late 1980s for the organisational soul of the Scottish Prison Service. All organisational change is permanent in so far as an organisation can never return to its previous position. Whether the change which took place in the prison system in Scotland has been fundamental or merely superficial will probably be the subject of a future research project.

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