

THE INDIVIDUAL AND SOCIETY

by the Catholic Bishops of England and Wales

The Story of the Man with the Ironing Board (part I)

One rainy morning a prison visitor was moving through Brixton prison. She was on C wing, a busy wing which the prisoners refer to as The Fours because it has four levels. She walked up the stairs, looking for a prisoner on the top level who had requested a visit. As she climbed the prisoners stepped aside saying 'Good morning, Miss' or 'How's it going?' or just 'Hi' but everyone she passed said something or nodded. Everybody was out of their cells. She looked around. There were men in clusters and milling around, rolling up cigarettes, drinking tea from huge blue plastic mugs, shouting and talking. It was difficult to move around. Then she noticed a man ironing at the very end of the level. Without any conscious intent the visitor negotiated several groups of men hanging around cell doors and walked up to him. 'Good morning,' she said and he replied startled, 'Good morning'. 'I'm wondering if you can tell me where John Smith is?' 'Yes. He's over there.' She turned and there, out of the sea of heads, was the man she had come to see. 'Thanks,' she said. 'Who are you?' the ironing board man asked. 'I'm a counsellor. I come to Brixton to talk with people.' 'How do I get to see you?' 'Well, I can put your name down.' 'Yes. Put my name down, please. I would like to see a counsellor. I've never heard of one before!' She wrote down his name and then went over to see her client.

The Rights of the Individual

Human beings have a range of obligations and rights. Some of these are bestowed by the mutual agreement of society. But others are inherent to us as individuals. When considering questions of crime and punishment it is important to have a clear understanding of which rights and responsibilities are conferred by society and which are intrinsic to us.

Conferred Rights

As individuals we inhabit a variety of different spheres. Our identity or ‘status’ is defined by that sphere, and these definitions can vary from one sphere to another. What it is possible for us to do, and to claim, will vary from one area of social activity to another. For all the talk about ours being a ‘consumer society’ our obligations and rights will vary depending upon whether that sphere is education, health, immigration, shopping or the more general framework of the law. The state imposes different kinds of relationships between itself and citizens in different areas. These relationships, and the status they confer and regulate, may also be determined differently at different times and there will always be a measure of fluidity in their construction and application depending on the nature of the society and the various pressures on it or expectations it has. Asking ‘by what right?’ and ‘who decides?’ in different circumstances is part of the business of political debate.

Intrinsic Rights

A major strand of the Christian theological tradition is summed up in the idea that every individual is created in the image of God (*imago Dei*). This has given to Catholic social teaching a clear focal point: the human person is the clearest reflection of God that we have. And because God became flesh, and entered the human race in person in Jesus Christ, as true God and true man, Christ challenges us to see God’s presence in our neighbour, especially the neighbour who suffers or who lacks what is essential to human flourishing. In relieving our neighbour’s suffering and meeting our neighbour’s needs, we are also serving Christ. For the Christian, therefore, there can be no higher privilege and duty. As our 1996 document on *The Common Good* put it:

We believe each person possesses a basic dignity that comes from God, not from any human quality nor accomplishment, not from race nor gender, age nor economic status. The test therefore of every institution or policy is whether it enhances or threatens human dignity and indeed human life itself. Policies which treat people as only economic units, or policies which reduce people to a passive state of dependency on welfare, do not do justice to the dignity of the human person.

Biblical justice contains a bias towards those who are poor, marginalised or vulnerable. Catholic social teaching therefore contains a ‘preferential option for the poor’. Scripture tells us we will be judged by our response to the ‘least of these’, in which we see the suffering face of Christ himself.

Humanity is one family and the vulnerable are not a burden; they are our brothers and sisters. We must always keep in mind that, whatever their offence, every criminal is also a sister or brother for whom Christ died. This notion – that the human individual has an irreducible status which is not at the disposal of the State and in which all rights and obligations are ultimately grounded — is, of course, not particular to Christianity. It is a view of human dignity shared by Judaism and Islam and by many people of good will. Yet it draws unique sustenance from the doctrine of creation, further developed in Christian revelation about the person and work of Jesus Christ. Ultimately, it gives each person an integral status which is beyond that contingently conferred by the state.

This insight has a number of ramifications. It is important to remember that it applies as much to the victim as to the prisoner. It also bears upon our responsibilities as well as our rights: the *imago Dei* constitutes the basis of obligations to others — for we all carry the obligation to see God in all others, recognising and honouring them — irrespective of wealth, power, prestige, utility or behaviour. Just as justice will concern us with the fitting assignment of duties as well as rights and benefits, so mercy must reveal to us that a new possibility for being human resides in that *imago Dei*. In the arena of criminal justice this will self-evidently mean that certain types of behaviour by the state, for example torture, can never be countenanced. But it will also mean that a penal policy which is essentially or primarily punitive is also unacceptable — for it does not fully respect that the human person remains always open to the possibility of mercy as the necessary complement to justice and to the fulfilment of social relations.

The Rights of Society

The Common Good

Society has rights too. Catholic social teaching addresses this fact in its concept of the common good. By this is meant the whole network of social conditions which enable human individuals and groups to flourish and live a genuinely full human life. As Pope John XXIII put it in his encyclical *Mater et Magistra*, it embraces ‘the sum total of those conditions of social living, whereby human beings are enabled more fully and more readily to achieve their own perfection’. Or as the Catholic commentator Paul Vallely put it: ‘It does away with the old black and white distinction between selfish action and altruistic action. We each contribute to the common good because we want to live in a society which is fair and just. If it is fair and just to

others it will be fair and just to us too. We do not have to agonise about our motives, nor bribe or excuse ourselves with concepts like enlightened self-interest. The service of the common good is an end in itself.' All are responsible for all — and not only as individuals but also collectively, at the level of society or nation.

The common good is the sum of all those social conditions which allow the human dignity of each individual to be respected, and their basic needs to be met, while at the same time giving each man and woman the freedom to assume responsibility for their own lives. The common good requires a stable, secure environment within which each human being can develop their own life as autonomous individuals in a harmonious community.

Governments therefore have a responsibility to ensure, at every level, local and central, that their policies serve the common good by protecting the weak and vulnerable, and by promoting the integral human development of everyone. The need for this is singularly urgent in a society where materialism is pervasive, where the bonds of mutual responsibility are being weakened, where moral norms are being eclipsed and where family life is fragmented. Voters have a responsibility to hold the Government to account on all this.

In *The Common Good* The Catholic Bishops of England and Wales said:

'The first duty of the citizen towards the common good is to ensure that nobody is marginalised in this way and to bring back into a place in the community those who have been marginalised in the past. The alternative is the creation of an alienated 'underclass', bereft of any sense of participation in or belonging to the wider community. The existence of such an 'underclass' can never be regarded as a price worth paying in return for some other social advantages to be enjoyed by the majority.'

This has particular resonance when it comes to issues of crime and punishment. Here the demands of the common good require that public authorities do all they can to prevent crime and to safeguard people and property, and where offences are committed to hold those responsible to account and to care for the victims. Yet this cannot mean that the needs of the majority are allowed to overrule those of the minority. In a pluralistic and diverse society an advantage for any one group would be morally wrong, as the philosopher of law John Rawls has reminded us, if that advantage does not in the long run benefit the most highly disadvantaged elements of

that society. That includes anyone who is vulnerable, powerless and at a disadvantage — be they people on low incomes, disabled, ill or infirm, homeless or poorly-housed, refugees or those in prison.

In the spirit of good citizenship all members of the Catholic Church must accept their full share of responsibility for the welfare of society. The discharge of those responsibilities is no less important than fulfilling our religious duties, indeed they are part of them. Consideration of the common good must require us to keep in mind all those who suffer: the victim and their family, the person punished and their family, and those involved in the administration of the justice and penal systems and our wider society.

False Perceptions of the Common Good

The common good is not ‘the greatest happiness for the greatest number’. At every point the rights of the offender must be protected if they are not to become the victim of the unrestricted claims of a community. What most people want on questions of criminal justice is not necessarily right, as is evidenced by opinion polls on capital punishment. What Pope John Paul II has said on this subject has a wider application here. The death penalty, he says in his encyclical *Evangelium Vitae*, is justifiable only ‘in cases of absolute necessity, in other words, when it would not be possible otherwise to defend society’. He continues: ‘Today, however, as a result of steady improvement in the organisation of the penal system, such cases are very rare, if not practically non-existent.’ In the same encyclical he elaborates: ‘Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform.’

The inference to be drawn is clear here: in a system of penal justice which is in line with human dignity — and thus, in the end, with God’s plan for man and society — the primary purpose of the punishment which society inflicts must both defend public order and ensure people’s safety, while at the same time offering the offender an incentive and help to change his or her behaviour and to be rehabilitated. This does not mean punishment first and then rehabilitation if there are resources, time or the political will. It requires both, as an integrated purpose. Good penal practice should ‘correspond to the concrete conditions of the common good’ and be ‘more in conformity to the dignity of the human person’.

One danger must be guarded against here, both in terms of Government policy and, more generally, in how the rest of us regard those in prison. It is the risk of turning offenders into scapegoats. It is as well to remember that

this phenomenon has its roots in a religious practice. In Old Testament times the scapegoat was an animal which was symbolically laden with the sins of the community and then driven out into the wilderness. In our time it is not animals which are the subject of such symbolic demonisation but people. Our mediadriven society has a proclivity to light upon certain individuals — notorious criminals figure prominently in this — and make them ‘the other’, offer them up and send them out into a social no-man’s-land. This process is about denying the full humanity of an individual and reducing them to their offence. Those who have offended most grievously must not be conceived as ‘other’ but rather as a living example of the potential evil which lies in every heart and against which every soul must be vigilant.

Christ insisted on the opposite of this scapegoating. In his parables and encounters he pointed to the danger of the tendency to create ‘us and them’ categories. By his death he demonstrated that even those on whom society inflicts its most loathed and despised punishment have value. He insisted that when individuals or groups embark on the diminution or oppression of anyone — setting ourselves up as judges, condemning, excluding and acting violently against them — we expose ourselves to judgement. All individuals contain within them the potential for good and evil; in all individuals both are manifest in some degree. We deny this when we brand others ‘evil’ in their person rather than in their offence. In doing so we flatter ourselves dangerously — for the corruption we condemn in others, we need to acknowledge, lurks within us too. We must remember this: in the only prayer which Jesus taught us, the ‘Our Father’, we are all enjoined to consider ourselves both as trespassers and trespassed against. We are all victims, but we are all offenders too. Indeed, as the Catholic theologian James Alison has pointed out, Christ revealed that one of the truest kinds of faith is that found by those who can undergo demonisation without resentment. In the words of the Archbishop of Canterbury, Rowan Williams, ‘salvation does not bypass the history and memory of guilt but rather builds upon it.’ The transforming hope of redemption comes out of sin.

The Fears of Society

Much of our society’s response to crime and punishment issues is not based in the hope of redemption but in the experience of fear. Yet the evidence is that much of our fear is poorly founded. Many of the truths which the general public holds to be self-evident about crime turn out to be myths. Ask most ordinary voters and they will tell you that crime is rising, crime is violent

and that everyone is now at risk of random attack in their home or on the street. Yet the facts are that crime is falling; it is down 30 per cent since 1997. Most crime — 80 per cent of it — is not violent. And the statistics for burglary show that those who are most vulnerable are single-parent households, the homes of the young, and those in poor inner city areas, while the figures for violence show that those most at risk are not the elderly or the middle-class but young men aged between 16-24, single parents, those in rented accommodation and the unemployed.

Yet perceptions of growing crime and insecurity are fostered by both politicians and the media. The recent increase in the severity of sentencing was blamed by the Carter Report specifically on the interaction between public perception, media, politicians and sentencers. Successive governments have either cultivated or acquiesced in a simplistic equation between deterring crime and longer sentences when they know that the reality is far more complex. They know that measures to prevent crime, or to increase the rate of detection of those thought to have committed crimes, or to increase the proportion of those who can be justly prosecuted — would all do more to protect the public from the effects of crime than would longer sentences. In our society politicians who promise tough and decisive action on crime nowadays gain political advantage. As a result the main political parties increasingly attempt to ‘out-tough’ one another on law and order. And because this ‘penal populism’ thrives on misunderstanding, honest politicians are sometimes at a disadvantage. Two decades of an increasing party politicisation of the issue of law and order appear to have only made matters worse. All our political parties have a responsibility to guard against irresponsible exploitation of fears over law and order to gain electoral advantage.

The role of the media must also be brought into question here. The power of the media to help the authorities in the identification of suspected criminals is welcome. This does not mean, however, that the rights of those accused of crime should be compromised in the interests of the media or the wider public. On a broader front the media play into, or even feed, public fear of crime at a time when crime is actually falling.

The problem is twofold. Some parts of the media, most particularly tabloid newspapers, offer a distorted version of the truth in their selective and sensational reporting of crime. The most dramatic examples of this are to be found in the reporting of murder cases, especially where the victims

are children. As bishops we do not shirk from using the term ‘evil’ to describe some deeds and the force behind them. Yet we have grave misgivings about the readiness of some newspapers, and even some politicians, to invoke the term ‘evil’ too lightly to demonise individual human beings. Apart from being unjust to those concerned, the loose use of the term in inappropriate contexts undermines the seriousness with which evil needs to be countered. Human beings cannot be separated facilely into good and evil. Of course, it is in the disturbed nature of those responsible for the most demonic acts that they can deem themselves, even in the heinousness of their crimes, to be in the right. No individual is the sum total of the worst acts he or she has ever committed. Greater sensitivity is needed in the language society uses about crime and criminals; everyone should take care to brand the crime rather than the criminal — labelling an individual a murderer, a shoplifter or a paedophile confuses the two, and can lead us to blur the distinction between those who have committed a one-off offence and those who have a propensity to offend again in this area. Greater clarity on such issues would be helpful.

The second problem is one of context. Focusing only on the most dramatic elements of criminal justice distorts the realities of a complex system. Indeed, the media focus on the most infamous crimes too often distracts us from attending to the mundane work of the criminal justice services with those involved in the whole gamut of crimes. Similarly, television in its drama and entertainment output, rarely depicts life behind bars in anything except the most brutal caricature of the daily reality which members of the Church encounter in our prisons.

The selectiveness of the media here has undoubtedly contributed to the unfortunate politicisation of criminal justice in recent years with the result that the public tend to over-estimate crime-rates, underestimate the severity of actual sentences passed, and over-estimate the utility of punishment. Common public views that judges are too lenient (or at the other extreme sometimes too severe) are unrepresentative examples which are published because they are peculiarly horrifying, or at the other end of the scale, trivial. The distorting impact this has on public opinion becomes evident when members of the public are invited to take part in sentencing exercises; in these, members of the public — when given sentencing guidelines and a series of different case scenarios — tend to make decisions remarkably similar to those actually imposed by the courts. Revealingly, the proportion

of population who say sentences are ‘much too lenient’ has fallen recently from half to a third, indicating that less weight should in any case be given to the tabloid hue and cry on issues of crime and punishment.

Responsible broadcasters, journalists and politicians need always to maintain a distinction between proper vigilance and scaremongering. Politicians, newspaper editors and TV drama executives who promulgate punitive views, in wilful disregard of the evidence, to gain political or commercial advantage — or who seek to reinforce prejudices rather than convey the overall truth — do a great disservice to the cause of justice and should be held accountable for their actions. By contrast the Church should applaud those who demonstrate a continuing commitment to painting a more rounded picture of the scale of crime and the scope of punishment. When, for example, a penal institution (a prison, a place for young offenders, or for sex offenders) or, beyond the prison or probation services, a mental health hospital or a reception centre for asylum seekers is planned for a locality, the debate should not be conducted in terms of tabloid cliché responding to uninformed or ill-informed fears. Instead a debate should be fostered which eschews simplistic solutions in favour of those which acknowledge the complex interaction of issues of crime, order, justice and the common good — and which dismantle barriers to the development of non-custodial sentences or innovative programmes of support for offenders on and after their release.

There needs to be acknowledgement too of the fact that much of the debate on crime and punishment reflects what Rod Morgan, the Chief Inspector of the Probation Service for England and Wales, has called ‘the ontological uncertainties of the post-modern world’ — that is to say ‘the criminal justice system probably acts as a lightning rod for more general anxieties’. Pope John Paul II articulated a similar insight in his encyclical *Dives in Misericordia*, and indicated that the Church has a particular responsibility to speak out against such anxiety: Modern man often anxiously wonders about the solution to the terrible tensions which have built up in the world and which entangle humanity. And if at times he lacks the courage to utter the word ‘mercy’, or if in his conscience empty of religious content he does not find the equivalent, so much greater is the need for the Church to utter this word, not only in her own name but also in the name of all the men and women of our time.

The Treatment of Individuals

There are three aspects of the theology of the *imago Dei* which are useful for our considerations. First it has a universality: it does not allow us to make detrimental distinctions on the basis of any social category — victim, criminal, age, racial type, educational attainment, etc. Second, as must by now be clear, the *imago* is not contingent upon a person's behaviour, rather it is a status which they possess as a gift of being. And thirdly the *imago* is not static or inert: it is not just something that persons are but also something that they are called to *b e c o m e*. This means that actions, intentions, and agency are intimately connected to the realisation of the *imago Dei* at both a personal and social level. In this sense, it carries with it a transformational possibility and dynamic. Practical evidence of this can be seen in the fact — which is all too rarely stated in discussions on penal policy — that whatever influences they are subjected to, many individuals with criminal tendencies, once they reach their mid to late twenties, thankfully, grow out of them. Society through its laws, institutions and practices must therefore seek ways to promote those things which assist individuals to realise themselves as the *imago Dei*. This will have consequences for the treatment of those whom the state categorises as both victims and criminals, as well as those professionals whose daily work is within the walls of our prisons.

Victims

We have already spoken in favour of the extension of the current schemes of restorative justice. Victims, too, often have to undergo a transformative journey. Programmes which offer victims of crime the opportunity to participate in the administration of justice can play a vital part in promoting the realisation of the *imago Dei* in the victim. Programmes which require the offender to take responsibility for the harm they have done, and undertake activities to make amends to the victim and the community, can help bring closure for the victim and help resolve the issues of fear, vulnerability, personal security and self-blame which can be part of the aftermath of crime for the victim. Restorative justice draws bitterness and can take away the anger and resentment which lies behind the Chinese saying: 'He who seeks revenge should dig two graves'.

Those Working in Prisons

Reviews which ask how humane British prisons are often neglect to consider those who spend their working lives administering the system. Prison officers, prison doctors and prison chaplains take on a difficult task at

society's behest. For many of them the work is a vocation. At all levels, including leadership levels, there are some remarkably dedicated staff for whom the term prison 'service' has real meaning. In most cases those working in prisons are trying to carry out an important vocation conscientiously in extremely difficult circumstances.

However, the appalling conditions of many prisons translate into appalling working conditions for these staff. The Lord Chief Justice, Lord Woolf, recently described the overcrowding in our prisons as 'a cancer of the system' which means that 'resources that could and should be used so much more beneficially elsewhere are swallowed up in what is correctly described as warehousing of prisoners'. The additional pressures that causes for prison staff are considerable. A few prison workers do not rise above these pressures, in which case staff development — or ultimately disciplinary action — must ensure a safe and dignified environment for other workers and for prisoners. For the rest the sapping of morale is significant. Added to which, in situations such as those where 'life must mean life' and prisoners are robbed of the little remaining incentive to good behaviour the repercussions for the staff can be seriously corrosive.

Visitors to prisons often detect a dispirited workforce. Prison officers top every survey of stressful employment. They manifest record sickness levels, the highest in the public sector. There is a high level of staff vacancies. And there has been a high level of staff turnover, most worryingly at governor level, in recent years. Moreover, there have been no fewer than six different prison ministers since 1997.

The analysis of those inside the service is disturbing. 'There is so much waste in prison organisation that it is impossible to know whether or not adequate financial resources are available,' is the conclusion of the last Chief Inspector of Prisons, Sir David Ramsbotham at his departure. So bad was the situation that in 2001 the then Director General of the Prison Service, Martin Narey, made a speech extraordinary for its candour, in which he said: *'We have to decide, as a Service, whether this litany of failure and moral neglect continues indefinitely or whether we are going to reform ... I am not prepared to continue to apologise for failing prison after failing prison. I've had enough of trying to explain the very immorality of our treatment of some prisoners and the degradation of some establishments.'* There is small evidence on the ground that things have changed much for the better since he said that.

Undoubtedly some of the workforce in our prisons, including at leadership levels, needs renewal. But having said that there are some remarkably talented prison governors, men and increasingly women, who have dedicated themselves to one of the least recognised elements of public service. It would be a missed opportunity if some of the most gifted, who are on the point of seeking more rewarding labour, cannot be included more fully in the development of public policy. The authorities should discern who are the exemplary public servants in this sector and then listen to them and cherish them. It is an important part of a Christian presence and ministry within our penal institutions to foster and resource the vision of those in the criminal justice system whose daily work is directed towards the transformation of offenders. At the same time it is important for the authorities to root out those elements within the prison staff whose vision has been corrupted or jaundiced to the extent that it constitutes an impediment to change.

Prisoners

The *imago Dei* is not simply restricted to the soul but also includes the body. The whole person therefore has a right to integrity. Society has a responsibility for the physical and psychological as well as spiritual welfare of prisoners. Not to promote the interests of prisoners would, in the words of Pope John Paul II, 'be to make imprisonment a mere act of vengeance on the part of society'.

Our concern, therefore, is for a range of issues inside our prisons. At the most basic is the indignity which comes from overcrowding. One prisoner recently wrote to the Prison Reform Trust explaining that he had spent five months sharing a cell in which there was 'insufficient space to move around, can't walk in a straight line from window to door. Insufficient ventilation for one, let alone two people. Windows do not open. Toilet not enclosed. Less than three foot from toilet when being used by other inmate'. Such conditions do not recognise that the prisoner is made in the image of God. Nor does the fact that many prisoners are still locked up for most of the day and some prisoners are locked in their cells for up to 23 hours a day, according to the Prison Reform Trust. The Prison Service should add to its Key Performance Indicators one monitoring toilet conditions and another concerning itself with the amount of time spent inside the cell. Another concern is the violence which can be part of the small change of life in jail. There were 5,882 serious assaults recorded in our prisons in the year 2003–2004, a number which meant the Service failed in its target for reducing

such violence. Such a climate of violence is a cause for concern for, as Pope John Paul II has observed, ‘prisons can become places of violence resembling the places from which the inmates not infrequently come [and] clearly this nullifies any attempt to educate through imprisonment’.

But establishing a physical regime conducive to human flourishing extends well beyond the physical. Conditions in prisons can be inhuman or degrading not only in their physical awfulness but also if the full range of provision is not there to make a coherent rehabilitative theory of punishment work in practice. In practice prison life runs the risk of depersonalising individuals, because it deprives them of so many opportunities for self-expression. Whether behind bars or in an open prison, inmates lose their job, home, freedom of movement and their freedom to choose their companions. In practice they frequently lose their self-respect and sense of identity, and all too often find themselves adrift from their family. The psychological toll of all this is alarming. In the financial year 2002-2003 there were 105 suicides in prison — almost one third of them within the first week of a prisoner arriving in jail. This is the highest-ever recorded total — up 40 per cent on the previous year — and is clearly a cause for considerable alarm, especially since research indicates poor management has much to do with the problem; changes in the prison system in the United States have cut the suicide rate there dramatically. The news that August 2004 produced the highest number of suicides ever recorded in a single month underlines that this is clearly an area the UK Government needs to address as a matter of urgency. Strategies based on reducing prisoners’ opportunities for self-harm need to be augmented by ones which concentrate more on promoting well-being.

Given that no system of law or criminal justice is immune from mistakes, and therefore cannot invariably be absolutely assured of delivering justice, offenders must have the right to maintain their innocence after they are convicted. One of the most difficult cases for any criminal justice system is where the person convicted of the crime refuses to acknowledge their guilt. Sometimes this is a sign of deliberate or unwitting refusal to accept the true nature of earlier actions; this is particularly the case with some of the most dangerous offenders, including many paedophiles and some murderers. But sometimes, as high-profile ‘miscarriage of justice’ cases remind us, this is a sign of innocence. It is vital that review and advocacy are an important part of any penal system. Government ministers should reexamine the inclination for the parole system to deny early release to those who refuse to ‘show remorse’ for a crime which they maintain they did not commit.

The Passive and Active Prisoners

One significant area of concern which the concept of the *imago Dei* highlights in our present prison regime is the extent to which inmates are treated as objects rather than as subjects. Even where concern is shown for prisoners' welfare it often takes a passive form. Sometimes this is understandable. A dangerous or depraved prisoner, as part of their sentence, has forfeited the right to be present at their own family gatherings of joy and sorrow. Where such a prisoner is given compassionate leave to attend a dying mother at her bedside or at her funeral that is appropriately an act of mercy by the authorities. (It would be interesting to see some research done as to whether such concessions play any part in changing the wider attitudes or behaviour of such prisoners). But it would be a mistake to see this as a matter of justice; it is clearly one of mercy.

Since acts of mercy proceed from the authorities in such situations, the involvement of the prisoners is inevitably passive. But as Pope John Paul II has said: 'Our prejudices about mercy are mostly the result of appraising them only from the outside.' They do not betoken a relationship of inequality between the one offering it and the one receiving it, nor does mercy belittle the receiver nor offend the dignity of the *imago Dei*. The parable of The Prodigal Son reveals that the reality is different: the relationship of mercy is based on the common experience of the dignity that is proper to the human individual.

Yet too often our criminal justice and penal systems — and recent official reviews of it such as the Carter Report and the Home Office response to it — see prisoners chiefly in a passive role. They are people in receipt of the state's services, rather than people who need to take responsibility for themselves and be encouraged to embrace a more active citizenship. They are merely 'serving time'. Life in prison often contributes to a loss of responsibility among prisoners. They see discipline as a purely external phenomenon, and neglect the need for them to develop self-discipline. Much of the change required here is attitudinal rather than physical. Some prisons operate 'Listeners' programmes in which a few inmates are trained on how to offer support to their fellows during difficult times; a few prisons have experimented with prisoners' peer groups which offer mutual support mechanisms in both life inside and in preparation for housing, benefits and employment on release. These have a remarkably empowering effect,

but as yet there are too few such groups. At present disempowerment remains the norm. The Government should encourage the development of more Listeners Programmes and prisoners' peer groups and prisoner consultative forums.

The symbolic touchstone of this is that those in prison are also stripped of their right to vote. The disenfranchisement of convicts goes back to the Forfeiture Act of 1870. It is rooted in the philosophical concept of 'civic death', the notion that sentenced prisoners face a form of internal civic exile which involves the withdrawal of citizenship rights. It is a practice which Government ministers have continued to justify in recent times — despite a ruling in April 2004 by the European Court of Human Rights that it violates Article 3 of the Human Rights Act — by suggesting that those who have been removed from society do not deserve a say in how that society is governed: the disenfranchisement, they say, is temporary, legitimate, proportionate and reasonable. The Government has lodged an appeal against the decision of the Strasbourg court.

Certainly it is true that, while the right to participate in decisions affecting our lives might be considered an intrinsic one, the right to vote is one which society confers. To speak of voting as an inalienable human right is to overstate the case. However, there are reasons in the Christian anthropology of the *imago Dei* why the right to vote should be restored for convicted prisoners.

The primary causes of crime today, as we have seen, are related to social exclusion. Civic death, under a law dating back more than 130 years, is not an appropriate response to such offending behaviour. Indeed it is only likely to exacerbate the problems in the already fractured relationship between society and offender. Anything which further isolates prisoners already on the margins of society — and encourages their sense of alienation from the community to which they will return when they are released — should be questioned. The ban on voting for sentenced prisoners does not protect public safety nor is it part of an effective deterrent. It is not a means to correct offending behaviour. Nor does it assist in the rehabilitation of offenders, and indeed may well serve to disrupt the process of reformation. If anything it is unfair, since the notion of civic death is applied selectively to prisoners; while in prison they continue to pay tax on savings or capital gains that accrue while they are serving their sentence.

More significant however is the need to inculcate in prisoners a sense that they have a continuing stake in the society to which they will return. Encouraging them to play a positive role in shaping their futures by their own efforts and commitment is part of the psychological and spiritual realignment which a truly rehabilitative regime inside prisons should embrace. Voting, and engagement in the course of an election campaign which prisons could encourage, could then be part of the process of preparing prisoners for resettlement in their communities — a process which Anne Owers, the Chief Inspector of Prisons, has concluded ‘can still best be described as patchy’. Moreover politicians’ agendas are determined by votes. There is no incentive for MPs to consider the problems faced by prisoners — such as unemployment and homelessness on release, increasing rates of suicide and widespread drug use — when people in prison are a group with no political voice. If sentenced prisoners had the vote politicians would be forced to take more of an interest in prisons and the issues raised by prisoners. The right to vote is thus not a moral reward, but a tool of rehabilitation.

The truth is that the current ban on prisoners’ voting is part of the business of forgetting about prisons and the people in them. Restoring that right would have a positive impact on the processes of reform and rehabilitation. It would symbolically renegotiate the balance between the rights of society and the rights of the individual. And it would restore to prisoners some sense that they have to become the authors of their own transformation. The Government should withdraw its appeal against the decision of the Strasbourg court which rules that removing prisoners’ rights to vote is illegal. The Government should grant prisoners the vote and seek exemption only in the most serious of cases, where disenfranchisement would be seen as an appropriate penalty for the crime.

We may conclude by quoting the words of a Catholic bishop who formerly had special responsibility for prisons: ‘The criminal is a threat so we must restrain him. He is a misguided delinquent so we must reform him. But as a human being we salute him — he is a son of God and our brother in Christ.’

The Story of the Man with the Ironing Board (part II)

Many months later Angela Hall, the counsellor from the Prison Advice and Care Trust, and the man she had met by chance at the ironing board, had been working together for a considerable time. He had told her about his life — and a painful life it had been, of abuse, neglect and deprivation. He began to come to terms with the past and was able to have a different sense of what could be his future. His work with Angela had been trying to deal with rage he had inside, the reasons for it and ways of diminishing anger that had been so corrosive to him and others around him. One day he said to her: ‘Do you know, I think God sent you to me. That day when you came to The Fours there were loads of men on the wing and yet you walked all that way past them down to me at the end and spoke to me. I was really shocked. I didn’t know why you asked me. You had to be sent to me.’

This article is the second part of ‘A Place of Redemption — A Christian Approach to Punishment and Prison — a report from The Catholic Bishops’ Conference of England and Wales published in 2004 by Burns and Oates (ISBN 0 08601 2393 6).

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