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An Investigation into the Potential Benefits of Introducing Guidance and Counselling to Corrective Educational Programmes.

By
Michael O'Shea.

A thesis submitted to the School of Education at Trinity College Dublin, the University of Dublin, in fulfilment of the requirements for the award of the Degree of Doctor of Philosophy

July 2004

Volume I
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"We humans can tolerate and even forgive nearly everything if we can be helped to understand."
(Prison Camp Survivor, 1945).
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ABSTRACT

An Investigation into the Potential Benefits of Introducing Guidance and Counselling to Corrective Educational Programmes.

Many offenders long for the day when they might be accepted back into society. In fact, some work towards achieving a state of full social re-integration. Unfortunately, despite their best efforts to re-socialise, those once convicted of criminal offences often become entrapped by their own past histories. In reality, the materialisation of that great dream of liberation not only lies in the hands of offenders themselves. Society itself may be the ultimate provider of solutions to the problem of social re-integration for offenders. Regrettably, several offenders would argue that, while the prison doors may eventually open for them, the gateways to social inclusion remain closed. However, as this study illustrates, the transformation from “offender” to “ex-offender” is considered a complex process. To begin with, offenders must assume some measure of self-responsibility by participating in a process of self-initiated reform. Certainly, social reintegration and personal rehabilitation must be earned as opposed to being conferred as a gift. It is generally accepted that education constitutes a critical ingredient within this method of reform for offenders. In reality, education incorporates within its constructs, a degree of re-education for offenders. This “re-education” formula may include the shedding of old habits, attitudes, opinions, beliefs, practices and criminal associations. In return, educators seek to ingrain, within offenders, the necessary skills and personal qualities that would allow them to function normally in society. Consequently, the author considers the essential ingredients within any comprehensive guidance and counselling programme that would facilitate this process.

Accordingly, this thesis begins with a treatise pertaining to the historical development of the prison system. Issues discussed include the gradual transition from a purely punitive penal philosophy to one that was more rehabilitative in essence. References will be made to a small but significant number of prison reformers who prompted this transformation. In chapter two, some of the factors that contribute tocriminal activity, particularly sociological issues, will be explored. Given the value that is placed on education within the process of offender reform, the contribution made by three educational philosophers is discussed. Firstly, in chapter three, Martin Buber’s focus on the “sacredness” of each individual is examined. Secondly, in chapter four, Paulo Freire’s hypothesis of education as “empowerment” is explored. Indeed, Freire considers that education is the means whereby, one may embark on a mission of personal and social transformation. In chapter five, the philosophy of Carl Rogers applied to education is discussed. Furthermore, national and international publications pertaining to corrective education policies are reviewed. In chapter six, Ireland’s response to the management of offenders is explored. The lack of consistency in educational provisional within Irish penal institutions is also analysed. In chapter seven, the author examines corrective educational procedures operating in other jurisdictions such as The United States, Canada, The Netherlands, France, Australia, The United Kingdom and Northern Ireland. In chapter eight, the author outlines his reasons for choosing a “phenomenological qualitative case study” research methodology. In order to substantiate the original hypothesis presented in this thesis, six correctional facilities are examined for research purposes. In addition, the opinions of three prison governors are documented. In chapter nine, the potential role of guidance and counselling within corrective educational programmes is considered. A proposed guidance and counselling programme, applicable to offender rehabilitation programmes, is also included.

Michael O’Shea

June 2004
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To begin, I would like to extend my deepest appreciation to the staff and inmates of the various correctional facilities I visited during the course of this study. In every case, staff members were hospitable and inmates were willing to contribute to the study. I extend particular appreciation to retired Principal Officer Mick Lydon of HMP Wandsworth. During the course of this research, Mick, previously unknown to me, became a trusted friend. Without their combined co-operation, this study may not have been possible. It is my intention that this thesis should be of some assistance to those educators who dedicate their lives to the further education and training of offenders. It is also my hope that detainees themselves may benefit from the insights presented in this study. Indeed, it was primarily for this reason that I undertook this research.

I would also like to thank the staff at the School of Education, Trinity College, Dublin. I extend to Professor Rice my deepest thanks for his inspiring insights, his understanding and his compassion. Professor Rice, you redefine the parameters of pastoral care within educational circles. I will never forget your kindness. Another gesture of appreciation must be made to Mary Price. Mary, you were always so obliging and helpful. I thank you, Mary, for all your help over the past two years. In particular, I offer a special word of appreciation to Dr. Michael O'Rourke. Dr. O'Rourke, you shouldered the onerous burden of supervising this study. The words “rigour,” “economy,” “concise” and “Tora Bora” will resonate with me for quite some time. I value your opinions, your wealth of experience and your insights very much. I thank you for helping me achieve all that I have been able to accomplish with this research. Furthermore, in the process of developing this thesis, you became a confident and a trusted friend. Thank you.

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Michael O’Shea.
INTRODUCTION

The principal aim of this thesis is to explore the possible benefits of providing a systematic guidance and counselling programme for convicted offenders. Indeed, the ongoing debate concerning the management of offenders has evolved to become a contentious social issue. One theory proposed considers that most offenders are not beyond possible redemption. Advocates of this particular hypothesis suggest that offender reform is attainable by providing appropriate rehabilitation programmes. In contrast, other theorists uphold a hard-line penal policy. Nevertheless, despite the divided opinion, recidivism rates among young and adult offenders in Ireland currently averages at 75%. Most adult members of Irish society have become familiar with the expression "revolving door syndrome," a term used to describe a collective lack of confidence in Ireland's penal formation. Ironically, many right-wing groups have increased their stranglehold in world politics by promising "zero-tolerance" policies towards criminal offenders. Furthermore, society appears to be hardening its position by demanding that tougher action should be taken against offenders. Certainly, the author considers that many societies are leaning towards the re-deployment of penal practices that have been consistently deemed ineffective.

Yet, the author argues that the mere detention of offenders is simply a response to the problem of crime that is motivated by political expediency. However, he also suggests that such a course of action fails to address the extenuating factors that contribute to criminal behaviour. Surely, by failing to address these issues, the criminal justice system becomes less efficient. In view of these concerns, the author proposes to address alternative means of reducing recidivism rates. Indeed, the writer considers that alternative approaches to the indiscriminate reliance on custodial sentences would assist those individual offenders intent on reform. It is also noted that any measure
undertaken that would effectively reduce crime rates would, in turn, benefit society as a whole. In the light of this hypothesis, a number of possible constructs that may provide a more effective means of confronting the causes of crime will be discussed. In other words, the author proposes to address some measures that may reduce the effects of criminal causality.

For the purpose of this study, therefore, guidance and counselling is defined by the author as a process which allows offenders to realistically appraise their life situations with a view to developing their previously unrecognised innate talents in order that they should eventually become fully-functional law-abiding social beings. In short, it is a process which is intended to help the individual offender to plan for the future in a positive, coherent and constructive manner.

Nevertheless, in chapter one, a historical treatise concerning the development of the prison system will be presented. In the history of the criminal justice system, offenders have been classified as social outcasts. The public execution of offenders gave way to the systematic detention of those convicted by judicial process. The prison system was originally intended to eradicate the brutal public mutilation of offenders which was, up until then, common practice. However, the notion of "prison" resulted in the organised banishment of offenders from society. Those convicted of criminal offences were duly relocated in purpose built institutions surrounded by high walls. Gradually, there emerged a realisation that sheer detention alone was not only inhumane but also failed to provide an effective means of preventing further criminal activity. Efforts made by reformers such as John Howard, Jeremy Bentham, Elizabeth Fry, Walter Crofton and the Quaker movement, to transform penal structures, will also be discussed. Furthermore, historical innovations concerning the welfare of prisoners with special needs, for instance female offenders and juvenile delinquents, will be examined.
In chapter two, the author proposes to define the notion of “crime.” The intention is to offer a philosophical treatise concerning the very nature of “punishment.” Following on from this, the author aims to explore some of the sociological factors that contribute to criminal activity. Accordingly, causal dynamics such as social inequalities, social deprivation, social exclusion, social conditioning and the lack of education will be discussed. In addition, those recognised institutions that appear to underpin social classification systems will be reviewed.

In chapters three and four, the educational philosophies of Martin Buber and Paulo Freire will be studied. Particular attention will be given Buber’s discourse on the dignity of each individual together with his spotlight on the intrinsic goodness of each person. Furthermore, Buber’s exposition of an all inclusive “I-Thou” relationship will be explored. Indeed, his focus on individual creative development within the educational process will also be investigated. In addition, Freire’s hypothesis of education as “empowerment,” that is, a means towards acquiring self-determinism, will be discussed. Freire is of the view that “creative praxis” should be the ultimate goal of any educational construct. His notion of “conscientisation” will also be considered.

Chapter five includes a discussion on the contributions made by Buber and Freire, together with propositions made by Carl Rogers, which are applicable corrective educational structures. Indeed, many of the existing corrective educational precepts are derived from pedagogical concepts as discussed by Buber, Freire and Rogers. National and international publications pertaining to the education of detained offenders will be considered. In addition, the author proposes to address the application of adult educational structures within correctional facilities.

Ireland’s distinctive response to its own deviancy problems will be examined in chapter six. The distinction made in educational provision between juvenile and adult
offender will be considered. Documents published recently by the Department of Education and Science pertaining to the education of detained offenders will be examined. An international comparative study of penal practices and corrective educational programmes will be outlined in chapter seven. It will also be noted that each jurisdiction responds to its own particular crime problem in its own unique fashion.

In chapter eight, the author proposes to outline his research methodology. A phenomenological qualitative exploratory research methodology is applied in order to acquire data to support the original hypothesis. Six correctional facilities have been chosen for research purposes. Two adult facilities in England, two juvenile centres in Dublin, St. Patrick's Institution for young-adult offenders and the Dóchas Centre for adult female offenders have been chosen for comparative research purposes. Three prison governors have agreed to be interviewed by the author so that their views on offender reform should be included in this study. Special attention will be given to the establishment of additional structures that would further facilitate the offender rehabilitation process. In chapter nine, the author outlines the results of his research conducted in those six correctional centres.

In chapter ten, the complex nature of prisoner reform will be explored. Many offenders must overcome obstacles such as the lack of education, social deprivation and the lack of self-esteem in order that they should become law-abiding citizens. The role of guidance and counselling in assisting offenders in this transition process will be studied. Furthermore, the multi-faceted nature of careers choices and existential decisions that would be the object of any corrective guidance and counselling programme will be duly discussed. In fact, the entire process will be clearly outlined in
a specially designed guidance and counselling syllabus applicable to corrective educational institutions.

The general perception held by society is that prison life is synonymous with a life of luxury. Yet, the picture of prison life as portrayed by inmates themselves reveals a different impression. Prisoners speak of their sense of extreme isolation, the loneliness of solitary cellular confinement, the general climate of unhappiness that prevails among the prison population, the lack of social empathy and the need to break free from causal factors that contribute to their criminal activity. While describing the emotional trauma endured by those held in custody, Anna Akmatova writes:

What vengeance are you preparing for me?
You will not drink up, only a sip, a drop of this bitterness from the very depth,
the news of this our parting.
Don’t put your hand on my head.
Unhappiness will not pass us by,
and the cuckoo will not cry cuckoo in our burned down forests....

Behind the barbed wire,
in the very heart of the dense taiga –
In don’t know in which year –
becoming a handful of “camp dust,”
becoming a story, but based on fact,
my double goes to the interrogation,
guarded by two escorts from the “Noseless ‘maiden.’”
Isn’t it miraculous that even from here I can hear the sound of my own voice:
I paid in cash for you,
I walked under the revolver, for exactly ten years,
Looking neither left nor right,
Pursued by the rustle of gaunt glory.

CHAPTER ONE
Historical Developments in the Prison System.

Introduction.

In this chapter the author proposes to explore the historical development of the prison system. Indeed, legal sanctions imposed by the State had historical origins in public displays of brutality. The punishment of offenders was, therefore, regarded as a community event. For the moral well-being of offenders, the community participated in imposing bodily mutilations upon convicted criminals. The community participated in executions of those convicted for committing serious offences. This more primitive system of management of offenders evolved in time to become, in theory, an organised institution of rehabilitation. In practice, however, the invention of the prison system, removed State sanctioned punishments from the public domain. Instead, offenders were to become totally isolated from society. Punishment was, in turn, to be administered behind high walls. Consequently, the author proposes to explore some of the philosophical concepts inherent in the term "prison" together with the role of the prison system in society, past and present.

1.1 The Emergence of the Prison System.

Interestingly, the first organised institutionalised exclusion of people was imposed on the victims of leprosy.¹ Dating back to the Old Testament era, leprosy was considered God's wrath inflicted upon people judged to be unclean. People were subsequently excluded from society, not only because of the prevailing fear of contracting the disease, but because society also wanted to distance itself from that

particular sector upon which God had vented his anger. This resulted in the confinement of the victims of leprosy. The confinement itself marked the foundation of the leper colonies that existed from Old Testament times right throughout the early Christian era. In fact, it was not until the Middle Ages that Europeans managed to eradicate leprosy from their cities. In the preceding centuries leprosy patients were confined in huge purpose built institutions called "leprosariums." Indeed, the Diocese of Paris alone contained a total of forty-three "leprosariums." Once the disease had been finally eradicated, these buildings stood empty only to adopt a new role in the 16th and 17th centuries. New reasons for social exclusion and mass confinement were drawn up. Society's outcasts now included the idle, the poor, those accused of criminal offences and the mentally ill. Those facilities originally intended for the detention of leprosy patients were now redefined and redeployed during "The Great Confinement."

Certainly, Michel Foucault has described the "The Great Confinement" as a State-organised system whereby, criminals, the mentally ill, the poor and the idle, of both sexes, were detained. Anthony Giddens further stated that, with the evolution of modern urban societies, centres of detention were introduced as a means of controlling human behaviour. Detainees included not only the criminal classes but also the mentally ill, the feeble minded and the insane. During this time, the mentally ill received no medical treatment whatsoever. They were simply removed from society and locked away. It was only with the passing of time that prisons were established as

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2 Ibid.
3 Ibid., 1.
4 Ibid.
5 Ibid.
6 Ibid., 5.
7 Ibid., 35.
8 Foucault, *Madness and Civilisation*, 35.
separate institutions to asylums.11 Ironically, Emile Durkheim noted that the concept of detention emerged as a Christian practice. Individuals, tried in Ecclesial courts, were often sentenced to confinement in convents or monasteries. In addition, sentences imposed were often life-long.12

Nevertheless, State sanctioned detention began in Europe in 1656, with the launch of the first "Hopital Général" in Paris. This particular institution was never intended to be a medical facility. Instead, it was to become a State run centre of detention.13 Such buildings consisted of gates, bars, dungeons and irons in cells.14 Indeed, "Hopital Général" buildings opened all over Europe. In Paris alone, the "Hopital Général" organisation housed six thousand people, or 1% of the entire local population.15 Anthony Giddens has observed that the detention of criminals in prisons appeared at first to be a more effective means of coping with the increase in criminal activity. However, because of the indiscriminate detention of criminals and the mentally ill, prisons and asylums were indistinguishable from each other.16 Detainees were also obliged to work while confined by the State. Giddens noted that the concept of obligatory work for offenders emerged from the standard practices in operation in workhouses.17 Workhouses had previously evolved as detention centres for all those who had no one to care for them. These included the old, feeble-mined, the sick and the mentally ill.18 Work was not to be regarded as mere occupational therapy but was required to be a profit making venture. Detainees were paid one quarter of the value of all they produced. The remainder of the profits were divided between the industrialists

11 Giddens, Sociology, 11.
13 Foucault, Madness and Civilisation, 36.
14 Ibid., 37.
15 Ibid., 38.
16 Giddens, Sociology, 121.
17 Ibid.
18 Ibid.
and the authorities maintaining the detention centres.\textsuperscript{19} In some cases, prisoners were permitted to save some of their earnings. Accordingly, prisoners could accumulate an "exit fund." In reality, early release for detainees often depended on the content of their "exit funds."\textsuperscript{20} However, it wasn't until the 19\textsuperscript{th} century with the introduction of psychiatry that the mentally ill and criminals were to be housed in separate detention facilities. This new practice resulted in the introduction of the prison system.\textsuperscript{21} Yet, old people who could not earn their own keep while being detained in workhouses were re-interred in prisons. At least, the prison system guaranteed such "unproductive" people some food each day.\textsuperscript{22}

Giddens comments that the concept of imprisonment as punishment was rarely used in Europe or America before the nineteenth century. A more common custom was to hold prisoners in cells while awaiting execution.\textsuperscript{23} The invention of the prison with its "enclosed application of discipline and high surrounding walls" was intended to mark a gradual progressive transition from the public spectacle of torture to a more humane form of dealing with offenders.\textsuperscript{24} Traditionally, the gruesome sight of public torture and execution intended to discourage those who might be attracted to a life of crime.\textsuperscript{25} At that particular time, the more dominant theory held was that society had a right to participate in the infliction of punishment.\textsuperscript{26} Such pain was not inflicted just for the sake of punishing the offender. According to Foucault, the general public felt that the "cruelty of the earthly punishment" inflicted upon convicted offenders would be

\textsuperscript{19} Foucault, \textit{Madness and Civilisation}, 47-49
\textsuperscript{21} Foucault, \textit{Madness and Civilisation}, 36.
\textsuperscript{22} Ibid., 49.
\textsuperscript{23} Giddens, \textit{Sociology}, 120.
\textsuperscript{25} Ibid., 9.
\textsuperscript{26} Ibid., 58.
"deducted from the punishment to come." Punishment was, therefore, partially rehabilitative by nature. Besides, those advocating the harsh treatment of offenders sought not retribution for past offences as much as they sought to prevent the offences from being repeated.\textsuperscript{27} Yet, Foucault also regarded punishment as a political tool. The full rigour of the law was often used by the sovereignty to punish the enemies of the State. Punishment was, therefore, a form of retribution.\textsuperscript{28} Public torture and execution were both considered a show of strength by those with the power to influence legislation.\textsuperscript{29} Yet, with the implementation of prison structures, punishment was now carried out behind high walls. This new practice was set to replace the older practice of carrying out punishments in public. Indeed, nineteenth century France witnessed the guillotine moved behind prison walls.\textsuperscript{30} Certainly, there emerged a "professionalism" surrounding the whole concept of punishment with the introduction of the prison system. Wardens, doctors, chaplains, educators and psychologists now began to operate within the confines of the prison. For Foucault, these professionals have worked together to construct a false mask over a brutal reality.\textsuperscript{31}

Herman Franke, on the other hand, has argued that the notion of 'prison' evolved through the workhouse system.\textsuperscript{32} Workhouses have existed in Europe since the sixteenth century. For Franke, the new system of detaining offenders was to replace the more traditional practice of banishment.\textsuperscript{33} During the sixteenth century, English officials began exporting convicted offenders to colonies such as North America.

\textsuperscript{27} Ibid., 93.
\textsuperscript{28} Ibid., 48.
\textsuperscript{29} Ibid., 49.
\textsuperscript{30} Ibid., 15.
\textsuperscript{31} Ibid., 11.
\textsuperscript{32} Franke, The Emancipation of Prisoners: A Socio-Historical Analysis of the Dutch Prison Experience, 1.
\textsuperscript{33} Ibid., 2.
North America had in fact been colonised from the fifteenth century. In the meantime, there evolved a grave need for a labour force in order that the necessary infrastructures within these new colonies should be developed. However, under the "Transportation Act" of 1718, imprisoned offenders were exiled to the new colonial lands such as the Americas. At that particular time, banishment was widely accepted as a suitable alternative to capital punishment. In fact, social expulsion, as a means of punishing society's outcasts, existed in several penal codes up until the late nineteenth century. The eviction of convicted offenders to the Americas had finally ceased with the introduction of the mass transportation of black slaves from Africa. Black slaves were considered easier to control than white convicts forced into labour. The mass deportation of offenders was, therefore, gradually replaced by imprisonment from the eighteenth century. Ironically, society became disturbed by the number of offenders that died on route to their places of exile. In addition, from the nineteenth century, authorities were confronted with demands from the public to abolish the public humiliation, mutilation and execution of prisoners.

Conversely, Franke insisted that attempts made to formulate a more humane means of punishing offenders failed with the emergence of the prison system. Conditions in some prisons were so appalling that many prisoners would have preferred a death sentence. In fact, in eighteenth century Europe, more prisoners died in prison

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36 Ibid., 1.
37 Ibid.
38 Ibid., 22.
40 Ibid., 11.
41 Ibid., 12.
42 Ibid., 12.
43 Ibid., 13.
than on the gallows.\textsuperscript{44} Diseases such as cholera and tuberculosis spread throughout European prisons.\textsuperscript{45} In many cases, confinement proved to be a more traumatic form of punishment than many of the more traditional methods. Certainly, with the introduction of imprisonment, authorities witnessed a greater number of suicide attempts and self-mutilations among inmates.\textsuperscript{46}

In addition, Durkheim has observed that the concept of "prison" emerged primarily as a preventative measure in order to protect society. It was only with the passing of time did prison structures become more despotic. This more repressive form of confinement eventually became the archetype of punishment within many penal systems.\textsuperscript{47} After the Enlightenment in Europe, it became apparent that the "punishing power" should not engage itself in a greater atrocity than the one it intended to punish.\textsuperscript{48}

Subsequent penal refinements tended to lean towards applying a more humane treatment of offenders without the infliction of torture. For instance, at the end of the eighteenth century, French authorities decreed that those inflicting punishment should always respect the humanity of the offender.\textsuperscript{49} Consequently, the infliction of physical pain was to be discouraged in favour of displeasure and inconvenience.\textsuperscript{50} Over time, in the interest of fairness and justice, the judiciary was to become independent from the influences of the sovereignty.\textsuperscript{51} Punishment, therefore, ceased to be seen as the instrument of the sovereign's retribution. Instead, it assumed the role of "defender of society."\textsuperscript{52} In order to fulfil this new responsibility, new and more effective methods of

\textsuperscript{44} Ibid., 14.
\textsuperscript{45} Ibid., 94.
\textsuperscript{46} Ibid., 7.
\textsuperscript{48} Foucault, \textit{Discipline and Punishment, The Birth of the Prison}, 56.
\textsuperscript{49} Ibid., 74.
\textsuperscript{50} Ibid., 94.
\textsuperscript{51} Ibid., 81.
\textsuperscript{52} Ibid., 90.
execution were invented. For example, in France in 1792, the guillotine replaced the old axe.

Interestingly, in Amsterdam, Rasphius Prison had already opened in 1596. This particular facility represented the first such institution to attempt to reform the prisoner through pedagogical and spiritual means.\(^{53}\) Prison staff, who took into consideration the prisoner's attempts to reform, determined the length of the sentence. One common hypothesis held almost worldwide was that compulsory employment kept the prisoners busy. It also created a fondness for work that may be carried into the outside world.\(^{54}\) Foucault has argued that the more dominant theory of the era was that the only way crime could be eliminated was to get to the heart of the problem. The best means of achieving this goal was to employ prisoners rather than subject them to mere incarceration. The purpose of the exercise was to try to replace bad habits with good habits.\(^{55}\) Subsequently, prison was to become an institution of transformation.\(^{56}\)

### 1.2 Prison Reformers: John Howard.

During the 1770s', John Howard visited prisons in many European cities.\(^{57}\) Some years previous, while on route to Portugal, his ship was captured and Howard was held captive in a French prison.\(^{58}\) While in detention, he experienced the horrors of imprisonment. Howard regarded European prisons as overcrowded, disease-infested hovels that bred homosexuality, prostitution and aggressiveness.\(^{59}\) In his memoirs, he stated:

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\(^{53}\) Ibid., 120-121.  
\(^{54}\) Ibid., 122.  
\(^{55}\) Ibid., 106.  
\(^{56}\) Ibid., 123.  
The misery suffered in gaols is not half their evil; they are filled with every sort of corruption that poverty and wickedness can generate: with all the shameless and profligate enormities that can be produced by the impudence of ignominy, the rage of want and the malignity of despair. In prison the check of the public eye is removed; and the power of the law is spent. There are few fears, there are no blushes. The lewd inflame the more modest; the audacious harden the timid. Every one fortifies himself as he can against his own remaining sensibility; endeavouring to practise on others the arts that are practised on himself; and to gain the applause of his worst associates by imitating their manners.  

He criticised the fact that prisoners did not work but lounged around engaging in "sloth, profaneness and debauchery." He condemned the living conditions within the prisons. Prisoners lacked proper food and proper bedding. They also lacked fresh air and suffered as a result of the absence of water. He exposed the plight of female prisoners who were forced to share cells with groups of men for long periods of time. He condemned the use of "irons," even when prisoners were escorted to court. He argued that irons should not be used unless the prisoner had tried to escape in the past.

However, not all nations could be criticised for the condition of their prisons. Howard noted the cleanliness and the reasonably pleasant surroundings existing in German prisons. In addition, many of the German prisons were built near rivers. Prisoners were very well fed and the government provided clothes. He also observed that Dutch prisons were so clean that they could hardly be recognised as prisons. They were well maintained and were funded by the State. Each Dutch prison had a doctor and a surgeon appointed to it. Each prisoner was allocated a cell to himself/herself. All prisoners worked in order that they would become "diligent and

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61 Ibid., 1.
62 Ibid., 2-5.
63 Ibid., 13.
64 Ibid.
65 Ibid., 61.
66 Ibid., 46.
honest. Furthermore, every prisoner was given moral and religious instruction. Dutch prisons provided separate accommodation for young offenders in order to avoid further contamination. Swiss authorities also provided very secure but pleasant conditions for prisoners. In Switzerland, prisoners were segregated according to their offences. All prisoners, particularly younger offenders, were given religious and moral instruction. In contrast to this scenario, he described Scottish prisons as being "dirty and offensive, without courtyards and also generally without water." He argued that there were but a few prisoners occupying Scottish prisons. One reason for this was the number of executions carried out in that particular jurisdiction. Howard also found that Danish prisoners were treated very harshly. Most were subject to hard labour and severe beatings. Few prisoners were executed in Denmark. Instead, most were sentenced to life-long hard labour. Prison conditions were far from ideal. Indeed, they were overcrowded and unhealthy. He noted that prisons in Sweden were as "dirty and offensive as those in Denmark." Indeed, prisoners in Swedish facilities lacked fresh air because all the prison windows remained shut. In addition, the execution of offenders by axe was commonplace in Sweden.

In 1773, Howard was appointed "High Sheriff of Bedford County." He assumed responsibility for Bedford Prison with this appointment. At that time authorities at Bedford were transporting prisoners to the Americas. Upon assuming his duties, he discovered that prison employees, generally referred to as gaolers, were

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67 Ibid., 48.
68 Ibid., 49.
69 Ibid., 101-102.
70 Ibid., 147.
71 Ibid., 148.
72 Ibid., 69-70.
73 Ibid., 71.
74 Ibid.
75 Ibid.
76 Howard League for Penal Reform, Prisons Past and Future, 7.
77 Ibid., 20.
not paid a salary. Instead, they would receive remuneration from those held in custody. Howard was concerned that this system could be unfair and corrupt. In fact, prisoners acquitted of charges were often kept in custody until their gaoler fees were paid in full. He directed that "acquitted prisoners" were to be "immediately set at large in open court. Accordingly, Howard introduced a policy whereby, gaolers were to be paid a standard salary by the local authorities. His aim was to avoid the infliction of any unnecessary suffering upon detainees. With the onset of the American War of Independence in 1775, however, authorities in Europe were now transporting a reduced number of prisoners to the colonies, particularly to North America. As a result, there emerged a greater need for the construction of more prisons. In 1775, authorities in England passed an "Act" requiring "the justices of all counties" to construct a house of correction or "bridewell" within their own jurisdictions. Accordingly, the bridewell in Bedford opened in 1785. The facility was renowned for its clean conditions and its humane treatment of offenders.

English authorities generally favoured Howard's views. He had already developed a "model plan" for the typical county jail. He was by nature a very religious man having being reared in a Calvinist home. His religious convictions led him to consider that a person's primary duty was to strive for a "more useful and honourable life." Accordingly, Howard's "model plan" for the country prison focused on solitary confinement. Howard hoped that such measures would assist prisoners avoid further moral contamination and enhance the repentance process.

78 Howard, The State of the Prisons, 14.
79 Howard League for Penal Reform, Prisons Past and Future, 7.
80 Ibid.
81 Ibid.
82 Ibid., 25.
83 Ibid., 29.
84 Ibid., 26.
85 Ibid., 16.
86 Ibid., 29.
1.3 Prison Reformers: The Quakers.

Howard, a native of England, was also associated with the Quaker movement in Philadelphia. The Quakers had become a very influential group in Philadelphia. They rigorously studied Howard's "model plan" and believed that it could contain appropriate structures for the American prison system. American prison authorities had heeded their call for the introduction of strategies that would enhance the moral development of offenders held in State custody. The Quakers had also rejected the concept of corporal punishment for offenders. Furthermore, the number of prisons grew in The United States in response to the demands from the Quakers. In response to the difficult conditions prisoners were enduring, the Quakers inaugurated "The Philadelphia Society for Alleviating the Miseries of Public Prisons" at the start of the nineteenth century. They experimented with the concept of "solitary confinement" as a means of securing a greater moral development among prisoners. It was assumed that subjecting an offender to twenty-four hour isolation would be conducive to his/her moral reform. It had also been considered that offenders participated in criminal activities simply because they did not follow the dictates of their conscience. Solitary confinement, it was argued, afforded convicted offenders the opportunity to reflect and prepare for re-entry into society. Prison authorities, influenced by the Quaker movement, offered no work to prisoners. It was understood that such labours would interfere with the moral development of prisoners. Solitary confinement also had an additional advantage in

87 Franke, The Emancipation of Prisoners, 59.
88 Howard League for Penal Reform, Prisons Past and Future, 44.
89 Ball, Huff and Lilly, House Arrest and Correctional Policy, 25.
90 Ibid., 26.
91 Ibid.
92 Franke, The Emancipation of Prisoners, 60.
93 Ibid.
94 Ibid., 115.
95 Ibid.
96 Ball, Huff and Lilly, House Arrest and Correctional Policy, 27.
that offenders would not become further "contaminated" by other prisoners sharing the same quarters. In response to this development, prisons within the United States were to be referred to as "penitentiaries." While the exercise had little affect upon the moral development of prisoners, many stories of insanity and suicide were reported.

Interestingly, John Howard introduced most aspects of the "Philadelphia Experiment" into some European countries such as England and the Netherlands. Unlike the Quakers, he promoted the provision of work for prisoners. He felt it would create a work ethic among detainees so long as the work provided was meaningful. German authorities, in particular, were attracted to Howard's recommendations. Religious enthusiasts favoured his ideas relating to the need for offenders to repent.

At that particular moment in history, religious leaders were recovering from the affects of the Enlightenment. They also faced another immanent crisis with the beginning of the French Revolution. Some European officials felt that Howard's "model plan," was applicable to their own situations, particularly when the document addressed issues such as:

1) Prison living conditions. That prisoners' living quarters should be well ventilated and offer appropriate sanitary facilities.

2) Solitary confinement as opposed to group confinement as a means to prisoner reform.

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97 Franke, The Emancipation of Prisoners, 115.
98 Ibid., 60.
99 Ibid.
100 Ibid., 14.
101 Howard League for Penal Reform, Prisons Past and Future, 40.
102 Ibid., 35.
103 Ibid.
105 Ibid., 21.
3) The use of coercion. Howard questioned the use of torture. He felt that the use of torture was "alien to English law as a legal practice."  

4) Special provision for female prisoners. They were to be detained in separated units. Young offenders should also be housed separately from hardened offenders.  

5) The role of prison chaplains. They should be specially chosen for their ability to relate to the offenders and care for the sick.  

6) The selection of prison doctors. Care should be taken in order that experienced physicians should be employed. Prisoners should also be afforded every facility to aid their recovery.  

Howard also recommended that prison staff should be honest and humane. He further advised that a county inspectorate should be appointed to each prison.  

Other Europeans were sceptical about introducing the concept of solitary confinement into prison structures. Many felt the practice was cruel and questioned its effectiveness in reducing crime. In 1846, a congress on penitentiaries was held in Frankfurt. The event attracted many leading authorities from all European countries. As a result of this congress, the use of solitary confinement was restricted. It was acknowledged, nonetheless, that solitary confinement was necessary in some cases. However, prison authorities were now obliged to offer all prisoners meaningful work. Prisoners should enjoy the benefit of fresh air on a daily basis. Prisoners were also entitled to professional visits from clergy and doctors. Furthermore, prison authorities were advised to provide moral and religious instruction to all prisoners. Yet, despite

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106 Howard League for Penal Reform, Prisons Past and Future, 36.  
107 Ibid., 28.  
108 Ibid., 29.  
109 Ibid., 28.  
111 Ibid., 41.  
112 Franke, The Emancipation of Prisoners, 63-64.  
113 Ibid., 65.  
114 Ibid.
the scepticism and criticism, the "Philadelphia experiment" spread throughout Europe.\textsuperscript{115}

Besides, many people began to question the severity of prison régimes. The fact that executions no longer occurred in public meant that many people had not given too much consideration to the ordeal prisoners were subjected to behind the prison walls.\textsuperscript{116} Prisons initially evolved as a replacement for the mutilations and tortures that took place in public. Now prison authorities were beginning to incorporate torture into the very fibre of the penal constitution. Accordingly, the deprivation of freedom was no longer considered a punishment in itself.\textsuperscript{117} Other people, however, reacted to the "barbaric" practice of locking up people in cages.\textsuperscript{118} There also emerged a growing concern that prisons were becoming "training schools for crime."\textsuperscript{119} In response, English authorities integrated the "Auburn Prison System" into their penal codes in the early nineteenth century. The "Auburn Prison System," also known as "the New York System,"\textsuperscript{120} allowed prisoners to congregate for work during the day. Inmates would return to their cells for the night.\textsuperscript{121} The Quakers originally rejected the "Auburn System" because of its emphasis on prisoner labour and the use of corporal punishment.\textsuperscript{122} Eventually, they accepted the concept of labour within solitary confinement so long as detainees freely chose to work and that the labour was productive.\textsuperscript{123} Those in favour of the "Auburn System" rejected the "Philadelphia

\textsuperscript{115} Ibid., 54.
\textsuperscript{116} Ibid., 69.
\textsuperscript{117} Ibid., 78.
\textsuperscript{118} Ibid., 79.
\textsuperscript{119} Ibid., 76.
\textsuperscript{120} Howard League for Penal Reform, Prisons Past and Future, 38.
\textsuperscript{121} Ball, Huff and Lilly, House Arrest and Correctional Policy, 27.
\textsuperscript{122} Ibid., 27-28.
\textsuperscript{123} Ibid., 29.
Experiment" because of the deterioration of mental and physical health of prisoners confined in isolation.  

1.4 Prison Reformers: Elizabeth Fry.

Another distinguished prison reformer was also emerging in London at the beginning of the nineteenth century. In 1812, Elizabeth Fry visited the women's unit of Newgate Prison in London. Fry, a wife and mother, was also closely associated with the Quaker movement all over Britain. At that time, Newgate was regarded as the most notorious prison in England. Fry was deeply troubled at the sight of female prisoners screaming for food. Female prisoners were also freezing cold, half-naked with hands torn. She watched two women remove clothes from a dead child in order to put them on a child still living. She realised that many women were in prison just because they were poor. In fact, many inmates had relatives housed within the same prison. English law at that time directed that stealing be listed among the capital offences. Fry felt that prisoners held in English establishments were treated like animals. In 1816, she re-visited Newgate Prison. She had gathered some second hand clothes and distributed them among the female prisoners. Large containers of soup were also brought for the prisoners. Fry gained the trust of the women and was

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124 Ibid.
**Note:** Newgate Prison was located on the same site as the present day Old Bailey Court. Ibid.  
126 Ibid., 10.  
127 Ibid., 19.  
131 Ibid., 71.  
132 Ibid., 62.  
regarded by all as one of great compassion.\textsuperscript{135} She approached her congregation and brought in friends to scrub the prison floors.\textsuperscript{136} It was noted that, with the improvement in prison conditions, the behaviour of the prisoners also improved.\textsuperscript{137} She convinced the prison governor that a school should be opened within the confines of the prison.\textsuperscript{138} Up to seventy women from her religious congregation volunteered to help teach in the school.\textsuperscript{139} Female prisoners who were able to read were appointed as teachers also.\textsuperscript{140} Fry applied to the Newgate Prison authorities to incorporate literacy classes into prison structures.\textsuperscript{141} She considered that literacy classes should be included into the ordinary operational structures of the prison.

Fry never opposed the punishment of offenders. However, she condemned some forms of punishment. For instance, she opposed capital punishment for moral reasons.\textsuperscript{142} She was also troubled by the fact that many of the convicted offenders sentenced to death were children. She agreed, however, that most condemned people received a reprieve before their sentences were executed. Nevertheless, they still had to endure the terror of possible execution. Fry recommended that prisoners should be made to work hard rather than remain confined in isolation.\textsuperscript{143} Younger prisoners were to be kept clean and made to sew day and night until they had repented. Many rejected Fry's recommendations simply because she appeared to be too lenient in her treatment of offenders.\textsuperscript{144} In 1818, Fry addressed the House of Commons Committee on

\textsuperscript{136} Swift, \textit{Elizabeth Fry, Friend of Prisoners}, 77.
\textsuperscript{137} Ibid.
\textsuperscript{139} Ibid.
\textsuperscript{140} Swift, \textit{Elizabeth Fry, Friend of Prisoners}, 77.
\textsuperscript{143} Swift, \textit{Elizabeth Fry, Friend of Prisoners}, 79-80.
\textsuperscript{144} Ibid.
London's Prisons. She criticised the lack of hygiene and poor food in Newgate. She stressed the importance of providing work for prisoners.145

Within one year, Fry and her Quaker associates had founded "the Association for the Improvement of the Female Prisoners in Newgate."146 This organisation took a particular interest in the well being of female prisoners in Newgate Prison. Organisation members were naturally saddened when they were forced to stand helplessly and witness these women being herded onto transport ships. Once these transport ships disembarked, Fry and her associates were unable to offer any more relief to the convicts.147 However, Fry would board the transport ships before they left port in order to inspect the prisoners' quarters. She was concerned that female prisoners, in particular, would be exposed to further corruption while on route to their destination.148 Fry persuaded authorities that a small section of the ship should become a designated classroom for women and children.149 She also convinced authorities that female prisoners should be escorted from Newgate Prison to the transport ships unshackled.150 Female prisoners were also to be escorted in closed carriages in order that they should no longer remain vulnerable to the insults from the general public. When the new arrangements were employed, Fry personally escorted many of these prisoners herself to the awaiting ships. For the first time ever, the prisoners arrived at the docks without incident.151 Fry was also concerned about the fate of female prisoners once that had arrived in the colonies. Farmers employed male prisoners for a period of time as directed by the courts. Female prisoners, however, were not as

146 Swift, Elizabeth Fry, Friend of Prisoners, 81.
147 Swift, Elizabeth Fry, Friend of Prisoners, 81.
148 Rose, Elizabeth Fry, A Biography, 100.
149 Ibid.
151 Ibid.
employable. Women were often forced to steal food, which occasionally resulted in further punishments.\textsuperscript{152} In other cases, the men were often transported to the colonies. Accordingly, the women and children were left behind and were offered no support. Many innocent women and children starved as a result.\textsuperscript{153} Once a prisoner had served his/her sentence in the colonies, he/she was free to return home. However, most did not have the financial resources to make the return journey.

In 1827, Fry produced a book entitled: "Observations on the Visiting, Superintendence and Government of Female Prisoners." It was here that Fry recommended a series of structural changes for the treatment of female prisoners. For instance, female prison staff should govern female prisoners. Female prisoners should be afforded greater opportunities and, as a result, be allowed to work. They should be given a dignity respectful of their gender and, in addition, classified according to their social-class. Furthermore, structures should be introduced that would allow ladies groups to visit female prisoners. Fry also outlined prisoners' individual responsibilities. For example, prisoners should not beg. Each prisoner should wear a badge "denoting the class" to which she belongs. Prisoners should also behave in an orderly manner.\textsuperscript{154} Many English and European authorities adopted Fry's recommendations after having first sought her advice.\textsuperscript{155} In addition, Fry recommended that mentally ill patients should not be treated as criminals. Interestingly, Russian authorities, after having been influenced by her recommendations, began to commit the mentally ill to hospitals.\textsuperscript{156}

\textsuperscript{152} Swift, \textit{Elizabeth Fry, Friend of Prisoners}, 84.
\textsuperscript{153} Ibid., 89.
\textsuperscript{155} Swift, \textit{Elizabeth Fry, Friend of Prisoners}, 78.
\textsuperscript{156} Rose, \textit{Elizabeth Fry, A Biography}, 100.
1.5 Prison Reformers: Sir Walter Crofton.

The only other alternative to cellular confinement in the mid-nineteenth century existed in Ireland. In fact, Irish prison structures at that time were judged to be so revolutionary that they attracted the attention of many European authorities. The Irish prison structures in question had been implemented by ex-British Army Captain Sir Walter Crofton. Crofton instigated a three-tiered prison structure. At first, a new prisoner was confined in total isolation. The maximum period of time any one individual would spend in solitary confinement was nine months for men and four months for women. For male prisoners, this initial period of solitary confinement was divided into two stages. Stage one, lasting four months, was considered strictly punitive by nature. It incorporated bad diet, no privileges and “uninteresting” work. Stage one was judged to be effective if the prisoner had learned to co-operate with prison authorities. Having successfully completed stage one, prisoners automatically progressed to stage two. Stage two allowed the prisoner some extra privileges such as better diet and more satisfying work. If the prisoner reverted back to his old criminal ways, then he would be relegated back to stage one again. Alternatively, if the prison authorities judged a prisoner to be co-operating, he would be transferred to a higher-class prison. These higher-class facilities were known as “Intermediate Prisons.” One such prison existed in Smithfield in Dublin. Prison authorities at Smithfield knew that many of their new inmates had been subject to long periods of solitary confinement prior to their arrival. As a result, many of the prisoners arrived at Smithfield looking pale and under-nourished. Smithfield consisted of workshops and a large dining room. The dining room was transformed into a large classroom each

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159 Franke, *The Emancipation of Prisoners*, 111.
evening. The general mood of the captives was cheerful. Food was not rationed out, as is the normal practice within prison regimes to this day. Instead, each table was allocated a certain amount of food and the prisoners were responsible for sharing the food equally among themselves. Only on Sundays were Catholic and Protestant prisoners segregated in order that each distinct group should attend their respective divine services. Prisoners earned money for the work they completed. Many were escorted, in large groups, to places of work outside of the prison complex. There is no mention of any ensuing trouble involving the prisoners while in transit.  

It is interesting to note that Crofton, together with his contemporary Mary Carpenter, was optimistic that ex-prisoners could be reintegrated back into their respective societies. They also felt that local communities would participate in the prisoner reform process. However, Crofton acknowledged that if the local communities were to be convinced of the possibility of prisoner reform, then the prisoners would have to prove themselves. Authorities considered, therefore, that sheltered employment would be helpful in this endeavour. Within a sheltered environment, prisoners could be closely monitored to test the sincerity of their reform efforts. It was claimed that this practice would “present the most favourable chances for the gradual absorption into the body of the community.” It also meant that only those prisoners making a sincere effort to reform would be chosen for public display.  

Nevertheless, authorities at Smithfield considered that if their efforts to reform prisoners were to succeed, then the intellectual capacity of each prisoner would need to be developed. The mere provision of teachers, in itself, would not be enough for this endeavour to succeed. Teachers would need to be properly “stimulated” in order that

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161 Ibid., 33-35.  
162 Ibid., 24-25.  
163 Ibid, 25.
they, in turn, could successfully motivate prisoners. Prison authorities considered that the best motivator would be increased liberty.\textsuperscript{164} Consequently, a new “intermediate prison” was established at Lusk, Co. Dublin. This prison was built on a common area and lacked the usual high walls and surrounding fences. Given the fact that this was an open facility, only two escapes were recorded from among over a thousand inmates. Yet, inmates were expected to work hard. Their diet was not overly extravagant. They were paid the equivalent of €0.16 per week for their work. Eventually, the co-operative prisoner would be granted temporary release. His trustworthiness would be rigidly monitored. If, during temporary release, the ex-prisoner failed to convince authorities that he had reformed, then he would revert back to his previous prison classification.\textsuperscript{165}

It must be noted that this notion of “liberating convicts on conditional discharge” dates back to the colonial era. Individuals were transported, as prisoners, to work in the new colonies. However, after a determined length of time, prisoners were released. Crofton extended this practice to include the “conditional discharge” of prisoners in Ireland. Prisoners had to prove that they were worthy of discharge. Once liberated, they were rigidly monitored. Even Crofton acknowledged that a person confined in cramped conditions could not “use his liberty without abusing it.”\textsuperscript{166} He was also aware of the fact that employers might feel nervous about employing newly released prisoners. Accordingly, the constant supervision also provided a valuable support structure for such reluctant employers. However, Crofton discovered that, once employers had acquainted themselves with those prisoners released on conditional discharge, employers tended to employ more reformed offenders.\textsuperscript{167}

\textsuperscript{164} Ibid., 26-27.  
\textsuperscript{165} Franke, \textit{The Emancipation of Prisoners}, 111.  
\textsuperscript{166} Carpenter, \textit{Reformatory Prison Discipline}, 45-46.  
\textsuperscript{167} Ibid., 51-53.
Female prisoners were also afforded opportunities to engage in a process of self-rehabilitation under the Crofton system. Mothers were also allowed greater access to their children. Children under the age of four were permitted to remain with their mothers in prison.\textsuperscript{168} Crofton considered that female prisoners required special attention. He felt that women were “more delicate and sensitive.” Most female prisoners arrived at prisons almost totally uneducated. Many had suffered some form of exploitation or degradation and often harboured bitter feelings, usually against men. It was important, therefore, to provide such women with meaningful work and strict discipline. The primary purpose of this exercise was to instil, within the women, a sense of achievement. Consequently, young women needed different motivators to young men. In relation to education, women should be taught domestic skills, literacy and moral instruction. It was also advised that the National Board of Education should regularly inspect educational and vocational training courses within female detention centres.\textsuperscript{169}

Another problem emanating from the imprisonment of women, even in the present times, concerned the detention of babies and young children. Crofton considered that residential schools were originally established to prevent the detention of children in prisons. There was also a risk that young children could be socialised into the criminal culture if housed with adult offenders. However, some prisons established “infant schools” within their walls. These “infant schools” allowed the children remain in constant contact with their mothers but isolated from hardened criminals. The conditions were not perfect but these schools constituted an attempt on the part of authorities to protect the integrity of children in detention.\textsuperscript{170}

\textsuperscript{169} Carpenter, \textit{Reformatory Prison Discipline}, 66-72.
\textsuperscript{170} Ibid., 82.
In 1862, Crofton retired due to ill health. At the time of his departure, his distinctive reforms were proving to be effective in reducing recidivism rates.171

1.6 Prison Reformers: Jeremy Bentham.

Towards the end of the eighteenth century, Jeremy Bentham was to emerge as a major prison reformer and the architect of a new penal model. He introduced, into the English penal system, the concept of "panopticon," a model for perfect order and discipline.172 Basically the "panopticon" was a system of close surveillance which allows the authorities to keep watch and recognise abnormalities among those over whom they have control. Once abnormal or undesirable behaviour has been recognised, there results an immediate response, on the part of the authorities, to change the behaviour of subjects. Within prison structures, a "panopticon" would be used to alter behaviour, instruct and monitor effects on subjects.173 This more progressive practice emerged as a deliberate attempt on the part of the justice system to rehabilitate prisoners. In contrast, the more traditional system would appear to concentrate most of its efforts on confinement and punishment. Franke, however, has described the "panopticon" as "a new mode of obtaining power." This system operated as a "power of mind over mind."174 It was to be a model that would eventually be applied, not only to prisons but also to schools, asylums, hospitals and workshops.175

The entire system depended on continuous monitoring. Bentham has suggested that prisoners should feel that they are under observation at all times.176 The intention

172 Franke, The Emancipation of Prisoners, 86.
173 Foucault, Discipline and Punishment, the Birth of the Prison, 200-203.
174 Franke, The Emancipation of Prisoners, 56.
175 Ibid., 86.
176 Jeremy Bentham, Panopticon: or the Inspection House. Containing the Idea of a New Principle of Construction applicable to any sort of establishment in which Persons of any Description are to be kept under Inspection (Dublin: Thomas Byrne, 1787), 22.
behind this new model was to provide a mechanism whereby, prisoners conformed to the rules laid down by the authorities. Consequently, the perfect detention centre, according to his design, would be circular in shape. In the middle of the building would stand an inspector’s watchtower. The purpose of this watchtower was to ensure that the inspector could observe every person with just one glance. Prison cells were to occupy the circumference of the building and should, at all times, be easily monitored by the inspector in the tower. The inspector, in turn, enjoyed the protection of blinds and visors. It was important that prisoners should not be able to determine whether they were being monitored or not or whether the tower was manned or not. This practice gave rise to the term, “seeing without been seen.” Even if this level of surveillance was impossible to apply, prisoners were to be made to feel that they are under constant scrutiny. Bentham’s main argument was that the greater the surveillance a prisoner endures, the more effective prisons would be.

On a more positive note, Bentham laid down explicit recommendations as to the design of prisoners’ cells. To begin with, each cell should have an exterior wall in order that each prisoner should receive natural sunlight. Prisoners’ vision of each other should be restricted with the use of partitions. This recommendation was intended to preserve the dignity of individual prisoners, particularly concerning toiletry matters.

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177 Ibid.
178 Jeremy Bentham, “Table to Panopticon: or Table of Ends and Means: representing the principle of End or Objects proper to be kept in View in the Construction and Management of a Panopticon, as applied in the Purpose of a Penitentiary-House or other Prisons and the Principle Expedients which may be employed for the Attainment of those Ends: To which is Defined a general Intimation of the Nature and Principle of the Panopticon Principle, and the Principles of Management connected to it,” in Management of the Poor: or A Plan containing the Principle and Construction of an Establishment, in which persons of any Description are to be kept under Inspection (Dublin: James Moore, 1796).
179 Ibid.
180 Franke, The Emancipation of Prisoners, 86.
181 Bentham, Management of the Poor, 3.
182 Bentham, Panopticon: or the Inspection House, 3.
183 Ibid., 5.
184 Bentham, “Table to Panopticon.”
Fresh water was also to be readily available in plentiful supply. If necessary, the prisoners themselves were to assume responsibility for gathering rainwater and for the digging of a well.\textsuperscript{185} Prisoners' cells were to be kept warm by means of a primitive form of central heating.\textsuperscript{186} Notwithstanding that security measures were necessary in order to prevent escapes; it was concluded that prisoners should not be chained in their cells. They were, in fact, to be allowed to roam freely within the confines of their own cells.\textsuperscript{187} Most importantly, however, male and female prisoners were to be segregated henceforth.\textsuperscript{188}

1.7 Penitentiary Houses, Houses of Correction:

It is interesting to note that Bentham distinguished between a “penitentiary house” and a “house of correction.” In a “penitentiary house,” prisoners were expected to eat, sleep, work, pray and basically do everything in their cells. Exceptions to this imposed form of isolation were rare. Prisoners left their cells only to be escorted out into the yard for some air. On other occasions, they were escorted to divine services. However, interaction among prisoners was restricted in order to avoid moral contamination. Prisoners confined in a “penitentiary house” were escorted to and from their cells in isolation. Bentham attributed the name “anti-septic regime” to such a procedure.\textsuperscript{189}

Within such a prison formation:

Each cell is an island: the inhabitants, shipwrecked mariners cast ashore upon it by the adverse blasts of fortune: partners in affliction, indebted to each other for whatever share they are permitted to enjoy of society, the greatest of all comforts.\textsuperscript{190}

\textsuperscript{185} Bentham, \textit{Panopticon: or the Inspection House}, 301.
\textsuperscript{186} Ibid., 8.
\textsuperscript{187} Ibid., 32-33.
\textsuperscript{188} Bentham, “Table to Panopticon.”
\textsuperscript{189} Bentham, \textit{Panopticon: or the Inspection House}, 147-149.
\textsuperscript{190} Ibid., 154.
Two important insights emanate from this statement. To begin with, Bentham acknowledged that prisoners are often the victims of unfortunate circumstances. Secondly, prisoners could only rely on each other for acceptance and understanding, a fact that is indicative of a society that lacks empathy and compassion.

In a “house of correction,” however, prisoners enjoyed a greater sense of freedom and self-autonomy. Accordingly, he rejected the notion of imposing solitary confinement onto prisoners. He suggested that, by its very nature, the lack of proper nutrition and imposed darkness that accompanied solitary confinement amounted to torture. Solitary confinement was deemed useful only to the extent that it prevented antagonism, hostility and trouble among prisoners. Accordingly, solitary confinement often prevented the need for further and harsher forms of punishment. It should, therefore, only be used in the interest of prisoner reform as opposed to constituting a means of administering punishment. He suggested that two, three or at most four persons per cell should be accepted as the standard norm. He argued that prisoners should enjoy the company of other prisoners while confined to their cells. He considered isolation an unnecessary prerequisite to moral development. He concluded that moral development may, in fact, evolve outside of seclusion and may indeed germinate at divine services.

Interestingly, Bentham was of the view that a prison should be “a place of safety and a place of labour” whereby, all the needs of detainees should be considered. This concept of “safe custody” implied that there was no sufficient reason for relocation to

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191 Ibid., 87.
195 Bentham, *Panopticon: or the Inspection House*, 141.
196 Ibid., 149.
197 Ibid., 31.
solitary confinement unless required for safety reasons. In fact, there was no
justification to punish prisoners whatsoever, particularly in the case of remand
prisoners. This obviously raised questions as to whether prison should be punitive or
rehabilitative by nature. According to Bentham's treatise, each penitentiary should in
fact be considered a hospital. In other words, each correctional facility should strive to
cure ailments and provide appropriate treatment. Furthermore, it was now
acknowledged that some criminal activity occurred as a direct result of illness. It was
also noted that, within a "penitentiary house," prison personnel were permitted to visit
the prisoner in his/her cell. On occasions, however, the prisoner was summoned directly
to an official's office. Still, Bentham addressed the need for instructors to meet with
prisoners confined in isolation. Implicit in this statement was that those in isolation
should benefit from training and educational programmes.

Within a "house of correction," though, detainees would be free to attend classes
and religious services. Another issue he addressed was the notion of "prison industrial
enterprises." Certain privileges should be given to contractors employing prisoners, by
way of incentive, so that they may profit from contracts made. However, prisoners
were also to benefit by being granted a share of the proceeds. Bentham
acknowledged that most ex-prisoners experienced difficulties in finding sustainable
employment. He admitted that many ex-prisoners were open to exploitation within the
job market and received lower rates of pay than the average person. He drew

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198 Bentham, *Management of the Poor*, 89. Bentham argued that remand prisoners are held in custody awaiting trial. Consequently, such detainees are to be provided with safe and secure accommodation. They should also be allowed to communicate with friends in order to "settle affairs" and to construct their defence. He also insists that remand prisoners should not be forced to work. Ibid., 89-90.
199 Ibid., 31.
201 Ibid., 39.
202 Ibid., 38.
attention to the "Hard Labour Bill" that was past some years previously. This "Bill" advocated that prisoners sentenced to a period of hard labour should be recompensed. Accordingly, part of each prisoner's earnings should pay for his/her board for the duration of his/her imprisonment. The balance, it was claimed, should be kept aside and returned to the prisoner upon his/her release. Such practices, it was argued, would entice and motivate prisoners to work. Bentham also recommended, however, that prisoners should be allowed choose the work they would like to do. Consequently, a multiplicity of business ventures should not be totally dismissed. In order to prevent the exploitation of prisoners, contractors should be required to publish a record of their accounts to the proper authorities.

Furthermore, Bentham associated criminal behaviour with idleness and an incapacity to earn enough, by legitimate means, for one's upkeep. Work, therefore, was to become an important mechanism in the rehabilitation of offenders. However, Bentham argued that the concept of hard labour was initially intended to instil a sense of fear into prisoners. In spite of this, he emphatically rejected any attempt to frighten prisoners. Among the errors made in the past concerning the employment of prisoners, Bentham has listed the following:

1) The imposition of hard labour. Instead, he argued that labour was intended to benefit the prisoner and the economy.

2) Prisoners were offered no choice of employment; rather regulations determined the work prisoners do.

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204 Ibid., 71.
Note: French prison officials adopted this suggestion of Bentham's in recent years. Please see section 7.4 of this thesis.
205 Bentham, *Management of the Poor*, 68.
206 Ibid., 44.
3) Prisoners were offered unfulfilling work.

4) Prisoners were offered no variety of work. Rather, they spent their time repeating the same menial duties.\(^{210}\)

Alternatively, prisoners should be taught to love work as opposed to loathing it. Rather than constitute a “scourge,” work should be offered with a view to benefiting the prisoner.\(^{211}\) He stipulated that prisoners should also be taught that work is more socially acceptable than idleness.\(^{212}\) A prisoner who refuses to work should be confined in isolation, fed and given water. Conversely, prisoners who readily work should be rewarded with beer and a healthier diet.\(^{213}\)

Bentham was notably concerned with the health and general welfare of those in custody. He recognised the potential breeding ground for fevers and diseases in detention centres. He was also aware that these ailments posed a danger, not only to inmates, but also to staff.\(^{214}\) Consequently, he argued that health inspectors should be appointed to help guard against the spread of infections. Prisoners should, in turn, be taught the essential skills of personal and domestic hygiene.\(^{215}\) He further stipulated that prisoners’ hair should be short and clean.\(^{216}\) Prisoners were not to be forced to engage in unhealthy or dangerous trades and should not be subject to excessive fatigue.\(^{217}\) Furthermore, each prison was required to provide adequate medical care, and if necessary, hospital-care for prisoners.\(^{218}\)

In addition to all of these recommendations, Bentham suggested that prisoners’ diet should be ample and ought to include meat at least four times a week. Prisoners

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\(^{210}\) Ibid., 469.
\(^{211}\) Ibid., 436-437.
\(^{212}\) Ibid., 437.
\(^{213}\) Ibid., 67.
\(^{214}\) Ibid., 28.
\(^{215}\) Bentham, “Table to Panopticon.”
\(^{216}\) Bentham, *Panopticon: or the Inspection House*, 490.
\(^{217}\) Bentham, “Table to Panopticon.”
\(^{218}\) Bentham, *Panopticon: or the Inspection House*, 99.
were to be allowed to supplement their own diets with provisions paid for from their prison earnings. However, prisoners' food should not be overly extravagant. Indeed, Bentham suggested that natural justice would not be served if criminals' food was judged to be more substantial than that consumed by honest people.\textsuperscript{219} He further noted that prisoners were to be offered blankets and sheets and their clothes should afford them some comfort. In other words, prisoners were not longer to endure any unnecessary suffering.\textsuperscript{220} They should be encouraged to exercise regularly in the interest of healthier living.\textsuperscript{221} He stipulated that prisoners ought to have access to a chaplain and a chapel for divine services. Individual prisons were required, therefore, to embrace a healthy etiquette that would address their own particular needs and circumstances.\textsuperscript{222}

Bentham has also addressed the need for education as an essential component within the process of prisoner reform. He stated that every "panopticon," particularly in the case of a "penitentiary house," ought to be a school. He concluded that all detainees, adults as well as children, should be taught basic literacy skills. On Sunday, prisoners should be encouraged to attend classes in religious education.\textsuperscript{223} Such provision reduces the hardships that occur as a result of detention. In order to enhance the learning process, prisoners' cells should be fitted with a desk and a chair. Time should be allocated for study. Bentham considered that education helps prisoners to become more aware of worldly affairs.\textsuperscript{224} Accordingly, he was adamant that education should not be limited to moral development.\textsuperscript{225}

\textsuperscript{219} Ibid., 472-476.
\textsuperscript{220} Ibid., 483-489.
\textsuperscript{221} Ibid., 494.
\textsuperscript{222} Bentham, "Table to Panopticon."
\textsuperscript{223} Bentham, \textit{Panopticon: or the Inspection House}, 504.
\textsuperscript{224} Ibid., 108-111.
\textsuperscript{225} Ibid., 117.
Bentham also sought to expand the opportunities that should be available to ex-detainees once they have been released. For instance, he argued that ex-prisoners should be admitted to the armed forces. He also considered the introduction of a "subsidiary panopticon." Such a concept would involve the implementing of a post-release monitoring system for ex-prisoners for a definite period of time. Another option considered was that those prisoners about to be released should seek sponsorship from family members or from friends. He recommended that those prisoners who failed to co-operate in these endeavours should remain in detention.  

1.8 Peel Appeals to Bentham.

At the beginning of 1822, Sir Robert Peel was appointed Secretary to the British Home Office. At that particular time, the English penal system was, in theory, judged to be one of the harshest in Europe. However, in practice, prison structures were lenient and haphazard. Legislation listed over two hundred capital offences. Yet, executions were carried out only for the more serious of offences such as murder, sexual offences and horse stealing. In addition, police forces were considered disorganised. Judicial structures were deemed to be archaic as trial judges enjoyed too much discretion in imposing sentences. Consequently, there existed a grave need for reforms within the criminal justice system. Coupled with the difficulties that already existed, different groups such as Humanitarians, Quakers, Lawyers and Jurists all presented contradictory opinions as to what criminal justice reform should incorporate. 

226 Bentham, "Table to Panopticon."
227 Norman Gash, Mr. Secretary Peel: The Life of Sir Robert Peel to 1830 (London and New York: Longman, 1985), 308.
228 Ibid.
In June, 1822, Sir James Mackintosh and Thomas Fowell Buxton addressed the House of Commons seeking the removal of some capital offences from the statute books. Other motions discussed concerned the strengthening of the police forces. However, Peel briefly opposed these motions on the basis that he had already composed new proposals dealing with policing and prison issues. Many lawyers and jurists had also requested a revised code of practice within criminal law. They felt that the existing legislation was so severe that it was impossible to apply. Consequently, the general public had lost all confidence in the legal establishment. Jurists and lawyers were of the opinion that the concept of effective policing contradicted the very essence of personal liberty and privacy. Many felt that there existed some inequalities in the application of the law. The lower socio economic groups and new immigrants endured the full rigour of the law while the elite escaped most forms of legal sanction. As a result, society’s elite rejected any move to implement change in legal practices. However, Peel did not succumb to the pressure applied by the dominant classes. Instead, he sought to pursue the correct course of action. He favoured a policing structure that would operate independent of political and elitist influences.

Another area of immediate concern for Peel was the state of prisons. In 1822, there existed no central authority governing the prison system. As a result, prison structures were haphazard and lacked uniformity. Prison officials were often brutal and corrupt. After having examined the findings of John Howard, Peel began to transform the prison system. In 1823, he produced the “Gaols Act.” This “Act” sought to “consolidate” laws governing prison operations and practices. This was the first time that the British Government took direct responsibility for the State’s prisons, at a national level. This “Act” of 1823 outlines common policies that were to be adhered to

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229 Ibid., 309-312.
230 Ibid., 313-314.
in all prisons. It also detailed disciplinary procedures, medical care and educational provisions that were to be introduced. Two subsequent “Acts” of 1823 and 1824 highlighted Peel’s interest in prison reform.\textsuperscript{231} This second “Act” of 1823 allowed for prisoners to be transported in order to work in the colonies. Both “Acts” together obliged local magistrates to make any necessary repairs to prison buildings. Local prison authorities were also obliged to classify prisoners and to segregate them accordingly. In addition, local magistrates were encouraged to visit, on a regular basis, the prisons they were immediately responsible for. In order to ensure uniformity among the nation’s prisons, Peel recommended that an inspectorate should be established. However, he believed that opposing political powers would reject this new proposal. In spite of his disappointment that a number of his radical innovations were postponed, his delight emanated from the fact that limited progress had been made. Ironically, Peel favoured whipping over solitary confinement. He believed that solitude could “break the spirit” of a person more than whipping.\textsuperscript{232}

Yet, despite his concern for prisoners, Peel wished to retain the death penalty for the more serious offences such as rape and murder. He also intended to relieve trial judges of the burden of imposing the death sentence in cases where it seemed unlikely that sentence would be effected. Peel was aware that, in the preceding sixteen years, only 10% of executions were actually carried out.\textsuperscript{233} He also favoured the transportation of prisoners to the colonies as opposed to simple banishment. However, he abolished the death sentence for some more minor offences such a forgery. This course of action would appear to have been prudent since recent years had seen a decline in executions for some of these offences.\textsuperscript{234}

\textsuperscript{231} Ibid., 314 – 316.
\textsuperscript{232} Ibid., 316-317.
\textsuperscript{233} Ibid., 327.
\textsuperscript{234} Ibid., 327-328.
When Peel was appointed to the Home Office in 1822, Bentham was seventy-four years old. Bentham had already published his two works "Panopticon: or the Inspection House," and "Management of the Poor." Bentham was, in fact, described as "the greatest theorist of his day in the field of ethics and jurisprudence." He obviously would have maintained a keen interest in the reforms proposed by Peel. Indeed, by 1826, Bentham’s views of Peel’s reforms were widely known. Bentham wished to rid the system of the haphazard legislative structures that seemed to dominate the British legal system. He argued that more judges should be appointed in order that ordinary people should receive fair trials. Peel, on the other hand, advocated the appointment of a small select judiciary that would be paid a reasonable remuneration for their services. Peel rejected the alternative choice of appointing many judges who would be paid high rates of remuneration. However, he complemented Bentham on his observations. In return, Bentham acknowledged Peel as one that represented true justice and authentic legal reform.

In 1830, Peel requested any documentation written by Bentham concerning the transportation of prisoners. This topic was referred to by Bentham in his book "Panopticon: or the Inspection House." Peel also wished to acquaint himself with Bentham’s treatise on the “Management of the Poor.” By the end of 1830, all of Peel’s proposed bills were forwarded to Bentham for critique. Peel remained sensitive to the demands made for a more humane penal system, as advocated by humanitarian movements. However, he refused to be drawn into discussion on the notion of further restrictions in the use of the death penalty. He was, nonetheless, concerned with the sudden upsurge in criminal activity. Since 1823, England had also witnessed an

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235 Ibid., 332.
236 Ibid.
237 Ibid., 333-334.
increase in numbers within the prison population.\textsuperscript{238} This increase could be attributed to a number of factors. For instance, the crime detection rate improved. There emerged a greater willingness on the part of the general population to prosecute social deviants. The overall increase in prisoner numbers could also occur as a direct result of an increase in criminal activity. It must be noted, however, that the increase in crime rates centred on the less serious offences such as larceny.\textsuperscript{239}

Two final comments must be noted in relation to Peel’s legal reforms. With the increase in the rates of criminal activity, Peel introduced the concept of preventative policing.\textsuperscript{240} This measure was undertaken in order to quell the rising crime rates. Another innovation of Peel was the “Jury Act” of 1825. Up until this time, local constabularies, together with local church officials, were responsible for selecting trial juries. This “Act” of 1825 placed the process of jury selection in the hands of more qualified personnel. The “Act” also directed that juries should be selected through a process of random balloting. The “Act” further stipulated that juries were to be considered a compulsory feature in all future criminal cases and an optional extra in civil cases.\textsuperscript{241} The author suggests that these measures were implemented in order to secure a greater sense of justice for all accused of criminal offences.

1.9 Alternatives to Solitary Confinement.

During this whole period, the general public found that ex-prisoners were unemployable due to their continued delinquent tendencies. Indeed, Irish prisoners were considered by many to be the most habitual of criminals.\textsuperscript{242} If this concern was

\begin{itemize}
\item \textsuperscript{238} Ibid., 341.
\item \textsuperscript{239} Ibid.
\item \textsuperscript{240} Ibid., 343.
\item \textsuperscript{241} Ibid., 335.
\end{itemize}
well founded, then it would appear that existing prisoner reform structures did not adequately address the needs of those offenders whose vocation in life was crime orientated. It could be argued, therefore, that cellular confinement and punishment alone failed in their attempts to help offenders return to the “honest labour market.”²⁴³

Yet, despite disappointing recidivism rates among those offenders who had been confined in high security facilities, many European religious leaders did not support Crofton’s reforms. Instead, many countries worked to create more prison places believing that solitary confinement provided offenders with the best opportunities for self-improvement.²⁴⁴ Towards the end of the nineteenth century, some prison authorities in New York introduced the concept of "indeterminate sentencing." "Indeterminate sentencing" is described as a tool used by the authorities in order to motivate prisoners to refrain from attempting to escape. Within this structure, prisoners are encouraged to "submit to the strict discipline with minimum complaint" and to “labour hard and willingly, all in the hope of an earlier release date.”²⁴⁵ Based on the Irish system, "indeterminate sentencing" incorporated the use of parole boards. Members of the board would subsequently judge a prisoner’s "readiness" for the outside world.²⁴⁶

With the ongoing introduction of new legislative guidelines, however, European prison authorities were increasingly obliged to implement new structures and practices in order to protect the rights of prisoners. As a result, prisoners could not suffer prison censures without due cause. Prison authorities were also required to have a doctor present when corporal punishment was administered. Furthermore, only female prison

²⁴³ Ibid., 2-3.
²⁴⁴ Franke, The Emancipation of Prisoners, 117-121.
²⁴⁵ Ball, Huff and Lilly, House Arrest and Correctional Policy, 30.
²⁴⁶ Ibid.

Note: Authorities in the United States had introduced parole legislation in the 1830s'. Ibid.
staff could search female prisoners. Mothers could care for their children within the confines of the prison.\textsuperscript{247} Prisoners now had greater access to books and newspapers. As a result, books with a moral theme were made more readily available. There also emerged a growing concern for the families of male prisoners, particularly if the prisoner was the family breadwinner.\textsuperscript{248} Yet, by the beginning of the twentieth century, the mistreatment of prisoners had increased only to decrease again during the years of World War I.\textsuperscript{249} It was only in the aftermath of World War I that there emerged a greater conviction among prison authorities that solitary confinement was an ineffective tool in the fight against repeated offences.\textsuperscript{250} In the meantime, scientific researchers had associated biological and sociological dynamics with criminal activity.\textsuperscript{251} Yet, many of the more fundamental religious groups rejected these new scientific insights insisting that crime could only be linked with moral deprivation.\textsuperscript{252} However, a greater sensitivity towards prisoner suffering materialised. As a result, life-long prison sentences were discouraged and new legislation prohibited the unnecessary harsh treatment of detainees.\textsuperscript{253}

During the years following World War II, many European authorities recognised the need for prison reform. Throughout the war, the Germans had interned many leading figures within the newly conquered nations. Consequently, in the aftermath of World War II, there existed a greater appreciation of the suffering caused by cellular confinement.\textsuperscript{254} As a result, many European authorities removed the now

\textsuperscript{247} Franke, \textit{The Emancipation of Prisoners}, 136-137.
\textsuperscript{248} Ibid, 146-147.
\textsuperscript{249} Ibid., 147.
\textsuperscript{250} Ibid., 187.
\textsuperscript{251} Ibid., 178-179.
\textsuperscript{252} Ibid., 183.
\textsuperscript{253} Ibid., 223.
\textsuperscript{254} Ibid., 244.
outdated "management by command" routine from prison régimes. Instead, new structures were introduced that allowed prison staff to manage prisoners by "deliberation and negotiation." Solitary confinement was now reserved for very special cases. The new philosophy introduced into prison life concentrated on offender re-socialisation and preparation for re-entry into society.

In the United States, the prison population had increased by 140% during the years 1900-1935. Despite the building of new prisons, authorities confronted serious overcrowding in their detention centres. They began to explore alternatives to cellular confinement. Authorities also faced increased frustration among prisoners as a result of the poor living conditions within the prison walls. Over the ensuing years, prisoners revolted and authorities were slow to effect any positive changes. Eventually, in the 1970s', many American authorities experimented with non-custodial sentencing policies such as probation, weekend imprisonment, and home confinement.

1.10 The Emergence of the Irish Penal System.

Penal structures in Ireland also have origins in the mass transportation of prisoners. It has been claimed that fifty thousand Irish men, women and children were transported to Barbados between 1652 and 1659. Barbados, known as the "Tobacco Island," had been colonised by the English in 1627. The new landowners or "planters" were "unaccustomed to manual labour." As a result, there existed a grave need for a workforce in the colony. In 1641, the Irish people had rebelled against those English

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255 Ibid., 246.
256 Ibid.
257 Ibid., 247.
258 Ball, Huff and Lilly, House Arrest and Correctional Policy, 31-32.
260 Ibid., 70.
and Scottish planters who had already settled in Ireland. From an English perspective, many “innocent lives” were lost in that rebellion. Irish nationals were subsequently described as "barbarous wretches."261 Following Cromwell’s siege of Drogheda on 17th September 1649, thirty native Irish people survived from an original total of three thousand inhabitants. All thirty were duly transported to Barbados.262 This particular incident, apparently, marked the onset of a period of "ethnic cleansing" which began in Ireland in earnest in 1652.263 Furthermore, in July 1653, Cromwell and the Council of State made a decision that Irish landowners should forfeit ownership of their lands. This decision was ratified by an Act of Parliament in September 1653.264 Following the parliamentary support, all lands in Munster, Ulster and Leinster were to be taken from the Irish and redistributed among the English settlers. Irish landowners were to be resettled in Connaught.265 Those who refused relocation to Connaught were forcibly transported to Barbados. The leaders of resistance groups were subsequently hanged.266

In the meantime, there also emerged a growing belief that Irish manpower could be used very profitably in Barbados.267 In 1654-55, an order was issued requiring all Catholic religious leaders to be detained for transportation to Barbados.268 Those who were judged to be a threat to the Commonwealth were transported. In fact, "man catchers" were employed to confine, in large holding-areas, all those selected for transport.269 Prisoners were bound by the neck with ropes as they marched to the port of departure. There also existed a demand for white girls of childbearing age. The planters could enjoy the “charms” of Negro women but preferred to have children with
white women.\textsuperscript{270} English authorities also considered that orphan children might forget their Catholic upbringing if relocated in Barbados.\textsuperscript{271} With the onset of the American War of Independence in 1775, however, there developed a "confinement crisis" within the Irish penal system.\textsuperscript{272} Until that time, the concept of long-term confinement of offenders was not common practice in Ireland. Offenders were detained while awaiting trial or punishment. The only exception was the detention of debtors, which in theory, was judged to be a civil matter as opposed to criminal.\textsuperscript{273}

Because of the increase in number of prisoners during the eighteenth century, the number of prisons in Ireland grew to forty. Local authorities called "grand juries" assumed overall responsibility for maintaining the prisons.\textsuperscript{274} As was the case with the rest of Europe, imprisonment provided an alternative to the public executions and punishments inflicted upon offenders. Given a new-found value that was placed on human freedom, the worst form of punishment now contemplated entailed the deprivation of that same freedom.\textsuperscript{275} Questions also arose about the veracity of a criminal justice system that often detained boys as young as nine or ten years of age. Within this structure, younger prisoners fell victim to the corrupt officials and the leaders of organised crime within the prisons.

Interestingly, John Howard visited Ireland twice during the years 1775 and 1779. He spoke favourably about the new Mountjoy Prison he visited in Dublin. The new prison provided better than average conditions to inmates. However, he recommended that the chapel should be converted into an infirmary.\textsuperscript{276} He also noted

\textsuperscript{270} Ibid., 79.
\textsuperscript{271} Ibid., 87.
\textsuperscript{272} Ball, Huff and Lilly, \textit{House Arrest and Correctional Policy}, 31-32.
\textsuperscript{273} Ibid.
\textsuperscript{275} Ibid., 12-13.
\textsuperscript{276} Howard, \textit{The State of the Prisons}, 150.
that his positive remarks relating to Mountjoy Prison were "applicable to many of the county gaols." Nevertheless, Howard spoke of the unduly high number of detainees housed in Irish prisons. He also commented that drunken people were arrested and interred for the night. He criticised a penal system that allowed those acquitted of charges to remain in prison until their gaoler fees are paid in full. Despite these reservations, Howard exerted little influence in Ireland at that particular time. However, in 1782, the "Grattan Parliament" established a committee to examine the conditions in Irish prisons. As a result, "grand juries" were now obliged to feed prisoners. The practice had been for prisoners to depend on charitable donations of food from outside the prison. Doctors and chaplains were allowed access to the prisons. Those acquitted of charges but held in detention until the gaolers' fees were paid, were to be released immediately. The House of Commons introduced new legislation in the 1780s stating that new prisons were to be built outside local towns and near fresh running water. This directive was implemented in order for it to be possible to maintain a level of cleanliness within the centres. In 1788, there were thirty-three prison projects, at various stages of development, in progress in Ireland. When compared to the existing prison structures in place in England at the time, Irish prison structures appear to be very progressive. Interestingly, in 1791, the first Irish prisoners were transported to Australia from Queenstown, now known as Cobh.

In addition, during the 1820s', Irish prison authorities followed some of the recommendations made by Elizabeth Fry in London relating to the treatment of female
prisoners. As a result, new legislation was introduced into the prison system. Matrons were appointed to direct women's wings. No male member of staff, including the governor and the chaplain, could enter the women's units unless accompanied by the matron. Matrons were also less regimented than their male counterparts. They assumed the role of caretaker, instructor and teacher. This new approach to the treatment of female offenders marked a transition within the Irish prison system. The teaching of new skills such as literacy and numeracy was now considered a valuable tool to be used in the rehabilitation of offenders.285

Throughout the “Great Famine” of the 1840s' there existed one hundred thousand prisoners in Ireland. Conditions in Irish prisons could only be described as inhuman. In fact, during the year 1849, thirteen hundred prisoners died while in custody. Due to the cessation of the organised transport of prisoners, Irish prisons became overcrowded. The building of new prisons continued and in 1850, Mountjoy accepted its first prisoners.286 However prisoners continued to die from diseases and fever while detained. For instance, in 1852, one hundred and ninety prisoners died on Spike Island.287 In 1853, seven prisoners died in Mountjoy while another twelve died shortly after being relocated to other prisons.288 In the meantime, Australian authorities were so desperate to acquire a labour force that they were willing to risk moral corruption. Once again, Irish prisoners were transported to the colony. This practice remained until 1853 when the Australians judged Irish prisoners to be too undisciplined.289 Once more, Irish prisons filled to overcrowding proportions. In response to this difficult situation, Captain Crofton was appointed “Director of the Irish

285 Ibid., 24-25.
286 Ibid., 40-43.
287 Ibid., 57.
288 Ibid.
289 Ibid., 61.
Prison System."

In 1878, however, all prisons in Ireland were "nationalised." A General Prisons Board (GPB) was established in an attempt to apply uniform standards in all Irish prisons. At that particular time, there existed thirty-eight prisons and ninety-eight bridewells in Ireland. In one year alone, the GPB closed fifty-one bridewells and twelve local prisons. In 1883, Spike Island closed. In 1897, Grangegorman closed as a female prison and was re-deployed by the Richmond Hospital as a psychiatric unit.

By 1914, however, the prison population had decreased to ten thousand, a figure that constitutes one tenth of the total prison population during the years of the "Great Famine." Some prisoners were released early after having agreed to fight in Europe. New prisoners included conscientious objectors and those convicted for military offences. In 1916, as a result of the "Easter Rising," several patriots were imprisoned and executed. Many were subsequently buried in a mass grave in Arbour Hill Prison. Others were detained in Mountjoy awaiting transport to Britain. In 1919, the Irish War of Independence began. As a result, Irish prisons housed vast numbers of republican fighters. In 1919, Irish prisoners began to rebel against the British establishment still governing Irish prisons. In 1920, Sinn Féin prisoners began a hunger strike in order to gain prisoner-of-war status. In 1922, the new Irish government assumed control of Irish prisons from the British Government. Almost immediately political prisoners were released from the eleven prisons that existed in the Republic of Ireland at that time. In 1922, with the start of the Irish Civil War, republican prisoners once again occupied Irish detention centres. Peadar O'Donnell spoke of the firing squads and of

290 Ibid., 123-125.
291 Ibid., 180-185.
292 Ibid., 130.
the numerous executions that took place in Irish prisons at that time. The newly established Free State was in total disarray. Political prisoners were imprisoned or condemned to death. The I.R.A. ordered the death of those T.D.s who had sanctioned the execution of political prisoners. There existed a very gloomy atmosphere in Irish prisons because so many were condemned to death. At the start of 1923, one hundred prisoners in Mountjoy Prison alone were awaiting execution. However, with the end of the Civil War in 1923, many republican prisoners were once again released. Others were detained longer for resisting the terms of the 1921 "Anglo-Irish Treaty."

During the years 1924 and 1962, Ireland had one of the lowest prison populations, per capita, in Europe. The low crime rate was attributed to the rigid Catholic ethos that dominated the Irish rural culture at that particular time. As a result, Ireland was considered a very traditionalist society. Many Irish people were also emigrating to Britain and the United States. During the 1970s' and 1980s', Ireland experienced a dramatic increase in the rate of crime. A greater emphasis was placed on education provision for prisoners following representations made by Seán Mc Bride S.C., Gemma Hussey, Michael D. Higgins, Patrick McEntee S.C. and Professor Mary McAleese. They had already conducted an inquiry into the Irish Penal System. Their findings suggested that attitudes towards offenders were outdated. They concluded that the existing penal structures were, in spite of everything, more punitive than rehabilitative.

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294 Ibid., 37.
295 Ibid., 57.
296 Carey, Mountjoy, The Story of a Prison, 201.
298 Carey, Mountjoy, The Story of a Prison, 204-206.
299 Ibid., 239.
1.11 The Development of the Northern Ireland Prison Service.

The Northern Ireland Prison Service (NIPS) dates back to December 1st, 1921. Up until then all prisons in Ireland had previously been governed by the Irish Prison Board which had evolved with the appointment of Captain Crofton as its first director. The British Home Office had previously governed this Board. In 1921, there existed three prisons in the province, Belfast, Derry and Armagh. All three have since closed. Derry closed in 1953, Armagh in 1986 and Belfast in 1996. The NIPS also built three new prisons, mainly in response to the political disturbances which have persisted in Northern Ireland since the late 1960s. The Maze prison in Long Kesh opened in 1971. Magilligan Prison opened in 1972 and Maghaberry opened in 1975. All three prisons are modern purpose built facilities. In the early years, the staff at Long Kesh was forced to separate Republican prisoners from Loyalist. Another difficulty arose when hostilities developed between members of the “Official I.R.A.” and members of the “Provisional I.R.A.” The “Official I.R.A.” eventually disbanded. Long Kesh has since closed as a result of the 1998 “Good Friday Agreement.”

Indeed, authorities in Northern Ireland have been forced to confront political unrest from the inception of the 1921 “Anglo Irish Treaty.” Beginning in 1921, authorities resorted to a policy of “internment without trial” for those suspected of political offences. Due to the increase in the number of detainees, the NIPS renovated ships in order to re-deploy them as detention centres. The use of “prison ships” was, for the Northern Ireland authorities, an answer to an urgent appeal to provide more prison

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301 Ibid.
302 Ibid., 4.
303 Ibid., 59.
304 It must be noted that no official statement concerning the current demise of Long Kesh is readily available. However, it would appear that a number of units remain open in Long Kesh. These units house individuals convicted for more regular criminal offences in order to ease the overcrowded conditions in other prisons within the province.
places. British authorities have had a long history of detaining prisoners on ships. When authorities ceased transporting convicts to America during the War of Independence, there emerged a grave shortage of prison places. From 1782, prisoners were confined on old rotting ships in very overcrowded conditions. This practice continued until the end of the 1780s' when authorities began transporting prisoners to Australia. In 1921, "prison ships" were once again employed to detain republican prisoners for short periods of time until suitable accommodation could be provided. The first "prison ship" to be used on this occasion was "the Argenta." It was moored in Belfast Lough near Carrickfergus. It was commissioned in 1922 by the NIPS in response to the anarchy that existed in the province at that particular time. The ship served as a detention centre until 1924.

The NIPS resorted to the use of "prison ships" when forced to address two other crises. Firstly, with the onset of World War II, authorities were fearful of yet another republican revolt. In response to this latest crisis, they re-introduced the concept of internment without trial. The "Al Rawdah" was moored off the harbour at Killyleagh, Co. Down. It detained prisoners from July, 1940, until March, 1941. It had the capacity to house four hundred and forty inmates. Another ship, the "Maidstone," was commissioned in 1971 and was used to detain prisoners until 1972. Once again the NIPS had acted in response to a crisis with the introduction of internment. Prisoners were detained on the Maidstone for twenty-eight days. After that time they were released or alternatively, transferred to Long Kesh. The NIPS also constructed a temporary facility during the 1970s'. This facility, known as "Foyle Prison," was re-

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305 Swift, Elizabeth Fry, Friend of Prisoners, 83.
307 Ibid., 3.
308 Ibid.
309 Ibid., 47.
310 Ibid., 50.
opened again in the 1980s in order to accommodate the growing number of detainees.311

Liz Curtis outlines some of her personal criticisms of the NIPS, during the 1970s' and 1980s', in her book "The H Blocks." Before the beginning of the political unrest in the 1960s', Northern Ireland enjoyed one of the lowest prison populations, per capita, in Europe. Once "the troubles" began, however, the prison population multiplied to become one of the largest in Europe.312 The Irish Nationalist Community considered the political disturbances a just response to the continued British presence in the province. In contrast, the British authorities judged Irish political activists as "ordinary criminals." Curtis has suggested that the judicial structures in Northern Ireland in the 1970s' were very discriminatory. Some republican prisoners received very long sentences for relatively minor offences.314

In 1972, the British authorities conceded to the wishes of republican prisoners on hunger strike by granting special categorisation to political prisoners. Such prisoners were now permitted to wear their own clothes and organise their own prison activities. However, the policy of "internment without trial" ended in 1975 due to political pressure.315 Nevertheless, new prison legislation was introduced in 1976 whereby, political prisoners lost their special status. Prisoners convicted of political offences after 1st September, 1976, were not entitled to the special privileges previously granted to political activists.316 Republican prisoners responded by refusing to wear prison

311 Ibid., 68.
313 Ibid., 6.
314 Ibid., 7.
315 Ibid., 14.
316 Ibid., 16.
clothes. They engaged in what became known as “the blanket protest.” Protesting prisoners lost every privilege except their "minimum statutory rights." Yet, female political prisoners detained in Armagh Prison were permitted to wear their own clothes since 1972. However, female political prisoners protesting with their male colleagues were locked in their cells for twenty-one hours a day. Furthermore, Curtis has argued that, forces in Northern Ireland have been accused of using torture methods to extract confessions from suspects. Very often, suspects have been convicted on the strength of these confessions. Nevertheless, some prisoners have gone on hunger strike in order to protest their innocence. In Northern Ireland, political prisoners have also been subject to very degrading body searches.

The NIPS has always operated an "integrated" policy within their institutions. It has been noted that integrative policies offer "more effective security and control" than classifying and segregating prisoners. This policy of “integration” is intended primarily to "criminalise" all offences. Such an approach prohibited the establishment of the “special status” image that was demanded by political prisoners. Loyalist prisoners had criticised this policy of integration. They felt that they would be forced to lose their "collective identity" in order to facilitate the process of disintegrating the "collective identity" of Republican prisoners. During the “Republican Hunger Strike” of 1980, six Loyalist prisoners refused food and demanded

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317 Ibid.
318 Ibid., 18.
319 Ibid., 15.
320 Ibid., 18.
322 Ibid.
323 Ibid.
324 Ibid.
"total segregation" from Republican prisoners. The next Loyalist protest occurred as a roof demonstration at Crumlin Road Prison in Belfast. Another dispute arose at the Maze Prison in spring of 1982. In the meantime, concerns among Ulster Defence Association members grew when Loyalist prisoners received death threats from Republican prisoners. Loyalist sympathisers subsequently advised that a policy of "total segregation" should be applied in the interest of prisoners' safety. At that time, Republican prisoners in the Maze Prison out-numbered Loyalist prisoners by a ratio of two to one. Despite representations made by Unionist MPs, the British government refused to segregate political prisoners. It was felt that the policy of integration would further hinder para-military groups operating within the confines of Northern Ireland's prisons. Nevertheless, in 1983, the Northern Ireland Office introduced a policy of "partial segregation" for those prisoners most at risk.

In September 1983, however, large numbers of Republicans escaped from the Maze Prison. This episode reinforced the British Government's position that total integration was the best policy. At that particular time, prison staff had become "disillusioned" with the new prison structures. They argued that the British Government had given too many concessions to the Republican movement. Yet, partial segregation remained in place. However, prisoners were frequently relocated within the prison in an attempt to prevent the organisation of further escapes. In February 1984, Magilligan Prison became the focal point of a Loyalist protest. Once again, it was claimed that Republican prisoners were threatening Loyalist prisoners. The Loyalists demanded that they should be separated from the Republicans. Still, Magilligan Prison, unlike the

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325 Ibid.
326 Ibid.
327 Ibid., 177.
328 Ibid.
329 Ibid., 178.
Maze, was an old complex and was not designed with a view to housing opposing political extremists. Consequently, the staff did not consider the concept of segregation to be a viable option. Instead, they operated an integrative policy whereby, there would exist equal numbers of Republican and Loyalist prisoners. Staff at the prison felt they could quell any hostile situation that might develop. Even so, Republican prisoners, together with their sympathisers, complained that prison structures were sectarian and that prison staff discriminated against them.\(^{330}\)

Another debate arose over the re-location of Republican prisoners from the British mainland to Northern Ireland. British authorities were reluctant to transfer political prisoners back to Northern Ireland. It was considered that, by imprisoning political extremists in Britain, they would find it easier to "break ties" with their paramilitary connections.\(^{331}\) The British authorities also feared that Loyalists would interpret any re-location of Republican prisoners as another concession being made to the I.R.A.\(^{332}\) However, British authorities had little difficulty in re-locating inmates, currently imprisoned in Northern Ireland, back to mainland Britain. Many such prisoners were ex-military personnel.\(^{333}\) Subsequently, imprisonment within mainland Britain was considered more appropriate for such individuals.

1.12 Historical Developments in Relation to Juvenile Offender Reform.

The credit due for transforming the role of custodial centres rests with the birth of the "Juvenile Justice System." The "Juvenile Justice System" began, in Ireland, with a new-found concern for the welfare of children in the years following "The Great Famine." In Ireland, the Catholic Church took the initiative by providing residential

\(^{330}\) Ibid., 179.
\(^{331}\) Ibid., 187.
\(^{332}\) Ibid.
\(^{333}\) Ibid., 188.
centres for children. Some religious orders such as the Christian Brothers, the Irish Sisters of Charity, the Sisters of Mercy and the Presentation Sisters opened orphanages. Members of the Catholic hierarchy, such as Cardinal Paul Cullen of the Archdiocese of Dublin, were concerned that Protestants were proselytising young Catholic children. In 1852, however, barrister and school inspector Joseph Fletcher presented a paper in London entitled "The Farm School System on the Continent and its applicability to the Preventative and Reformatory Education of Pauper and Criminal Children in England and Wales." In this paper, Fletcher has suggested that the relationship between staff and children was a critical component in the reform process of juvenile offenders. He also argued that detained juvenile offenders should work on farms or industrial workshops as part of their education. Second on the list of priorities was moral development and religious education. Detained juvenile offenders should also participate in keeping a clean house. It was only after these duties were fulfilled that such children were to be provided with literacy classes. It was also deemed appropriate that detained children be segregated according to gender.\(^\text{334}\)

It was, however, only in the aftermath of this publication that the distinction between delinquency and destitution arose. It was also felt that schools should address those two different sets of needs. Children with delinquent tendencies needed an essentially reformative type of education. It was equally important that structures should be established to prevent destitute children from turning to crime. In reality, both groups of children were amalgamated.\(^\text{335}\) However, in 1852, the Home Office established the "Commission of Enquiry into Criminal and Destitute Children." This commission recommended that:


\(^{335}\) Ibid., 23.
1) Young children should not be imprisoned.

2) The authorities should establish a number of “State sponsored reformatory schools.” These reformatory schools would, in turn, assume responsibility for providing “corrective treatment” for juvenile offenders.

3) In order to prevent crime and reduce recidivism rates, the following measures need to be undertaken;

   a) Industrial education should be provided. Consequently workhouses and schools were to be separated.

   b) All residential schools should receive State aid.336

In light of these recommendations, the British authorities passed the “Reformatory School Act” in 1854.337 According to this “Act,” prison inspectors were responsible for monitoring reform school structures. In 1854, the “Industrial Schools Act” was also passed.338 This “Act” applied primarily to Scotland and allowed trial judges to commit young offenders to reformatory schools and industrial schools. Hence, the lack of distinction between delinquent children and deprived children continued.339 Nevertheless, the “Industrial Schools Act” of 1854 was amended in 1857, 1861 and 1866. The final amendment, published in 1866, applied to England, Wales and Scotland. All children delinquent and destitute were now admitted to industrial schools. However, only delinquent children, under the age of twelve having committed minor offences only, were to be admitted. Young offenders, over the age of twelve, or those convicted for committing the more serious offences, were to be detained in reformatory

336 Ibid., 25.
337 Note: It must be noted that this “Act” did not apply to Ireland at this particular time. The “Reformatory Schools Act” was not enacted in Ireland until 1858. Nial Osborough, *Borstal in Ireland: Custodial Provision for the Young Adult Offender 1906-1974* (Dublin: Institute of Public Administration, 1975), 5.
338 This “Act” was also known as “Dunlop’s Act.”
schools. Henceforth, industrial schools adopted many of the same characteristics as reformatory schools. Both school systems were required to provide industrial education and primary education. Prison inspectors were appointed to oversee the operational practices in both types of institutions. As time went on, industrial schools and reformatory schools were indistinguishable as they both provided similar residential care.\footnote{Ibid.}

By 1863, reformatory schools had become very effective in the rehabilitation of young offenders. Recidivism rates were low plus crime rates had reduced in some of the major cities such as Dublin and Cork. However, there emerged increasing demands for the provision of a “complementary” school system. As already stated, transition in educational provision did not occur until 1868 with the implementation of the “Industrial Schools Act.” The delay in implementing these new structures is attributed to protests made by the Protestant population concerning the education of Catholic children. However, once the “Act” had taken effect, schools were classified as single denomination. It was felt that multi-denominational schools would result in conflict and proselytism. Furthermore, students were not to be detained beyond the age of sixteen. The schools were to receive funding from three sources, the government, local authorities and parents if they had the resources to contribute.\footnote{Ibid., 34-43.} British authorities paid a proportion of the fees for each child. Local authorities were expected to share the cost. However, local authorities were not obliged to pay and donations remained unfixed. In most cases, parents were poor and, as a result, could contribute nothing to their children’s upkeep.\footnote{Ibid., 48-50.} Consequently, religious orders operating industrial schools
depended largely on charitable donations. As a result, religious orders always struggled in order to find the necessary resources to keep the school operational.\footnote{343}{Ibid., 45.}

It is ironic that the man credited with transforming the Irish prison system, Walter Crofton, also helped establish the industrial school system in Ireland. He organised meetings with all interested parties in order to explain industrial school dynamics.\footnote{344}{Barnes, \textit{Irish Industrial Schools 1868–1908}, 44.} Subsequently, an inspector of industrial schools and reformatory schools was appointed in 1869. Another leading figure in the establishment of residential schools was Mary Carpenter.\footnote{345}{Please see section 1.5 of this paper for a more detailed introduction for Mary Carpenter.} Carpenter tended to associate the lack of education with criminal behaviour. Consequently, she recommended that each detained juvenile offender should be obliged to attend school as a preventative measure.\footnote{346}{Carpenter, \textit{Reformatory Prison Discipline}, 91.} She has stated that each child should be subject to “compulsory attendance, the whole day, in a school where they will be fed and taught industrial work and civilised as well as educated intellectually.”\footnote{347}{Ibid., 95.} However, Carpenter considered it unfair that poor children should be classified as delinquent.\footnote{348}{Ibid., 100.}

A further problem surfaced in 1880, when industrial school managers assumed responsibility for preventing the spread of a criminal ethos within their establishments. One way of achieving this goal was refusal to admit children harbouring delinquent tendencies. In fact, one of the major differences between an industrial school and a reformatory school was that the former could select the students they admitted. Reformatory schools, on the other hand, were obliged to accept all students referred to them. The courts, through the health boards and social workers, often committed students detained in industrial schools. In contrast, students interned in reformatory
schools were referred by the courts only. Furthermore, industrial schools willingly admitted children whose parents were imprisoned. However, problems arose as to where children, under the age of twelve and convicted of with minor offences, could be committed. This issue was resolved in 1880 with the introduction of a “probationary industrial school” in Kilmore, Dublin. Kilmore detained these very young offenders until such a time they were judged worthy enough to ender the regular industrial school system. One further experiment promoted by Carpenter was the fostering of children to suitable families. Children fostered out to families were carefully monitored for the children’s own protection. It was also noted that fostering reduced the effects of institutionalisation.

The first official inspector appointed to the Irish residential school system was Sir John Lentaigne and he remained in this post until 1886. Lentaigne, a graduate of the Royal College of Surgeons, had a vested interest in the quality of health care provided in residential schools. He also consulted with Crofton when formulating an appropriate procedural code to be applied in residential schools. Indeed, Lentaigne outlined his code of acceptable standards for residential buildings. For instance, industrial schools for girls focussed their attentions on the teaching of domestic skills. As a result, such skills could be taught in the main residential building. Male institutions, on the other hand, trained boys in many different trades. Hence, there was often a need for boys to use heavy machinery. Consequently, boys’ schools, such as Artane, were comprised of a number of buildings. Each building would be assigned to the teaching of a designated trade. Lentaigne, being a medic, directed that residential areas must be well ventilated

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349 28th January, the author met with the principal teacher (known as N.), of Oberstown Remand Centre. During the course of this meeting, N. outlined some of the significant practical differences between industrial schools and reformatory schools.

350 Barnes, Irish Industrial Schools 1868 –1908, 68-69.

351 Carpenter, Reformatory Prison Discipline, 102-103.
in order to prevent the spread of infection. Furthermore, warm and cold water must be provided. If a school fails to provide these basic requirements, then it would be forced to close.\textsuperscript{352}

By the beginning of the twentieth century, the number of industrial schools had expanded whereas the number of reformatory school had significantly decreased. In fact, many reformatory schools had closed only to reopen as industrial schools. Alternatives to residential institutions were being considered by various charitable organisations such as Dr. Barnardos. One such idea was the introduction of “cottage homes.” “Cottage homes” were used as part of an experiment to provide young girls with the opportunity to learn housekeeping. There was also an attempt to ensure that young girls leaving residential care would not be so naïve. These “cottage homes” failed to make a significant impact in the history of institutionalisation. However, school managers were obliged to ensure that residents, about to be discharged, had secure accommodation. Some schools provided good after-care services. Religious sisters, in particular, took grave measures to provide secure environments for girls newly discharged. The religious sisters were aware that, in the past, female residents, once discharged, were vulnerable to abuse and exploitation. It was common practice for school managers to disregard the rules by detaining students beyond the age of sixteen. Such measures were undertaken by managers who feared for the safety of immature students.\textsuperscript{353} Furthermore, these concerns led to the establishment of hostels and secure houses for newly discharged students. In 1901, the “Youthful Offenders Act” obliged all school managers to assume responsibility for students for two years after discharge.\textsuperscript{354}

\textsuperscript{353} Barnes, \textit{Irish Industrial Schools 1868 –1908}, 74-81.
\textsuperscript{354} Ibid., 83.
It is argued that the history of the “Juvenile Justice System” began, in earnest, at the start of the twentieth century. Ireland and the U.K. witnessed the introduction of the “1908 Children’s Act.” This “1908 Act” was introduced due to the increase in the number of young offenders as a result of industrialisation and migration from rural to urban areas. In relation to young offenders, attitudes changed from a hard-line punitive approach to one that looked primarily at the individual needs of the child. With the introduction of the new “Children’s Act,” children under the age of twelve could no longer be referred to reformatory schools. School managers were also empowered to licence students as apprentices after an initial detention period of twelve months. Before the “1908 Act” became the guiding principle, children were tried and convicted as adults. Eventually, the State began to accept responsibility for young offenders rather than simply leave the issue entirely in the hands of religious orders who were, up until this period, operating in a number of reformatory schools. The age of legal culpability was raised from seven to sixteen years of age. Furthermore, in 1924, the Department of Justice shed its responsibility for residential schools. Instead, the Department of Education assumed accountability for juvenile detention centres. The new governing authority would further develop and employ educational programmes.

For many years, residential school authorities adhered to the requirements of the “1908 Act” almost without question. Little is documented until the 1960s’, suggesting

356 It is interesting to note that the “1908 Children’s Act” is still, to the present time, the binding legislation concerning the welfare and detention of children. Children under the age of 12 are not committed to reformatory schools. However, a new “Children’s Act” is immanent. It is expected that this new “Act” will classify industrial schools and reformatory schools as “Children’s Detention Schools.” Refer to meeting with N. on the 28th January 2002, already mentioned in this section.
357 Barnes, Irish Industrial Schools 1868–1907, 87.
359 Ibid., 17.
that further changes in residential school structures were slow in coming. However, in the 1960s', Ireland experienced economic growth together with a more caring attitude towards the nation's most disadvantaged. The Minister for Education at the time, Donogh O'Malley, felt society was not serious in its attempt to ease the plight of disadvantaged children. As a result, the “Kennedy Report,” published in 1970, emphasised on the educational and rehabilitative needs of these children. It noted that "all children need love, care and security if they are to develop into full and mature persons." Interestingly, Foucault has stated that reformatory schools sought not to punish young offenders but to re-socialise youths in order to prevent repetition of the offences.

In actual fact, efforts have been made in Ireland to try to redirect young offenders away from a life of crime. The Government's “White Paper on Early Childhood Learning,” published in 1999, acknowledged the need for early intervention in order to shape children's behaviour. The report also stated that early learning provides the best foundation for learning in later life. Ironically, it has been observed that the ideal society is one that gives the condemned individual another chance. Yet the promises of "zero tolerance," more prison places and more Gardaí/police are made to reassure the public that special efforts are being made to reduce the level of crime.

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360 Ibid.
362 Foucault, Discipline and Punishment, The Birth of the Prison, 126.
In 1895, the “Gladstone Committee” was established to examine possible means of further reducing recidivism rates. This committee concluded that the majority of habitual criminals were aged between sixteen and twenty-one. It was suggested that the upper age limit for students in industrial and reformatory schools be extended to eighteen. There was also a recommendation made that a special system of penal reform be established to accommodate offenders between the ages of sixteen and twenty-three.\(^\text{366}\) In other words, this new type of penal provision, known as the “borstal” system, was designed to accommodate young adult offenders. Such young adult offenders were considered too old to be committed to industrial or reformatory schools and too young to be housed with hardened adult criminals. Its purpose was to provide training and aid for the moral development of young adult offenders. As an institution of criminal reform, the borstal system was to provide a “special regime in a separate penal establishment for offenders of a younger age group.”\(^\text{367}\) The movement began in England in 1900 with the transfer of a number of young male offenders from London to a specially designated unit at Bedford. The borstal movement was not introduced into Ireland, in earnest, until 1906. This particular year marked the opening of Ireland’s first borstal in Clonmel.\(^\text{368}\) The Irish Prisons Board assumed responsibility for the general governing of this particular facility. The Irish Prisons Board would also select suitable inmates for Clonmel.

\(^{367}\) Ibid., 7.
\(^{368}\) Ibid., 4.
In 1908, the government passed the “Prevention of Crime Act.” This “Act,” which took effect in 1909, stipulated that it was now the duty of the courts to select suitable candidates for Clonmel. The “Criminal Justice Act” of 1914, common to both England and Ireland, extended the power of the courts even further. This 1914 “Act” refrained from imposing a mandatory three-year sentence onto young adult offenders. It would appear that politicians heeded the views of judges in that a mandatory three-year sentence would be excessive in many cases.\(^\text{369}\)

It must be noted that Clonmel was originally designed to accommodate fifty-four boys. The centre operated within a principle that training should enhance inmates’ rehabilitation. Efforts were made, therefore, to provide better training and instruction. In 1911, a field lying adjacent to the complex was leased in order to provide a more adequate training in agricultural skills. It was felt that, with proper training, an inmate could be employed as a farm labourer once released.\(^\text{370}\) Another rule, generally applied, was that a boy could be discharged early if the Prisons Board could be convinced that the particular individual had reformed. In this case, suitable employment would be found for the boy by the institution itself.

With the foundation of the Irish Free State, Clonmel continued to accommodate young adult offenders. However, during the period 1922 to 1924, the Irish Free State Army occupied the complex. Inmates in Clonmel were relocated to Kilkenny and were subsequently housed in makeshift buildings. In 1924, the inmates were transferred back to Clonmel. In 1928, the Irish Prisons Board disbanded. Responsibility for the centre now remained solely with the Department of Justice. It has not gone unnoticed that few, if any, improvements were made to the complex for many years afterwards. This fact is hard to contemplate given that, from the 1920s’, the Irish Prisons Board voiced

\(^{369}\) Ibid., 7-8.
\(^{370}\) Ibid., 10.
their concerns about the buildings in Clonmel. However, in 1940, the Irish Army were reinstated in Clonmel and remained there until 1947. Inmates in Clonmel were re-housed in a designated wing of Cork Prison. Living conditions in Cork were considered more favourable for the inmates. However, the Minister for Justice at that time, Gerald Boland, directed that Clonmel was more spacious for the expansion of workshops. Subsequent efforts were made to improve the living conditions at Clonmel and offenders were returned to the centre in 1947. In 1948, the facility was re-named “St. Patrick’s Institution.” Indeed, penal reforms implemented in 1948, resulted in young adult inmates being allowed to associate more with each other. In practice, these new procedures meant that detainees were in contact with each other, continuously, from 7.00am until 9.45pm. This new practice occurred after 1947 when the young adult offenders were returned to Clonmel from Cork. Apparently, while in Cork, the inmates were allowed to associate freely from 7.00am until 10.00pm.\footnote{Ibid., 65.}

The importance of work as a crucial component in the process of prisoner reform cannot be underestimated. There are, however, two dimensions to the importance of work within the process of prisoner rehabilitation. Firstly, work is “regenerative.” In other words, work directly contributes to the rehabilitation of offenders. Secondly, work is “vocational.” This means that work enables offenders to acquire new skills that may be used in a constructive fashion once they are released. There are no critiques of vocational training provisions before 1940 readily available. However, while detained in Cork, young adult offenders were employed as labourers in the renovation work being carried out at the prison. It is also noted that, by 1948, each new arrival was offered a choice of trade he would like to work at. He would spend one “probationary month” at his chosen trade. If he had shown some interest and had
received favourable reports, he was allowed to continue. By 1953, due to a reduction in
the number of inmates, most of the workshops were closed. However, detainees were
subsequently employed in the general maintenance of the centre.\(^{372}\)

It had been observed that, upon entry to Clonmel, most boys' "educational
attainments" were "well below average." In fact, many of the boys were totally
illiterate. Consequently, Clonmel offered classes in basic literacy and numeracy skills
in conjunction with vocational training. Subjects taught included reading, writing,
graham, history, geography, mathematics, letter writing and religious instruction.
Occasionally, geometry and mechanical drawing were also taught. The inmates were
also allowed participate in sports such as handball, boxing and football. In 1947, the
boxing club was affiliated to the Irish Amateur Boxing Association.\(^{373}\) Members from
other affiliated clubs would visit the centre. It was agreed that free association with
members of other clubs would allow the inmates the opportunities to make contact with
potential employers for the future.\(^{374}\) The club boasted that, in 1942, two boys
participated in the National Junior Championships shortly after their release from the
centre. However, the club was disbanded once the centre relocated to Dublin. Indoor
games included table tennis, draughts and chess.

Upon release, detainees were provided with civilian clothes and a travel voucher
to their destination. They were also handed any remuneration due to them. After-care
services were provided by various charitable organisations such as the "Guild of St.
Philip," established by the St. Vincent De Paul and the St. Patrick's Welfare
Association. These particular associations provided ex-inmates with employment and
accommodation if necessary.\(^{375}\)

\(^{372}\) Ibid., 66-68.
\(^{373}\) Ibid., 70-72.
\(^{374}\) Ibid., 104.
\(^{375}\) Ibid., 73-75.
In order to facilitate easy access for families, St. Patrick’s Institution, Clonmel was relocated to Dublin in 1956. This new complex had previously been a female prison and was located within the same grounds as Mountjoy Prison. Upon relocation, the centre retained its name “St. Patrick’s Institution.” Facilities at this new complex were inferior to those provided in Clonmel. For instance, the Dublin centre lacked a swimming pool. Furthermore, the residential areas consisted of standard rows of cells with barred up windows. However, in 1958, the classrooms and the library were renovated. The inmates themselves completed much of the work. In 1960, the newly published “St. Patrick’s Regulations” stipulated that each inmate should be given training, instruction and moral education in order to aid his rehabilitation process. The intention behind this new legislation was an attempt to reduce the number of repeated offences. In 1964, a “Welfare Officer” was appointed to the centre. The role of the “Welfare Officer” was twofold. Firstly, his/her role was to improve after-care services for ex-prisoners. Secondly, he/she was to assist detained prisoners in need. By 1969, the tailoring and shoemaking workshops had ceased to function. However, prisoners were to receive training in other trades, such as carpentry and electrical appliances, once a contract had been agreed with an industrial contractor. In 1971, a new recreation hall was provided at the centre. In 1972, a new school complex opened. The facility boasted of having a good library with encyclopaedias and modern books dealing with up-to-date issues such as the latest scientific innovations. Lectures were provided for

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376 It is to be noted that the centre in Clonmel remains fully functional at the present time and has been redeployed as an industrial school.

377 Osborough, Borstal in Ireland, 84-86.

Note: This “Institution” remains at the same location with the same cellular features to this present day. Ibid.

378 During the years 1990 and 1993, the author participated in a number of football games with inmates of St. Patrick’s Institution. It is customary for outside teams from certain establishments such as Clonliffe College, All Hallows College and the Columban Novitiate in Dalgan Park, Navan, to be invited to compete against the inmates within the walls of the facility.
inmates by support groups such as Alcoholics Anonymous and the Irish Red Cross.\textsuperscript{379}

In more recent times, inmates have been offered training in furniture making.\textsuperscript{380}

Most importantly, authorities at St. Patrick's Institution assumed the responsibility for addressing the educational needs of all inmates, particularly new arrivals. To begin, with the opening of the new education centre at St. Patrick's, in 1972, the City of Dublin Vocational Educational Committee seconded teachers to the institution. Subjects taught at the centre included English, Mathematics, French, Geography, History, Metalwork and Woodwork. An educational psychologist was also appointed in order to assess the educational needs of all inmates. Yet, despite all this innovation, it is unfortunate that many inmates are still abandoned by their families. Consequently, they may have no fixed abode once released from the centre. Certainly, the provision of permanent employment is, in itself, not sufficient to secure against repeated offences. If the process of rehabilitation is to be effective, ex-inmates must have a place to live once released from custody. As a result, a number of hostels were established in the 1950s' and 1960s'. One was based in Middle Abbey St., Dublin, another was located in Eccles St.\textsuperscript{381}

In the meantime, in order to ease the overcrowded conditions in St. Patrick's, Shanganagh Castle in Shankill, Co. Dublin began to admit young adult offenders. While St. Patrick's concentrated on providing a secure environment, Shanganagh was to provide a more open facility. In other words, inmates detained in Shanganagh were judged not to be in need of the more secure accommodation provided in St. Patrick's. Interestingly, from its inception, Shanganagh has operated within the same basic principles as residential schools. Inmates were allowed to freely associate with each

\textsuperscript{379} Osborough, \textit{Borstal in Ireland}, 100.  
\textsuperscript{380} Osborough, \textit{Borstal in Ireland}, 87-95.  
\textsuperscript{381} Osborough, \textit{Borstal in Ireland}, 103.
other. They slept in unlocked rooms and few restrictions were placed on visits. From the onset, inmates at Shanganagh were provided with training in Woodwork and basic education. However problems arose with the provision of education and training for short-term inmates. Such individuals were not detained long enough to benefit from educational and training provisions. Until its closure in December, 2002, inmates at Shanganagh were trained in gardening/horticultural skills.

In 1972, another centre, Loughan House, opened in County Cavan. Loughan House was unusual in that it admitted offenders between the ages of sixteen and twenty-three. St. Patrick’s Institution and Shanganagh Castle restrict their upper age limit to twenty-one. At Loughan House, restrictions were kept to a minimum. Educational and vocational training provisions were designed in order to develop the self-esteem of the inmates. The authorities also hoped to develop detainees' sense of self-responsibility. Teachers were supplied by the local Vocational Educational College at Kiltyclogher, Co. Leitrim.

Authorities in the Republic of Ireland could also rely on the “Prevention of Crime Act” as a mandate for the detention of young female offenders. It has been noted that industrial schools and reformatory schools provided accommodation for juvenile female offenders. However, authorities had not made any borstal provision for young adult female offenders. Provisional arrangements were made in the late 1960s’ when convents began to provide accommodation for young girls who were pregnant or sexually promiscuous. Yet, reformatory schools were reluctant to admit these young women. However, Irish authorities decided that some of these convents could be used.

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382 Ibid., 87-91.
383 Ibid., 96.
384 Ibid., 101.
386 Ibid., 101.
as remand centres. Young female offenders could in fact be committed to these convents by the courts. Nevertheless, it was not until 1991, did Oberstown Remand Centre for Girls open in Lusk, Co. Dublin. More mature female offenders continued to be housed in a specially designated unit attached to Mountjoy Prison.

1.14 The Development of the Borstal System in Northern Ireland.

It is interesting to note that Clonmel served as the only borstal in the whole of Ireland from 1906 until 1921. Hence, with the inception of the Anglo-Irish Agreement of 1921, authorities in Northern Ireland were confronted with the fact that they had no designated detention centre for young adult offenders. In 1923, the Moles Committee was established to contemplate options. Indeed, one option considered was to form an agreement with authorities in the new Free State. The intention behind this proposal was to request authorities in the Free State to detain young adult offenders from Northern Ireland. Upon visiting the Kilkenny complex in 1923, the Moles Committee voiced their criticisms and commented that the residential buildings were "unsuitable." As a result, authorities in Northern Ireland favoured transporting young adult offenders to a facility in Feltham. The Moles Committee believed that Feltham could provide better training than that on offer in Clonmel. However, one disadvantage of transporting young offenders to Feltham was the ensuing hardship that would be caused to the families of offenders who would be required to travel to Britain for visits. Consequently, the Moles Committee concluded that a facility should be established within Northern Ireland itself. Hence, in 1926, a borstal unit was opened in the existing Malone Reformatory School in Belfast. In its first year of service, The Malone centre

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387 Ibid., 114-118.
388 Ibid., 59.
389 Ibid., 26.
provided industrial training in tailoring, farm work, carpentry and general building maintenance. In 1928, a “Welfare Officer” was appointed to the centre in order to reduce recidivism rates. By 1929, volunteers were admitted to the complex in order to instruct inmates in the skills of cooking. By 1931, inmates were being taught the essential skills of plumbing and bricklaying. Authorities at the facility prided themselves on assigning boys to trades to which they were most suited. By 1933, all the inmates were obliged to attend literacy and numeracy classes. In 1938, volunteer teachers were admitted in order to supplement the existing full-time teaching staff. By 1947, the education needs of each inmate were addressed. As a result of this new provision, specialised teachers were appointed to the centre. Sporting activities were always placed high on the list of priorities in Malone. Sports such as swimming, cricket, and soccer were encouraged. Malone also had its own swimming pool on campus.390

In 1952, The Malone institute ceased to function as a borstal. Alternative accommodation for young adult offenders was provided at Woburn, Co. Down. Authorities at Woburn focussed their attention on carpentry and general maintenance skills. As a result, instruction in some trades such as tailoring ceased. By 1958, inmates were being taught to weld. By 1961, basic engineering courses were being provided. One interesting concept introduced by Woburn authorities was inmates’ “liability to recall.” Woburn operated from a principle of “indeterminate sentencing.” Once an inmate was judged worthy of release, he was discharged from the centre accordingly. Upon release, however, the ex-inmate was subject to a statutory one-year period of recall if he did not abide by the terms of his release. However, it was also stipulated that authorities should not release any inmate unless suitable employment had been first

390 Ibid., 43-46.
provided for him. It was felt that an inmate in employment would be less inclined to re-offend.\textsuperscript{391}

In 1968, the “Treatment of Offenders Act” directed that a second borstal should be opened at Armagh. Those inmates, judged trustworthy enough, were permitted to leave their secure surroundings in order to work outside of the complex. The employer was duly obliged to pay the borstal authorities for the boys’ services. Some of the remuneration was given to the inmates themselves. A proportion was put into savings accounts for the inmates. Another sum paid the travelling expenses to and from work. A small sum was offered to some nominated charity.\textsuperscript{392} It must also be noted that, in the mid 1980s’, the “Glenmona Resource Centre” in Belfast was to provide extra accommodation in modern surroundings for young convicted offenders. In more recent years, the Hydebank Institution in Belfast was established with a view to providing even further accommodation and training for young male adult offenders. Around the same time, Millisle Reform School, located in Co. Down, was founded in order to provide education and training for juvenile male offenders.

Before 1914, there existed no official detention centre for young adult female offenders. However, the Irish Prisons Board assumed that existing structures applied to both sexes. Younger female offenders were usually convicted for minor offences and were subsequently fined. In Northern Ireland, after partition, the Moles Committee considered the detention of young female offenders. The Committee was faced with hostile reactions as the general public resented the possible detention of young girls. It was also felt that the existing structures at the Women’s Prison in Armagh were unsuitable for the detention of younger offenders.\textsuperscript{393} It was not until the 1940s’ that the

\textsuperscript{391} Osbourne, \textit{Borstal in Ireland}, 50-51.
\textsuperscript{392} Ibid., 36-37.
\textsuperscript{393} Ibid., 109-110.
first young female offender was sentenced to borstal under Northern Ireland legislation. Authorities in Northern Ireland resorted to the 1908 “Prevention of Crime Act” to transport this young offender to Britain. However, in 1954, a new young female offenders wing was opened alongside the women’s unit at Armagh Prison.394

Conclusion.

As societies progressed and became more civilised, authorities were forced to respond to demands made to abolish the public mutilation and execution of offenders. It was also deemed inappropriate that civilised societies should engage in such acts of barbarity. Consequently, there emerged the concept of confinement as a means of treating society's outcasts more humanely. Many of the arguments presented in this chapter suggest that such efforts failed on many occasions. For instance, those offenders confined in solitude experienced much emotional suffering. In some cases, the execution and mutilation of offenders was removed from the public forum only to be continued behind the high prison walls. It is unfortunate that, with the emergence of the prison system, the systematic eradication of criminals became more clinical and sophisticated. Consequently, conflicts arose between the genuine humanitarians and religious fundamentalists regarding the treatment of offenders.

A greater awareness of the living conditions within prisons also began to emerge. As a result, much credit is due to prison reform pioneers such as Howard, Fry, Bentham, Crofton, the Quakers and the authors of juvenile justice structures. Together, this small but influential group of individuals succeeded in acknowledging the “humanness” of criminal offenders. They also exposed the deplorable living conditions these often-unfortunate victims of circumstances were forced to endure. They promoted

394 Ibid., 111.
the importance of education as a means of criminal reform. These endeavours marked the inauguration of a new era in the application of criminal justice. Each one, in his/her own way, was to become the instigator of a new penal structure that sought to reduce human misery within the prisons, both mental and physical.

In time, however, criminal behaviour was associated with social deprivation and, in particular, with the lack of education. Accordingly, penal structures gradually moved from an essentially punitive to a more rehabilitative philosophy. Greater emphasis was placed on the provision of education as an instrument of prisoner reform. Consequently, greater efforts were made to provide education and training for those entrapped in a criminal lifestyle. It was noted that education and training provided the avenue whereby, habitual offenders may redirect their need for stimulation.
CHAPTER TWO
The Treatment of Offenders within the context of Cultural and Social Change.

Introduction.

Throughout human history, philosophical theories concerning the notion of “punishment” have evolved. Yet, the ensuing debate as to whether prison should remain strictly punitive or essentially rehabilitative remains ongoing. Certainly, modern theorists have associated psychological and sociological concerns with criminal activity. Indeed, many of the negative consequences that ensue in a society dominated by intensive hoarding and accumulating will be examined. Within this type of society, a chasm has developed between those who have managed to accumulate huge personal fortunes and those who have not. The subsequent relationship that exists between social deprivation, the lack of formal education and criminal activity will be discussed.

2.1 Social Norms, Rules and Punishment.

Anthony Giddens has argued that a society governs itself by norms and laws. Social norms assist in the process of maintaining order in the world. Indeed, “culture” is defined as “a design for moral order.” Norms, therefore, vary between cultures. Furthermore, “deviance” has been defined by Giddens as "non-conformity to a given norm or set of norms, which are accepted by a significant number of people in a community or society." “Socialisation,” on the other hand is a process whereby, we learn to live by a given set of norms or rules.

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2 Ibid., 116.
4 Giddens, Sociology, 115.
5 Ibid., 116.
6 Ibid.
Giddens was of the view that laws are "norms defined by governments as principles that their citizens must follow, formal sanctions being used by those authorities against people who do not conform." Not to conform to a specific law constitutes the committing of a crime. Sanctions are imposed on those individuals who refuse to conform to specified norms or laws. A formal sanction is imposed by a governing authority whose task it is to ensure that the population adheres to the laws and norms as stipulated. An informal sanction, on the other hand, is considered a "less organised and more spontaneous" response to the infringements of social norms. Indeed, sanctions may be imposed on individuals or groups. They may be positive, for instance a reward may be granted for compliance. They may also be negative in the form of a censure for non-conformity. What's more, Emile Durkheim has stated that an act is criminal "when it offends strong and defined states of the collective conscience." In other words, a criminal act attacks and damages the "sentimental" fibre of society. He described punishment as an emotional response to criminal activity. In fact, he noted that society uses punishment as an instrument of self-defence and as a means to prevent further infractions of the social order.

In addition, Aleksandar Fatic described deviance as "social inadaptability." "Social inadaptability is, in turn considered behaviour that "digresses" from social norms." Fatic also suggested that the social majority determine social conventions and laws. This is the very basis of a democratic society. Such a process, however, may not be sensitive towards multi-cultural issues. He also distinguished between law and

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7 Ibid., 119.
8 Ibid.
9 Ibid.
10 Ibid., 118.
13 Ibid., 24.

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moral justification.\textsuperscript{14} For instance, he argued that the act of infringing upon the rights of minority groups is not a moral pronouncement but a political decision.\textsuperscript{15} Fatic defined human rights as "categorical" rights.\textsuperscript{16} He was of the view that minority groups do not always possess the political strength to compete with "consensual decisions."\textsuperscript{17} As a result, there emerges the need to protect the rights of minority or ethnic groups.\textsuperscript{18} Interestingly, Fatic has argued that the concept of criminal activity often evolves from a division that exists between a "consensual" society and a "dissensual" society.\textsuperscript{19} Very often, minority groups identify themselves by their "opposition to the values present in the law."\textsuperscript{20} Authorities may, therefore, judge the activities of minority groups to be criminal.\textsuperscript{21} Unfortunately, while conventions are intended to protect the demands of the majority, they may inadvertently threaten the rights of the minority.\textsuperscript{22} However, society is obliged to protect the rights of all people. Deviance is, therefore, described as the rejection of repressive social structures that offer no alternatives to those who live by non-recognised values.\textsuperscript{23} In other words, deviance evolves within a society that fails to adapt to new emerging pluralist principles.

2.2 Philosophical Theories Concerning the Application of Punishment.

Society's response to acts of deviancy is the infliction of punishment. Yet, for society to own the right to inflict pain on those who do not conform to social conventions remains a contentious issue. Indeed, punishment is defined as “the

\textsuperscript{14} Ibid.  
\textsuperscript{15} Ibid.  
\textsuperscript{16} Ibid., 30.  
\textsuperscript{17} Ibid.  
\textsuperscript{18} Ibid.  
\textsuperscript{19} Ibid., 34.  
\textsuperscript{20} Ibid., 9.  
\textsuperscript{21} Ibid., 30.  
\textsuperscript{22} Ibid., 35.  
\textsuperscript{23} Ibid.
infliction of hard treatment by an authority on a person for his/her prior failing in some respect.”

It is regarded as an “expression of resentment and indignation” towards offences committed against the social norm. Punishment is described as an “institution” that is enacted when a person “is legally deprived of some of the normal rights of a citizen on the ground that he/she has violated a rule of law.” However, punishment is considered just only when the violation has been:

Established by trial according to due process of law, provided that the deprivation is carried out by the recognised legal authorities of the state, that the rule of law clearly specifies both the offence and the attached penalty, that the courts construe statutes strictly and that the statute was on the books prior to the time of the offence.

In fact, Gertrude Ezorsky outlined two philosophical approaches relating to the infliction of punishment. Firstly there is the “teleological” approach. The “teleological” or “utilitarian” approach stipulates that “punishment should yield some further effect which is desirable.” Consequently, punishment should not be inflicted for its own sake. The aim of punishment, within this framework, is to reform the offender. The infliction of pain, inherent within the concept of punishment, could be described as the “medicine” that cures the “spiritual disease” of delinquent tendencies. Accordingly, there is a purpose to punishment other than it being just a sheer act of vindictiveness. Furthermore, by punishing the guilty, the innocent are protected. However, difficulties arise concerning the “severity of punishment to be

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25 Ibid., 27.
27 Ibid.
29 Ibid.
30 Ezorsky, “The Ethics of Punishment,” xii.
31 Ibid.
32 John Austin, “Utilitarianism,” in Philosophical Perspectives on Punishment, 81.
administered.”

Punishment should be severe enough to deter further offences. The intensity of the punishment inflicted should increase according to the seriousness of the offences committed. It has also been noted that trial judges should be afforded some discretion so as to consider the offenders’ life circumstances. An individual’s culpability may be greatly reduced if the law changed after the offence was committed. Other mitigating factors would include general public ignorance of the law, a lack of responsibility due to youth, mental illness etc., being forced under duress to commit the offence and finally if the offender was ignorant of the consequences of his/her acts. A distinction should also be made between premeditated and impulsive offences.

The second theory presented concerning the application of punishment is the “retributive” approach. The purpose of “retributive” punishment is to inflict upon the offender, an injury equal to the offence he/she has committed. It adopts the principle that the punishment must fit the crime, in so far as it is possible. Those holding allegiance to this theory have argued that punishment is a deserved outcome for offences committed. Punishment, it is claimed, restores the “usual balance disturbed by crime.” An imbalance occurs when a convicted criminal fails to suffer for his/her offence. A “full moral balance” is achieved when the criminal is punished and the victim is compensated. However, social “equilibrium” is lost if an innocent person is punished. Punishment, therefore, is morally justified only if an offence has been

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33 Richard Brandt, “Utilitarianism,” in *Philosophical Perspectives on Punishment*, 94.
34 Ibid.
35 Ibid., 95.
36 Ibid., 97.
39 Ibid.
41 Ibid., xvii.
42 Ibid.
43 Herbert Morris, “Persons and Punishment,” in *Philosophical Perspectives on Punishment*, 118.
committed. Herbert Morris further considered that criminals do not exercise self-restraint. Criminals achieve, by non-social means, what those who exercise self-restraint are unable to achieve. The concept of punishment, therefore, instils an element of “fair-play” into society. Penalties are imposed on those who gain, or progress, by using illegal methods.

Accordingly, Immanuel Kant distinguished between “natural punishment” and “judicial punishment.” “Natural punishment” is described as punishment that is not inflicted by a court of law. It may, nonetheless, be inflicted to promote the common good. However, “judicial punishment” requires that a criminal offence should be committed first. Furthermore, the notion of “judicial punishment” should incorporate mechanisms that would safeguard the rights of every individual in that, no one person should be sacrificed for the sake of the common good. As a result, he criticised the “teleological” approach whereby, society benefits from the punishment of offenders. Furthermore, H.J. Mc Closkey has argued that such a utilitarian approach leads to further injustices. For example, those not legally culpable for their offences may be punished for the good of society. The question as to whether or not the punishment is deserved is not one that arises for teleologists. One example cited is the policy of “collective punishment” that may be administered by dominant factions on ethnic or minority groups. Such punishment may be undeserved but may, in fact, be applied in order to promote a political cause or the common good. Punishment, therefore, may be

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46 Ibid., 117.
48 Ibid., 104.
49 Ibid.
useful but unjust. Consequently, Mc Closkey is committed to the “retributive” method of punishing convicted offenders. This system treats “equals” as equal and “unequals” as unequal. Within this philosophy, criminals create an inequality between themselves and society by virtue of their offences. As a result, those convicted for criminal offences deserve to be treated unequally. Mc Closkey has stated that it is unfair to imply that those in favour of “retributive punishment” merely seek vengeance. It is claimed that those administering punishment ought to consider the appropriate deserved punishment. Legislators should also contemplate if the offender is capable of fulfilling the conditions of his/her punishment. For example, trial judges must consider an offender’s financial resources before imposing a fine.

Interestingly, G.W.F. Hegel considered that a criminal has a right to be punished. By imposing a penalty, legislators recognise the criminal as a “rational being.” It has been suggested that Hegel did not support the concept of vindictive punishment. On the contrary, the sole purpose of punishment was to afford the criminal the opportunity to repent for his/her crime. It has been acknowledged that, in the past, punishment could degrade or dehumanise the offender. Nevertheless, in supporting the “retributive” theory, Hegel considered that punishment aided the reform process of criminals. Consequently, punishment was judged to be good for the criminal.

The third theory mentioned is the “teleological retributive” approach. Proponents of this particular theory share with the teleologists in that; punishment

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51 Ibid., 126.
52 Ibid., 131.
53 Ibid., 132-133.
54 Ibid., 132.
56 Ibid.
58 Ibid., 42.
59 Ibid., 47.
should produce some positive desired effect.\textsuperscript{60} Punishment, therefore, should not constitute a sheer act of vengeance. However, like those who favour the “retributive” approach, teleological retributive theorists have argued that the punishment inflicted should not exceed what the criminal deserves.\textsuperscript{61} Advocates of this theory have noted that “appropriate authorities” are justified in punishing offenders “up to the limit of the law.” However, State legislators may not be necessarily and invariably obliged to “punish to the limit of justice.”\textsuperscript{62} Indeed, proper judicial procedures may allow authorities to punish an offender less than he/she deserves. Nevertheless, it is never just to punish an individual too severely.\textsuperscript{63}

The debate concerning the justification of capital punishment is essentially emotive. For some, the death penalty is judged to be the ultimate defender of society. Others abhor the taking of life as a means of preventing further offences. The reformation of offenders remains a critical element within the concept of punishment.\textsuperscript{64} Yet, offender reformation cannot simply be equated with repentance. The concept of offender repentance must incorporate the notion of social re-integration.\textsuperscript{65} The notion of capital punishment obviously fails to include this essential rehabilitative component in the treatment of offenders. Repeated studies have also suggested that the death penalty fails to deter crime.\textsuperscript{66} Crimes and murders are committed despite the existence of the death penalty. It is argued, however, that a greater success rate in investigating criminal offences acts as a greater deterrent than the fear of the death penalty.\textsuperscript{67}

\textsuperscript{60} Ezorsky, “The Ethics of Punishment,” xi.
\textsuperscript{61} Ibid.
\textsuperscript{63} Ibid.
\textsuperscript{65} Ibid.
\textsuperscript{66} Ibid., 253.
\textsuperscript{67} Ibid., 254.
2.3 Erich Fromm: A Society that Seeks to Accumulate.

In his book, "To Have Or To Be," Erich Fromm confronted a world that is dominated by objects. The culture most prevalent today is based on the theory that to exist is to have. If one has nothing then one is nothing. Individuals become identified with what they have rather than by who they are. Proponents of this hypothesis have stipulated that people are increasingly driven to acquire more and more in terms of personal wealth and power. Personal happiness is now directly associated with accumulating more. Furthermore, it is being increasingly accepted that happiness, wealth and freedom constitute the modern "Triune God." This contemporary deity offers the individual the opportunity to experience an unrestricted satisfaction of all human desires. Owners may feel that they have an absolute right to do as they wish with their own property. Fromm has considered the greatest enjoyment such a society may experience is the claim to ownership over other living beings. In addition, Durkheim has stated that an individualistic society generates a people who assume the role of a deity. Such a people maintain control over the lives and deaths of others. In this regard, one tries to become God.

Indeed, Fromm distinguished between the "having" mode of existence and the "being" mode. Those who live by the "having" mode strive to make everything, for example personal wealth, everyone and themselves, their own property. In such a world, possessions become the primary focus in an individual's life. Individual needs

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68 Erich Fromm, To Have Or To Be (London: ABACUS, 1979 ed.), 25.
69 Ibid.
70 Ibid., 12.
71 Ibid.
72 Ibid., 82.
73 Ibid., 76.
75 Fromm, To Have Or To Be, 33.
76 Ibid., 30.
are not given the same consideration or attention as would be given to the growth of the system.\textsuperscript{77} Natural human phenomena often become objectified.\textsuperscript{78} For instance, Fromm has suggested that a person may attempt to take possession of the one he/she is in love with. He reiterated that true love is not a possession but a natural human process.\textsuperscript{79} The love of possessions often impedes upon love for another. Therefore, the less value one places on one's possessions, the more one can give in love to another.\textsuperscript{80}

Those individuals living by the "being" mode of existence, however, maintain two essential characteristics. To begin with, such individuals see the authentic being as one who relates to the world.\textsuperscript{81} Secondly, there is the notion that "being" is to be true to one's own nature. The opposite of "being" is to engage oneself in the construction of inauthentic appearances and false masks.\textsuperscript{82} "To be" is to engage oneself in a lifelong process of growth for "being" remains in a constant state of flux.\textsuperscript{83} "To be," therefore, is to grow and to change. Fromm has also considered that authentic "being" suffers as a result of the excessive craving for the acquisition of property.\textsuperscript{84} This state of existence leaves no place for authentic being in the form of loving relationships or self-growth. Instead, Fromm has suggested that people living in the "having" mode of existence are never truly satisfied.\textsuperscript{85} The immediate superficial gratification of desires does not fill the inner emptiness that the individual may be trying to eradicate.\textsuperscript{86} In order to reach a state of self-satisfaction, one may try to accumulate more and more in an attempt to keep pace with one's own desires. Individuals become enslaved by possessions and by

\textsuperscript{77} Ibid., 16. 
\textsuperscript{78} Ibid., 31. 
\textsuperscript{79} Ibid. 
\textsuperscript{80} Ibid. 
\textsuperscript{81} Ibid., 33. 
\textsuperscript{82} Ibid. 
\textsuperscript{83} Ibid., 34. 
\textsuperscript{84} Ibid., 37. 
\textsuperscript{85} Ibid., 114. 
\textsuperscript{86} Ibid.
the growing desire to possess.\textsuperscript{87} He has suggested that such suffering may be eased only with the transformation of society. Fromm considered that the great dream of perpetual happiness sought in possessions has failed for two reasons. Firstly, the belief that happiness was to be gained solely from possessions proved to be a fallacy. He has suggested that we are a society of "notoriously unhappy people: lonely, depressed, destructive and dependent people who are glad when we have killed the time we are trying so hard to save."\textsuperscript{88} Secondly, as people continued to accumulate, the world became increasingly selfish and egotistic.\textsuperscript{89} Fromm has argued that egotism not only refers to an individual's behaviour patterns but also to his/her possessions. Egotism equates identity with what one possesses, for example "I am more the more I have," "my aim is to have," and "I want everything for myself."\textsuperscript{90} Indeed, only a handful of people have benefited from this new "having" mode of existence.\textsuperscript{91} Fromm has considered that it is the poor who suffer most when populations become encapsulated within a society that seeks only to possess more and more.\textsuperscript{92}

Fromm has suggested that this passion for accumulating wealth results in the indirect formation of the social classes and in turn leads to class wars.\textsuperscript{93} A class war emerges when all individuals within a particular society want to possess more. Besides, enslavement ensues when individuals are forced to ignore their authentic needs and interests. They appear to adopt new desires in order to belong to the new social norms of the times.\textsuperscript{94} Those individuals seeking to accumulate more may have a wish for personal security. Fromm has noted that insecure people depend on their possessions,

\textsuperscript{87} Ibid., 165.  
\textsuperscript{88} Ibid., 15.  
\textsuperscript{89} Ibid., 13.  
\textsuperscript{90} Ibid., 15.  
\textsuperscript{91} Ibid.  
\textsuperscript{92} Ibid., 166.  
\textsuperscript{93} Ibid., 16.  
\textsuperscript{94} Ibid., 83.
money and prestige, for personal security. It is his contention that they rely on external entities rather than intrinsic qualities as a means to overcoming insecurity.\textsuperscript{95} Problems arise when such individuals lose all they have. If I live by the code "I am what I have," then "if I lose what I have, who am I?"\textsuperscript{96}

Fromm also spoke of the great human need for acceptance.\textsuperscript{97} He suggested that this great need for acceptance manifests itself in the most destructive and the most constructive forms of human behaviour.\textsuperscript{98} In other words people behave in certain ways, often against their own very nature, in order to be accepted. Fromm observed that a fundamental change in one's environment results in major changes in human behaviour.\textsuperscript{99} Consequently, it is conceivable to consider that social behaviour could degenerate to become even more individualistic if society operates from a "having" mode perspective. Furthermore, social relations could deteriorate even further if individuals continue to endure this great need for social acceptance.

Accordingly, in an ever-changing society, people will adapt in order to connect with the majority.\textsuperscript{100} It is claimed that, within the process of such change, crime will cultivate. This disturbing fact is made more acute when change is rapid. Social change "produces social disorganisation, with disruption of societal values and of the institutions and methods of social control."\textsuperscript{101} In the midst of transition from a traditional to a more modern society, conventional values are "eroded." However, within such a dynamic society, new value configurations have not yet evolved. Such a society lacks a recognised moral authority that, in turn leads to an increase in the rates

\begin{flushleft}
\textsuperscript{95} Ibid., 110-111.
\textsuperscript{96} Ibid., 111.
\textsuperscript{97} Ibid., 107.
\textsuperscript{98} Ibid., 108.
\textsuperscript{99} Ibid., 109.
\textsuperscript{100} Ibid.
\textsuperscript{101} Hilary Tovey and Perry Share, \textit{A Sociology of Ireland} (Dublin: Gill & Macmillan, 2000), 260.
\end{flushleft}
of crime. In Ireland, modernisation has inadvertently generated many social and economic advantages. Unfortunately, it has also produced "massive social disorganisation." Many people have emigrated from rural areas only to relocate in the larger cities. The sudden population increase in the larger cities has had an inadvertent affect on the rates of crime. It has also been particularly noted that social progress has resulted in a greater upsurge in criminal activity among younger delinquents than among adult offenders.

Hilary Tovey and Perry Share offered one possible explanation as to why the number of criminal offences increased with the emergence of the technological era. It has been suggested that, with the inception of the technological age, a new era in "legitimate career opportunities" dawned. However, the technological revolution also engendered new "illegitimate career opportunities." Most of these new illicit activities would revolve around property crime. Modern society is described as an "anomic society." An "anomic" or disrupted society need not necessarily be a natural breeding ground for criminal activity. It has been claimed, however, that such a society "fosters inequalities." Tovey and Share have suggested that most criminal offences are committed by the more socially disadvantaged. A comparison is made between the United States of America and Japan. Both nations are considered equally well developed. Yet, the rate of criminal activity in Japan is one third of that recorded in the United States. The populations in both countries enjoy similar lifestyles. The major

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102 Ibid.
103 Ibid., 261.
104 Ibid.
105 Ibid., 262.
106 Ibid.
107 Ibid., 263.
difference noted is that the gap between the lowest and highest socio-economic groups in Japan is significantly less than that recorded in the United States.\textsuperscript{108}

Ciaran Mc Cullagh also associated the increase in criminal activity with the emergence of a more modern society. He outlined some of the factors associated with the rising crime rates in the "Modernist Theory."\textsuperscript{109} Those promoting this theory have argued that, with the growth of urban centres, comes social development. Cities encounter large influxes of new inhabitants while rural areas become more depopulated. Many of these new immigrants are soon displaced in city ghettos. Some are duly marginalised, living in poor conditions and are paid a low wage. Others are long-term unemployed. Institutions of social control are increasingly ignored as a result of the "fatalism" that gestates among the under-privileged. Many of these people will feel that they possess few opportunities of finding meaningful employment. Some individuals will, as a result, experiment with illegal drugs and engage in criminal activities.\textsuperscript{110}

The "dependent development theory," on the other hand, is constructed from the conviction that only some industrialised countries are "capable of independent development."\textsuperscript{111} Such counties progress according to their own required standards and needs. There also exists, however, the "periphery countries." These "periphery countries" operate within a philosophical standard that contrasts greatly to the more independent countries. A peripheral society is very dependent upon the more independent nations. Such a society evolves according to the needs and requirements of the more independent States. As a result, the "possibilities for autonomous growth" within a peripheral society, are greatly restricted.\textsuperscript{112} Indeed, Mc Cullagh argued that

\begin{itemize}
\item\textsuperscript{108} Ibid., 266.
\item\textsuperscript{109} Ciaran Mc Cullagh, \textit{Crime in Ireland} (Cork: Cork University Press, 1996), 118.
\item\textsuperscript{110} Ibid., 119-120.
\item\textsuperscript{111} Ibid., 123.
\item\textsuperscript{112} Ibid., 124.
\end{itemize}
the social changes which have evolved in Ireland are best explained in terms of "dependent development."\textsuperscript{113}

In fact, those who promote the "dependent development theory" link social progress and criminal behaviour. Economic growth in Ireland has introduced a new element of affluence into Irish society. Such occurrences also produce new opportunities for certain types of criminal activity to transpire, for example "white-collar crime." However, the lower socio-economic groups experience a greater marginalisation and possibly a greater deprivation as a result of economic growth. The new technologies used in a progressive society demand that the workforce should be better qualified. Subsequently, only those with adequate qualifications are considered for the more attractive and lucrative positions. Unfortunately, those individuals lacking the proper qualifications are marginalised even further as a result. It could be argued, nonetheless, that inequalities in educational provision aggravate the difficulties already experienced by the socially disadvantaged. In recent years, education has become a powerful political force in that it "allocates positions in the world of work."\textsuperscript{114}

\textbf{2.4 Crime and Social Deprivation.}

With the onset of the economic boom that transformed and reinvigorated the Irish economy in recent years, social class divisions have become more differentiated. Moreover, Ivana Bacik and Michael O'Connell have placed much emphasis on the link that exists between poverty and crime. They have suggested that criminal activity emerges as the by-product of specific social conditions.\textsuperscript{115} Hence, any attempt to explain increases in criminal activity that ignores links to social deprivation fails to

\textsuperscript{113} Ibid., 133.
\textsuperscript{114} Ibid., 138.
\textsuperscript{115} Ivana Bacik and Michael O'Connell (Editors), \textit{Crime and Poverty in Ireland} (Dublin: Round Hall Sweet & Maxwell, 1998), VI.
address the truth. Bacik et al. have suggested that a more critical feature linking crime to social deprivation is the perception that poor people have of their situation. Indeed, Giddens has argued that the lack of opportunity for social advancement is a very critical factor in influencing one's decision to turn towards a life of crime. Certainly, O'Mahony invoked the term "optimism deficit" to describe a state whereby, a victim of life's circumstances sees no hope of advancement or improvement. Such victims experience feelings of inferiority, lack of self-esteem, boredom and lack of satisfaction. A sense of apathy tends to develop in cases where individuals come to believe that their life-situations are predetermined. An apathetic acceptance of one's life-situation is more prevalent among the lower social classes. While people living in rural areas are generally more law-abiding, those living in urban areas are more exposed to the grandeur of wealth. Yet, the desire to climb the social ladder remains within most individuals. Unfortunately for some, this goal appears to be unobtainable. Hence, there develops a temptation to engage in criminal activity. The author suggests that such individuals engage in criminal activity simply because they have nothing to lose and possibly something to gain.

In the light of this hypothesis, Fatic has defined criminal behaviour as "an expression of individual motivation to acquire illegitimate advantage in the race for the most important of social goods." In other words, there may exist a tension between

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116 Ibid.
118 Giddens, Sociology, 128.
120 Rosner-Hornhauser, Social Sources of Delinquency, 260.
121 Ibid.
122 Bacik, and others, "Crime and Poverty in Dublin: An analysis of the association between Community Deprivation, District Court appearance and Sentence Severity," 3.
one's social position and one's desire to accumulate. Interestingly, one very important factor that associates crime and social deprivation is the average sum of money spent by each person in the country every year. It has also been noted that any reduction in public spending results in an increase in crime involving property. When public expenditure increases, crime involving personal property decreases. In addition, at a time of economic boom when everyone has more money to spend, there is a "reduced motivation to acquire goods through theft when the capacity to acquire them lawfully is enhanced."\(^\text{125}\)

O'Donnell, however, has presented a different explanation for the increase in violent offences. In his view, with the onset of an economic boom, there is also an increase in violent crime. He argued that individuals enjoying a new-found affluence tend to socialise more. Socialising in public houses or night-clubs may often result in confrontation for some people. O'Donnell also associated violent crime and long-term unemployment.\(^\text{126}\) In addition, Bacik et al. have argued that it is the level of community deprivation, not a specific individual's level of deprivation, which influences the rate of crime. They suggested that, when unemployment rates increase, the equilibrium of local community is disrupted. This in turn leads to social disorder and hence, to an increase in criminal and delinquent behaviour. With this increase in criminal activity there emerges, within the community, new social norms and value structures.\(^\text{127}\)

While referring specifically to Ireland, Bacik et al. have stressed that a disproportionate number of disadvantaged young people appear before the criminal courts. This phenomenon leads them to conclude that economic deprivation is a


\(^{125}\) Ibid., 45.

\(^{126}\) Ibid.

\(^{127}\) Bacik, and others, "Crime and Poverty in Dublin," 5.
contributory factor influencing the rates of criminal activity. They have stated that long-term solutions cannot be found in "get tough" and "zero tolerance" policies. Furthermore, the majority of the Irish adult prison population also emanates from the most deprived of social environments. In 1997, one hundred and eight prisoners participated in a study conducted in Mountjoy Prison by O'Mahony. The inmates who participated in the study were randomly selected. Of the one hundred and eight prisoners that took part in a study, it was noted that 56% were from six districts in Dublin renowned for "their concentration of low quality Corporation housing and accompanying socio-economic deprivation." Only one in five prisoners came from owner occupied housing in a country where over 70% of people are owner-occupiers. The study described the typical Mountjoy male prisoner as:

Being in his early twenties. He comes from an unusually large, intact family with at least six children and often with more than ten... The prisoner's father is likely to be or have been an unskilled manual labourer... The prisoner himself will probably have left school at 14 or earlier. He will not have gained much of an education and indeed, will not have received any useful vocational training. He will have some experience of employment... His job/jobs will tend to have been menial employment. He is likely to have been unemployed for more than half of the time since he was 15 years and very likely to have been unemployed in the period before his current imprisonment. The prisoner is probably unmarried although there is a considerable chance that he has fathered a child... It is more probable than not that he has a substance abuse problem...

O'Mahony also argued that marriage is a very important part of the maturation process for young men harbouring tendencies towards crime. With marriage there comes new

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129 Ibid., 26.
"Zero Tolerance" is regarded as a hard-line approach to crime detection and to the treatment of offenders. "Zero Tolerance" emerges from the prevailing belief that if crime is not confronted then crime rates will multiply. Ian O'Donnell and Eoin O'Sullivan, Crime Control in Ireland: The Politics of Intolerance (Cork: Cork University Press, 2001), 35.
130 O'Mahony, "Punishing Poverty and Personal Adversity," 55.
obligations and responsibilities that instil a new status and a new sense of being settled.\textsuperscript{132}

O'Mahony's study determined that 50\% of inmates had one close relative in prison in the past. Indeed, 15\% had a father in prison, 44\% had one sibling in prison while 20\% had more than one sibling in prison at some stage.\textsuperscript{133} A total of 80\% left school before the age of sixteen while only 7.4\% attended school after sixteen years of age. O'Mahony also concluded that 77\% possessed no educational qualifications whatsoever. Another disturbing fact uncovered by the study was that not one individual from the particular sample had ever attended third level education.\textsuperscript{134} Furthermore, eight individuals had no fixed address outside prison. It was also noted that 88\% had been unemployed before imprisonment and 65\% came from homes with chronic unemployment or from the lowest socio-economic groups. O'Mahony has stated that the combination of drugs, crime and periods of imprisonment made it difficult for prisoners to hold on to jobs. This accounts for the high rate of unemployment prevalent amongst prisoners before their incarceration.\textsuperscript{135} It was observed that 20\% of inmates came from homes where only the mothers worked in low paid unskilled jobs.\textsuperscript{136} A separate study concluded that female prisoners were slightly better educated than their male counterparts. Specific personal issues, for example drug addiction, often result in women committing offences. Certainly, in the case of female prisoners, education and re-training are usually linked to drug rehabilitation programmes.\textsuperscript{137}

\textsuperscript{134} Ibid., 53.
\textsuperscript{135} Ibid., 58.
\textsuperscript{136} Ibid., 61.
Curiously, attempts have been made in recent years to make the judicial system as fair as possible. As a result, there should be no distinction between rich and poor in an Irish court of law. Yet, statistics prove that individuals from the lower socio-economic groups are three times more likely to have a criminal record than those individuals from the higher socio-economic groups.\textsuperscript{138} It is interesting to note that factors influencing criminal activity in the Republic of Ireland are similar to those factors affecting crime rates in Northern Ireland. The Northern Ireland Office has noted that social factors influencing criminal behaviour tend to include:

1) Personal traits; for instance, low levels of intelligence, hyperactivity and "high impulsivity."

2) Family factors such as parental supervision.

3) Socio-economic factors such as poor housing, socially disorganised communities.

4) Educational factors such as low attainment and disruptive behaviour in school.\textsuperscript{139}

Certainly, O'Mahony's research carried out in Mountjoy Prison concluded that some individuals had convictions from as early as ten years of age. Of this particular sample 31% had been charged by fourteen years of age while 64% had been charged by the age of seventeen. One significant point noted was that only 8% of those interviewed received a first conviction over the age of twenty.\textsuperscript{140} It becomes clear that early intervention in order to prevent the young person entering into a world of crime is a critical factor. Factors influencing younger people turning to crime in Britain would include high unemployment rates in the local community, family breakdown, inadequate income support within the home, homelessness and inadequate housing.\textsuperscript{141}

\begin{thebibliography}{99}
\bibitem{138} O'Mahony, \textit{Mountjoy Prisoners, A Sociological and Criminological Profile}, 51.
\bibitem{140} The Department of Justice Equality and Law Reform, National University of Ireland Galway, \textit{General Healthcare Study of the Irish Prisoner Population}, 86.
\bibitem{141} Lord Longford, \textit{Young Offenders} (London: Chapmans, 1993), 220-221.
\end{thebibliography}
Other contributory factors would include children being exposed to pornographic material and violent films. It was also noted that many younger offenders are themselves the victims of sexual abuse.\textsuperscript{142}

One harsh reality emanating from the current penal system is that one third of Irish prisoners are under twenty-one years of age. This figure is twice that of England and Wales.\textsuperscript{143} Other research carried out has suggested that Ireland and the U.K. refer a greater proportion of young people to State custodial centres than any other jurisdiction in the E.U.\textsuperscript{144} Barry Vaughan has stated that, in 1997, Ireland housed the highest number of prisoners under eighteen years of age out of forty "Council of Europe" countries. One fascinating detail highlighted was the fact that Ireland had the second lowest level of imprisoned females in Europe at that particular time. At the time of publication, Ireland housed a total of seventy-five female prisoners with a further sixty on temporary release.\textsuperscript{145} O'Mahony has reinforced Vaughan's hypothesis by noting that Ireland is more likely to impose custodial sentences than most other European countries.\textsuperscript{146} He has also argued that 75\% of those committed to penal institutes are convicted for non-violent offences.

If criminal behaviour is influenced by social conditions, then it may be argued that this "learned behaviour" is the product of a socialisation process.\textsuperscript{147} It has been determined that courts may make allowances for "mitigating circumstances" for first offences but will eventually enforce the full rigour of the law for repeated offenders.\textsuperscript{148}

\textsuperscript{142} Ibid., 221.
\textsuperscript{143} The Department of Justice Equality and Law Reform, National University of Ireland Galway, \textit{General Healthcare Study of the Irish Prisoner Population}, 167.
\textsuperscript{144} Maureen McGuire. "C.19 an act to amend the Young Offenders Act and the Criminal Code --- getting tougher?" \textit{Canadian Journal of Criminology} 39 No. 2 (April 1997), 299.
\textsuperscript{145} Barry Vaughan, \textit{Towards a Model Prison System} (Dublin: The Irish Penal Reform Trust, 2001), 31-32.
\textsuperscript{146} Paul O'Mahony, \textit{Criminal Chaos: Seven Crises in Irish Criminal Justice} (Dublin: Round Hall Sweet & Maxwell, 1996), 95.
\textsuperscript{147} O'Mahony, "Punishing Poverty and Personal Adversity," 63.
\textsuperscript{148} Ibid.
Nevertheless, the predominant belief is that one has the freedom of choice over one's actions. Consequently, one is culpable for one's own wrongdoing. According to this theory, those involved in transgressions know the risks and choose to engage in crime because the risk is worth taking. To apply legal sanctions against repeated offenders is an attempt to "socialise anti-social individuals and remedy the inadequate socialisation of some criminals." Yet, prison authorities have been criticised because they do not adequately address the personal burdens that inmates carry.

Interestingly, Ruth Rosner-Kornhauser has pointed out that, in every culture, there exist sub-cultures. For instance, a modern multi-cultural society is composed of a number of minority and ethnic groups. Individuals from minority groups constantly confront universal cultural standards that are typically constructed by the dominant social groups. Even within educational circles, many students must contend with cultural ideologies that are alien to their own. One course of action often chosen by those who may experience difficulties within society is to join a "delinquent sub-culture." Such a sub-culture is defined as "the explicit and wholesale repudiation of middle-class standards and the adoption of their very antithesis." It has been suggested that individuals may affiliate themselves to "delinquent sub-cultures" in order to:

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149 Giddens, Sociology, 131.
150 Ibid.
151 Ibid.

Thursday March 1st 2001, the author met with Governor Lonergan at Mountjoy Prison. The purpose of the visit was to discuss with him, the possibility of access to the prison for research purposes. In the course of this meeting, Mr. Lonergan stated that each prisoner comes loaded with a life story that in turn makes each prisoner individual and unique.

152 Rosner-Hornhauser, Social Sources of Delinquency, 151.
153 Ibid.
154 Ibid.

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1) Establish order.\textsuperscript{156} Criminal gangs often provide leadership, a code of ethics and a division of labour. Such institutional organisations adopt and apply many of the local social structures.\textsuperscript{157}

2) Satisfy personal needs.\textsuperscript{158} There exists a certain solidarity among members in criminal gangs. It is argued that this sense of solidarity emerges as a consequence of social isolation as opposed to being a catalyst in attracting individuals to a life of crime.\textsuperscript{159} Another suggestion put forward was the notion that criminal syndicates usually involve small numbers of people and, as a result, are cohesive and intimate by nature.\textsuperscript{160}

Indeed, it has been claimed that a "delinquent sub-culture" presents an alternative ideology for those who cannot conform to more conventional standards. To abide by conventional norms may be seen, by many, to be reinforcing the status quo. It is interesting to note that offenders may overcome their feelings of guilt simply by "repressing conventional norms."\textsuperscript{161} In fact, Rosner-Hornhauser has suggested that, in order to overcome the affects of guilt, offenders often develop "techniques of neutralisation."\textsuperscript{162} These mechanisms are designed to deceive oneself as to the effects of one's criminal acts upon victims. This exercise is intended primarily to reduce personal culpability.\textsuperscript{163}

Another difficulty lies in the fact that a "delinquent sub-culture" often "confers a high status" upon a delinquent. This may appeal to an individual who, otherwise, may feel unaccepted or unappreciated within his/her own society.\textsuperscript{164} Within a criminal

\textsuperscript{156} Rosner-Hornhauser, Social Sources of Delinquency, 52.
\textsuperscript{157} Ibid., 53.
\textsuperscript{158} Ibid., 52.
\textsuperscript{159} Ibid., 233-234.
\textsuperscript{160} Ibid., 53.
\textsuperscript{161} Ibid., 151.
\textsuperscript{162} Ibid., 219.
\textsuperscript{163} Ibid.
\textsuperscript{164} Ibid. 151.
environment, a person with delinquent tendencies may receive affirmation for engaging in unlawful activity. Many offenders may also experience a greater sense of freedom within a “delinquent sub-culture.” For instance, one may not wish to assume social responsibility or commit oneself to a full-time job. There are also material benefits and other enticements that may make criminal activity look appealing.\(^{165}\) However, Rosner-Hornhauser has claimed that there remains, within offenders, some sense of guilt. She has stated that offenders tend to “remain sufficiently committed to conventional morality to prevent the construction of an oppositional delinquent sub-culture characterised by value reversal.”\(^{166}\) The author proposes two analogies to explain this point. To begin with, the majority of offenders abhor certain types of offences, particularly offences against women and children. There also exists a certain “honour among thieves.” Many offenders experience a sense of loyalty and belonging among their own peers.

Rosen-Kornhauser has proposed two theories to explain the growing onslaught of criminal activity. Firstly, there was the “social disorganisation model.”\(^{167}\) This theory recognised criminal offences as “infractions of legal norms resulting from weakened commitment to conformity.”\(^{168}\) Within such a climate, deviancy becomes a sub-culture in itself. Candidates likely to associate themselves with criminal groups normally come from a social environment burdened with social deprivation or social disorganisation. Advocates of this particular theory sub-divide offenders into two distinct groups. On one hand, there was the “strain model” which suggested that criminal activity evolves as a direct result of social deprivation. On the other hand, there was the “control model.” This theory proposed that offenders seek immediate

\(^{165}\) Ibid., 219.
\(^{166}\) Ibid.
\(^{167}\) Ibid., 23.
\(^{168}\) Ibid.
The second supposition proposed by Rosen-Kornhauser was the "cultural deviance model." This theory advised that the socialisation process each individual endures throughout his/her life is intended to encourage him/her to conform to local conventions. Those with delinquent tendencies, on the other hand, conform to "autonomous sub-cultures whose values are judged deviant by alien systems of law imposed by agents of another more powerful cultural order." From a legislator's perspective, these "autonomous sub-cultures" engage in illegal or unacceptable conduct. It may be argued that such conduct may emerge in societies where there is not sufficient control, or where there is a lack of commitment to conform to cultural values. It was also noted that there remains the possibility that an individual may be socialised into an "autonomous sub-group."

Indeed, P. Townsend defined social deprivation as a state of "observable and demonstrable disadvantage relative to the local community or the wider society or nation to which an individual, family or group belongs." Bacik et al. listed five indicators upon which one bases a judgement of social deprivation:

1) Unemployment, which results in a "lack of earned income."
2) Low social-class, those with unskilled or semi-skilled manual occupations.
3) Car ownership, a symbol of prestige, "a surrogate for current income."
4) Non-owner occupation implying the lack of wealth in the long term.

169 Ibid., 24.
170 Ibid., 25.
171 Ibid.
5) Overcrowded accommodation, signifying bad living conditions.\textsuperscript{173}

It is interesting to note that long-term social deprivation does not “diminish the desire for material improvement.”\textsuperscript{174} Such individuals may wish to aspire but society may provide few opportunities to climb the social ladder. Restrictions placed upon people may be cultural, religious or just simply unjust by nature.\textsuperscript{175} Nevertheless, the fact that one person might achieve his/her goals in life and another person may not, cannot be simply attributed to different ideologies. Those existing in the lower socio-economic groups confront many more obstacles in their attempt to advance.\textsuperscript{176} It was also noted that education and employment expectations vary between the different socio-economic groups.\textsuperscript{177} Success stories among those who have achieved their goals must, therefore, be measured in terms of “relative aspirations” in order to judge the concept of equal opportunities correctly.\textsuperscript{178} In other words, the rate of transference between the socio-economic groups must be objectively measured. In most cases, however, those individuals who have achieved their intended goals will still live within their existing social class not having progressed into a higher socio-economic group. It should also be considered that few, if any, from the existing elite will have moved into a lower social group.\textsuperscript{179} Rosen-Kornhauser has argued that expectations and aspirations exist as two separate entities. Expectations may influence the formulation of aspirations but need not necessarily control them.\textsuperscript{180} Most disturbing of all, however, is the fact that individuals with low expectations have a higher tendency to engage in criminal activity.\textsuperscript{181}

\textsuperscript{173} Bacik, and others, "Crime and Poverty in Dublin," 14.
\textsuperscript{174} Rosner-Hornhauser, \textit{Social Sources of Delinquency}, 172.
\textsuperscript{175} ibid., 169.
\textsuperscript{176} ibid.
\textsuperscript{177} ibid., 170.
\textsuperscript{178} ibid., 171.
\textsuperscript{179} ibid.
\textsuperscript{180} ibid.
\textsuperscript{181} ibid., 175.
In fact, Leroy G. Gould examined the correlation between the criminal activity and the potential for social advancement. He focused on three main areas, educational aspirations, social class and achievement motivation. He observed that social class and achievement motivation are not directly related. However, he also noted that the link between these two phenomena evolves as a consequence of the lack of opportunities that exist for the lower sectors of society. He argued that a person is more likely to affiliate himself/herself to criminal groups as a result of poor social conditions. Contradicting this theory were those who proposed that achievement motivation is a “personality trait laid down in early childhood.” Consequently, criminal tendencies evolve through one’s affiliation with delinquent sub-cultures. One factor cited, however, as being influential in the development of criminal behaviour was the lack of proper supervision and social organisation. Accordingly, society needs to implement structures that will attract young people away from acts of deviance.

It has been claimed that Gardaí use a certain amount of discretion in pursuing crime and appear to target the under-privileged. In Ireland, approximately 50% of those arrested never enter the courts and there is no known reason as to why this should be the case. On an international scale, police appear to direct their attention towards convicting young black disadvantaged males. O'Donnell admitted, however, that there is no conclusive evidence to suggest that this practice of deliberately targeting one particular sector in society is common in Ireland. Yet, he conceded that women are twice as likely to receive non-custodial sentences as those men convicted for similar

183 Social Sources of Delinquency, 241.
184 Ibid., 57.
186 Ibid.
187 Ibid., 36.
crimes. Bacik et al. have also suggested that police forces tend to give more favourable treatment towards women. There may exist in police forces a "chivalry factor" leading police to ignore some offences committed by women. Another factor noted was that individuals accused of "white collar crime" are rarely convicted by the courts. In many cases, authorities may lack the necessary legislation that would prevent some occurrences of "white-collar crime." Certainly, it is argued that occurrences of "white-collar crime" are growing fast, particularly in the area of computer based criminal offences. O'Donnell has suggested that, while large amounts are often lost through fraudulent activity, ordinary people are not afraid of those engaged in "white collar crime." People are more afraid of being robbed, mugged or raped by the criminal or the gangs on the streets. In addition, Giddens has stated that, even though there are fewer opportunities for women to advance in life, fewer women receive custodial sentences. Besides, women's offences rarely involve violent crime. In fact, offences committed by women usually enter the less serious category. Giddens further observed that some crimes are judged to be typically female offences with more women than men being convicted for them, for example prostitution.

Furthermore, it is important to consider that students from the lower socio-economic groups constitutes 1% of the total student intake into Trinity College Dublin for the academic year beginning October, 1999. What's more, the judiciary emanates mainly from the social elite. As a result, judges sentencing the majority of offenders

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188 Ibid., 39.
190 Mc Cullagh, Crime in Ireland, 133.
191 Ibid., 61.
193 Anthony Giddens has defined "white collar crime" as "crime carried out by the affluent in society." Giddens, Sociology, 145.
194 Ibid., 141.
195 O'Mahony, Prison Policy in Ireland, Criminal Justice versus Social Justice, 56.
have little knowledge or understanding of the social circumstances that often contribute to crime rates.\textsuperscript{196} It has also been suggested that, upon conviction, the fact that the accused is unemployed may be a determining factor in the severity of the sentence he/she may receive.\textsuperscript{197} Another fact documented is that people from deprived areas are usually less knowledgeable about legal affairs and rights. Such individuals are less likely to be able to afford the best legal representation.\textsuperscript{198} Philip Bean has considered that, in order to construct legislation, one must first acquire a powerful role within society. Having attained such a powerful role, the legislator reinforces a law that already shows favouritism towards the elite. As a result, deprived people have no voice in legislative matters.\textsuperscript{199} Fines are also a more suitable penalty for wealthy people.\textsuperscript{200}

O'Donnell further argued that prison is more unpleasant for poor people. People convicted for "white collar crime" are generally not judged to pose a serious threat to society and are, as a result, more likely to be placed in open prisons.\textsuperscript{201} Such prisoners are not exposed to the "overcrowded, drug infested and unsanitary" conditions currently existing in prisons like Mountjoy.\textsuperscript{202} There exists the view, therefore, that prison succeeds only in punishing those already classified as disadvantaged.\textsuperscript{203}

Significant factors other than social deprivation are also associated with criminal activity. For instance, in 1964, H.J. Eysenck associated inherited genetic disorders with criminal behaviour. According to this hypothesis, some individuals are naturally

\textsuperscript{196} Ibid., 56-57.  
\textsuperscript{197} Bacik, and others, "Crime and Poverty in Dublin," 5.  
\textsuperscript{198} Ibid., 6.  
\textsuperscript{200} O'Donnell, "Crime, Punishment and Poverty," 43.  
\textsuperscript{201} Ibid.  
\textsuperscript{202} Ibid.  
\textsuperscript{203} O'Mahony, "Punishing Poverty and Personal Adversity," 66.
governed by the will to engage in criminal acts. This theory challenges the dominant belief that offenders freely choose to engage in criminal behaviour. The issue of genetic predisposition raises questions about an individual's personal culpability concerning the offences he/she may have committed. However, an individual's social background may also determine whether these delinquent tendencies are performed or controlled. It is suggested, therefore, that measures may be taken in order to prevent the enactment of criminal tendencies.

Furthermore, in 1955, August Aichorn proposed a number of psychological factors that may be associated with criminal activity. Indeed, he used "psychoanalytical principles" to explain the nature of criminal behaviour. According to this hypothesis, there exists in each person, a tension between the unconscious "Id," that is the instinctive part of the person, and the conscious "Ego" which controls the "Id." He used the term "latent delinquency" to describe a tendency towards criminal activity that has its origins in early childhood. Aichorn was of the view children are born "asocial." This tendency occurs as a natural phenomenon in young children but is considered an abnormal adult characteristic. Each young child is exposed to a socialisation process that enables him/her to eventually grow from being "asocial" to being more social. "Asocial" tendencies are not completely obliterated but are merely suppressed only to re-emerge "on provocation." A child who eventually

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205 Ibid.
206 Ibid., 12.
210 Ibid.
211 Ibid.
212 Ibid.
succumbs to his/her asocial or anti-social tendencies fails to develop the "Ego" thereby, leaving the "Id" to assume control. Pól Bond has argued that, by not developing the "Ego," an individual is unable to couple his/her desires with the desires of others. It is also noted that many offenders are unable to postpone the need for instant gratification. Consequently, the treatment of offenders is "a matter of re-education."

One further concern deserving attention in relation to criminal activity is the correlation that exists between intelligence and deviant behaviour. Bond has argued that the link between the level of intelligence and criminal activity has only been debated in modern times. Apparently, when Alfred Binet was developing his first standardised test for measuring intellectual ability at the start of the twentieth century, he experimented with offenders using a random sample technique. He found no significant difference in intelligence levels between offenders and law-abiding citizens. However, at the present time, juvenile offenders are tested for intellectual ability once they enter residential facilities. By adopting this tactic, authorities intend to offer younger detainees an education appropriate to their ability. Another argument presented is that psychometric assessments may place students from particular cultural backgrounds at an overall disadvantage.

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215 Ibid., 14.
216 Aichorn, Wayward Youth, 5.
218 Ibid.
2.5 Ireland: Some Current Perspectives Relating To Crime.

With only two exceptions, namely Wheatfield Prison in Clondalkin (opened in 1987) and the Midlands Prison in Portlaoise (opened in 1999), no other purpose built prison has opened in Ireland since the foundation of the State. The Irish prison authorities have been accused of relying on Victorian standard penal policies to respond to present-day problems. The Association for the Prevention of Torture, after having visited Irish prisons in 1993, commented that Irish prison structures had provided very harsh living conditions for prisoners. Questions have arisen concerning the rate of self-mutilations, para-suicides, suicides and undiagnosed psychotic illnesses that prevail among the prison population. Research studies have suggested that detainees housed in Irish prisons are exposed to a daily ritual of monotony, military style regimentation, lack of privacy, humiliation, indignity and inhumane living conditions. Society also recognises its right to ostracise, condemn and punish those who do not conform to socially acceptable standards. The harsh approach to the treatment of offenders is considered a spontaneous response to the public outcry and the media generated hysteria. Indeed, media coverage of criminal activity often generates an emotional hysteria that in turn incites the population into demanding action. By creating such hysteria, the media also engenders an anxiety about crime among the more vulnerable in society, for example the elderly. Legislators respond with “zero tolerance” and “get

219 Paul O'Mahony, Criminal Chaos: Seven Crises in Irish Criminal Justice (Dublin: Round Hall Sweet & Maxwell, 1996), 100.
In this paper O'Mahony also stated that the Training Unit (opened in 1975) and the New Womens' Prison (opened in 1999), both located within the walls of Mountjoy, are mere refurbishments of the old prison building.
220 O'Mahony, Criminal Chaos: Seven Crises in Irish Criminal Justice, 100.
221 Association for the Prevention of Torture, cited in Criminal Chaos: Seven Crises in Irish Criminal Justice, 103.
222 O'Mahony, Criminal Chaos: Seven Crises in Irish Criminal Justice, 107.
223 Ibid., 7.
224 Ibid., 2.
225 Ibid., 9.
226 Ibid., 173.
tough" policies in order to appease an anxious population. O'Mahony has considered that the "get tough" approach to the problem of crime generates among offenders a greater degree of bitterness, resentment and anger. This, in turn, only leads to further social exclusion on the part of offenders with even stronger feelings of resentment towards society.227 Efforts have been made in order to improve living conditions within Irish prisons but conditions remain "far short of the ideal."228 It has also been noted that those punished by the continued practice of detention include the socially disadvantaged and the children of imprisoned offenders who are already considered socially disadvantaged.229 Accordingly, the Irish Prison System could be criticised because:230

1) Irish prisons inflict harsh conditions on prisoners. Furthermore, they also fail to provide essential services for inmates.

2) Penal institutions may, in turn, be accused of blindly accepting the public attitudes that seek to isolate offenders from society.

3) The Irish authorities are too quick to impose custodial sentences. The Irish prison service also fails to provide adequate programmes to counteract the effects of imprisonment on individuals.

4) The Irish Prison Service is subject to political interventions. Such interventions often influence decisions regarding early release or by promoting unjust policies such as "zero tolerance."

5) The Irish justice system fails to address "white collar" crime simply because it is not as visible as street crime.

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227 Ibid., 39.
228 Ibid., 100.
230 Ibid., 79-81.
This entire phenomenon inevitably creates a two-tiered justice system, one for the poor and another for the wealthy. The resulting "inequalities in our society and the inequalities of power, wealth and opportunity" are believed to play a very powerful role in generating crime. Modern day Irish society has become competitive, materialistic and opportunistic. Yet, opportunities are not freely available to all people in equal abundance. Ireland's population bears witness to two contrasting poles that exist between poverty and wealth. Ironically, those who claim to have a right to punish all offenders lack the necessary insight and empathy to understand the plight of those desperate enough to turn to crime. Furthermore, an unsympathetic treatment of offenders fails to explore the very root of the problem. Such a tactic reinforces the social inequalities already existing in our society. O'Mahony has observed that the State retains no right to punish certain individuals who by accident of birth were born into an environment that tends naturally to generate unemployment and lack of education. This particular situation is aggravated even further when these tendencies instil within the individual, non-socially acceptable values and behaviour patterns that damage a cherished family unity.

On a more positive note, the concept of imprisonment has the potential to present possibilities for self-enhancement to prisoners. During incarceration prisoners may avail of educational provision and vocational training provided. There is a theory which argues that eight hours of productive work or good education provision, per day, is a prerequisite for effective prisoner reform. Given the present structures

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231 Ibid.
232 O'Mahony, Criminal Chaos: Seven Crises in Irish Criminal Justice, 39.
233 Ibid., Prison Policy in Ireland, Criminal Justice versus Social Justice, 34.
234 O'Mahony, Criminal Chaos: Seven Crises in Irish Criminal Justice, 1.
235 Ibid., 43.
236 Ibid., 125.
237 Ibid., 124.
238 Ibid., 122.
239 Ibid., 106.
existing in Irish prisons, imprisonment succeeds only in creating stigmas and conditions that hamper the prisoner-rehabilitative process. Former prisoners are often labelled by what they have done rather than by who they are. They are excluded from many occupations that offer financial security and pension plans, for example the Public Service. They may be excluded from positions that rely on a high degree of personal integrity or businesses that rely heavily on the image presented in order to attract custom. Unfortunately, imprisonment, in its current form, reinforces the problems of social deprivation, lack of self-esteem and marginalisation already experienced by most prisoners upon conviction.

Furthermore, O'Mahony has criticised the "early release system" currently in existence. He admits that early release is a correct procedure to pursue in deserving cases. However, there are occasions when prisoners are released simply because of the overcrowded conditions existing in all Irish prisons. He has also suggested that a number of prisoners have been released early by way of ministerial recommendation, an act that could constitute an abuse of power. Structures that allow prisoners to be released early repeatedly serve no purpose. Prisoners entrapped in this "revolving door syndrome" fail to benefit from rehabilitative measures provided by the prison system.

One extreme consequence of such institutionalised failure occurred recently in England surrounding the conviction of Roy Whiting in December, 2001, for the murder of Sarah Payne. On one previous occasion, Whiting was granted a three-year custodial sentence for a sexual offence committed against a child. The sentence imposed on Whiting was light because, during the course of his detention, he agreed to receive

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240 Ibid., 107.
241 Ibid., 122.
242 Ibid., 91.
243 Ibid., 115.
244 Ibid., 99.
treatment. Once in prison, however, Whiting refused treatment and maintained this position right up to his release. Due to a technical loophole existing in present British legislation, Whiting was released having received no treatment whatsoever for his condition. Critics might argue that he was released only to commit the same offence again. Other prisoners deserving release, however, are kept in detention simply because political leaders succumb to public opinion and maintain a hard-line stand. This is particularly pertinent in the case of sex offenders. The Irish response to the treatment of offenders became more punitive with a more "zero tolerance" approach towards all criminal activity. In November, 1996, a referendum was held in the Republic of Ireland in which the population voted in favour of restricting the grounds whereby, remand prisoners could apply for bail. In the United Kingdom, following the murder of James Bulger in 1992, the prison population increased in numbers. The number of offenders had been dropping slowly in the preceding months. The 1991 "Criminal Justice Act" had already been introduced allowing the courts greater flexibility in the use of non-custodial sentences. However, media generated anxiety and anger resulted in a more hard-line approach to the treatment of offenders being implemented. Those adopting this more inflexible line of attack have claimed that the current prison system is ineffective because the prison régime is not harsh enough. An uncompromising approach to the treatment of offenders is considered, by some, an appropriate support for the victims of crime. However, individuals who promote prisoner reform, have stated that they stand in support of victims and offenders. It has been noted that those advocating a tougher penal philosophy fail to consider the impact prison life can

245 Ibid., 115.
247 Ibid., 5.
248 Bean, Rehabilitation and Deviance, 8.
have on the life of the prisoner, both during imprisonment and upon release. Certainly, Lord Longford has argued that the primary reason society refuses to forgive offenders is because society fears former prisoners. He has maintained that the whole parole system is founded on the principle that if a prisoner has reformed, then he/she should be considered for release.

2.6 Social Exclusion within the Education System.

The evidence already outlined in this chapter suggests that there exists a close link between the lack of education and criminal activity. Having discussed a number of reports, it could be argued that past educational structures have failed to have a positive influence over the lives of many offenders. Educators could also be accused of accommodating the needs of elitist sectors at the expense of the lower socio-economic groups. Yet, it is generally accepted that, within a democratic society, the welfare of each individual should be given equal attention. Equality, in this regard, could be afforded on an impartial basis to each individual irrespective of social class. Nevertheless, questions arise as to whether the concept of equality within the Irish education system is real or an ideal yet to be realised.

It has been suggested that the concept of “equal opportunities” within educational structures has already been attained. The process of “equalising opportunities,” however, is a lot more difficult to effect. It is unfortunate that many children will inherit an array of social disadvantaged attributes from their parents. Indeed, educators often feel that they are helpless in their endeavours to overcome the

251. Ibid., 4.
negative affects of social deprivation. The general consensus is that the most that can be done is to reduce the influences of social disadvantage among younger students in particular.\textsuperscript{252} It is argued that students from middle-class backgrounds experience fewer restrictions in their attempts to achieve academic qualifications.\textsuperscript{253} In response to this phenomenon, Kathleen Lynch has argued that the concept of equality in education is attained:

If social class, gender, racial or other inequalities/advantages in education are proportionally distributed across social groups; the closer the participation or success ratio is to one, the greater the equality achieved.\textsuperscript{254}

When questioned about equality in education, legislators tend to adopt a more defensive approach. Certainly, many legislators have claimed that every Irish child has equal assess to primary and secondary school in this country. Legislators have also argued that early school dropout rates among working class children reflect an adversity towards education as opposed to indicating inequalities in educational provisions.\textsuperscript{255} Besides, it has been suggested that students coming from lower socio-economic backgrounds will adopt a "passive acceptance of the limitations of their environment."\textsuperscript{256} Apathy and ineptness among students is defined, therefore, as a "failure of motivation" and its source is linked directly to social structure and class.\textsuperscript{257} This phenomenon is considered a natural response to having spent years receiving State aid. Students, whose parents have a more positive outlook, are more likely to remain in school. Indeed, Drudy and Lynch have implied that individuals who do not progress well in school generally come from homes where parents did not achieve either.\textsuperscript{258}

\textsuperscript{252} Ibid.
\textsuperscript{254} Kathleen Lynch, \textit{Equality in Education} (Dublin: Gill & Macmillan, 1999), 15.
\textsuperscript{255} Jencks, \textit{Inequality. A Reassessment of the Effect of Family and Schooling in America}, 17.
\textsuperscript{256} Drudy and Lynch, \textit{Schools and Society in Ireland}, 150.
\textsuperscript{257} Rosner-Konhauser, \textit{Social Sources of Delinquency}, 260.
\textsuperscript{258} Drudy and Lynch, \textit{Schools and Society in Ireland}, 150-151.
Nevertheless, it has been observed that, by claiming to be impartial to social class, educational structures can reinforce social inequalities under the illusion of fairness and equality.\(^{259}\) Present educational structures "embody class interests and ideologies that capitalise on a kind of familiarity and set of skills that only specific students have received by means of their family backgrounds and class relations."\(^ {260}\) Accordingly, the "wisdom" acquired in working class areas may not be entirely conducive to attaining recognised academic qualifications.\(^ {261}\) Indeed, those from the lower socio-economic groups have considered the current educational structures to be unfair and flawed. As a result, they are more inclined to use their "wisdom to rebel against existing educational practices."\(^ {262}\)

Consequently, equality of education should also be linked to equality of participation.\(^ {263}\) This concept of "equality of participation" has yet to be ingrained into current educational structures. In fact, it has been argued that the present Irish education system is "meritocratic" by nature. The system primarily operates on the basis that "ability plus effort," on the part of individual students, results in achievement.\(^ {264}\) Nevertheless, a "meritocratic system" will strive to accommodate the "intellectual and cultural interests of the more dominant culture," in this case, the socially elite.\(^ {265}\) Such structures will inevitably place more value on one particular way of life over another.\(^ {266}\) This phenomenon has indirectly generated the "cultural deprivation theory." In the light of this theory, one culture may be judged inferior to

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\(^ {260}\) Ibid.
\(^ {261}\) Giddens, *Sociology*, 439.
\(^ {262}\) Ibid.
\(^ {264}\) Ibid., 17.
\(^ {265}\) Ibid.
\(^ {266}\) Ibid., 107.
As a result, cultures described as being “socially deprived” must adopt the defining standards applicable to the one “ideal” culture as presented by the education system. For instance, in most educational facilities, those from working-class backgrounds must adopt a middle-class persona in order to achieve. Within such a régime, all sectors of society must also compete in a system that inadvertently favours the privileged. Many Irish students, therefore, become “outsiders” while participating in education. Accordingly, it has been suggested that a greater equality in participation within education is achievable by reducing its competitive nature.

Pierre Bourdieu and Jean-Claude Passeron have presented another theory advising that social distinctions are reproduced through school systems that unintentionally express the social origins of students. It has been argued that the:

Unequal representation of the different social classes in the different stages of education and types of education, is the manifestation of an isolated relationship between scholastic performance, taken at face value, and the series of advantages and disadvantages deriving from social origin.

In other words, there are those who associate social inequality with educational inequality. Yet, Bourdieu and Passeron have suggested that a lack of participation in education can only be described as an individual choice as opposed to constituting a social restraint. While the individual makes a deliberate and conscious choice for or against education, he/she also considers his/her social conditions. They may, therefore, come to understand that some are destined for academic excellence while others are

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269 Ibid., 57.
270 Ibid., 110.
273 Ibid., 155.
destined for educational exclusion. Bourdieu and Passeron have also claimed that individuals who fatalistically accept that they are excluded from education tend to focus their attention on "subjective expectations" rather than on "objective possibilities." "Subjective expectations" are based on one's perception of "objective chances of success" appropriate to one's own particular social class. "Objective possibilities," however, do not necessarily restrict a person by social class.

Henry Giroux, on the other hand, argued that the concept of social reproduction occurs when educators, directly or indirectly, serve the interests of the dominant classes. Nevertheless, it has been considered that the exclusion of the lower social classes is achieved using one of two methods. To begin with, there exist the judgements by default made by academic authorities. Secondly, there are the self-defeating judgements made by lower socio-economic groups themselves. These self-defeating judgements aid in the development of a self-constructed psychological barrier that prevents its victims from progressing through the world of academia. Consequently, such individuals direct themselves along avenues that offer little opportunity for social advancement. Many exclude themselves from examinations, simply because they may fear the concept of failure. Others may attend second level institutes of education where there are reduced opportunities to enter institutes of higher education. Nevertheless, Bourdieu and Passeron have claimed that it is erroneous to suggest that this common phenomenon casts any reflection of discriminatory activity on the part of educational authorities. However, it must also be argued that current educational

274 Ibid.
275 Ibid., 156.
276 Ibid.
277 Giroux, Theory and Resistance in Education, 76.
279 Ibid., 153.
280 Ibid.
structures are very much examination focussed. It is only by achieving successful scores in examinations can one progress into third level institutions. Unfortunately, such practices only serve to reinforce the values of the dominant culture and help to maintain the elitist status. The problem with examinations is that they are designed to offer an objective projection of all students’ academic achievement. Whether or not they always exhibit an accurate assessment of a student’s academic ability is open to debate. However, those who have neglected to sit examinations tend to believe that they have failed in life. On the other hand, those who have achieved come to regard their new status as a reward.

The concept of "basic equality" demands that "all people are equal in dignity and worth; the belief that everyone is equally deserving of respect as a human person." Such a philosophy requires that individual differences should be respected. Yet, Sheelagh Drudy and Kathleen Lynch have agreed that issues inhibiting the envelopment of equality of participation in education are closely associated with social class. For instance, children from different backgrounds will develop dissimilar linguistic codes. In other words, the style of language used in the lower socio-economic groups is different than the more formal language used in educational circles. In fact, Basil Bernstein has distinguished between two forms of linguistic code. Firstly, there exists the “restricted” code. This “restricted” code of language is considered by Bernstein to be the more predominant rule existing within the lower social classes. As a

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281 Ibid., 141-142.
282 Ibid., 162.
284 Drudy and Lynch, Schools and Society in Ireland, 140.
285 Ibid., 152.
linguistic style, it is characterised by its ability to address concrete issues and experiences only.\(^{287}\)

This particular style of language also expresses a sense of solidarity among the disadvantaged classes. Such individuals classify themselves as part of a collective.\(^{288}\) They may also see themselves as united in a shared experience of deprivation.\(^{289}\) The second form of linguistic code addressed by Bernstein is the “elaborated” code.\(^{290}\) This particular code is the more predominant linguistic style used among the elitist classes.\(^{291}\) Groups familiar with the “elaborated” code frequently manipulate language to accommodate the demands of particular situations. In other words, those fluent in “elaborate” or “formal” language are able to transcend the restrictions placed upon them by environmental factors.\(^{292}\) As a result, middle-class groups are more likely to engage in abstract concepts. It is generally accepted that this “elaborate” code is the language most used in academia. Consequently, those more familiar with the “restricted” code lack the essential “linguistic tools” for educational achievement.\(^{293}\) Middle-class groups, on the other hand, tend to benefit from their inherited ability to use the “elaborate” code.\(^{294}\) Yet, the issues already discussed in this chapter would suggest that most offenders do not emanate from middle-class sectors. Certainly, in an ideal world, educational structures would "adjust to the social situation.\(^{295}\) It is unfortunate, however, that educational structures have evolved in response to economic needs. As a result, the needs of individuals may not be prioritised.\(^{296}\) Yet, it has been noted that the

\(^{287}\) Giddens, Sociology, 435.
\(^{288}\) Bernstein, Class, Codes and Control, 77.
\(^{289}\) Bisseret, Education, Class Language and Ideology, 111.
\(^{290}\) Bernstein, Class, Codes and Control, 76.
\(^{291}\) Giddens, Sociology, 435.
\(^{292}\) Ibid.
\(^{293}\) Bisseret, Education, Class Language and Ideology, 95.
\(^{294}\) Ibid., 129.
\(^{295}\) Drudy and Lynch, Schools and Society in Ireland, 153.
\(^{296}\) Giddens, Sociology, 436.
education process will be effective insofar as students "develop their own talents and abilities of self-expression."\textsuperscript{297}

Bourdieu and Passeron have also considered the problem of differences in linguistic code within the education system. They have argued that the distinction made between the more formal language used in academia and the language used in the home only serves to reinforce the existing social inequalities.\textsuperscript{298} They stated:

Educationally profitable linguistic capital constitutes one of the best hidden mediations through which the relationship between social origin and scholastic achievement is set up.\textsuperscript{299}

In other words, the lack of academic achievement often depends on the extent to which one's socialised linguistic code differs from the "linguistic correctness" imposed by schools.\textsuperscript{300} The difference in linguistic codes is most visible between "bourgeois parlance" and the more working class or "common parlance."\textsuperscript{301} The "bourgeois parlance" is judged to be formal and intellectual and is, therefore, considered to be the defined standard for social communication. The more "common parlance," on the other hand, is described as rude and emotional. It lacks a clear distinction between a subjective and objective perception of reality.\textsuperscript{302}

In the light of these treatises, questions of an ethical nature arise when all the evidence indicates that the use of more formal language is usually restricted to the socially elite. Accordingly, it is inevitable that such pedagogical structures will enable the bourgeoisie to adapt more quickly to the formal language used in academic institutions.\textsuperscript{303} It has also been noted that the disparities in linguistic code become most

\textsuperscript{297} Ibid.
\textsuperscript{298} Bourdieu and Passeron, \textit{Reproduction in Education, Society and Culture}, 158.
\textsuperscript{299} Ibid., 116.
\textsuperscript{300} Ibid.
\textsuperscript{301} Ibid., 115-116.
\textsuperscript{302} Ibid., 116.
\textsuperscript{303} Ibid., 118.
evident in the course of oral examinations. \(^{304}\) Indeed, Bourdieu and Passeron have suggested that the dichotomy that exists between a student’s use of language and the more formal linguistic code demanded by academia is one of the “surest distinctive signs of the speaker’s social position.” \(^{305}\) The author considers the ethical dilemma that may evolve if one is to impose the more formal academic language onto students of all social classes. On the one hand, to impose an alien linguistic policy on students could be considered disrespectful to their social origins. On the other hand, however, a student who is not exposed to the more formal linguistic code may in the future be inhibited in his/her journey towards social advancement. It must be noted, nonetheless, that the academic ideal is to produce written material using formal language. \(^{306}\) Yet, despite the increased attention to resolve the problems of social inequalities in education, it is clear that some of those anomalies are destined to remain. \(^{307}\) In addition, students may be hampered when academic standards diverge from their own cultural practices. Biases are most profound when examiners must confront an individual’s dress code, use of cosmetics, code of conduct, manner and linguistic abilities. \(^{308}\) Such biases are overcome through the introduction of totally anonymous competition structures that rigidly favour neutrality, equality and objectivity. These more inclusive educational structures oppose the concept that a student’s academic ability is judged on the basis of social class. \(^{309}\) It has been noted, however, that the concept of equal opportunities within education is difficult to maintain. Personal resources will inevitably differ among students. \(^{310}\)
Conclusion.

Theories already discussed in this chapter suggest that criminal activity constitutes a refusal, or inability, to conform to socially acceptable behaviour as prescribed by law. Censures are subsequently imposed, by recognised authoritative figures, onto individuals who have been “enculturated” into a criminal lifestyle. Indeed, groups engaged in criminal activity may find themselves in conflict with any State institution which appears to favour the more dominant ethos. Furthermore, some individuals may affiliate themselves to criminal gangs in order to find acceptance and support. It has also been noted that criminal sub-cultures tend to attract the victims of social disadvantage. However, those with limited resources and few opportunities to advance by legitimate means are forced to stand by only to be denied the opportunity to participate in society's economic growth. No individual could be blamed for wanting to improve his/her situation in life. Nevertheless, those individuals who choose to turn to crime as a means of social advancement embark on a very destructive journey. The fact that Irish prisons are full to capacity is testimony in itself to this statement.

Unfortunately, little consideration is given to those factors which contribute to criminal activity. The fact that many offenders come from backgrounds with long histories of convictions suggests that interventionist programmes designed for young people at risk are ineffective. The high recidivism rates would also suggest that little is offered by way of rehabilitation to offenders occupying Irish prisons. Yet, a State institution that arbitrarily punishes offenders without considering those mitigating factors could be accused of fighting evil with evil. A more progressive approach that may be applied should include policies which would afford offenders more opportunities to interact with society, upon release.
Indeed, many of the existing social structures that boast of equal opportunities appear to reproduce social class distinctions. For instance, despite efforts made by legislators to make the judicial system as equal and as fair as possible, inequalities have evolved in an indirect way. Furthermore, it is regrettable that many offenders would have felt excluded, as children, from the education system. Existing educational structures may be considered ineffective, therefore, to the extent that children fail to gain equally from the proposed benefits of education.
CHAPTER THREE

The Educational Philosophy of Martin Buber.

Introduction.

Martin Buber, philosopher and educator, was also a man of faith and a committed humanitarian. Having lived through two world wars, Buber's philosophy is one that calls on every person to respect the "personhood" of another. After having witnessed the degradation of his Jewish peers at the hands of the Nazis, Buber went on in later life to become an advocate for world peace and for an end to international hostilities. At a time when educational structures appeared to be authoritarian in nature, Buber became a forerunner of a new teaching style. He introduced into the classroom a humane concept of respect for the uniqueness and individuality of each student. What emerged was an educational structure that would respect the sacredness of every individual. Pedagogical methodologies were to be transformed in order to accommodate the varying individual characteristics of each student. Because of Buber's input, education now incorporates the preparation of the whole person for inclusion into society. Buber's interpretation of "inclusion" embraced the capacity of one person to be touched by the "otherness" of another.1 Given this new philosophy, education would no longer be seen to be a mere teacher-centred, pupil-obedient phenomenon. The process of education itself was to become one of dialogue.2

In this chapter, the author proposes to present a profile of Martin Buber, his life, those in his life who influenced him and those, in turn, influenced by him. It is also proposed to examine the "Hasidic" way of life together with its philosophy. Buber was very committed to the central themes of Hasidic philosophy. Hasidic concepts

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2 Ibid., 125.
that influenced Buber's perception as to the essential task of education will also be examined.

3.1 Martin Buber: History and Influences.

Martin Buber, born in 1878 in Vienna, was the only child of middle class parents who separated when he was three years old. Buber went to live with his paternal grandparents in Galicia and was influenced by his grandfather, an eminent scholar. Buber was introduced to Jewish culture, which in turn generated in him an interest in philosophy. At the age of fourteen, Buber went to live with his father Carl, a man of unscholarly nature but very much interested in the study of human interaction. It was then while a young student at Lemberg in Poland that he began to read the philosophy of Immanuel Kant. Influenced by Kant, Buber looked at the question of “man’s place in the universe and his relation to time, space, the in-temporal and the infinite.” At the age of sixteen, Buber began to study the philosophy of Nietzsche.

At the age of nineteen, Buber commenced studies at the University of Vienna, from there he moved to Leipzig and then to Zurich. While studying in Leipzig, Buber became associated with a Zionist movement that he represented in Cologne in 1899. In 1900, Buber moved to Berlin and became an official of the Zionist movement. In 1901, he addressed the Fifth Jewish Congress in Basle. In this address, he advocated the

4 Ibid., 14.
5 Ibid.
6 Ibid., 16.
7 Ibid., 17.
8 Ibid.
9 Ibid., 20.
10 Ibid.
promotion of Jewish culture and Jewish welfare. Such was the impact of this address that plans were drawn to develop the Hebrew University in Jerusalem.  

3.2 The Influential Martin Buber.

In 1914, Buber avoided conscription into the armed forces due to "unsuitability." Buber saw the emergence of conflict as the result of reduced levels of frank direct dialogue. In 1919, he helped found the "Adult Institution of Education" in Berlin. This institute focused mainly on Jewish culture and catered mainly for Jewish immigrants. In 1925, Buber accepted a lecturing position in Jewish philosophy at the University of Frankfurt. In 1935, while teaching in Frankfurt, he referred to neo-paganism and Nazism, at a lecture attended by Gestapo officers. As a result, the authorities prohibited Buber from any further lecturing. Yet, despite the prohibition incurred on him, he publicly encouraged the Jewish population to remain firm in face of Nazi persecution. In March, 1938, Buber was forced to flee to Palestine where he accepted a professor's chair in social philosophy in the Hebrew University of Jerusalem. This university had been founded as a direct result of his inspiring address in Basle in 1901.

3.3 Martin Buber, Man of Peace.

In 1938 Martin Buber published an essay called "Against Betrayal" in which he promoted better Jewish Arab relations. He was heavily criticised by his

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11 Ibid.
12 Ibid., 24.
13 Ibid.
14 Ibid.
15 Ibid., 29.
16 Ibid., 31.
17 Ibid., 32.
18 Ibid.
19 Ibid., 33.
contemporaries for suggesting there should exist in Palestine a "bi-national" society of Jews and Arabs. Instead, the United Nations chose to partition the State in 1947. Indeed, Buber’s alternative solution to the crisis was not considered. In the 1950s', Buber was involved in various peace initiatives attempting to alleviate the effects of the “Cold War.” In 1961, he engaged in protests against the arms race and challenged the United States authorities for conducting nuclear arms tests. During the trial of Nazi war criminal Adolf Eichmann in Israel in 1962, Buber commented that the German could not receive a fair trial in Israel. When Eichmann was finally sentenced to death, Buber petitioned the court to have the sentence commuted to life imprisonment.

3.4 Martin Buber: The Appeal to Hasidism.

Towards the end of the eighteenth century a conflict arose between Orthodox Judaism and "Hasidism." Hasidism bases its beliefs on the "Kabbala," a series of "Gnostic" mystical teachings that emerged in Spain in 1250. Indeed, many progressive philosophies have been attributed to Hasidism. However, Orthodox Jewish authorities rejected Hasidic teachings as it was believed its underlying philosophy was too superstitious. Nevertheless, the breakaway movement spread throughout Poland and many parts of Eastern Europe. Still, it made little impact within the ranks of the more sophisticated Jewish communities in Western Europe. However, in 1903 Buber discovered a document written by Ba’al Shem Tov, the

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20 Ibid., 34.
21 Ibid., 37.
22 Ibid., 38.
23 Ibid., 38-39.
24 Ibid., 66.
25 Ibid.
26 Ibid., 67.
28 Ibid., 110.
founder of the Hasidic movement. This document highlighted the sacredness of human life. It also exposed a divine model that humanity must emulate if a state of wholeness and human fulfilment is to be achieved. Buber was so impressed by this particular document that he sought to learn more about the breakaway cult. Despite becoming very committed to the Hasidic way of life, Buber also remained dedicated to his Orthodox Jewish heritage. He argued that the Jewish Bible portrayed the “most authentic expression” of the relationship that existed between the Transcendent and humanity.

Nevertheless, Buber considered that the essential foundation of the Hasidic movement constituted its attempt to unify God and the world. Following on from this notion, Hasidism promoted the unification of the individual to the world. Spirituality, therefore, begins with the relationships that exist between the individual and other people. This correlation between spirituality and earthly existence is further expanded to include the potential for a relationship between the individual and the rest of creation. It is only by entering into a relationship with finite beings that one can finally achieve the “perfect relationship.” For Buber, the “perfect relationship” was one that superseded all others for it is described as an intimate relationship with the “Transcendent.” To refer to God in the third person cannot be equated with religious belief. The only form of interaction one may have with the “Transcendent” is through personal address. In other words, this mode of engagement is only possible with the development of an inter-personal relationship. It may be concluded, therefore, that

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30 Ibid., 8.
31 Murphy, *Martin Buber’s Philosophy of Education*, 70.
32 Ibid., 83.
33 Diamond, *Martin Buber: Jewish Existentialist*, 175.
34 Vermes, *Buber*, 12.
solitude is not conducive to developing a relationship with God. Yet, maintaining an “ongoing dialogue with the Transcendent” remains an essential part of life.

Accordingly, Hasidic tradition reinforces the point that religious conviction cannot be separated from everyday existence. God and the individual exist as two separate entities but remain in close relationship with each other. This close relationship impacts on the interactions the individual may also have with other people. The belief, therefore, that one may be holy and have no need for other people, or creation, is a fallacy. Instead, to be holy requires one to relate to the world in a state of “holiness.” This “holiness” is expressed in the respect one attributes to other people and to creation. However, the search for holiness is considered a lifelong process that incorporates much soul-searching. It is a personal journey that seeks to eventually achieve that “perfect relationship.” One interesting concept emanating from Hasidism is that holiness should not remove the essential element of joy from one’s life. According to the Hasidic tradition, life has been “given to be enjoyed.” In fact, Buber has been accredited with successfully applying this religious philosophy to the twentieth century world.

Buber disapproved of the duality that existed within Judaism that separated the spiritual from the material. He also resisted those Christian doctrines that sought to “categorise the holy and the profane, the pure ‘single one’ and the corrupt many.” For

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36 Maurice Friedman, introduction to *The Knowledge of Man*, by Martin Buber, translated by Maurice Friedman and Ronald Gregor Smith (London: George Allen and Unwin Ltd., 1968), 16.
39 Freund, “Martin Buber’s Biblical and Jewish Ethics,” 83.
41 Ibid.
42 Ibid., 31.
43 Ibid., 29.
44 Ibid., 10.
46 Ibid., 42.
Buber, Christianity appeared to focus its attention on the sins and failings of ordinary people. As a result, a chasm evolved between the infinite and the finite. Consequently, it could be argued that Christianity did what Christ himself did not do, that is, to categorise individuals as good or bad. Buber developed his “narrow ridge” philosophy from the premise that many societies have inherited this dichotomy between the sacred and the earthly. At the heart of this “narrow ridge” theory lay the notion of “existential trust.” “Existential trust” is considered the ability an individual may have to experience a sense of wholeness and sacredness in the world. Buber has, therefore, attempted to eliminate the apparent contradictions that exist between the religious and the secular. He combined philosophical considerations offered by atheistic existentialists and those offered by deist existentialists. As a result, the “transcendent” and the “immanent” are no longer considered totally alienated from each other. The unification of these two existential realities lies at the very heart of religious practice. Buber’s notion of an “immanentised messianism” offers the individual the hope that, no matter how desperate a situation may appear, there is still the possibility of something better. This philosophy of “immanentised messianism” emanated from a belief that absolute goodness may shine through the darker aspects of human existence. It may be concluded, therefore, that the world has the potential to be heavenly.

47 Diamond, Martin Buber: Jewish Existentialist, 193.
48 Friedman, “Martin Buber’s ‘Narrow Ridge’ and the Human Sciences,” 4.
49 Diamond, Martin Buber: Jewish Existentialist, 16.
50 Susser, Existence and Utopia, 36.
51 Ibid., 41.
52 Ibid., 33.
53 Friedman, “Martin Buber’s ‘Narrow Ridge’ and the Human Sciences,” 8.
3.5 Martin Buber: Hasidism and the Human Condition.

Deep within Hasidism lies the belief that everything is sacred or has the potential to be sacred.⁵⁴ One finds God, therefore, not by transcending the human experience but by becoming human.⁵⁵ There exists, according to the philosophy of Buber, a divine dimension to the human condition. Accordingly, Buber placed much emphasis on the value of human life. He has stated that “every person born into this world represents something new, something that never existed before, something original and unique.”⁵⁶ Consequently, if people were duplicated, then the concept of individuality would not exist. Every person possesses “something precious,” some special quality that exists in no one else. Yet, this “precious something” is only revealed according to the dictates of his/her “innermost being.”⁵⁷ We undergo a continual process of self-revelation insofar as we do not hide from ourselves. It has been argued that we hide in order to avoid accountability and to escape responsibility for our lifestyles.⁵⁸ For Buber, a person experiences a daily tension between worldly temptations and authentic living. An authentic life is described as one whereby, the individual adopts a lifestyle that harmonises with the dictates of one’s own soul. To operate against the dictates of one’s own soul or innate tendencies results in a divided self and a disunited soul.⁵⁹ Yet, a person traumatised by a divided soul need not necessarily succumb to an apparently hopeless situation. The divine dimension that exists in every person can work to “bind these conflicting forces together.”⁶⁰ This process of self-unification and self-harmonisation must be completed before a person embarks on an important life mission. It is argued that only a person with a united soul

⁵⁴ Murphy, Martin Buber’s Philosophy of Education, 72.
⁵⁵ Ibid.
⁵⁷ Ibid., 18.
⁵⁸ Ibid., 12.
⁵⁹ Ibid., 23.
⁶⁰ Ibid.
can achieve his/her aims in life. One cannot achieve a united soul through one’s life’s work. Accordingly, work cannot “protect the soul from its own contradiction.” A person deemed to be “awakened” is one who has successfully broken down his/her system of internal “hideouts.” After having successfully completed this process of self-unification, a person will feel stronger and more confident. It is interesting to note that the human soul remains in a constant ongoing process of self-unification and self-harmony. However, a state of complete unity and harmony is not achievable in this earthly existence.

Indeed, a person only reaches final completion once he/she reaches the point of death. As a result, a person will always struggle with conflicts and tensions that will inevitably de-harmonise the inner-self. It has been noted that the conflict a person experiences in the world is merely an expression of the inner conflict that he/she may be enduring. Nevertheless, these inner conflicts may manifest themselves in more external forms of disharmony. The three primary sources of conflict in a person’s life are listed as thought, speech and actions. In short, “we do not say what we mean and we do not do what we say.” Such a vision of life generates a potential breeding-ground for inner disharmony. On other occasions, we may come to believe that our present lifestyles offer us little or no self-fulfilment. Besides, we may seek that self-fulfilment by extrinsic means, maybe even at another time. It has been claimed, however, that self-fulfilment is found in the present time, in this place, at this present moment. Consequently, the resolution of conflict begins within oneself.

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62 Ibid., 12.
63 Ibid., 24.
65 Ibid.
66 Ibid., 29.
67 Ibid., 37-38.
68 Ibid.
Certainly, the potential destructive nature of a divided self is clearly outlined. It is argued that one may become a slave to one's own fabrications. Experience has taught many that, in order to sustain one lie, other pretences may need to be concocted. In the face of such deception, genuine dialogue is impossible. This scenario propagates a mistrust that injures the very heart of society. Indeed, Buber asked:

What does it avail to induce the other to speak if basically one puts no faith in what he/she says? The meeting with him/her already takes place under the perspective of his/her untrustworthiness. And his/her perspective is not incorrect, for his/her meeting with me takes place under the corresponding perspective. The basic mistrust, coming to light, produces ground for mistrust.

Consequently, the act of lying becomes an act of treason against oneself. Not only will lying direct an individual along an avenue of possible self-deception, it also threatens ones credibility within society. It has also been claimed that society cannot function normally when suspicion and untrustworthiness are common practice.

3.6 Martin Buber: To Confront the Other as “Thou.”

Hasidic philosophy emphasises that human spirituality is grounded in the way we relate to the world and to others. Buber invoked the term “inborn thou” to refer to this innate ability to relate to the world as “Thou.” Following on from this, we may deny ourselves the opportunity to develop the spiritual dimension of ourselves insofar as we remain closed to possible relations with others. As a result, we may inadvertently

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69 Ibid., 211.
73 Arthur S. Lothstein, “To Be is To Be Relational: Martin Buber and John Dewey,” in *Martin Buber and the Human Sciences*, 35.
exclude ourselves from experiencing a more fulfilled existence. In accordance with
the Hasidic tradition, Martin Buber also referred to the human being as one deserving
respect. Buber observed that we can confront another individual as an "It," thereby,
treating that other as subordinate. To relate to another as "Thou" is to treat that other
as equal and above all things. In fact, one of the factors that appealed to Buber within
Hasidism was that, unlike Orthodox Judaism, there were no social inequalities. Concepts within Hasidic philosophy suggest that there exists no difference between the
ordinary person and the more socially elite. The “I-Thou” relationship, therefore, is one
that respects the divinity of the other person. “Divinity” has been described as the
mysterious dimension of the person that should never be manipulated. Indeed,
dehumanisation is considered an act that strips away that unique "Thouness" from
another person. As a deliberate act, this dehumanisation process seeks to objectify the
other person. To confront another as "Thou," however, is intrinsically relational. In
contrast, to treat the other as “It” is to treat that person as an object for one’s own use.
To dehumanise a person in this regard is to transform the individual into an object of
desire for oneself or society. The dehumanising process itself involves, therefore, the
gradual erosion of a person’s uniqueness. The procedure is eventually finalised with the
complete manipulation and moulding of that person into one’s own design. The
person as "Thou," on the other hand, is “self willed.” To treat the other as "Thou" is

74 Buber, The Way of Man, 39.
75 Martin Buber, I and Thou, translated by Ronald Gregor Smith (Edinburgh: T. and T. Clark,
76 Ibid., 21.
77 Diamond, Martin Buber; Jewish Existentialist, 126.
78 Vermes, Buber, 41.
79 Ibid.
80 Martin Buber, I and Thou, 21.
81 Vermes, Buber, 49.
82 Martin Buber, I and Thou, 65.
83 Ibid., 32.
84 Ibid., 58.
85 Ibid., 82.
liberating, whereas treating the other as "It" is oppressive. To confront the other as "Thou" is to interact with that person in a human fashion. This form of human interaction opposes an "I-It" relationship whereby, one person assesses the usefulness of another. To hold such a utilitarian view of a human person makes it easy to discard him/her once his/her usefulness is no longer considered to be of importance. If a culture loses its focus on human interaction and relations, it may eventually harden into a world of "It." Unfortunately, this form of social philosophy lies at the very heart of an individualistic culture.

An "I-It" relationship is further described as one of detachment. In contrast, an "I-Thou" relationship, one that is described as one of personal engagement. However, it has been argued that the "Thou" dimension of the human person must, on occasions, succumb to the "It" dimension in order to function in the world. Consequently, the "Thou" cannot exist independently of the "It" in today's world. Despite Buber's concern that the "Thouness" in each person be respected, it is only by objectifying oneself that one may compete in a material world. Still, the point must be reinforced that the concept of "Thouness," which exists in each person, should not be threatened in any way. Buber was critical of Karl Marx in that, within socialism, the needs of the individual become subservient to the needs of society. Marxism, when rigorously imposed, transformed every self-willed individual into an "obedient servant." However, the "Thou" and the "It" combined will provide opportunities for the individual to achieve in a world where his/her "personhood" and needs will be respected.

86 Ibid., 58.
87 Vermes, Buber, 45.
88 Martin Buber, I and Thou, 75.
89 Diamond, Martin Buber, Jewish Existentialist, 21.
90 Susser, Existence and Utopia, 103.
91 Ibid.
92 Murphy, Martin Buber's Philosophy, 46.
93 Susser, Existence and Utopia, 103.
According to Buber, three types of society exist. Firstly, Buber addressed the vision of the human person as being alone in an individualistic world. Such a view holds that the human person is totally isolated in the modern world. This form of society is, in essence, competition orientated. As a result, each person must learn to be totally independent and only rely on his/her own personal resources. The individual cannot find a place of refuge within individualism. As stated earlier in this section, Buber also remained apprehensive about Marxist collectivist societies. It would appear that the only society within which “authentic being” may flourish is in a community. Indeed, individualism and collectivism both generate obstacles to such growth. Buber has argued:

If individualism understands only a part of man, collectivism understands man only as a part. Individualism sees man only in relation to himself, but collectivism does not see man at all, it sees only “society.” With the former, man’s face is distorted, with the latter it is masked.

Within a collectivist society, the assumption is that one individual becomes part of a greater whole. Furthermore, a person is not necessarily isolated as in an individualistic society but is “overpowered.”

It is also noted that a community consists of single entities that in some way exist in a constant state of openness to other beings. Within a community, the “I” in each individual is allowed to reach its full potential. It is noted that this process, in turn, produces greater community living. For it is only by recognising the “I” in oneself that one is able to appreciate the “Thou” in others. Within the confines of a community, the “Thou” becomes “We.” What distinguishes a community from a collective is that

94 Ibid., 43.
95 Ibid.
within a community spirit, the special uniqueness of each "Thou" is respected.

Accordingly, by "We," Buber considered:

A community of several independent persons, who have reached a self and self-responsibility, the community resting on the basis of this self and self-responsibility and being made possible by them. The special character of the "We" is shown in the essential relation existing or arising temporarily between its members; that is, in the holding sway within the "We" of an ontic directness which is the decisive presupposition of the "I-Thou" relationship. The "We" includes the "Thou" potentially. Only those who are capable of truly saying "Thou" to one another can truly say "We" with one another. 99

Certainly, the concept of community is one within which human solidarity is "embodied in social organisation" whereby, all individuals work together in partnership and claim joint ownership over possessions. 100 Buber confirmed this theory by noting:

It is not a matter of intimacy at all but, rather, one of openness. A real community need not consist of people who are perpetually together; but it must consist of people who, precisely because they are comrades, have mutual access to one another and are ready for one another. A real community is one which in every point of its being possesses potentiality at least the whole character of the community. 101

Within such an environment, individuals merge together as "We" and work towards achieving a common goal. It is stated that true communitarians help each other and produce together. 102

Given the fact that the "Thou" must succumb" to the "It" for survival sake, caution is advised so as not to over-exaggerate the "It" dimension of the person. It is also suggested, that, to focus solely on the "It" factor results in the dehumanisation of the person. 103 Indeed, individuals may be dehumanised within a globalisation process. Consequently, local community concerns should take precedence over political

100 Susser, Existence and Utopia, 51.
102 Susser, Existence and Utopia, 51.
103 Robert C. Hoover, "Buber’s Way toward Sustainable Communitarian Socialism," in Martin Buber and the Human Sciences, 256.
expediency or global needs. In fact, Buber acknowledges the need for a centralised
government. Difficulties arise, however, when centralised institutions reduce each
“Thou” to an “It.” Nevertheless, Buber has rejected the establishment of any
institution that sought to undermine the “Thouness” of any person or culture. Hence,
a dialogical system of government is advised. This form of social order would contrast
greatly to one that has been entirely “politicised.” A system that places more
emphasis on dialogue would seek the participation and co-operation of society as a
whole.

Accordingly, the “Thou” concept is only sustainable insofar as society remains
community focussed. If society becomes too industry focused, then the emphasis
shifts to the “It” dimension of the person. To acknowledge the other as “Thou” is to
value that person “intrinsically for his/her own sake.” It is interesting to note that
society cannot be transformed through “political process.” Instead, society develops
and grows through the maturation of “social and community relationships.” In fact, it
has been claimed that it is only with the establishment of genuine dialogue can
opportunities for peace and social reconciliation evolve.

Indeed, Buber remained firm in his criticism of any social structure that seeks to
undermine the “Thouness” in any individual. To make the local community sub­
ordinate to the wider social economy can remove that essential quality of self-will from
individuals. Within a globalisation process, there evolves an individualistic or an

104 Ibid.
105 Lothstein, “To Be is To Be Relational,” 42.
106 Hoover, “Buber’s Way toward Sustainable Communitarian Socialism,” 257.
107 Ibid.
108 Ibid., 259.
109 Ibid.
110 Martin Buber, “Paths in Utopia,” Martin Buber’s Philosophy of Education, 188.
111 Murphy, Martin Buber’s Philosophy of Education, 194.
112 Mark A. Lutz, “The Relevance of Martin Buber’s Philosophical Anthropology for Economic
Thought,” 273.
authoritarian society whereby, “values are defined and articulated by those in power.”113 Instead, Buber has argued that “true norms demand not our obedience but ourselves.”114 Any social norm that seeks to divide or enslave cannot be recognised as a fundamental authentic social convention. It has been considered that inauthentic norms only offer a “conditional confirmation.”115 Within such a society, members “confirm” one another. In simple terms, they help each other to achieve their intended goals.116 Furthermore, individuals are accepted so long as they abide by the dictates of an authoritarian regime. Not to conform to the set standards will result in lack of confirmation.

This ability to relate to the other as “Thou” is recognised as one of the features that distinguishes humanity from other life-forms. For instance, it is stated that animals are incapable of an “I-Thou”-“I-It” distinction in their interactions with their fellow creatures.117 Furthermore, animals use things and do not consider the total worth of any entity they may acquire.118 The analogy that is used by Buber is that of a monkey claiming ownership of a stick. The animal becomes very possessive of the stick because he needs it to prize open a gap in a fence. Once the stick has served its purpose, the monkey discards it. The animal cannot contemplate another use for the object in question.119 For this reason, Buber has stated that “true beings” live in the present whereas, the life of objects remains in the past.120 Indeed, those that “show potential relationship” qualities are not “predominantly animal” but are “predominantly spiritual by nature.”121 Accordingly, the “I” can only fully achieve full “humanness” through one’s encounters with other people. The “I-Thou” relationship is subsequently

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113 Ibid., 274.
115 Ibid., 6-7.
116 Buber, The Knowledge of Man, 67.
117 Vermes, Buber, 44.
118 Buber, The Knowledge of Man, 65.
119 Ibid.
120 Buber, I and Thou, 26.
121 Vermes, Buber, 44.
described as an essentially loving encounter. Such love may or may not incorporate feelings of love. Love has been described as “a position” one takes whereas feelings of love are considered an emotive experience. Love, however becomes a two-way process. An “I-Thou” interaction is possible only if both parties understand the concept of love that resides within each individual. Consequently, authentic human interactions are only achievable in so far as one person acknowledges the love radiated from the other person.

3.7 Martin Buber: The Purpose of Education.

For Buber, the purpose of education was to promote the innate creative potential that rests within each individual. Creative ability has been described as the “existence of an autonomous instinct, which cannot be derived from others, whose appropriate name seems to be originator instinct.” This “originator instinct” that resides within each individual constitutes a personal capacity to be spontaneous. Accordingly, educators should aim to develop this spontaneity within students in order that they may function as self-determining beings. It may also be concluded that educational structures that attempt to develop alien capacities within students may fail to produce a self-autonomous individual. Educators must, therefore, create the appropriate environment that will facilitate this process of self-growth for students. This journey of self-discovery is considered a solitary act. Yet, it is a journey that must be facilitated and enhanced by the educator. However, it is a process that each

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122 Ibid., 45.
123 Martin Buber, Between Man And Man, 40.
124 Ibid., 111.
125 Ibid., 114-115.
individual must undertake for himself/herself. It is not one that the educator can make for his/her students.\textsuperscript{126}

Education fails, nevertheless, when the uniqueness of each individual is not addressed. Buber drew a distinction between "individual achievement" and "community undertaking."\textsuperscript{127} Individual achievement can be self-fulfilling, whereas "community undertaking" is considered a willingness, on the part of the individual, to interact with society. Education is, therefore, responsible for the manifestation of a person who is willing to express cultivated innate abilities within the social stratum.\textsuperscript{128}

In relation to "I and Thou," respect for "Thou" cannot develop in isolation but evolves only in communion.\textsuperscript{129} Buber's philosophy of human anthropology presented the individual as essentially relational as opposed to being self-fulfilling by nature.\textsuperscript{130} To be willing to participate in society gives a person the opportunity to live a more meaningful existence. Such a person is less individualistic and more socially orientated.\textsuperscript{131}

In order to clarify this hypothesis, a comparison has been made between the role of a gardener and that of a sculptor. A gardener is one that nurtures the plants, provides water, adds fertiliser and removes weeds. However, the plants remain vulnerable to extreme weather conditions and often perish as a result. A teacher who adopts the "gardener" approach will not instil a sense of confidence in his/her students. Students may believe that, while they are capable of achieving, they may not be able to progress beyond their present life situations. Contrasting with this methodology is the "sculptor" approach. A "sculptor" moulds students according to his/her own design. Such a

\textsuperscript{126} Ibid.
\textsuperscript{127} Buber, Between Man And Man, 113.
\textsuperscript{128} Ibid.
\textsuperscript{129} Ibid., 114.
\textsuperscript{130} Daniel Murphy, Martin Buber's Philosophy Of Education, 92.
\textsuperscript{131} Martin Buber, Between Man And Man, 113.
person tends to relate to students in an “It” fashion, in a deliberate act of objectifying
the person. It is argued that neither of these teaching methodologies prepares
students sufficiently for life in the real world.

A person who is spontaneous and self-determining, on the other hand, is free. Such freedom is considered, not in terms of lack of compulsion, but freedom to be in
communion. It must be noted that compulsion cannot be totally equated with inner
disunity. However, it has been claimed that freedom in education prepares the
student for the possibility of communion. In order to develop this concept of
“communion,” students must learn to live within certain social conventions with their
peers. It may be concluded, therefore, that human freedom is not to be considered an
end in itself. As a means to an end, nevertheless, human freedom provides the way
forward to personal fulfilment “through communion and love.”

Buber also distinguished between the “will to power” and “Eros” within
educational structures. Old traditional teaching methodologies imposed traditional
values and ready-made solution upon students. Within such an educational structure,
students were afforded little opportunity to explore personal life-issues. Instead,
teachers would offer old traditional answers that could be applied to every life situation.
The “will to power” describes an educational structure whereby, students were taught to
function in ways that may be contrary to their own very nature. Very often, values and
solutions were passed from one generation to the next. This “will to power” was, in
later years, confronted with rebellion once students recognised their “Eros”
dimension. As students progress through life, they may wish to abandon these

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132 Murphy, Martin Buber’s Philosophy of Education, 90.
131 Buber, Between Man And Man, 117.
134 Murphy, Martin Buber’s Philosophy of Education, 93.
135 Buber, Between Man And Man, 120.
imposed values and answers in exchange for choices made from “inclination.”

Personal independence, therefore, involves a “letting go” of infantile support structures only to live according to one’s own dictates. It must be noted, however, that the search for self-autonomy must remain a process that operates within the confines of socially acceptable standards. Indeed, the journey towards self-will must not be totally selfish.

Educational structures that provide the means to liberation from “repressive authoritarianism” must incorporate some sense of community spirit. It has been noted that a person is only fulfilled to the extent that he/she is capable of loving. In the light of this treatise, the author is of the view that human freedom is freedom to love.

One critical component of the educational process addressed by Buber is the formation of conscience. This concept of conscience emerges from conception, as a natural part of the human condition. In fact, the notion of conscience is considered another factor distinguishing human and animal. The values upon which conscience is built are constructed through a process of internal reasoning coupled with one’s individual cultural upbringing. Consequently, the “search for ethical meaning” remains an essential part of a holistic educational structure. The educator assumes the role of a guiding force and a “confirming influence” within the process of conscience formation. It has been noted that there are three components existing in this notion of “confirming influence.” Firstly, the educator facilitates the process of “self-illumination” for the student. At this point in time, the student is afforded every opportunity to explore every value and ideal known to the student himself/herself. The educator guides the student as he/she examines the positive and negative affects of each value. In the midst of this process, the student may also discover some values that may appeal to him/her. Secondly, the educator helps the student to develop his/her innate

136 Ibid., 121.
137 Murphy, *Martin Buber’s Philosophy of Education*, 205-206.
138 Ibid., 208.
ability to critically examine his/her life and the world. Thirdly, the educator must facilitate a student that may need to engage in a process of self-healing. Through this process of self-healing, the student learns to overcome feelings of inadequacy and despair. It has been suggested that the primary role of the educator is to “assist his/her students in that liberating process of self-illumination and self-healing through which they can learn to make their lives meaningful and purposeful.”

Indeed, Buber has reiterated the fact that the development of conscience must include one’s personal responsibility to society and to the community. This particular form of maturity will, in turn, generate a healthy tension between the need for self-determination and one’s responsibility to society. However, within the process of education, students learn to be participatory members of society. Educators are responsible for providing a correct interpretation of social values and ideals for students. This concept of personal responsibility does not contradict one’s desire to pursue a quest for personal freedom. Nevertheless, this theory of personal responsibility includes a notion that individuals should also adopt a community spirit. While the search for self-autonomy may be described as a solitary act, the process itself is designed to enable individuals to exist within a society. Therefore, it is only through a process of dialogue that students will learn these necessary social skills. When the educator enters into a dialogical interaction with his/her students, there exists a mutual respect for the “Thouness” of each other. The teacher also comes to acknowledge that he/she may also learn from his/her students. This new form of education has replaced

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139 Ibid.
140 Ibid., 209.
141 Ibid., 190.
142 Ibid., 191.
143 Buber, Between Man And Man, 125.
144 Ibid.
the traditional image whereby, it was assumed that the teacher had all the answers all of
the time.\textsuperscript{145} Referring specifically to the education of adults, Buber has noted:

A good teacher educates when speaking as well as when silent, during the
lessons as well as during the recess, during an occasional conversation,
through his/her own behaviour, provided he/she really exists and is really
present. He/she is an educator by touch. The people’s school is based upon
the encouragement of contact between teacher and students – upon the
principle of dialogue; dialogue of questions from both sides, and answers
from both sides, or joint observation of a certain reality in nature, or in art or
in society, dialogue of joint penetration into one of the problems of life
dialogue of true fellowship, in which the breaks in conversation are no less
of a dialogue than speech itself.\textsuperscript{146}

The author suggests that educators need not always provide the answers but should
provide opportunities for students to address existential questions. For that reason,
educators must strive to adapt within an ever-changing society.\textsuperscript{147} The author also
considers that, for teacher and student alike, education has become a life-long process.

Buber acknowledged, however, that to live by the dictates of one’s conscience
may not be entirely easy. In order to pursue the truth, one may need to reject the status
quo.\textsuperscript{148} The concept of conscience, therefore, does not imply that the individual should
remain a passive bystander in a world littered with opposing values.\textsuperscript{149} Throughout the
education process, a student must learn to respond to life in its “totality.”\textsuperscript{150}
Consequently, education involves more than the passing on of information or the
learning of a trade. For the individual, education must become a humanising
experience.\textsuperscript{151} For this reason, education must focus not on the instinctive drive of the
student but on the building of a free social being. For education to achieve this goal, the

\textsuperscript{145} Ibid., 126-127.
\textsuperscript{146} Martin Buber, “Adult Education,” quoted in Murphy, \textit{Martin Buber’s Philosophy of
Education}, 198.
\textsuperscript{147} Murphy, \textit{Martin Buber’s Philosophy of Education}, 130.
\textsuperscript{148} Ibid., 94.
\textsuperscript{149} Murphy, \textit{Martin Buber’s Philosophy of Education}, 194
\textsuperscript{150} Ibid., 191.
\textsuperscript{151} Buber, \textit{Between Man And Man}, 116.
process must be one of dialogue. It is interesting to note that Buber distinguished between dialogue and dialect. The concept of dialect focuses much of its attention on “sameness” leaving little room for difference. Dialogue, however, enjoys a lack of predictability. Learning through dialogue presupposes openness in search of truth by both student and teacher alike. With these concerns in mind, education becomes the means of:

Nurturing the relational capacities of the individual rather than being the sole provider of opportunities. Self-expression and growth become, therefore, the main focus of education.

For Buber, education is not responsible for the development of the personality but is charged with the “moulding of character.” Buber has described “genuine education of character” as “genuine education for community.” A distinction is made, nonetheless, between “uniformity” and “multiformity.” “Uniformity” regards the individual as part of a collective. This form of grouping serves not to bind a community but to bundle a people together. A person in such a collective lives in isolation and often goes unnoticed. “Multiformity,” on the other hand, prepares the student for inclusion into society while, at the same time, respecting his/her uniqueness.

Buber has suggested that the education of character constitutes the education of the whole person. Referring specifically to adult education, he has stated:

......adult education as a whole must be directed to develop the person as a whole and not to merely maintain his/her brain. He/she should learn to think, not only with his/her mind but with all his/her spiritual-physical

152 Ibid., 125.
154 Murphy, Martin Buber’s Philosophy Of Education, 106.
155 Ibid., 92.
156 Buber, Between Man And Man, 113.
157 Ibid., 146.
158 Ibid.
159 Ibid., 51.
160 Ibid., 241.
161 Ibid., 146.
162 Ibid., 132.
essence, with all his/her limbs and senses. His/her thinking should not be a special department, separate from the rest of his/her existence, his/her eyes, his/her ears and his/her fingers must participate in it as well.\textsuperscript{163}

This concept of wholeness includes the education of the student’s potential capacities together with the abilities he/she may portray. It is argued that education can effect little change over personality traits but can influence the character of students. Character is believed to be a multifaceted phenomenon that is mainly composed of a series of opposing forces. Such forces include temptations, questions and instinctual drives. The person of character will select his/her own values appropriate to his/her own needs and will live according to those values. It is noted that education should instil within students, the confidence to confront these issues.\textsuperscript{164} This concept of confidence is defined as a “liberating insight.”\textsuperscript{165} A sense of self-confidence enables one to release oneself from imposed bonds. Buber has outlined the two intrinsic components within the human condition. Firstly, there exists the “longing for perfected relation.” As stated earlier, the perfect relation is one that evolved between the individual and the Transcendent.\textsuperscript{166} Secondly, individuals experience “dissatisfaction with being limited to needs.”\textsuperscript{167} The satisfaction of needs remains a common factor between humankind and the animal kingdom. However, unlike animals, human needs are deeper than the mere instinctual. For instance, the need for self-fulfilment is essential to the human condition.\textsuperscript{168} A state of self-fulfilment is achieved through our genuine relations with the significant others in our lives. Another potential source of self-fulfilment lies in “the fullness of possibility.” The “fullness of possibility” is

\textsuperscript{163} Buber, “The Knowledge of Man,” quoted in Murphy, \textit{Martin Buber’s Philosophy of Education}, 197.
\textsuperscript{164} Buber, \textit{Between Man And Man}, 133-134.
\textsuperscript{165} Ibid., 135.
\textsuperscript{166} See section 3.4 of this paper.
\textsuperscript{167} Buber, \textit{The Knowledge of Man}, 163.
\textsuperscript{168} Ibid.
described as an institution whereby, an individual is afforded every opportunity to fulfil his/her creative potential. Creative ability made manifest through one's work. It aids the transition from maintaining a “seeming” disposition to having confidence in one's own “being.”

It has also been stated that modern advancements have further threatened the sanctity of every individual. In fact, one criticism made of a science-orientated society is that a person is not envisaged as one single unity. Rather, the scientific world, in its dealings with individuals, looks to the many parts that may be dissected. Those opposing such a vision of the human race regard each individual as one unified whole that constitutes something greater than the sum of many parts. Scientific knowledge placed in the hands of the wrong person can have a very destructive affect on the human condition. The hypotheses and evidence provided by the empirical sciences contribute much to our knowledge of the world. However, generalisations made by the empirical sciences do not always consider the well-being of individuals. Even within the realm of the human sciences, applications and hypotheses, not subject to values and critical evaluation, may result in the manipulation of an entire population. Accordingly, Buber was critical of education systems that attempt to devalue or undermine heritage and cultural climate. He maintained that cultural values should be maintained within the school curriculum because traditional values remain the very foundation of any community. Experience has taught that progressivism in some fields does not always lead to a better world. Buber was also critical of a society that

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169 Ibid., 164.
170 Ibid., 78.
171 Hoover, “Buber’s Way toward Sustainable Communitarian Socialism,” 256.
172 Friedman, introduction to Buber, The Knowledge of Man, 19-20.
174 Ibid.
175 Ibid.
176 Daniel Murphy, Martin Buber’s Philosophy Of Education, 112.
would replace its religious heritage with a new scientific intellectualisation. In fact, the only alternative to a religious ethic mentioned is a scientific ethic, one that offers a self-created morality. A society that blindly surrenders its cultural integrity to a scientific ethic experiences inevitable scepticism and nihilism. The technological revolution witnessed in more modern times has also contributed its share to the dehumanisation of the individual. Where once technology was invented to serve humanity, humanity has now become the slave of that same technology. The human race has lost control of its own inventions as production goes beyond our reach.

**Conclusion.**

The very core of Buber’s philosophical anthropology addressed the uniqueness and wholeness that resides in every human person. In order that this innate uniqueness be respected, it is necessary to address the other in his/her humanness. Each person exists with an array of dreams, ambitions, goals, beliefs and values. If one is to find happiness and self-fulfilment in this world, then one must live by the dictates of one’s own soul. Furthermore, Buber relied heavily on human dialogue as a means to achieving social transformation. Throughout his philosophical treatise, he has claimed that dialogue enables individuals to progress from a position of isolation to one of potential social acceptance. For Buber, it was through a process of dialogue that one learns to accept the other as equal thereby, negating any existing oppressive social structure. A dialogical approach to human interaction generates a greater sense of self-worth within those who may have previously felt subordinate. Dialogue, as a humanising process, enables prisoners to see themselves as more than offenders. In

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177 Ibid., 84.
178 Martin Buber, *Between Man And Man*, 193.
179 Ibid., 194.
180 Friedman, “Martin Buber’s ‘Narrow Ridge’ and the Human Sciences,” 16.
In many cultures, convicted offenders are judged to be worthless and beyond redemption. It may be argued that, through a process of dialogue, society’s outcasts may come to believe in themselves again.

Buber has also argued that education is the catalyst that aids the process from social isolation to social participation and interaction. He has determined that education can become a mechanism whereby, one may actively participate in society while, at the same time, respecting one’s own individuality. This concept of self-respect begins within the domain of education as a dialogical process. In the light of this philosophy, Buber rejected the “hierarchical cognitionaly dominated model” of education. Such an educational structure imposes values and a vision of the world onto students as opposed to developing creative potential. He argued that a more meaningful education is the product of a human encounter between the teacher and students. Buberian concepts in educational philosophy emphasise re-socialisation and re-education. This theory may be specifically applied effectively within the confines of corrective education. Many offenders have come to accept that they may have nothing to contribute to society. Their attitudes towards education and educators may not be necessarily conducive to further learning. Such individuals may need to re-consider their potential role in society and acquire a greater sense of responsibility. It was noted earlier how education focuses on the “fullness of possibility.” Coupled with the theory that education should seek to develop a student’s creative ability, educators should also provide every opportunity for him/her to develop his/her full potential.

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181 Murphy, *Martin Buber’s Philosophy of Education*, 117.
182 Ibid.
CHAPTER FOUR
The Educational Philosophy of Paulo Freire.

Introduction.

In this chapter, the author proposes to explore the work of the renowned South American educationalist, Paulo Freire. Freire developed the theory that education empowered individuals to achieve a state of self-autonomy. He, in turn, invented the term "conscientisation" to describe a revolutionary process whereby, individuals become aware of their plight. Henceforth, the role of educators was, from this defining moment, to enable students to act constructively to improve their life-situations. Within the confines of education itself, Freire distinguished between the traditional "banking" system and a more progressive dialogical pedagogic methodology. Following in the footsteps of Buber, Freire affiliated himself to the progressive student-centred philosophy of education. He considered that such a process should incorporate greater student participation. Within such a setting, education constituted more than the mere regurgitating of information on the part of educators. The author considers that Freire's philosophy of education promotes the theory that educational structures should address real life situations. As a result, Freire's criticism of an educational policy that encourages fictional, hypothetical or ideal lifestyles will also be discussed.

4.1 Paulo Freire: Historical Profile.

Paulo Freire was born in 1921 in Recife, a small port city in the North Eastern part of Brazil. He was reared in a middle-class home but the family experienced some hardship during the recession that existed in the 1920s' and 1930s'. Once the family's financial position improved, Freire attended the University of Recife where he had originally intended to pursue a legal career. However, as time passed, he developed an
interest in philosophy and the psychology of language.\(^1\) It was during this period in his life that Freire began to read the philosophical works of Karl Marx, Jacques Maritain and Emmanuel Mounier. These great philosophers eventually influenced his philosophy of education.\(^2\)

Freire married Elza Costa Oliveira, also of Recife, in 1944. Freire became increasingly interested in educational theories, philosophies and sociologies. After having qualified as a lawyer, he quickly abandoned the legal profession. Instead, he embarked upon his career as a welfare officer. Eventually, he was to be appointed Director of the Department of Education and Culture of the Social Service in the State of Pernambuco.\(^3\) Freire was very touched by the suffering of the poor he came into contact with. His subsequent educational programmes aimed at reaching and communicating with the more socially deprived. In time, Freire developed these programmes into a dialogical method of adult education. In 1959, Freire received a doctoral degree in educational philosophy from the University of Recife.

The early 1960s’ proved to be turbulent years in Brazil. Many opposing political forces battled against each other for power. It was in the midst of this political unrest that Freire was appointed the first Director of the University of Recife’s Cultural Extension Service. As Director of this institution, Freire established literacy programmes for peasants in the North East of Brazil. From June 1963 to March 1964, these literacy programmes were extended to cover the entire nation. Freire and his associates attained high success rates in their literacy programmes. Their success is

\(^1\) National-Louis University, [www.nlu.nl.edu/ace/Resources/Freire.html](http://www.nlu.nl.edu/ace/Resources/Freire.html) Accessed 23\(^{rd}\) December, 2001. No date of publication given.

\(^2\) Ibid.

\(^3\) Ibid.
attributed to an educational structure, devised by Freire, which combined literacy programmes and political activism.\(^4\)

However, in April 1964, Brazil endured a military coup that overthrew the then known "Goulart" regime. All progressive movements were outlawed and Freire was imprisoned for his "subversive activities."\(^5\) As a result, Freire spent a total of seventy days in detention. While imprisoned, he began to write his first major treatise entitled "Education as the Practice of Freedom." Freire completed this work in Chile because, once released from prison, he was exiled from Brazil.

Freire lived and worked in Chile for a further five years. After this period of time, after having received an invitation from Harvard University, he moved to the United States. Freire taught at Harvard's Centre for Studies in Education and Development until the 1970s'. During his time of exile in the United States, Freire witnessed the political disturbances that arose in many American cities. He concluded that many of the concepts of social deprivation and exclusion were not totally restricted to developing nations. Instead, these social phenomena existed as an integral part of even the most advanced of cultures. His understanding of social exclusion shifted, therefore, from a totally "geographical perspective." He came to understand that it was political institutions that generated a two-tiered social structure between the powerful and the oppressed.\(^6\) Oppression was, therefore, a universal phenomenon.

Upon leaving Harvard and the United States in the 1970s', Freire was appointed Assistant Secretary of Education for the World Council of Churches in Switzerland. This appointment resulted in Freire travelling many parts of the world offering advice on educational provision within developing nations. In 1979, however, Freire was

\(^4\) Ibid.  
\(^5\) Ibid.  
\(^6\) Ibid.
invited back to Brazil by the authorities and accepted a position at the University of Sao Paulo. In 1988, he was appointed Minister of Education for the Sao Paulo area whereby, he assumed responsibility for educational provision for most Brazilian schools. Paulo Freire died in 1997, in Rio de Janeiro.

Freire’s philosophy of education has inspired optimism and hope in people experiencing hardship, exile and imprisonment. He has been described as a voice for those individuals with no political influence in the world.\(^7\) For Freire, education would eventually become a means of empowerment for those who otherwise would have fatalistically accepted their situation of apparent powerlessness. Consequently, education has historical ramifications in that it helps individuals direct the course of their own personal histories.\(^8\)

### 4.2 Paulo Freire: On Human Existence.

Oppression evolves in a society where a small number of people, with political influence, unite to dominate the larger general population. Within many societies, the few who are strong dominate and exploit the multitudes who are vulnerable. Consequently, there emerges a society where most citizens experience a sense of alienation. Certainly, Freire was of the view that alienation is the product of oppression and exploitation.\(^9\) Interestingly, within an oppressive society, both sides of the political divide become dependant. The oppressed become totally dependant on their authoritarian superiors. The oppressors become dependant upon their exploitative

\(^7\) Ibid.


measures as a means of personal security. It may be argued, therefore, that both the oppressed and the oppressor are in need of liberation.

Indeed, Freire has specifically stated that people are not alienated out of choice. Individuals experience social isolation because they have been expelled from the main social arena. Such expulsion is not to be classified as total exile. A person expelled is one that remains within the social system but as a dependent member. In other words, expulsion takes the form of lack of self-autonomy. Exile, on the other hand, is defined as a state of “absence from one’s native land.”

Furthermore, Freire was of the view that human existence remains in a constant state of development. A world that remains static is, in essence, not human but animal. The distinguishing factor between the animal kingdom and humanity is that animals must adapt to new conditions imposed upon them. The human equivalent, proposed in analogous form, is that of a person on a life-support machine. Such an individual is left totally to the mercy of causality and simply adapts in order to accommodate change. Humanity, however, maintains the ability to intervene and to transform the world. Freire has noted:

To reflect, to evaluate, to programme, to investigate and to transform is unique to human beings in the world and with the world.

In may be concluded that, unlike animals, human beings are capable of constructing their own history, values and choices. However, people must be free to dialogue in order that human potential comes to fruition. He reinforced this point by stating:

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10 Ibid., 2.
11 Ibid., 10.
12 Ibid., 11.
15 Freire, Cultural Action for Freedom, 11.
16 Freire, Pedagogy of the Heart, 34.
17 Freire, Cultural Action for Freedom, 6.
Life becomes existence and life support becomes world when the conscience about the world, which also implies the conscience of the self, emerges and establishes a dialectic relationship with the world.\textsuperscript{18}

Furthermore, Freire has noted that the human race alone is capable of transforming life into existence.\textsuperscript{19} In order for this state of existence to be achieved, the person, as conscience, and society must develop a "mutual relationship" that remains dialogical by nature.\textsuperscript{20}

Freire also argued that oppressive regimes deliberately manipulate people with illusions of grandeur by means of propaganda.\textsuperscript{21} The general public subsequently lives in an environment where fact and fiction become almost indistinguishable. In turn, large ghettos develop with almost fatalistic acceptance. Consequently, individuals surrender their opportunity to choose their own lifestyles.\textsuperscript{22} However, at some point in time, individuals may begin to question the existential contradictions that become apparent in their lives.\textsuperscript{23} This phenomenon exposes the fact that each human person is intended to relate to the world in a critical fashion. Accordingly, no amount of manipulation or oppression will totally erode the human capacity to question. It may be concluded that, in questioning one's existential predicament, one remains convinced that social transformation is possible.\textsuperscript{24} In fact, such an endeavour may require individuals to perceive their world in a different fashion. It may require a more critical, less naïve and a rigorous understanding of one's predicament.\textsuperscript{25}

\textsuperscript{18} Freire, \textit{Pedagogy of the Heart}, 34.
\textsuperscript{20} Freire, \textit{Pedagogy of the Heart}, 34.
\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid., 7.
\textsuperscript{24} Ibid., 4.
\textsuperscript{25} Freire, \textit{Pedagogy of the Heart}, 38.
4.3 Paulo Freire: Hope as a Prerequisite for Social Transformation.

Freire has noted that social transformation begins with the dream of a new world order. However, to dream should not be simply interpreted as a form of escapism. Instead, a dream becomes an initial phase in the struggle to re-create the world.\textsuperscript{26} It has been suggested that such a dream is impossible without some form of hope.\textsuperscript{27} For Freire, the hope of something better to come provided the oppressed with the necessary determination to persevere in the cause for social transformation. As a result, he rejected any form of fatalism.\textsuperscript{28} One common feature that germinates among people in desperate situations is the lack of hope. In fact, he described such fatalistic tendencies as an "existential weariness."\textsuperscript{29} Individuals harbouring fatalistic attitudes believe that their future has already been predetermined. Freire has observed that, in every desperate situation, there dwells the possibility of hope.\textsuperscript{30} In fact, he was of the view that hope exists as an "ontological requirement for human beings."\textsuperscript{31} Nevertheless, the notion of hope does not imply that change has already taken place. Instead, hope offers the possibility for change in the future. Rather than focus one's attention on one's desperate situation, it has been suggested that one should adopt a position of "critical optimism."\textsuperscript{32} To hold such an outlook in life suggests that one is prepared to engage in the process of social transition.

Certainly, this model of hope allows individuals to thirst for freedom in the midst of oppression. This desire for freedom is considered to be a natural part of the human condition. As a result, freedom cannot be defined as a luxury but a basic human

\begin{itemize}
  \item \textsuperscript{26} Freire, \textit{Pedagogy of Hope}, 126.
  \item \textsuperscript{27} Ibid., 91.
  \item \textsuperscript{28} Freire, \textit{Pedagogy of the Heart}, 35.
  \item \textsuperscript{29} Freire, \textit{Pedagogy of the Heart}, 42.
  \item \textsuperscript{30} Ibid., 41.
  \item \textsuperscript{31} Ibid., 44.
  \item \textsuperscript{32} Ibid., 58.
\end{itemize}
Even when an individual internalises aspects of the oppressor within himself/herself, something else inside him/her refuses to succumb totally to the affects of oppression. Any form of rebellion, no matter how small, is considered a “muffled cry of resistance” against oppressive forces.34

Unfortunately, the only alternative to hope is total surrender, made most manifest through acts of suicide.35 The concept of hope adds a certain authenticity and honesty to the struggle for social change. Without hope, the struggle for human freedom may progress into an empirical scientific experiment. It has been noted, however, that hope alone will not transform the world. To rely solely on one’s hopes and aspirations may result in a deeper sense of fatalism and despair. In order for the desired state to be achieved, hope must be grounded in concrete activity.36

4.4 Paulo Freire: Critical Reflection and Social Transformation.

For Freire, social transformation is described as an attempt to achieve a state of being. In other words, individuals working to effect social transformation strive to become more fully human. To be oppressed, therefore, is to exist in a state of non-being.37 He has suggested that dreams and aspirations are the products of critical reflection. However, it is important for individuals to discern achievable and authentic aspirations from other fallacies. Accordingly, any attempt to reform society demands a “theory of transforming action.”38 In reality, one cannot denounce the existing constructs without having an alternative array of structures to announce. Indeed, it has

34 Freire, “Twelfth Letter” in Letters to Cristina, 118.
35 Freire, Pedagogy of Hope, 9.
36 Ibid., 8-9.
37 Freire, Education for Critical Consciousness, 144.
38 Freire, Cultural Action for Freedom, 20.
been noted that this phenomenon of announcement, together with the inauguration of transformative action, begins with the denunciation of oppressive structures. For Freire, this concept of “announcement” forms the basis of the “utopian character of education.” In this respect, it is only through a process of education that one can explore the alternatives to the present undesirable social regimes. “Denunciation” generates “annunciation” and “annunciation” is considered a prerequisite to social transformation. Moreover, “denunciation” without authentic annunciation does not necessarily lead to “utopia.” In fact, Freire was adamant that this scenario serves only to reinforce the status quo. It is only through a process of “rigid problematising” that one can truly explore the very essence of an oppressive society. This concept of “problematising” has been described as a gradual process of examining reality as a totality that in some way might enlighten us as to our existential situation.

Furthermore, Freire asserted that State authorities should not seek to dominate the unfortunate victims of social deprivation. It has also been noted that authorities should not bow to every request made by these victims of circumstances either. Nevertheless, one criticism Freire formulated against capitalism was its “absolute insensitivity to the ethical dimension of existence.” He went on to state that a capitalist society manages to produce “scarcity with abundance and need with plenty.” Freire contrasted a capitalist regime to a more socially sensitive “constructive state.” A “constructive state,” it was argued, exists when:

Citizens are reintegrated through forming new political and social networks based both on information and critical analysis of their own situation in the global environment.

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39 Ibid.
40 Ibid.
41 Ibid., 21.
42 Denis Goulet, introduction to Freire, Education for Critical Consciousness, ix.
43 Freire, Pedagogy of the Heart, 88.
44 Ibid.
45 Martin Carnoy, forward to Freire, Pedagogy of the Heart, 11.
This notion of a "constructive state" involves a community solidarity within which all marginalized ideologies are accommodated. Accordingly, in a "constructive state, the concept of social exclusion should not exist. Happiness and personal fulfilment should, therefore, not be considered a luxury only to be enjoyed by society's elite. The majority cannot be sacrificed just to appease the mighty few.

It is ironic, however, that individuals may be oppressed by factors they do not understand. People living in totalitarian States often live with the illusion of freedom. They may blindly follow the dictates of others but believe they are free. Nevertheless, their creative potential becomes impaired in such a regime. They exist as objects as opposed to being self-determining subjects. It has been argued that oppressed individuals may fear the concept of freedom because they lack democratic experience. For Freire, this phenomenon marked the distinction between a "dialectic" view of society and a "mechanistic" perception. Within a "dialectic" society, history is not pre-determined but evolves naturally. However, within a "mechanistic" culture, there exists no concept of personal initiative and each one's role in society is pre-determined. In such cases, the concept of democracy is destroyed together with the desire to be self-determining. Given time, individuals adopt a fatalistic acceptance of their circumstances. They are also forced to adopt foreign ideologies imposed upon them by their conquerors.

Interestingly, a person controlled throughout his/her life, may, once removed from that particular situation, become the controller. In other words, the oppressed

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46 Ibid.
47 Ibid., 35-36.
49 Ibid.
50 Freire, "Twelfth Letter," 111.
52 Ibid., 27.
often becomes the oppressor. The author considers this phenomenon to be a determining factor that measures the effectiveness of the oppressive structures the individual has been exposed to. Freire himself has stated:

*It is true that in the oppressor-oppressed relationships, the oppressed often becomes ambiguous and dualistic as they internalise the oppressor, who becomes almost like a shadow inhabiting the oppressed. They lose their authenticity. They become like the oppressor.*

Consequently, the oppressed, through their formal co-operation, become participants within the oppressive regime. Those co-operating with the dominant forces misjudge their own position when they fail to realise that:

*Not all that results from the relationship between the oppressed and the oppressor is an expression of the inherent limits of the latter — to say that all creation by the oppressed is solely an expression of the inherent limitations is merely to duplicate the oppressor's model.*

Indeed, it may be argued that oppressors have succeeded when the oppressed have learned to "police themselves against their own freedom."

*It is also generally accepted that fanaticism thrives within a divided community. The inbred hatred and disharmony that exist in fanatical circles inevitably inhibit social reconciliation.* Such divided communities find it difficult to induce and maintain a dialogical process that could lead to a thaw in hostilities. However, when a population unites against a common enemy, Freire has outlined two different methods that may be used in the struggle for social transformation. Firstly, there is the "radical" movement. A radical is defined as a person who "rejects activism and submits his/her actions to reflection." He/she is one who gradually becomes aware of the existential anomalies which exist within his/her own society. As a result, such an individual becomes

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54 Ibid.
57 Ibid., 11.
increasingly critical of the existing social structures. Yet, he/she does not necessarily see himself/herself as one who can transform history.\(^{58}\) A subversive, on the other hand, constitutes a person who helps lead the challenge towards social transformation. He/she places himself/herself in a position to direct the course of history and, as a result, poses a greater threat to the dominant forces.\(^{59}\)

4.5 Paulo Freire: The Development of a Critical Consciousness.

Freire was of the view that one should develop a “critical consciousness” before embarking on a crusade of social transformation. “Critical consciousness” can be described as the human ability to critically analyse and transform the world.\(^{60}\) He outlined three stages in the gradual development of “critical consciousness. Firstly, there is the stage of “semi-intransitive consciousness.” “Semi-intransitive consciousness” is described as:

The state of those whose sphere of perception is limited, whose interests centre almost totally around matters of survival, and who are impermeable to challenges situated outside the demands of biological necessity.\(^{61}\)

Such a person is incapable of analysing the world in a critical fashion and, subsequently, unable to transform one’s world. Unfortunately, at this level of consciousness, individuals often adopt a fatalistic outlook in life.\(^{62}\) The second stage of consciousness is “naïve transitivity.” Individuals trapped within this level of consciousness cannot perceive the seriousness of their situations. As a result, they tend to over-simplify their problems.\(^{63}\) Such a person lacks the willingness to enter into deep

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\(^{58}\) Ibid., 12.

\(^{59}\) Ibid., 14.


\(^{61}\) Ibid.


\(^{63}\) Heaney, *Issues in Freirean Pedagogy*. 

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existential exploration and naïvely accepts the interpretation of others. It may be contended that aspects of “semi-intransitive consciousness” are contained within “naïve consciousness” also.64 These two levels of consciousness allow one to tender an un-critiqued acceptance of one’s life situation. Nevertheless, the third and final stage of consciousness is described as “critical transitivity.” It is only upon reaching this stage of consciousness that individuals can formulate their own interpretations of reality with a view to transforming that same reality. Such individuals will revise and re-examine their findings in order to avoid a distorted view of reality. These individuals will not accept pre-conceived representations of reality that may lack critical analysis.65

Accordingly, a “critical consciousness” attends to the factors which influence social reality. The concept of a holistic education not only teaches the individual to read but also aids the process from naivety to critical analysis. This process marks a progression of person as “subject” thereby, self-determining as opposed to person as “object” and open to manipulation.66 A “critical consciousness,” capable of social transformation, is characterised by:

- Its depth in the interpretation of problems;
- by the substitution of causal principles for magical explanations;
- by the testing of one’s findings and by openness to revision;
- by the attempt to avoid distortion when perceiving problems and to avoid preconceived notions when analysing them;
- by refusing to transfer responsibility;
- by rejecting passive positions;
- by soundness of argument, by the practice of dialogue rather than polemics;
- by receptivity to the new for reasons beyond mere novelty and by the good sense not to reject the old just because it is old – by accepting what is valid in both old and new.67

In contrast to militant forms of action, therefore, the process of social transformation is dialogical and democratic by nature. Within such a democratic institution, values and

65 Heaney, Issues in Freirean Pedagogy.
66 Freire, Education for Critical Consciousness, 44.
67 Ibid., 18.
ideologies are never imposed. Alternative social structures need to be discussed and compromises should be reached. The process itself also involves “experimental learning” by those, formerly dominated, now leading the challenge for social reform. Not to be equated with a “trial and error” process, the author’s perception of “experimental learning” involves the gradual undertaking to direct the course of one’s own life. It must be acknowledged, however, that other factors need to be considered when one contemplates the concept of self-emancipation. One must also recognise the desire of others to dictate the course of their own lives. It may be argued, therefore, that the desire for self-determination incorporates the notion of social responsibility.

4.6 Paulo Freire: Education as a Dialogical Process.

Freire has suggested that authentic human dialogue poses a serious challenge to the whole concept of domination. He argued that human dialogue involves an interaction between two equals. As a result, in order for one individual to dominate another, the oppressor must objectify his/her intended victims. Within such a process, the oppressed are dehumanised to the point that they are no longer believed to be fully human. Freire referred to the “zero” to which one is reduced when dehumanised to such an extent. However, once the oppressor confronts the other as equal, there is an inferred admission on the part of the oppressor that this once subservient life-form is, after all, a fellow human being. This new philosophy of human equality contradicts the existing belief that the other is inferior. The author suggests that, once the other is confronted as an equal, then there is no way back to treating the other as inferior again. Hence, the reluctance of the oppressor to enter into direct dialogue with the oppressed.

68 Ibid., 16.
69 Ibid.
70 Freire and Shor, A Pedagogy for Liberation, 99.
71 Freire, “introduction” to Letters to Cristina, 9.
Dialogue, therefore, marks a transition, not only in social practices, but also in one's philosophical beliefs. As a result, the education of the oppressor becomes another vital part of social transformation.

It has been claimed, however, that social transformation evolves from a humanistic philosophy. Oppressors are often anaesthetised as to the consequences of their actions. In fact, they may even believe they are right in pursuing such a course of action. Consequently, oppression dehumanises the oppressor as well as the oppressed. Education and re-education, therefore, become critical ingredients within the transforming process. As a means towards social transformation, the oppressed need to re-define, for the oppressors, the limits within which the dominant classes may "move." In other words, the oppressed groups need to determine the limits to which they will be controlled by more dominant forces.

Indeed, the concept of dialogue, within the confines of education, is considered a humanising process. Dialogue has been described as a democratic communication that questions the whole concept of human domination while, at the same time, reaffirms human freedom. Authentic human dialogue contains, therefore, the potential to reconstruct society. It is through a process of human communication that we transform what we once believed to be correct. It may be subsequently argued that dominant groups fail to recognise the creative potential of the general population. This hypothesis is further reinforced when educational structures fail to recognise the creative abilities of individual students. Another feature emanating from this same

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73 Ibid.
75 Freire, Pedagogy of Hope, 92.
76 Freire and Shor, A Pedagogy for Liberation, 98.
77 Ibid., 99.
78 Ibid., 98.
position is that oppressive school regimes do not empower people to function within society.\(^80\)

In order for educational structures to be effective, however, they must address political issues.\(^81\) It serves no authentic purpose to protect students from discovering the truth. Consequently, education as a dialogical process bridges the gap between “reading word” and “reading reality.”\(^82\) It is for this reason that educators must be sensitive to the students’ social conditions. Teachers must, therefore, construct their use of language, teaching methods and interpretation of worldly affairs to accommodate the needs of students.\(^83\)

Hence, as a dialogical process, pedagogical configurations do not necessarily depend on subject content insofar as they depend on addressing concrete issues.\(^84\) Indeed, dialogue is intended to awaken one’s personal awareness.\(^85\) In fact, dialogue, as a means towards human interaction, is recognised as a vital part of the development of self-awareness. Certainly, one cannot successfully achieve this state of self-awareness in isolation.\(^86\) However, it is interesting to note that individuals should be granted some personal space in order that they may have time to reflect. It is through this process of solitary reflection that one may become sensitive to one’s surrounding conditions.\(^87\) A healthy balance between social interaction and personal solitude must, therefore, be prescribed.

\(^{80}\) Freire and Shor, *A Pedagogy for Liberation*, 137.
\(^{83}\) Freire, “First Letter,” cited in *Letters to Cristina*, 16.
\(^{84}\) Freire, *Education for Critical Consciousness*, 125.
\(^{85}\) Ibid., 127.
\(^{86}\) Ibid., 137.
4.7 Paulo Freire: Education for Freedom.

It is generally accepted that lack of education results in a greater sense of dependency. Yet, another consequence of illiteracy is that an uneducated population are more likely to accept irrational projections and fallacies. Educators are required, therefore, to enable individuals to adopt a more critical stance against oppressive social structures. In other words, education should incorporate open discussion about factual problems. It should also offer opportunities to discuss interventions and to instil a sense of self-confidence that may encourage students to challenge rather than succumb to dominant forces. Education should become, therefore, a mode of empowerment for individuals in order that they may accept personal responsibility. Otherwise, they may simply surrender their integrity to the wishes of others. Such a philosophical approach to education becomes, for students, a process of “I wonder” in contrast to “I do.”

It must also be noted that this whole process seeks not to treat the oppressed as victims but to enable them in their struggle for freedom. In this case, education becomes an instrument of personal engagement. It offers those who engage themselves in educational programmes a pathway to a more fulfilled lifestyle. In other words, the task of education is not to re-socialise people into an oppressive régime but to empower them to transform that system. Education, therefore, attempts to overcome the dehumanising effects of oppression for victims and oppressors alike. It provides a pathway towards liberation and a greater sense of critical thinking. In fact, it has been

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89 Ibid.
90 Ibid., 36.
92 Ibid., 48.
93 Ibid., 22.
94 Martin Carnoy, forward to Freire, *Pedagogy of the Heart*, 16.
stated that education leads to a greater sense of self-confidence, participation, critical analysis and a higher level of consciousness.\textsuperscript{95}

Interestingly, an uneducated population poses little threat to the domineering forces in society. Accordingly, it is understandable that the oppressive forces would reject the concept of a progressive educational structure that would seek to empower the dominated classes.\textsuperscript{96} Freire’s understanding of a holistic education involved preparing the student for active participation within society. The once illiterate person could not confidently dialogue with those that once tried to dominate him/her.\textsuperscript{97} Consequently, education, as a process of cognitive development, entails preparing a person in order that he/she should become a fully functional social participant.\textsuperscript{98} The provision of literacy programmes alone does not necessarily guarantee self-emancipation. It has been argued that many literate people have been oppressed. Indeed, educational structures should ensure that individuals do not simply become part of the oppressive system. Rather, it remains a critical part of the educational process that students should learn to engage in a process of self-liberation.\textsuperscript{99} Oppressive structures, by nature, seek to objectify individuals. In contrast to this, by attempting to overcome the forces and affects of oppression, education becomes a humanising process.\textsuperscript{100}

\textbf{4.8 Paulo Freire: Effective Educational Methodologies.}

It has become evident that, if educational structures are to be effective, they must address concrete life issues as opposed to theoretical abstractions.\textsuperscript{101} Freire has

\begin{itemize}
\item \textsuperscript{95} Ibid.
\item \textsuperscript{96} Ibid., 40.
\item \textsuperscript{97} Freire, \textit{Cultural Action for Freedom}, 11.
\item \textsuperscript{98} Ibid., 12.
\item \textsuperscript{99} Ibid., 11.
\item \textsuperscript{100} Ibid.
\item \textsuperscript{101} Freire, \textit{Cultural Action for Freedom}, 17.
\end{itemize}
outlined a process of "codification" which is defined as "the representation of typical existential situations of the group with which one is working." This "codification" process involves surveying specific social problems with a view to exploring some possible alternatives. In another publication, "codification" has been described as a mediation "between the concrete and theoretical contexts of reality." It is a process whereby, students and teachers together construct a series of objectives for potential realisation. It is also one that students participate in, in conjunction with literacy programmes. It may be concluded, therefore, that only by re-evaluating one's social position can one eventually effect sufficient change. The author suggests that, taken in this context, education becomes a commitment to a cause. Accordingly, the educator becomes a facilitator in the development of a greater critical awareness within students. The aim of the exercise is to allow students to critically analyse their social conditions in a more objective manner. Certainly, educational content should address the immediate needs of individual students. Education, as an instrument of liberation, fails when it simply passes on pieces of general information that may not be contextually applicable to student's social conditions. The role of the educator, therefore, is to "propose problems about these codified existential situations in order to help the learners arrive at a more and more critical view of their reality."

Consequently, an educational curriculum that lacks contextual reality may be criticised for not preparing students for concrete interventionist actions. Freire invoked the term "extension" to describe an educational structure that attempts to

102 Freire, Education for Critical Consciousness, 51.
104 Ibid.
105 Freire, Education for Critical Consciousness, 51.
106 Freire, Cultural Action for Freedom, 17.
108 Freire, Education for Critical Consciousness, 37.
address concrete social issues within the ordinary school curriculum. As an educational construct, this concept of “extension” promotes individual participation in social transformation. However, Freire was critical of this method of education in that it provides subject material and techniques that may contravene the very essence of self-determination. Indeed, the process itself negates the very concept of education as self-exploration. The author interprets this scenario as a pedagogical structure that provides incongruent solutions to local problems. Rather than facilitating the development of critical reflection, education as “extension” simply replaces one form of knowledge with another. It constitutes a form of transference and cannot, therefore, be classified as authentic critical education. There also exists a fear that “extension” could result in an individual misinterpreting his/her personal social conditions. Freire has argued that any form of knowledge which leads to social transformation is essentially “sensuous.” Consequently, it is imperative that educators should encourage students to engage in a process of “problematising” of their own existential situations. In order to “contextualise” education even further, Freire recommended two types of textbooks. Firstly, there are textbooks that address current social issues but have been written by outsiders. Secondly, there are also in existence, textbooks written by the oppressed themselves. It is recommended that both forms should be afforded equal value in order that students should acquire an objective and subjective interpretation of existing phenomena.

109 Ibid.
110 Ibid., 98.
111 Ibid., 100.
112 Ibid., 106.
113 Ibid., 107.
114 Freire, Cultural Action for Freedom, 18.
Freire considered the search for knowledge a life-long process. Life-long learning requires one to "invent and re-invent" one's worldly constructions. It demands critical reflection, revision and analysis. In fact, it could be argued that human subjects become inventors of their own personal worlds. The challenge that exists in life-long learning is the constant searching and researching one must engage in. This life-long ordeal must be contemplated if one is to participate in a society that is forever changing. Education, therefore, develops one's ability to know and adapt. As a "gnosiological" entity, it evolves through dialogue and critical analysis. Interestingly, there exists two components to this "gnosiological" approach to education. Firstly, students engage themselves in the production of knowledge. Secondly, students try to comprehend the impact this new knowledge may have in concrete situations. In other words, knowledge is acquired through a process of discovery within which old knowledge helps to generate new knowledge. However, Freire considered that oppressed people may have had no previous experience in constructing knowledge. Consequently, an oppressed population may lack the self-confidence to pursue knowledge independently. Such a phenomenon arises when a population has experienced a severe lack of self-determination.

Yet, Freire suggested that societies contain possibilities for the future and are, as a result, in a constant state of becoming. The author argues that, within a changing environment, one may opt to take a passive stance when confronted with social change. In such cases, one blindly accepts the will of the dominant forces within one's society.

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117 Ibid.
118 Ibid., 149.
121 Ibid., 120.
122 Ibid.
In order for one to regain one’s standing within society, however, one may need to actively rebel against the existing oppressive social structures. In contrast to this approach, one may initially choose to take a more active struggle against social domination. This endeavour constitutes a pro-active social role as opposed to reactive. Consequently, it may be argued that societies are potentially what we make of them. As a result, every individual has an innate responsibility to his/her society. However, if education is to address the needs of a society which remains in a constant state of growth, then educational provision itself must be flexible. Hence, subject matter and curriculum content must incorporate an element of critical reflection. Even basic literacy classes should, therefore, be contextually focussed. In fact, Freire has explicitly stated that literacy programmes should help to inaugurate a social democratising process. The often long and hazardous journey towards self-emancipation begins, therefore, with literacy provision. He has also stated that, for progressive education to be effective, one needs to be confident about the “progressive choices” that one may have.

Besides, it has been noted that the traditional practice of imposing adult standards and subject matter onto learners only serves to hinder active participation. It becomes imperative, therefore, that through the education process, the teacher-student conflict should be resolved. Education, as a dialogical process, is regarded as an interaction between two equals. The role of the educator is “fundamentally to enter into dialogue with the illiterate about concrete situations and simply to offer him/her the

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124 Freire, Pedagogy of the Heart, 53.
125 Freire, Cultural Action for Freedom, 19.
126 Freire, Education for Critical Consciousness, 43.
127 Freire, Pedagogy of the Heart, 60.
129 Freire, Pedagogy of the Oppressed, 46.
130 Freire, Cultural Action for Freedom, 14.

It must be noted that Freire was referring specifically to adult educational procedures in this case.
instruments with which he/she can teach himself/herself to read and write.”  
Consequently, pedagogical structures should not be hierarchical by nature. Instead, they should adopt the form of an existential spiritual process of self-growth. Once that all important “I-Thou” relationship changes to an “I-It” interaction, the very nature of education becomes distorted. The old "banking system" of education, described as one whereby, the teacher deposits large quantities of general information on the student, no longer suffices. In fact the old authoritarian methodologies could be essentially manipulative by nature and was often used as a means of indoctrination. This "banking method" is, therefore, not necessarily conducive to critical reflection. Such information-giving techniques are usually fact giving with little consideration given to student-related issues. These tendencies, therefore, tend to lessen the potential for personal fulfilment.

Opposing this concept of “banking method” is the more dialogical approach to education. Freire stated that it is only through good communication “can human life hold meaning.” Ideologies, which are passed down through the “banking method,” generate a hierarchical paternalistic society. Such an environment is not conducive to an education structure that seeks to enable people to direct their own lives. Educators, therefore, need to create methodologies that will enable a dialogical process to proceed. Such structures need to be “ideologically committed to equality, to the

131 Freire, Education for Critical Consciousness, 48.
132 Ibid.
133 Ibid., 52.
134 Freire, Pedagogy of the Oppressed, 118.
135 Paulo Freire, Pedagogy of the Oppressed, 48.
136 Barrie Hopson and Mike Scally, Lifeskills Teaching, 47.
137 Paulo Freire, Pedagogy of the Oppressed, 51.
138 Goulet, introduction to Freire, Education for Critical Consciousness, xi.
139 Ibid.
abolition of privilege and to non-elitist forms of leadership. Consequently, education becomes a means of freeing oneself from the grips of social control.

Indeed, Freire has used the term "dialogism" to describe a "dialogical relationship" that remains an essential component within any democratic institution. It also remains a critical element within any progressive educational structure. This concept of "dialogism" is impossible without human communication. Within authentic human communication, there are no passive subjects. There exists a "reciprocity," or a "co-intentionality" between both parties toward the "object under investigation." When applied within the sphere of education, teacher and student learn together. In order for the dialogical process to succeed, however, one must be offered the opportunity to reflect upon one's thoughts. Human thoughts removed from the social context cannot be regarded as authentic. It is for this reason that education must not be isolated from the students' social concerns. Without a doubt, human dialogue, a process that begins with human language, actually encompasses word and action. Furthermore, human action is intended to be essentially "transformative." It involves creativity and re-creativity on the part of the individual. For Freire, the lack of education in human history meant that individuals could not construct their own personal histories. Education, as a holistic form of cognitive development, offers the individual the chance to be the author of his/her own earthly destiny. The education process is, therefore, not simply reduced to a literacy process. It combines the teaching

140 Ibid.
141 Freire, Pedagogy of the Heart, 92.
142 Freire, Education for Critical Consciousness, 138.
143 Ibid., 138-139.
144 Ibid., 138-139.
145 Freire, Cultural Action for Freedom, 12.
146 Ibid.
of literacy skills together with the development of skills necessary for the transformation of one’s society. ¹⁴⁶

The critical factor for Freire was that the central focus within education should be on “conscientisation” as opposed to “extension.”¹⁴⁷ In order that the education system should achieve its intended goal, it is necessary for individuals to generate an awareness of their present plight. For Freire “conscientisation” involved the deepening of one’s awareness to the reality of the situation within which one exists.¹⁴⁸ In the light of this hypothesis, the gradual process of “conscientisation” entails a progressive movement from maintaining a naïve consciousness to a more critical awareness.¹⁴⁹ A person “conscientised” will obtain the ability to distinguish myth and fallacy from social reality.¹⁵⁰ “Conscientisation” evolves, therefore, through addressing real issues that offers an alternative to the blind acceptance of psychological manipulations or ideological propaganda.¹⁵¹ In fact, a distinction is made between “conscientisation” and “critical consciousness.” It has been argued that the development of a “critical consciousness” can be the product of a “banking” system of education. The process of conscientisation, however:

Involves identifying contradictions in experience through dialogue and becoming a ‘subject’ with other oppressed subjects – that is, becoming part of the process of changing the world.¹⁵²

The process of “conscientisation” is considered more than just the identification of dehumanising structures existing within society. It also involves a “radical denunciation of dehumanising structures accompanied by the proclamation of a new

¹⁴⁶ Ibid., 13.
¹⁴⁷ Freire, Education for Critical Consciousness, 110.
¹⁴⁸ Freire, Pedagogy of the Oppressed, 81.
¹⁴⁹ Freire, Education for Critical Consciousness, 19.
¹⁵⁰ Freire, Cultural Action for Freedom, 48.
¹⁵¹ Freire, Education for Critical Consciousness, 48.
¹⁵² Heaney, Issues in Freirean Pedagogy, 8.
reality to be created by humanity.” ^153 It may be concluded that “conscientisation,” as developed within a progressive pedagogical environment, seeks to cultivate the critical dimension of the student. ^154 It has been noted that attempts made to develop “conscientisation” in isolation, will be ineffective. ^155 In reality, the process aims essentially at nurturing a communion between individuals that share a common vision of a society in transition. ^156 Armed with new critical awareness, there emerges, within the individual, a "new world" vision. This “new world” vision may also be described as a more desired scenario. Indeed, a “conscientisation” process that favours human domination can only be described as inauthentic. ^157

In reality, “conscientisation” should lead to "creative praxis." "Creative praxis" involves the implementation of new structures that will in turn transform one’s world from the present experience to one which is more appealing. ^158 "Creative praxis" has been defined by Freire as "reflective action." ^159 It allows each individual determine the society within which he/she will live. ^160 The overall responsibility for the success or failure of such reflective action remains with the individual. ^161 Education, therefore, is charged with the task of instilling this sense of personal responsibility within the individual.

Furthermore, “conscientisation” is also considered a defence mechanism against new threats to humanity. In order for a person to recognise a potential threat, the “conscientisation” process is ongoing or lifelong. ^162 It is critical, therefore, that

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154 Freire, Cultural Action for Freedom, 30.
155 Ibid., 46.
156 Ibid.
158 Freire, Pedagogy of the Oppressed, 128.
159 Ibid., 60.
160 Da Veiga Coutinho, preface to Freire, Cultural Action for Freedom, vi.
161 Freire, Pedagogy of the Oppressed, 43.
educational structures be capable of addressing these new social issues. One potential source of threat for the future, specifically mentioned by Freire, lies in the area of technology. With the rapid advancements in technology, social progress is no longer identified with the power people have to control their own lives. Instead, external forces are increasingly controlling human existence. Through a process of "conscientisation," therefore, individuals must learn to foresee the threats of dehumanisation that evolve under the illusion of social progress.

4.9 Paulo Freire Applied to Corrective Education.

Convicted prisoners tend to believe that they are trapped within a social system which offers them no opportunities whatsoever. In fact, offenders may argue that their plight is the product of unjust social constructs. Thus, the role of the corrective educator is to help offenders address and confront oppressive social structures that render them disadvantaged. Certainly, Freire has argued that the educator helps to "illuminate reality" for offenders. This process of "illumination" is achieved through a spirit of co-operation between offenders and teachers. Each participant brings his/her own personal wealth of worldly experiences and visions into the educational environment. It has already been noted, however, that Freire's understanding of "conscientisation" is one that changes an individual's perception of his/her world. However, it does not necessarily change reality itself. Social transformation requires further organisation, considerable practice, solidarity and transitional programmes.

163 Ibid., 88.
164 Ibid.
165 Freire and Shor, A Pedagogy for Liberation, 38.
166 Ibid., 39.
167 Ibid., 49.
168 Freire and Shor, A Pedagogy for Liberation, 134.
Hence, Freire’s understanding of education is one that addresses the essential needs of human curiosity. He has described curiosity as the revelation of something previously unknown or unaware of.\textsuperscript{169} It is only by raising questions within education that an individual’s curiosity is “motivated and reinforced.”\textsuperscript{170} The process of questioning and examining the variety of possible answers provides more avenues towards further curiosity-generated exploration.\textsuperscript{171} Throughout this procedure, the learner gradually begins to reflect upon his/her “cultural reality.”\textsuperscript{172} It fact, it has been claimed that this form of personal reflection opens the door to a new outlook in life.\textsuperscript{173}

It is interesting to note that the oppressed are often classified as lazy and useless simply because they lack academic qualifications or career prospects. It is also generally accepted that the governing authorities never blame the structures in place.\textsuperscript{174} Freire has offered a more enlightened opinion as to why some individuals do not succeed in school. He has maintained:

Students’ ability to learn has a great deal to do with whether they confront hardships at home, whether they have enough to eat or wear, whether they have a place to sleep or play and whether they confront obstacles to intellectual experience. Students’ learning depends on health and emotional stability.\textsuperscript{175}

Freire continued this discourse on student learning by stating that:

It also depends on teachers’ instruction, their seriousness in tackling teaching, their scientific competence, their love, their sense of humour, their political clarity and their coherence. All of these qualities determine teachers’ respect for their students.\textsuperscript{176}

\textsuperscript{170} Freire, \textit{Pedagogy of the Heart}, 31.
\textsuperscript{171} Ibid.
\textsuperscript{172} Freire, \textit{Cultural Action for Freedom}, 17.
\textsuperscript{174} Paulo Freire, introduction to \textit{Letters to Cristina}, 90.
\textsuperscript{175} Ibid.
\textsuperscript{176} Ibid.
Interestingly, Freire noted that aggression is a natural response to domination. Passivity, on the other hand, contradicts the very essence of human nature. Indeed, he attributed aggression and lack of co-operation in schools to the sheer boredom which students experience from imposed structures. Freire used the term "culture of sabotage" to describe a situation whereby, individuals may rebel against the imposed structures that they consider to be "disempowering." Such structures hamper the struggle for self-autonomy. Within a school setting, students protest against social inequality and bad living conditions. As is the case with most offenders, those who rebel to the point of leaving school early, reduce their chances of social advancement and future employment.

It has also been noted that the general perception of "oppression" is very narrow in focus. Consequently, questions arise as to just what it is that constitutes oppression. The author considers that a more extended perception of "oppression" will consider social issues pertaining to most offenders. Hence, a corrective educational structure that addresses concrete life situations is one that will also confront social issues such as illegal drugs, HIV, AIDS, depression, despair and the effects of long term unemployment. By ignoring the existence of such everyday realities, offenders newly released from custody may not be fully prepared to live in the world.

Much of the evidence already portrayed in this document acknowledges that many offenders have emerged from environments with long-term dependencies on State aid and welfare. Education as a feature in one’s life, however, aids the transition from dependence to independence. It has been noted that "praxis" requires a theory that is

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178 Ibid., 129.
179 Ibid., 137-138.
181 Ibid., xxii.
then acted upon. In practical terms, "creative praxis" actualises the "creative potential" that Buber spoke of. Education is, therefore, considered a deliberate attempt made by the individual to transform his or her personal world. In fact, education becomes the wellspring of that freedom by providing the means to self-empowerment. Self-empowerment has been defined as:

Believing that, and having the ability to identify the alternatives in any situation, to choose one on the basis of one's values, priorities and commitments.

In the case of criminal offenders, education has the potential to offer those caught up in criminal activity the opportunities to choose a more law-abiding lifestyle. There exists, therefore, a need for structures in corrective education to accommodate the varying requirements of offenders. Material taught and methodologies used generations ago may no longer equip the individual offender for life in the real world. Like Buber, Freire saw education as the agent of further development of the skills necessary to exist in situations that are continuously in a state of change.

One theme already discussed in this thesis is the social exclusion most offenders experience as a direct result of language differences. Freire considered the contentious issue of language within education itself. He conceded that the dominant forces within society are reinforced as a direct result of the linguistic styles used in schools. However, not to expose non-elitist groups, such as criminal elements, to academic or formal language is to deny them the privilege of learning "some principles of the grammar common to the dominant class." It is only by learning the more academic

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182 Freire, Pedagogy of the Oppressed, 112.
183 See Buber, section 3.6 of this paper.
184 Paulo Freire, Pedagogy of the Oppressed, 52.
186 See Buber, section 3.7 of this paper.
187 Barrie Hopson and Mike Scally, Lifeskills Teaching, 43.
188 Freire and Shor, A Pedagogy for Liberation, 73.
style of language that one can engage in significant dialogue with the dominant classes. It may also be concluded that, to deny students the opportunity to learn a more formal language, is to subject them to a form of long-term domination. Accordingly, as part of the overall pedagogical process, educators should gradually introduce offenders to a more formal and academic type style of language. It has been claimed that the oppressed need to acquire a style of language that is consistent with the struggle they are engaged in. Consequently, the formal language taught to offenders should not be abstract by nature but realistic enough to address concrete life situations.

**Conclusion.**

Freire was of the view that attempts to oppress succeed when the common people become convinced of their own inferiority. In other words, only when the less powerful sectors of society fatalistically accept the superiority of the more dominant groups that oppressive structures begin to fortify their stranglehold. In Freirean philosophy, to be human is to be self-determining. To be self-determining is to possess the unique ability to shape and re-shape the world. This unique characteristic is the distinguishing factor that separates human life from other life forms. Consequently, to remove this sense of self-autonomy from a person constitutes a dehumanisation process.

Yet, the hope for a more self-fulfilling lifestyle is, in many cases, the only alternative to a fatalistic acceptance of one’s present situation. Accordingly, a critical analysis of the existing social structures marks the beginning of the struggle for social

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189 Ibid.
190 Ibid., 151.
191 Ibid., 148-149.
192 Ibid., 152.
193 Ibid., 147.
transformation. However, the struggle for social transformation cannot be a haphazard undertaking. Freire has argued that the denunciation of the existing oppressive structures must come accompanied by the announcement of a “blueprint” for a pre-conceived new social structure. A critical consciousness empowers one to critically analyse the present social conditions with a view to constructing an alternative social structure.

Furthermore, Freire was of the view that a critical consciousness is the product of appropriate educational provision. Consequently, education becomes a means to a pre-conceived liberation. As a liberating process, education allows one to free oneself from the bonds of oppression and manipulation in order to pursue one’s own life choices. In order for education to be effective in this endeavour, it must address relevant concrete issues. This lies at the very heart of Freire’s notion of “codification.” He also proposed an educational methodology that “contextualises” education content to accommodate the need of individual learners. He further noted that, if education is to instil within the individual a sense of self-confidence, then it must be a dialogical process.

Consequently, Freire rejected the traditional “banking” method of instruction. It is argued that the mere transmission of knowledge does little to alleviate the sense of dependency often experienced by the oppressed classes. Educational structures should strive to “conscientise” those engaged in the learning process. A “conscientised” person is one who is able to distinguish truth from myth and fable. Accordingly, as an educational methodology, “conscientisation” helps develop within the individual, a critical awareness. Such a critical awareness inspires one to critique the existing social order and, following from this, to engage oneself in the process of social transformation in a reflected manner. This notion of “reflected action” Freire called “creative praxis.”
"Creative praxis" is essentially the goal of a progressive educational structure. It negates a fatalistic adherence to oppressive forces and helps one attain a state of self-actualisation.
CHAPTER FIVE

Educational Provision within Correctional Centres: The Influence of Buber and Rogers.

Introduction.

In this chapter, the author proposes to examine some of the more recent legislative documents that promote the establishment of educational provision for offenders. Many of these documents emanate from internationally recognised organisations such as the United Nations. Furthermore, legislative documents pertaining to the provision of education for offenders in Ireland will also be examined.

In the light of these publications, some of the philosophical concepts involved in the education of adult offenders will be discussed. Special attention will be given to the application of theories presented by Martin Buber and Carl Rogers. Subsequently, the unique dynamics that occur between educators and offenders within the education process will be studied. Furthermore, the responsibility of adult offenders to engage themselves in this process will be duly examined. Such provisions should intend to enable the individual offender to strive for a greater sense of self-autonomy and self-actualisation. Consequently, the application of adult education methodologies within the precincts of corrective education will be considered.

5.1 Prison Discipline and Corrective Education.

To examine the corrective nature of prison, the word "correct" must be clearly defined. In fact, there are a number of interpretations which should be considered. Firstly, there is the notion that the corrective nature of "prison" is to set right, to amend or to substitute a right for a wrong. Secondly, it is supposed to counteract or eliminate
"aberrations." As already mentioned, correctional facilities within the United States are often referred to as "penitentiaries." The root of this word, "penitent," is defined as "one who repents or resolves to stop one's wrongdoing."2

Nevertheless, many of the issues already discussed in this thesis indicate that offenders are often the victims of circumstances. As a result, many prisoners have stories to tell which, in part, explain some of their wrongdoing.3 Hence, the debate as to whether offenders should be classified as prisoners or patients continues. Franke has stated that criminals "are determined by biological, psychological and social factors so that, ethically, nothing more could be held against them."4 He has also acknowledged, however, that the detention of offenders is often necessary for the protection of society. Yet, it would appear that present penal structures fail in their attempts to reform offenders.5

Aichorn further argued that there exists two contrasting opinions as to the possible rehabilitation of offenders. There are those who believe that a person’s development is “determined by heredity alone and cannot be changed.”6 Opposing this viewpoint are those who state that inherited traits can be overcome.7 Aichorn has claimed that the rehabilitation of offenders is possible through a process of “re-education.”8 The author suggests that many offenders have, in the past, experienced disillusionment within the educational system. Indeed, the author considers “re-education,” a pedagogical methodology whereby, offenders may be provided with a more constructive, self-enriching and formal education. However, this process of re-

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2 Ibid.
4 Franke, The Emancipation of Prisoners, 316.
5 Ibid., 316-317.
6 Aichorn, Wayward Youth, 5.
7 Ibid.
8 See section 2.4 of this paper.
education involves more than the mere transmission of knowledge. It has been noted that "re-education" necessitates bringing unconscious material to the conscious. It has also been considered that much delinquent behaviour emerges as neurotic behaviour. Accordingly, educators need to be very skilled in order to create a safe environment in order that the offender may explore some personal issues. Offenders, particularly younger offenders, need to learn to "postpone and renounce satisfaction and to divert primitive instinctual urges into socially acceptable channels." The old traditional methods of instruction may fail in this endeavour. When managed correctly, however, the "re-education" process enables the individual offender to "achieve culture." In other words, "re-education" becomes a means whereby, an offender may be re-socialised. In addition, within this same process, an offender may learn to accept the existing social conventions. It has also been suggested, nonetheless, that a person is "civilised" through "experience and training."

Besides, Foucault described discipline as an attempt to transform the person. Indeed, methods used in the past to enforce discipline were often harsh. The use of chain gangs and physical punishment in prisons, penance in religious orders, corporal punishment in schools and the threat of immediate dismissal from one's job often created a climate of fear within society. Those in positions of authority often adopted a policy of "surveillance." The authorities frequently exercised total control in an attempt to enforce total conformity by the subjects. Furthermore, Franke portrayed the concept of prison as a "sophisticated exercise of power over prisoners."

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9 Aichorn, Wayward Youth, 9.
10 Ibid.
11 Ibid., 5.
12 Ibid., 7.
13 Ibid.
14 Foucault, Discipline and Punishment, the Birth of the Prison, 146.
15 Ibid., 147.
Foucault also invoked two opposing philosophical interpretations relating to the application of discipline. The first concerns enforcing discipline within an enclosed environment where time is almost suspended. In its most extreme form, punishment may be perceived as a means of fighting evil with evil. Yet, another interpretation considers the role of discipline as attempting to coerce and transform. This second interpretation Foucault called the "panoptic" approach, based on the work of Jeremy Bentham. Indeed, Foucault has outlined some of the "principles of correction," which essentially seek to reform and rehabilitate offenders. Some of these principles include:

1) The "principle of clarification" which looks to the individual needs of the offender, including practical issues such as appropriate incarceration facilities.

2) The "principle of modulation," which argues that penalties should be altered to suit the needs of the offenders.

3) The "principle of penitentiary education" which stipulates that education should be used as a reformatory tool. As a result, educational provision within correctional facilities is considered a social obligation to offenders and essential to the interests of society.

Philip Bean, on the other hand, described "individual justice" as an operational procedure whereby, the punishment imposed "fits the criminal and not the crime." Within the model of "individual justice," each prisoner is assessed by a panel of experts to determine his/her individual needs. Furthermore, each prisoner is housed in a facility that offers professional help. Bean has suggested that the offence committed often

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17 Foucault, *Discipline and Punishment, the Birth of the Prison*, 209. Please see section 1.6 for a detailed explanation of "Panopticon."

18 Ibid. 269.


20 Ibid. Bean has also stated that the implementation of "individual justice" structures should not expose society to unnecessary dangers. Ibid., 9.
explains, at least in part, the needs of the individual offender.²¹ He used the term "sociological pathology" to describe a procedure whereby, efforts are made to explore the nature of the dysfunctional relationship that exists between an individual offender and society.²² A state of social harmony is achieved when the individual and society are both reconciled. In contrast, a state of social disharmony is established when an individual is alienated from society.²³

Durkheim, however, considered that society receives no compensation by merely punishing those convicted for committing criminal offences.²⁴ The sustained punishment of offenders ensues from the sympathy society feels for the victims of crime.²⁵ Accordingly, it may be argued that the mere infliction of punishment, for retribution sake, is not beneficial to society. Durkheim suggested, on the other hand, that a more developed society maintains a legitimate "pity" for the plight of offenders.²⁶ It has been noted that if the prison organisation seeks to rehabilitate offenders, then the system itself must represent a "microcosm of society."²⁷ Prison, therefore, must not only strive to accommodate the needs of society but should also embody the appropriate philosophies and values essential to prisoner rehabilitation. Furthermore, measures should be taken to ensure that social values and laws do not restrict or infringe upon, the right of another to be different or hold different values. To punish an individual or group for harbouring values that are in conflict with the more dominant social order only serves to reinforce the social isolation already experienced by that individual or group.²⁸ Bean has suggested that prisoner rehabilitation should be regarded as a means to an end.

²¹ Ibid., 10.
²² Ibid., 36.
²³ Ibid.
²⁴ Durkheim, On Institutional Analysis, 185.
²⁵ Ibid., 175.
²⁶ Ibid., 183.
²⁷ Foucault, Discipline and Punishment, the Birth of the Prison, 238.
²⁸ Bean, Rehabilitation and Deviance, 31.
rather than be judged as an end in itself.39 Accordingly, prisoner rehabilitation should aim to provide the offender with opportunities to function normally in society upon release. The only alternative to prisoner reform is the present day "revolving door syndrome," a term adopted to describe the plight of those individuals who may have nowhere else to go except back to prison.

Indeed, Durkheim has stated that education is a means whereby "society prepares, in its children, the essential conditions of its own existence."30 In other words, education may be considered an instrument used in the "physical, moral and intellectual" development of offenders. This process is intended to enable offenders to confront, with confidence, the demands that they will encounter in later years.31 Thus, the primary role of educators is to influence individuals in a positive manner in order that they should become fully functional social beings.32 It may be concluded, nonetheless, that those individuals who are not exposed to the benefits of such a social education lack the prerequisites necessary to become good law-abiding citizens.

Moreover, in the case of habitual offenders, repeated studies have determined that social disadvantage, inadequate education, unemployment, the lack of prospects and crime, are closely linked. Legislators have worked for many years towards evoking measures that would, in turn, help to prevent further offences among juveniles. It is only in more recent times, however, that serious efforts have been made to help adult offenders turn away from crime. Thus, progression has invoked a more humane attitude towards the treatment of offenders with an emphasis on rehabilitation and social re-integration. Besides, Bean was also of the view that the concept of prisoner

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29 Ibid., 12.
31 Ibid., 204.
32 Ibid.
rehabilitation is a multi-faceted process. He considered it one that inevitably incorporated individual problem diagnosis, the provision of professional treatment, the provision of education and vocational training to suit individual needs, social reintegration and re-socialisation management. Furthermore, Foucault has argued that the process of prisoner reform is more effective when the adult offender willingly participates in his/her own rehabilitation. Accordingly, the deprivation of one's liberty may become an opportunity for personal reform.

Durkheim considered that a more repressive penal philosophy serves only to generate negative feelings among offenders. He further argued that offenders may harbour feelings of resentment that could result in further criminal activity. Consequently, he distinguished between "two laws of penal evolution." Firstly, there existed "the law of quantitative variation." Within this medium, Durkheim has stated that "the intensity of punishment is greater as society belongs to a less advanced type.... and as centralised power has a more absolute character." Accordingly, under-developed countries or totalitarian States are more likely to impose more repressive means of punishment onto offenders. Some nations, as is the case with many theocracies, have resorted to administering ancient forms of punishment. Depending on the seriousness of offences committed, sanctions imposed often include amputations, castrations and bodily mutilations.

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33 Bean, *Rehabilitation and Deviance*, 117-118.
34 Michel Foucault, *Discipline and Punishment, the Birth of the Prison*, 146.
35 Ibid.
37 Ibid.
38 Ibid., 153.
39 Ibid.

Note: Durkheim has also suggested that a Government adopts an absolutist approach when it no longer sees itself as being bound by laws or social conventions in its dealings with citizens. Ibid., 154-155.
40 Ibid., 159.
The second "law of penal evolution" considered by Durkheim was entitled "the law of qualitative variations." Under this system offenders endure the deprivation of freedom as punishment. The length of time an offender may have his/her freedom restricted varies according to the gravity of the offence that he/she is accused of committing. Durkheim has suggested that only the more socially advanced jurisdictions apply this form of punishment. In addition, detention should not be considered a means of applying further punishment. Instead, it represents a punishment in itself. He also argued that, in a less advanced society, the individual needs of offenders are not addressed. In the developed world, crime is recognised as a social problem. Hence, society is responsible for its incursion and for its conclusion. For prison to remain strictly punitive, it must first remove the element of "collective responsibility" for rising crime rates. Contradictions exist, therefore, within any developed society that abhors violence on one hand yet promotes the harsh treatment of offenders on the other.

5.2 Promoting the Cause for Prisoner Reform.

The author considers that contemporary legislation pertaining to the provision of education for adult offenders began with the "Council of Europe" in 1973. At that particular time, the Council of Europe reinforced the point that prison, by its very nature, amounts to a punishment in itself. As a result, prison authorities should not "aggravate" the suffering of prisoners in any way. In addition, the "Council of

Ibid., 164.
Ibid.
Ibid.
Ibid., 167.
Ibid., 169.
Ibid., 171.
Ibid., 169.
Europe has considered that steps should be taken during imprisonment to facilitate prisoners' "gradual return to life in society."\textsuperscript{48} The report also stated that the "preparation for release" process should begin for each prisoner from the beginning of his/her prison sentence.\textsuperscript{49} Vocational training should be provided in trades that would enhance prisoners' employment prospects upon release.\textsuperscript{50} Individual abilities and preferences should also be considered in the provision of vocational training.\textsuperscript{51} Besides, educational programmes are to be provided for all prisoners who would benefit from such courses.\textsuperscript{52} The "Council of Europe" has recommended that prison administrators should seek the assistance of external professional agencies in the formulation of educational programmes.\textsuperscript{53}

This document, published by the "Council of Europe," was to impact upon penal systems throughout Europe. As a result, in 1984, the Department of Justice in Ireland published a report entitled "Education Policy in Prisons and Places of Detention." In this document, Irish legislators have stated that prisoners should be treated humanely. The report also stipulated that, in so far as it is possible, prisoners should be encouraged to engage in more socially acceptable activities.\textsuperscript{54} Furthermore, Irish prison authorities have argued that prison activities should not only seek to meet the immediate needs of each individual prisoner but should also strive to "educate him/her."\textsuperscript{55} It has been noted that, by applying this more progressive philosophy to prison structures, imprisonment

\textsuperscript{48} Ibid., 61.
Note: The Council of Europe makes no reference to the obligatory provision of educational programmes for remand prisoners. Ibid., paragraphs 84-93.
\textsuperscript{49} Ibid., paragraph 80.
\textsuperscript{50} Ibid., paragraph 72.5.
\textsuperscript{51} Ibid., paragraph 73.2.
\textsuperscript{52} Ibid., paragraph 78.1.
\textsuperscript{53} Ibid., paragraph 81.1.
\textsuperscript{54} The Department of Justice, \textit{Education Policy in Prisons and Places of Detention}, 1984, section 2.
\textsuperscript{55} Ibid.
may become a process of rehabilitation for convicted offenders. Besides, Irish legislators agreed that educational provision helps prisoners cope with their sentences. The report considered that appropriate educational programmes may "compensate" prisoners for the "deprivations of liberty" imposed by the justice system in Ireland. Irish prison authorities have also noted that the lack of education intensifies the problems of detention as experienced amongst prisoners. Prisoners with literacy problems are obviously unable to read during lengthy compulsory lock-up periods. Non-literate prisoners also experience greater difficulties maintaining contact with family members by letter. However, it has been observed that educational provision would enhance prisoners' "self-esteem, self-reliance and self-development."

With these concerns in mind, Irish legislators have acknowledged that the lack of education among offenders influences anti-social behaviour. Offenders who lack academic qualifications find it difficult to find meaningful employment and to interact within society with a meaningful purpose. The provision of education, therefore, also creates options and opportunities for prisoners upon release. Consequently, pedagogical provision for imprisoned adult offenders remains an essential component within the rehabilitative philosophy as directed by the Department of Justice in its Prison Education Policy Document of 1984. This particular document reiterated that the provision of "adequate" basic education for prisoners who are most in need is of primary importance. While priority will be given to those most in need, those more academically competent are not to be excluded from educational provision.

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56 Ibid.
57 Ibid., section 3.1.
58 Ibid., section 3.
59 Ibid., section 6.
60 Ibid., section 3.3.
61 Ibid., section
62 The Department of Justice, Education Policy in Prisons and Places of Detention, section 3.
63 Ibid.
64 Ibid., section 6.
Nevertheless, Irish prison authorities have acknowledged that those prisoners lacking the most basic of literacy and numeracy skills have limited opportunities to further their options for a change of lifestyle. Indeed, many would lack the prospect of future "second-chance" education in the outside world. Accordingly, the primary role of prison educators is to provide chances for those prisoners who otherwise would be excluded from education. It is, therefore, the intention of the Irish prison authorities to cater for the needs of all prisoners, particularly long-term prisoners.

It has already been noted that the strict enforcement of rigid or harsh prison rules succeeds only in reinforcing the feelings of stress and lack of self-esteem which already exist in most prisoners. In addition, in 1985, the Department of Justice in Ireland published a report entitled "Report of the Committee of Inquiry into the Penal System" (The Whitaker Report). The authors of this report have argued that prison, in its present form, constitutes a modern form of banishment from society. As a result, imprisonment should be reserved only for those convicted for the most serious of offences. The report made explicit reference to the physical and emotional trauma that enforced detention may impose on prisoners. In addressing the traumas experienced by adult male detainees, the report stated:

The ordinary citizen, with his own home, free to come and go as he pleases, able to choose his company and pastimes, finds it difficult to visualise the lot of a prisoner, confined within a forbidding perimeter and bleak environment, shut up alone in a cell for sixteen hours of every day, his movement restricted at every turn by locks and bars, his daily régime one of utter predictability and barely tolerable monotony, deprived of access to a toilet at night, under constant observation and thus enjoying no privacy, his correspondence censored, his visits regulated and supervised, no time in private with loved ones, and, in the case of a "subversive," not only frequent

65 Ibid.
66 Ibid.
strip-searching but never an embrace or even a handshake from wife or child. Such deprivations and constraints are not all a prisoner suffers: they are usually accompanied by social stigmatisation for life, a lowering of dignity and self-esteem, reinforcement of feelings of inadequacy, diminished scope for the exercise of moral responsibility, loss of self-confidence, depression, a stronger inclination towards the criminal sub-culture and towards institutionalisation and, in many cases, irretrievable breakdown in family life and relationships.\(^69\)

In view of these concerns, the report proposed that a more "humane containment is based on the principles of minimum use of custody, minimum use of security, and normalisation of prison life...."\(^70\) The report also argued in favour of implementing structures within the prison system which would promote the rehabilitation process for individual prisoners.\(^71\) It remained critical of configurations which maintain a rigid control over prisoners while, at the same time, expecting those same prisoners to accept a greater degree of personal responsibility.\(^72\) The report recommended that the provision of a more caring and supportive penal philosophy imparts a more effective means of promoting prisoner reform.\(^73\)

Unfortunately, the 1985, inquiry into the Irish penal system observed that most offenders have been exposed to negative influences while in detention. More disturbingly, however, the report added that no punishment or education can achieve much success in removing these negative influences. Nevertheless, it suggested that educational provision may create opportunities for prisoners to experience a greater degree of self-esteem, self-improvement and self-reliance.\(^74\) The report also noted that prison educators should strive to nurture the many innate talents which individual

\(^{69}\) Ibid., 38.
\(^{70}\) Ibid., 90.
\(^{71}\) Ibid., 89.
\(^{72}\) Ibid., 91.
\(^{73}\) Ibid., 93.
\(^{74}\) Ibid., 96.
prisoners possess.\textsuperscript{75} In order that family relations should not suffer, the report advised that, in so far as it is possible, prisoners should be detained in facilities as close to home as security protocols will allow.\textsuperscript{76}

However, in 1989, the "Council of Europe" proposed three main areas where educational provision within the prison confines may help individual prisoners. Firstly, education limits the damage to the individual caused by the abnormal conditions during imprisonment. The "Council of Europe" has also stated that educational provision helps prisoners cope with their sentences. Secondly, educational provision helps undo past injustices experienced by many prisoners during school years. Finally, educational provision assists in the reform of prisoners, in particular with those wishing to turn away from a life of crime.\textsuperscript{77} Furthermore, the "Council of Europe" has noted that educational provision for offenders is cheap when compared to the cost of running prisons and the overall cost of crime to the economy.\textsuperscript{78}

In 1990, the United Nations (UN) published a "resolution" concerning "prison education." In that particular report, the UN promoted the further "humanisation of criminal justice" and the further protection of human rights within prison structures.\textsuperscript{79} It also stressed the importance of education in the rehabilitation of prisoners and the benefits to the community.\textsuperscript{80} The report stated that those involved in prison education should aim at developing the whole person. In other words, consideration should also be given to the social, economic and cultural background of each individual.\textsuperscript{81} The UN

\textsuperscript{75} Ibid., 94.
\textsuperscript{76} Ibid., 102.
\textsuperscript{77} Council of Europe, \textit{Education in Prison: Recommendation No. R (89) 12 Adopted by the Committee of Ministers of the Council of Europe on the 13\textsuperscript{th} October 1989 and explanatory memorandum} (Strasbourg: The Council of Europe, 1990), paragraph 1.8.
\textsuperscript{78} Ibid.
\textsuperscript{79} United Nations, \textit{Resolution on Prison Education}. 13\textsuperscript{th} plenary meeting, 24\textsuperscript{th} May 1990, dialog, ERIC, ED 342 888, 3.
\textsuperscript{80} Ibid.
\textsuperscript{81} Ibid., 3, paragraph 3(a).
also stated that educational provision should be an essential component within prison structures. In addition, those involved in the instruction of vocational skills to offenders should be sensitive to emerging "trends in the labour market." In another report, the UN commented that prison education is essential to prisoner rehabilitation in order to prevent further repeated offences. Once again, the UN suggested that prison educators should seek to develop the person in a holistic fashion. Besides, the UN advocated a multi-agency approach to the education of offenders comprising government and non-governmental agencies. Because of the special circumstances within which prison educators work, the UN advised that teaching staff should undergo continuing in-service training. 

In 1997, the Department of Justice in Ireland published a discussion paper entitled "Tackling Crime." The following comments were made in this document. Firstly, "criminals are not a separate species of being and immediately identifiable as such." Secondly, social issues which contribute to "crime of disadvantage" need to be addressed and structures put in place so as to overcome the problem of such crime. Thirdly, those who commit crime are products of our society. Finally, those involved in criminal law reform consider the rights of victims and society as competing with those of offenders. The author respects the fact that these points may imply that society has a duty to aid those offenders who are actively engaged in the process of rehabilitation. Consequently, the traditional approach of social banishment by mere

82 Ibid., 1, 3, (e) and (f).
83 United Nations, Resolution on Criminal Justice Education. 68th plenary meeting, 14th December 1990, dialog, ERIC, ED 342 888, 9.
84 Ibid.
85 Ibid., 11.
86 Ibid., 10.
87 Ibid., 19.
88 Ibid., 49.
89 Ibid., 69.
incarceration is no longer deemed an appropriate response to the treatment of offenders. This issue was reiterated in 1999 when the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) published a report concerning the education of adult prisoners. This report stated that pedagogical programmes should commence once an individual begins to serve his/her custodial sentence. By introducing the prisoner to educational courses upon arrival, he/she may benefit from such rehabilitation programmes as much as possible. In order that prisoners should maximise the benefits of prison educational provision, structures should also be introduced which would allow offenders to continue with educational programmes after they have been released.

In addition, UNESCO considered that prison education should amount to more than just the mere imparting of knowledge. One critical component within prisoner education is that the individual offender should be afforded every opportunity to examine his/her values and attitudes so that, in turn, he/she may learn to take control of his/her own life. Accordingly, prison educators should provide programmes which would enhance personal development and "attitudinal changes." Prison educators should, therefore, not only seek to teach new skills but aim to improve, or even update, those vocational skills "previously held by prisoners." Indeed, UNESCO advised that this process further enhances the possibilities of prisoners reintegrating into society at a later date.

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92 Ibid.
93 Ibid., 7.
94 Ibid., 6.
95 Ibid.
96 Ibid.
5.3 Prison Education as Adult Education.

In the past, questions have arisen as to the very essence of corrective educational structures. Discussions have arisen as to whether corrective educators should adopt their operational policies from special educational philosophies or alternatively from adult educational concerns. To begin with, Seán Griffin described special education as one that encompasses a curriculum appropriate to the needs of the pupil together with methodology, resources and materials. As a result, “prison education” could be classified as “special education” given the lack of academic qualifications or vocational skills typical of most prisoners.

However, those directly involved in prison education have considered that philosophical concepts pertaining to “adult education” are more applicable to their particular situation. Certainly, the Council of Europe has noted that teaching methodologies, curriculum adaptation to suit the needs of the individual student and self-motivation are not easily found in traditional teaching environments. Besides, traditional prison régimes are very controlling and allow for no sense of personal responsibility on the part of the prisoners. Referring to the present Danish system, William Rentzmann introduced the “self-administration” approach to prison life. Under this system prisoners are responsible for their own upkeep and well-being. Rentzmann used the term “normalisation” to describe a penal policy whereby, conditions inside the prison are made similar to those outside. Self-discipline, trust, easy access to family, age and gender mixed wings and private visitation rooms were

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99 The Council of Europe, Education in Prison, paragraph 5.2.
101 Ibid., 60.
introduced in order that each prisoner may reintegrate more easily into society upon release.\textsuperscript{102} His basic argument was; "if we want humans to act like humans, then we must treat them as human."\textsuperscript{103} Another theory presented suggests that the emancipation of prisoners occurs only when they break free from the control of others and recognise the concept of human rights.\textsuperscript{104} Consequently, the role of the teacher within such an educational structure is non-authoritarian. Instead, the teacher assumes the role of "leader of group activities."\textsuperscript{105}

Indeed, Irish prison authorities have argued that a prisoner's participation in education should come as a result of a free choice made on the part of the individual himself/herself.\textsuperscript{106} Each prisoner should also be afforded freedom to choose the courses, within reason, that he/she may wish to pursue.\textsuperscript{107} Teachers involved in prison education should also vary teaching methodologies in order to accommodate the needs and life experiences of individual prisoners.\textsuperscript{108} Certainly, Irish prison authorities intimate that prison educators should be granted a greater flexibility to design their own courses in order to meet the needs of individual prisoners.\textsuperscript{109} In order that corrective education structures maintain a high degree of efficiency, however, the teaching dynamics that exist between teachers and students should be fundamentally relational and dialogical.\textsuperscript{110}

\textsuperscript{102} Ibid.
\textsuperscript{103} Rentzman has stated that within the mixed gender wings, precautions are taken in order to protect the more vulnerable prisoners. He also noted that prisoners are allowed to vote in elections, maintain the right to membership of any association whatsoever, the right to act over properties and are entitled to go anywhere in the prison without permission. Most prisons are open prisons without walls or bars. Rentzmann, "Prison Philosophy and Prison Education," 60.
\textsuperscript{104} Ibid., 63.
\textsuperscript{105} Franke, The Emancipation of Prisoners, 6.
\textsuperscript{107} The Department of Justice, Education Policy in Prisons and Places of Detention, section 5.
\textsuperscript{108} Ibid.
\textsuperscript{109} Ibid.
\textsuperscript{110} Ibid.
Without doubt, the establishment of a holistic educational policy lies at the heart of American correctional programmes. In the United States, the Department of Education “Office of Vocational and Adult Education” (OVAE) assumes overall responsibility for maintaining the “Office of Correctional Education” (OCE). The OVAE has defined correctional education as:

The total correctional process that focuses on changing the behaviour of offenders through planned learning experiences and learning environments. It seeks to develop or enhance knowledge, skills, attitudes and values of incarcerated youths and adults.\(^{111}\)

Furthermore, the OVAE has considered that corrective educational programmes should be included within the domain of adult education. Given the lack of academic skills that prevails among the prison population, adult education for all detained offenders should include:

The core basic skills of reading, writing, calculating, speaking, listening and problem solving. Instruction should also focus on job skills and life skills. The goal of instruction should be to upgrade educational skills, to enhance opportunities for employment and to fulfil individual potential.\(^{112}\)

In addition, the “Commission of the European Communities” have argued that corrective educational structures, in their entirety, should be “person-centred.”\(^{113}\)

According to the “Commission” corrective educators should ensure that:

Curricula, syllabi, textbooks and other literature, teaching methods, teaching aids and so on are conceived as a response to people’s needs in their quest to lead a flourishing life.\(^{114}\)

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\(^{112}\) Ibid.


\(^{114}\) Ibid.
This particular organisation is sensitive to the fact that, in the past, many offenders endured "humiliation, scorn, 'emargination' and terrible frustration" while attending school. It also argued that criminal activity may be directly attributed to those feelings of social exclusion. Accordingly, in order to reduce recidivism rates, Europe’s prisoners must be numbered among “Europe’s people.” In other words, detained offenders must be allowed to appreciate that they each retain a role in “shaping Europe’s future.” However, in order that this ideal state of existence may be achieved, the “Commission” considers that prisons should be further established as educational institutions. By using appropriate educational strategies, offenders may learn to acquire a greater sense of self-responsibility and self-motivation.

5.4 Buber Applied to Corrective Education.

One real life story emanating from Buber’s life concerns an encounter he once had with T.S. Elliot. Apparently, Elliot had been a critic of Buber and publicly opposed Buber’s opinions. After the meeting had ended, Buber was asked how dialogue with one so opposed to his opinions could be possible, Buber responded; “I met with a person, not with a set of opinions.” It may be argued that to confront a group of prisoners, one comes face to face with the inherent “Thouness” of those individuals. Alternatively, one may simply choose to objectify offenders by labelling them primarily as a group of criminals. It has been suggested that the concept of dialogue often emerges from the inauguration of a “building bridges” project that may follow a tragedy

115 Ibid., 5.
116 Ibid., 8.
117 Ibid.
118 Ibid., 9.
119 Ibid.
120 Seymour Cain, “Dialogue with a Difference,” in Martin Buber and the Human Sciences, 137.
or an act of terror. In either event, society has an obligation, to every single individual, to confirm him/her in his/her differences.

In addition, Buber was of the view that evil exists in a society where individuals resign themselves to the "dictates of causality." In such a civilization, individuals need not necessarily decide to deliberately pursue evil itself. All it takes for evil to succeed is for individuals to make no decision at all. If truth is to overcome evil, then individuals must determine what constitutes the truth and take deliberate action to make that truth real. It has been claimed that evil thrives in a world of "I-It." Within such an environment, the individual "remains absorbed in his own purposes and concerns."

The problem of evil may be overcome, therefore, when individuals with delinquent tendencies are taught to enter into "I-Thou" relationships with their peers. However, the author argues that an "I-Thou" relationship is a two-way process. Many convicted offenders stress that they have made numerous efforts to reintegrate themselves back into society. Unfortunately, most of those making the effort to make recompense meet only with resistance and hostility from a society that cannot forgive.

Subsequently, the author considers that society is obliged to make some effort to accept any offender that may be engaged in a process of rehabilitation. Throughout Buber’s entire philosophy, there exists a profound respect for the uniqueness of each individual. He was of the view that the notion of any person being "irretrievably bad" is a fallacy. Hence, every person possesses some redeemable qualities. The role of society is to enable each individual to become what he/she is "called to become."
duty of society as enabler lies at the heart of Buber’s teaching on “confirmation.” Furthermore, the notion of “confirmation” becomes a process of self-actualisation through the institutions of education, client-centred therapy and family life. Thus, social participation should incorporate a journey towards independence and self-autonomy. This scenario contrasts greatly to an individualistic society that may have a debilitating effect on the aspirations of each individual. It has also been claimed that one cannot totally respect the “Thouness” of another from a rigid objective perspective. Hence, genuine human interaction is not achieved by one person remoulding the character and “personhood” of another.

In the light of this hypothesis, corrective education may be described as a process that enables offenders to live a “self-willed” lifestyle. Hence, the corrective educator is one who can awaken in individual offenders:

....the courage to shoulder life again. He/she can bring before his/her pupils the image of a great character who denies no answer to life and the world but accepts responsibility for everything essential that he/she meets. He/she can show his/her pupils this image without the fear that those among them who most of all need discipline and order will drift into a craving for aimless freedom: and on the contrary he/she can teach them in this way to recognise that discipline and order too are starting-points on the way towards self-responsibility. He/she can show that the great character is not born perfect, that the unity of his/her being has first to mature before expressing itself in the sequence of his/her actions and attitudes. But unity itself, unity of the person, unity of the lived life, has to be emphasised again and again.

It has also been noted that the defining qualities of an educator are best determined by the methods he/she employs in order to confront conflict with the student. For Buber, one of the primary sources of conflict that lives within the realm of human interactions

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128 Susser, Existence and Utopia, 28.
129 Friedman, Freire, Cultural Action for Freedom, 29.
130 Buber, The Knowledge of Man, 67.
131 John Stewart, “Two of Buber’s Contributions to Contemporary Human Sciences: Text as Spokenness and Validity as Resonance,” cited in Martin Buber and the Human Sciences, 158.
132 Ibid., 136.
133 Ibid., 145.
134 Ibid., 138.
was the tension between “seeming” and “being.” In order to preserve or promote a particular image, many people project a false impression of themselves. In fact, there are those individuals who may be enslaved by the impressions others may have of them. A person “living from his/her being,” however, projects a correct image of himself/herself. Such an individual may be considered living a more authentic existence. Appearances and false images matter little in this case. Indeed, it has been noted that a person confident in himself/herself, will have no need of these false projected images and will, therefore, function from a “being” mode. Subsequently, it may be argued that this “seeming” response to life raises questions about the authenticity of many human interactions. The author suggests that this hypothesis could be applied to offenders who may lack the self-confidence to pursue their real life goals. Hence, the author further argues that criminal activity may not result from a deliberate free choice on the part of individuals. It is only when a person projects a true image of himself/herself should human dialogue be considered authentic. What’s more, Buber has noted:

This mass of contradictions can be met and conquered only by the rebirth of personal unity, unity of being, unity of life, unity of action – unity of being, life and action together. This does not mean a static unity of the uniform, but the great dynamic unity of the multiform in which multiformity is formed into unity of character.

It is only by remaining authentic to one’s own being can one function within society. Buber acknowledged that individuals who do not conform to social conventions may be castigated. However, he also recognised that it is only by diverging from the social norm that new societies are born.

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135 Buber, *The Knowledge of Man*, 76.
136 Ibid.
137 Ibid., 77.
138 Ibid., 145-146.
139 Ibid., 146.
5.5 The Philosophy of Carl Rogers Applied to Corrective Education.

Carl Rogers was of the view that the existing educational structures over-emphasises the cognitive development of students. Such an approach to education means that knowledge remains within the intellectual dimension of the individual only. The notion of a holistic educational structure is, as a result, dismissed. It reduces the whole concept of learning to a "diploma seeking" exercise. Within such an environment, education becomes an obligation as opposed to representing a free choice taken out of love for the pursuit of knowledge itself. Consequently, education has little or no affective influence within students. Rogers was of the view that, in order for education to be effective, it should attend to the experiential and the cognitive dimensions of the students. As a result, a more holistic educational structure should empower students to become critical learners "capable of intelligent choices and self-direction." They should also become holders of "knowledge relevant to real life," capable of using knowledge "flexibly" in order to confront new situations and able to solve problems in a responsible manner. Finally, diligent students should come to appreciate that learning and the pursuit of knowledge is an enjoyable activity.

Rogers considered the potential "power" that lives in the midst of apparent "powerless." Accordingly, he argued that learning should facilitate a process of change rather than constitute the mere imparting of knowledge. Learning as a mere acquisition of knowledge remains relevant only in an unchanging world.

142 Rogers, A Way of Being, 268-269.
145 Rogers, Carl Rogers on Personal Power, 204.
146 Carl R. Rogers, Freedom To Learn (Columbus, Ohio: Charles E. Merrill Publishing Company, 1969), 104.
Consequently, such an approach to learning remains stale in a world that exists in a constant state of flux.\(^\text{147}\) However, within a more progressive learning framework, the teacher facilitates a process of inquiry and investigation for the learner. The student, in turn, immerses himself/herself in a procedure incorporating "self-directed" learning and a journey of "scientific" discovery.\(^\text{148}\) The student should maintain the privilege to decide the "criteria" or subject matter that pertains to his/her own life experiences.\(^\text{149}\) The student also assumes the responsibility for dictating his/her own goals and for achieving those agreed goals.\(^\text{150}\)

Rogers further argued that the primary goal of any educational construct is to facilitate the individual in his/her efforts to become a "fully functional person."\(^\text{151}\) He has defined a "fully functional person" as one who is "able to live fully in and with each of and all of his feelings and reactions."\(^\text{152}\) Such a person enjoys a deeper awareness of himself/herself, possesses a greater trust in his/her own abilities and in his/her own judgements.\(^\text{153}\) The learning process becomes a journey of self-discovery for the learner as he/she begins to explore previously unknown aspects of himself/herself.\(^\text{154}\) As a result, each student begins to examine the "vast resources for self-understanding, for altering his/her self-concept, his/her attitudes and his/her self-directed behaviour...." that lie within.\(^\text{155}\) For Rogers, this student-centred approach to education assumed:

That the human being is basically a trustworthy organism, capable of evaluating the outer and inner situation, understanding himself/herself in this

\(^{147}\) Ibid.
\(^{148}\) Ibid., 136.
\(^{149}\) Ibid., 142.
\(^{150}\) Ibid., 143.
\(^{151}\) Ibid., 288.
\(^{152}\) Ibid.
\(^{153}\) Ibid.
\(^{154}\) Ibid., 281.
\(^{155}\) Rogers, *Carl Rogers on Personal Power*, 7.
context, making constructive choices as to the next steps in life an acting on those choices.  

Within such an environment, the teacher adopts the role "non-possessive carer." Furthermore, the teacher also accepts the student as possessing value in his/her own right as a person. In addition, the learner remains in a state of continuous intrinsic growth and open to new experiences. The teacher facilitates this process by aiding in the:

- Releasing of these capacities when relating as a real person to the other, owning and expressing his/her own feelings, when experiencing a non-possessive caring and love for the other; and when acceptingly understanding the inner world of the other.

Interestingly, teachers are also afforded the opportunities to change within such a learning process. The teacher tries to understand the life's circumstances of the student through a process of "empathic understanding." Throughout this process, Rogers has suggested that the teacher may also acquire a better understanding of his/her own life situation.

Rogers was of the view that a student-centred educational structure allows students to "think for themselves." This hypothesis is of particular relevance in the pedagogy of convicted offenders. He noted that many teachers are nervous about placing the responsibility for learning onto students themselves. Many teachers would assume that most students have not been groomed to make such decisions. Instead, Rogers suggested that a holistic teaching methodology entails developing these

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156 Ibid., 15.
157 Rogers, Freedom To Learn, 109.
158 Ibid.
159 Ibid., 285.
160 Rogers, Carl Rogers on Personal Power, 15.
161 Rogers, Freedom To Learn, 123.
162 Ibid., 111.
163 Ibid.
164 Rogers, A Way of Being, 299.
essential decision-making skills within students. \^{165} This more progressive form of education also helps develop the students’ sense of self-discipline. \^{166} In order for this process to begin, teachers must be prepared to relinquish many of the authoritarian teaching methodologies they may be more familiar with. \^{167} Rogers observed that self-discipline is not the product of imposed disciplinary structures. \^{168} He has suggested that the essential role of the teacher should include the generating of an atmosphere conducive to learning. In addition, the responsibility for furnishing all the necessary resources remains with the educator. \^{169}

Rogers also considered the “therapeutic value” of education. \^{170} With the aid of appropriate educational structures, students embark on a journey of self-exploration. \^{171} It is hoped that, as a result of this process, each student will come to a greater sense of self-understanding and, in particular, self-acceptance. For Rogers, part of the journey towards self-determination entailed detaching oneself from one’s facades and allowing oneself to be oneself. \^{172} Rogers anticipated that, once students come to a greater sense of self-acceptance, they would effect any necessary changes that will result in a more fulfilled lifestyle. \^{173} He also suggested that changes within the individual may be “subtle” but are normally more in tune with the individual’s true disposition. \^{174}

In addition, Rogers noted that the effectiveness of the education process need not necessarily depend on teaching techniques. Rather the success of educational provision depends on teachers’ attitudes. \^{175} He specifically mentioned genuineness as

\^{165} Ibid., 308.
\^{166} Ibid., 301.
\^{167} Ibid., 304.
\^{168} Rogers, Carl Rogers on Personal Power, 193.
\^{169} Rogers, A Way of Being, 300.
\^{170} Rogers, Encounter Groups, 11.
\^{171} Ibid., 23.
\^{172} Ibid., 31-33.
\^{173} Ibid., 33.
\^{174} Ibid., 44.
\^{175} Rogers, A Way of Being, 270.
one of the more effective attributes of an effective teacher. Teachers should not construct facades but enter into a "direct personal encounter with students, meeting each one on a person-to-person basis."176 Rogers' proposals also impinge on teacher-training techniques. He suggested that teacher-training programmes should incorporate the cognitive, affective, experiential, intellectual and instinctual dimensions of student teachers. 177 He further argued that student teachers cannot be expected to develop these qualities unless they are guided in teacher-training programmes.178

Conclusion.

One interesting point made by Durkheim is that society stands to gain nothing by simply punishing offenders. He argued that society expects offenders to emerge from the prison system totally reformed. However, many of the methods currently used in the offender rehabilitation programmes are considered fruitless. Indeed, Durkheim considered that to expect offenders to reform by sheer exile alone is indefensible. Besides, in order for prisoners to adapt to social conventions, prisons must in some way incorporate the dominant values of society. This philosophy lies at the very heart of Rentzman’s theory of “normalisation.” Rentzman argued that it is only by creating a normal environment within the prison system itself that detainees can familiarise themselves with acceptable social standards.

In view of these concerns, philosophical principles pertaining to the concept of “prison” have evolved from a punitive approach to a more rehabilitative outlook. In addition, recommendations published by international organisations concerning the treatment of offenders promote the further provision of education and vocational skills.

176 Ibid., 271.
177 Ibid., 278-279.
178 Rogers, “Education a Personal Activity,” 8.
Indeed, many international reports already discussed conclude that such measures are more successful in reducing recidivism rates. In conjunction with these international publications, authorities in Ireland have also produced a number of reports endorsing a more progressive penal philosophy.

One common theme that emanates from national and international official publications concerning the management of offenders is society’s obligation to convicted individuals. Buber addressed this phenomenon by proposing a social construct that respects the humanness of each individual offender. He was of the view that the problem of human deviancy can be overcome when society enters into an “I-Thou” relationship with those harbouring criminal tendencies. Consequently, the solution to the problem of criminal activity lies, at least in part, within the domain of society itself. Rather than simply condemn individuals, society can “confirm” offenders by supporting any prisoner that may be actively engaged in rehabilitation programmes. Buber also considered that the education of offenders constitutes a process of re-education. Throughout this procedure, offenders learn to live according to socially acceptable conventions.

Rogers, on the other hand, concentrated on the individual’s intrinsic resources in order to effect an existential transformation. He was of the view that, once the reality of one’s situation has been determined, one should be empowered to effect the desired changes. For Rogers, education was the means towards self-autonomy and authentic living. Furthermore, Rogers emphasised the trustworthiness of each individual. He was of the view that each individual is capable of making his/her own life decision.
CHAPTER SIX

Corrective Educational Provision in Irish Prisons.

Introduction.

In this chapter, the author proposes to examine the current provision of education for those committed to correctional facilities as directed by the Department of Education and Science. Legislative documents pertaining to the education and training of offenders will be duly discussed. Furthermore, the actual provision of education in adult correctional facilities, as directed by the Department of Justice, Equality and Law Reform, will be explored.

6.1 Corrective Education in Ireland, the Real and the Ideal.

In theory, Irish prison authorities operate from a more progressive principle in that offenders are imprisoned as punishment rather than for punishment.¹ Policies being implemented are designed to ensure that offenders should be given every opportunity to achieve a state of social reintegration.² However, O'Mahony has argued that the Irish penal philosophy contrasts greatly to current operational practices.³ He has noted that many of the current “management of offenders” programmes in operation in Irish prisons often reflect a social hidden agenda or demand for retribution.⁴ Nevertheless, education and vocational training are both provided to ensure that offenders will be adequately trained in the most up-to-date procedures in order to afford them the opportunities to seek employment upon release.⁵ When seeking the services of

² The Department of Justice: The Management of Offenders: A Five Year Plan, 55.
⁴ Ibid.
⁵ The Department of Justice: The Management of Offenders: A Five Year Plan, 64.
professional personnel within the prison system, adult offenders are entitled to the same attention and confidentiality "consistent with professional standards."^6

In the light of this hypothesis, the Irish Education Act of 1998 called on the education system to respect:

The diversity of values, beliefs, languages and traditions in Irish society and should be conducted in a spirit of partnership between schools, patrons, students, parents, teachers, and other school staff, the community served by the school and State.7

Ideally, the Irish education system is responsible for the promotion of a variety of cultural traditions, values and beliefs that remain an integral part of a modern technological and pluralist society. John Coolahan was also of the view that one pre-conceived system of values can no longer be imposed onto all sectors of society. The ethos of education needs to be "grounded in the shared beliefs and practices" of the entire community."8 Coolahan pointed out that one of the great modern challenges facing Irish education structures is the demand to accommodate the new multicultural society, together with the various sub-cultures, evolving in Ireland at present. Given the fact that there are an increasing number of ethnic and marginalised groups living in Ireland, the education system must begin to integrate many different cultural needs and values.9 It has been noted that education fails when it remains incapable of adapting to and accommodating various individual needs.10 Coolahan further argued that the ethos inherent in educational structures must instil a sense of belonging within each group.11 He has maintained that the role of education is about "life enhancement, developing the

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^6 Ibid., 51.
^8 John Coolahan, "School Ethos and Culture Within a Changing Education System," School Culture and Ethos, Cracking the Code, 117.
^9 Ibid., 119.
^10 John Dewey, Experience and Education, 60.
potential of all individuals through a spectrum of educational experiences which affect
the totality of students' lives."¹² In this regard, Richard Pring stated that the notion of
“inclusivity” “requires flexibility in curriculum provision.”¹³ Concerning the structure
of educational programmes, he has noted:

Education is a process whereby, people are enabled to learn... But not any
learning is acceptable. There is an evaluative aspect to education... To
educate is not simply to get people to learn. It is to get people to learn what
it is believed to be worthwhile.¹⁴

Rather than focus totally on quantitative issues, education must look to the quality of
what it must offer in an ever-changing society. Pring argued that education offers to
those who participate, the means to personal autonomy.¹⁵ He described autonomy as
the coupling of intellectual capacities and the ability to live by one’s values.¹⁶ Pring
also distinguished between “being educated” and being “academically successful.” He
has considered “to be educated” as a greater understanding as to what it means to be
human.¹⁷ Accordingly, he remained critical of elitist forms of any educational policy
that fails to serve the whole community.¹⁸ Instead, authentic education, which seeks to
develop the whole person, ought to respect each individual’s language, history and
culture by not labelling these unique characteristics as inferior.¹⁹ Besides, Tavey et al.
have argued that there is no reason why the development of “self-identity” should be
necessarily in conflict with heritage.²⁰ Indeed, the responsibility rests with those who

¹² Ibid., 120.
¹³ Richard Pring, “School Culture and Ethos – Towards an Understanding,” in School Culture
and Ethos, Cracking the Code 10.
¹⁴ Ibid., 5.
¹⁵ Ibid., 6.
¹⁶ Ibid.
¹⁷ Ibid., 10.
¹⁸ Ibid., 13.
¹⁹ Hilary Tavey, and others, Cad Chuige an Ghaeilge, Teanga agus Féinniúluachtin in Eireann ár
Linne (Baile Atha Cliath: Bord na Gaeilge, 1989), 19.
²⁰ Ibid., 29.
legislate to find a balance within education structures that will accommodate both Irish culture and material appropriate to modern day living.

6.2 Education Legislation for Adult Offenders.

The Government "white paper" on education entitled "Charting Our Education Future," published in 1995, noted:

The State should serve the educational rights of its citizens to participate in and benefit from education in accordance with each individual's needs and abilities and the nation's resources. 21

It may be concluded from this statement that every individual has a right to education if every individual so desires. In relation to children, the "white paper" stressed that the State is obliged by the constitution to require that children should receive a certain minimum education. 22 For adults, the "white paper" listed the updating of knowledge and skills together with overcoming the disadvantages experienced in early education, as being of great importance. 23 The "white paper" also stated that "policy priority will be to ensure that suitable and effective programmes are in place for all who wish to overcome literacy and numeracy problems." 24

Indeed, the "white paper" outlined some of the general principles that should be applied to educational structures. Nevertheless, this document, like some previous Government publications, principally, the Government green paper "Education for a Changing World" of 1992 and the "Report of the Special Education Review Committee" (SERC Report) of 1993, referred to special education and social disadvantage only in very general terms. For instance, the "SERC Report" speaks of

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22 Ibid., 213.
23 Ibid., 77.
24 Ibid.
the challenges faced by disadvantaged children but makes no specific reference to the pedagogical requirements of offenders. It simply emphasises the need for extra provisions for the disadvantaged. Furthermore, the “green paper” on education in Ireland, published in 1992, referred only to young offenders in that adequate facilities should be provided to this particular group at all times. There is no such specific reference concerning the educational needs of adult offenders. The “green paper” however acknowledged the “Youthreach Programme” as one which offers early school leavers a second chance. The particular publication defined “children with special needs” as those “whose disabilities or circumstances prevent them from benefiting fully from the education which is provided in ordinary schools...” The “green paper” also promoted the expansion of “second chance education” for adults, including literacy programmes, where the need arises. It advocated for extra investment in second level opportunities like “Post Leaving Certificate” (PLC) courses, “Vocational Training Opportunities Schemes” (VTOS) for adults and access into third level institutions. The report encouraged the expansion of all secondary schools in order to accommodate adult education programmes. Once again, however, there was no specific reference to the provision of special educational facilities for imprisoned adults.

The Government “green paper” on adult education, published in 1998, made no specific reference to adult offenders in prison either. However many of its recommendations could be applied within a prison context. For instance, the report suggested that every effort be made to help those students with special needs during

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26 Ibid., 431.
28 Ibid., 59.
29 Ibid., 60.
30 Ibid., 16.
compulsory school years. It encouraged the use of technology for distance learning. The report also noted that high levels of literacy and numeracy are essential if one is to participate in a competitive society. This statement is supported by Inez Bailey since literacy difficulties "cause people to forego opportunities." Bailey also observed that illiteracy adds to the feeling of isolation. It is a problem which often forces individuals to abstain from community activities. Interestingly, the "green paper" on adult education suggested that guidance and counselling remain an integral part of adult education if the entire process is to be effective. The report also promoted the introduction of an "outreach" programme in order to reach those minority groups which other programmes fail to access. It listed ex-offenders and the marginalised among those who need special support services in order for them to avail of further education. Advice relating to issues such as learning fears, low self-esteem and motivation difficulties should also be provided.

Nevertheless, questions arise as to how an offender can become a reformed offender. In other words, how can an individual distance himself/herself from a life of crime? Furthermore what provisions need to be set in place to allow this transformation to take place? One report published by the Department of Justice, Equality and Law Reform, in conjunction with N.U.I., Galway, noted the necessity of providing work opportunities and training while offenders are still in prison. This report also observed that employment related factors contribute to re-offending and

32 Ibid., 62.
33 Ibid., 32.
35 Ibid.
37 Ibid.
38 Ibid., 105.
therefore to re-imprisonment.\textsuperscript{39} It becomes evident that if imprisonment is to be effective in its attempts to discourage further crime, then provisions to aid in the rehabilitation of offenders while held in detention must be set in place.

The joint report published by the Department of Justice, Equality and Law Reform and N.U.I., Galway have acknowledged the fact that the prison environment at present serves only to reduce the self-esteem of inmates.\textsuperscript{40} Indeed, Rentzmann has stated that imprisonment produces many negative effects such as lack of self-esteem, stigmatisation, de-socialisation and isolation from family and friends.\textsuperscript{41} He argued that many of these negative effects result from the closed régimes operating in most prisons. Interestingly, in 1995, the Irish National Teachers Organisation (INTO) published a report concerning the treatment of young offenders. In that report, the INTO stated that motivation is an essential part of the development of self-esteem.\textsuperscript{42} The report emphasised the fact that motivation can only be enhanced by caring, setting realistic goals, providing positive feedback and giving realistic evaluation. The report also stated that one's perception of oneself is very often dependent on the appraisal of other people. Many people appreciate themselves according to how others/society value/s or reject/s them.\textsuperscript{43} Indeed, many of the individuals experiencing a sense of low self-esteem may be considered the products of their own environment. Certainly, some would have received little by way of affirmation in the past.\textsuperscript{44} Part of the rehabilitation process for offenders, therefore, will involve social acceptance and empathy.\textsuperscript{45} Social

\textsuperscript{39} The Department of Justice Equality and Law Reform, National University of Ireland Galway, \textit{General Healthcare Study of the Irish Prisoner Population}, 55.
\textsuperscript{40} Ibid., 51.
\textsuperscript{41} William Rentzmann, \textit{Prison Philosophy and Prison Education}, 60.
\textsuperscript{43} Ibid., 7.
\textsuperscript{44} Ibid., 14.
\textsuperscript{45} Ibid., 28.

The report defined 'empathy' as the ability of one to appreciate what it feels like to be in the other's place. 'Acceptance' is defined as the ability to accept with concern the other given his/her strengths and weaknesses.
reform therefore becomes an essential component in prisoner reform.

The Government "white paper" on adult learning, published in 2000, has stated that adult learning is usually voluntary and self-motivated.\textsuperscript{46} In the case of those who lack motivation, the potential benefits of education have to be seen to be appealing. This hypothesis is particularly pertinent to those adults who may have been away from education for some time. Furthermore, adult education is described as a tool which enables adults to reach their full potential in a way that draws from their own personal experiences.\textsuperscript{47} The term "cohesion" refers to the development of society's most disadvantaged and their reintegration into society.\textsuperscript{48} The report reiterated the need for increased access for adults into third level institutions, the establishment of extra provisions for distance learning\textsuperscript{49} and the introduction of an adult guidance and counselling service.\textsuperscript{50}

The recommendations outlined in the "white paper" on adult education are generally applicable to the prison educational structures. Yet, while the report consists of two hundred and sixteen pages, less than one full page is dedicated to prisoners and ex-offenders. The report stated that prison education "incorporates important partnership between the Department of Justice Equality and Law Reform, the VECs, the Open University," and several other third level institutes.\textsuperscript{51} It also noted that two hundred and fifty VEC staff (the equivalent of one hundred and seventy nine whole-

\textsuperscript{47} Ibid., 28.
\textsuperscript{48} Ibid., 29.
\textsuperscript{49} Referring specifically to prison education, the Department of Justice described 'cohesion' as the attempt to involve various organisations and agencies in prison education. Such organisations involved in a partnership include the VECs, the Open University, The Department of Justice and prison officers etc. (The department of Justice, \textit{The Management of Offenders A Five Year Plan} (Dublin: 1994, the Stationary Office, 1994), 9.2.)
\textsuperscript{50} The Department of Education and Science, \textit{Learning for Life: White Paper on Adult Education}, 144.
\textsuperscript{51} Ibid., 156.
\textsuperscript{51} Ibid., 175.
time) are currently assigned to prison education. At one level, it would appear that some measures are being taken to try and provide varying levels of education to suit the varying educational needs of imprisoned adults. The report also addressed the plight of offenders and their families and acknowledges that steps must be taken to reintegrate such families into the life of the community.

Nevertheless, in February 2001, the Irish Prison Service published a report "Mountjoy Complex Redevelopment Group, 2nd Report." Although the report is forty-seven pages long, a total of three lines are dedicated to education within the prison. The report stated that issues directly affecting inmates such as visits, education and work training will be "generally centralised." However it offered no explanation as to what this notion of "centralised" entails. The report also stated that some activities will take place in "landscaped courtyards and in basements where appropriate."

6.3 Education Provision for Adult Offenders.

The Department of Justice in Ireland distinguishes between vocational training and adult education within the prison system. Vocational training operates independently of educational structures within the prison system. Tutors are mainly acting prison officers. Prison officers with special training in specific areas, for instance carpentry or bakery, offer training to a number of prisoners, particularly those preparing for release. Those involved in prison education are qualified teachers appointed by the VECs'. There is, however, no specific provision for guidance and

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52 Ibid.
54 Ibid.
55 Thursday 5th April 2001, the author met with the co-ordinator of prison education in Ireland. In the course of that meeting, the co-ordinator stated that two separate sectors within the Department of Justice co-ordinate prison education and vocational training within the prison environment.
counselling in prison education. Technically, guidance and counselling is part of a psychological service provided by professionals with little or no experience in education. Very often, teachers already involved in prison education take the initiative and provide some guidance and counselling on a voluntary basis to interested prisoners.56

As already mentioned in this study, education for juvenile offenders in custodial centres is provided by the Department of Education. However, the Department of Justice, Equality and Law Reform assumes responsibility for educational provision for imprisoned adult offenders. In a 1993 report entitled “Working through an Adult Education Model: Prison Education in Ireland,” Kevin Warner has stated that at a national level, 10% of all adult prisoners attended adult literacy classes.57 This total compared with an average total of 15% of juvenile detainees attending similar educational programmes. In this report, Warner concluded that improving the literacy levels among prisoners was to become a priority in Irish prison education.58

Yet, rates of participation by prisoners in educational programmes vary from prison to prison at the present time. Kevin Warner stated that at any one time, 50% of all prisoners in Irish adult institutions participate in educational programmes (including remand and sentenced).59 Excluding those detained in Mountjoy Prison, this figure increases to 60%. Centres housing long-term prisoners, for instance Arbour Hill and Portlaoise, have an 80% participation rate in education. However, authorities at

56 Referring to meeting dated 5th April 2001 between author and Kevin Warner. Kevin Warner also stated that some VEC teachers employed in the prisons have guidance and counselling training and offer this service on a voluntary part-time basis.
58 Ibid.
59 Kevin Warner, A Wide Concept of Prison Education and The Impact f this on Prison Régimes, 3. Warner also stated that figures quoted do not include those prisoners participating in most vocation programmes or physical education, artistic, social and health programmes.
Mountjoy Prison have maintained that, on average, 30% of inmates participate in educational programmes at any one time. Warner argued that participation rates in Mountjoy are low because:

1) Only seventy prisoners from a total of over six hundred and fifty can be accommodated at any one time. The enrolment rate usually stands at about two hundred prisoners or about 30% of the entire inmate population Mountjoy Prison. Those classrooms in existence consist of six small rooms on one landing and three pre-fabricated rooms in the yard. In contrast, Arbour Hill possesses purpose built educational facilities.  

2) The high turnover of prisoners in Mountjoy makes the participation in long-term programmes difficult for the prisoners.

Despite the fact that progress has been made relating to educational provision for adult offenders, one real life story portrays a different image of prison life. It is St. Patrick's Day, 2001, a group of young men aged between eighteen and thirty five, with one or two exceptions, gather in an assembly hall. The venue is Clover Hill Prison, a remand centre attached to Wheatfield Prison. The person addressing the assembly states that he is involved in the advancement of further provision of education for people in prison.

A voice from the crowd pleads for the establishment of a system of education in that particular institution. Such a request may be interpreted as a plea for a second chance in life. Could this be the same “plea” held by the majority of people currently serving prison sentences in our many State institutions! Clover Hill, being a remand centre, has,

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61 Kevin Warner, A Wide Concept of Prison Education and The Impact of this on Prison Régimes, 3.
62 March 17th 2001, the author addressed a group of young male prisoners at Clover Hills Remand Centre. In the course of the address, the entire assembly agreed with one young prisoner who called for education provision and vocational training for those particular prisoners within that particular institution.
at present, no educational structures set in place whatsoever. Yet, while speaking on the Late Late show Saturday night 23\textsuperscript{rd} March, 2001, the Governor of Mountjoy stated that 25\% to 30\% of present day inmates suffer from severe learning disabilities. If this statistic is typical of the general prison population, it is inconceivable to think that the young men in residence in Clover Hill spend their days playing pool or basically doing nothing at all.

These statistics are disturbing when independent sources claim that, in the year 1999-2000, twelve hundred extra prison places were “made available.”\textsuperscript{63} Many of these places were generated with the opening of modern facilities such as Clover Hill and Midlands Prison. Plans have been sanctioned to provide a further seven hundred prison places, including juvenile centres, in Dublin and Cork.\textsuperscript{64} As part of its philosophy, the Irish Prison Service has considered that structures should be established in order to facilitate the rehabilitation of prisoners. Prison authorities have argued that, at least in theory, these structures would have a dual purpose by firstly, providing prisoners with “purposeful activity while serving their sentences” and secondly, “encouraging and equipping” offenders to become law-abiding citizens once released.\textsuperscript{65} However, this penal policy does not appear to apply to the prisoners held on remand in Clover Hill.

One interesting concept under consideration is the introduction of a “system of categorisation and allocation” among offenders.\textsuperscript{66} Under such a system, convicted offenders will be placed in detention centres according to security requirements and offenders’ individual needs.\textsuperscript{67} Another innovative development under review is the

\textsuperscript{64} Ibid.
\textsuperscript{65} Ibid., 22.
\textsuperscript{66} Ibid., 23.
\textsuperscript{67} Ibid.
expanding role of the Probation and Welfare Service (PWS). As a result, part of the PWS portfolio would include:

- Assisting the courts in "sentencing decisions." "Sentencing decisions" would be made according to the rehabilitative needs of offenders.
- Providing supervision programmes which would constitute further alternatives to custodial sentences.
- Assisting convicted offenders with family/relationship issues.
- Introducing and developing community based programmes that would develop offenders' social skills.
- Instilling in offenders a greater sense of self-responsibility.
- Facilitating the transition process for newly released offenders. One such programme is the "Connect Programme."

Vaughan has considered that the duties of the PWS should include the examination of offenders' social backgrounds, assessing the risk posed by some offenders, endorsing non-custodial sentences in deserving cases and recommending conditions applicable to deserving individuals. He also argued that the PWS should establish more "restorative justice" programmes within the jurisdiction. The principle of "restorative justice" seeks to repair the harm caused to victims by "facilitating agreements between offenders and victims." While solutions are not imposed on either victims or offenders, authorities strive to negotiate solutions between both parties. O'Mahoney has maintained that the concept of "restorative justice" considers the efforts on the part of offenders to make amends to society. Equally important is that the procedure also

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68 Ibid., 25.
69 Ibid., 24.
70 Barry Vaughan, Toward a Model Prison System (Dublin: Irish Penal Reform Trust, 2001), 78.
71 Ibid., 77.
72 Ibid.
73 Ibid., 93.
empowers local communities to interact with offenders in order to facilitate the reintegration and re-socialisation process for offenders.\textsuperscript{74} Vaughan observed that there are two "restorative justice" programmes operating in Ireland at present. One programme operates in the Tallaght area, the other in Nenagh. Offenders agree to sign a contract requiring them to seek treatment or to make reparations. Offenders who fail to conform to the terms of their contracts face custodial sentences.\textsuperscript{75} Interestingly, in Austria, particularly in the case of juvenile criminals, charges ensuing are usually dropped once offenders have successfully completed their agreed contracts.\textsuperscript{76} O'Mahony has also recommended the introduction of a "waiting list" system into prison structures. His argument was based upon the premise that, by creating a waiting list for prisons, prisons would be less crowded. Convicted offenders awaiting imprisonment may also motivate themselves to be more law-abiding during that waiting period.\textsuperscript{77}

Durkheim also distinguished between "restitutive sanctions" and other more conventional forms of punishment for offenders. The application of "restitutive sanctions" usually involves a process whereby, offenders are sentenced to comply with social norms. Offenders are also obliged to make reparations to victims for damages caused by the offences. Once reparation is made the offender suffers no stigma or label as a result of the offence. Those in favour of the further application of "restitutive sanctions" regard the process as being a more effective means of reintegrating the offender into the community than the more traditional repressive methods.\textsuperscript{78} In relation to sex-offenders, Vaughan acknowledged the grave need for the introduction of a

\textsuperscript{74} O'Mahony, \textit{Prison Policy in Ireland, Criminal Justice versus Social Justice}, 60-61.  
\textsuperscript{75} Vaughan, \textit{Toward a Model Prison System}, 94.  
\textsuperscript{76} Ibid., 95.  
\textsuperscript{77} O'Mahony, \textit{Prison Policy in Ireland, Criminal Justice versus Social Justice}, 54.  
\textsuperscript{78} Durkheim, "Forms of Social Solidarity," 135.
community and multi-agency co-ordinated approach to the rehabilitation of such offenders in order that society may be protected.  

6.4 The Connect Programme.

The “Connect Programme” is one that is run by the Department of Justice, Equality and Law Reform in Conjunction with the National Training and Development Institute (NTDI). Originally, “Connect” was considered an experimental programme that was to operate from 1998 to 2000. Funding was to be provided by the E.U. “INTEGRA Employment Initiative.”\(^\text{\textsuperscript{80}}\) The programme itself was conducted in Mountjoy Prison, the Dóchas Centre for adult female offenders in Dublin and the Prison Training Unit. Its purpose was to “improve the employability” of offenders detained in these three particular facilities.\(^\text{\textsuperscript{81}}\)

The “Connect Programme” is designed to:

- Enable offenders to make well-informed decisions thereby, facilitating their reintegration back into society.
- Evaluate offender rehabilitative programmes currently in operation.
- Establish” clear and effective linkages between in-prison and out of prison services.”\(^\text{\textsuperscript{82}}\)

In order to fulfil these objectives, those involved in the advancement of the programme introduced the following initiatives:

1) Pre-Vocational Training, otherwise known as the “Options Programme.” This constitutes a twelve to fourteen week programme which prepares offenders for

\(^{79}\) Vaughan, Toward a Model Prison System, 86-87.


\(^{81}\) Ibid.

\(^{82}\) Paula Lawlor, Connect Project 1998-2000: A collaborative project by the Department of Justice, Equality and Law Reform in association with the National Training and Development Institute. Internal departmental document produced by Connect Project Ireland, 13\(^\text{\textsuperscript{6}}\) November 2000, 2.
further work/training programmes. This particular section of the programme encourages offenders to make well-informed choices concerning vocational opportunities. It also facilitates the development of job-search skills such as interview skills and curriculum vitae design.\textsuperscript{83}

2) A “Needs Assessment System” that examines offenders’ educational, personal and decision-making needs.\textsuperscript{84}

3) An “Individual Programme Planning System.” This programme allows each detained individual to “reach his/her social/personal/vocational goals.”\textsuperscript{85}

4) Work and Training Activities. Connect provides certified courses with the "Further Education Training and Awards Council" (FETAC), City and Guilds, Fás and the Irish Institute for Cleaning Sciences.\textsuperscript{86}

Those involved in operating the “Connect Programme” consider the factors which inhibit the reintegration of ex-prisoners into society.\textsuperscript{87} It has also been noted that ex-prisoners who find meaningful employment are 30%- 40% less likely to re-offend.\textsuperscript{88} Accordingly, the “Connect Programme” strives to overcome the social barriers which prevent ex-prisoners gaining self-satisfying employment.\textsuperscript{89} In the light of these endeavours, the Department of Justice, Equality and Law Reform has extended the “Connect Project” until 2006.\textsuperscript{90}

\textsuperscript{83} Ibid., 4.
\textsuperscript{84} Ibid., 7.
\textsuperscript{85} Ibid., 9.
\textsuperscript{86} Ibid., 10.
\textsuperscript{87} Ibid., 12.
\textsuperscript{88} Ibid.
\textsuperscript{89} Ibid.
\textsuperscript{90} Department of Justice, Equality and Law Reform, Annual Report 2000. 24.
6.5 Education Provision for Younger Offenders.

Efforts have been made by Government legislators to help divert children away from criminal activity. Indeed, one particular document was published by Niamh Bhreathnach (Minister for Education 1995-1997) entitled “Breaking the Cycle: Education Disadvantage.” In this publication, efforts were made to promote the well-being of the more socially disadvantaged. Emphasis was to be placed on reducing the negative educational effects of social disadvantage. Certainly, special resources were to be made readily available to help teachers in this endeavour. These measures were considered preventative by nature.

Nevertheless, preventative measures often fail to have a significant impact upon many individual subjects. Consequently, within the boundaries of the juvenile justice system itself, a balance must be maintained between “safe custody and the care/rehabilitation of young offenders” held in detention. Legislators also acknowledged that:

Younger offenders have special needs and require intensive supports if they are to be diverted from a life of crime. Particular emphasis must be placed on their development and rehabilitation affording access to a wide range of support services including education, vocational training, sports and recreation, psychology, probation and welfare, and medical services including addiction.

Accordingly, the primary objective of detention centres for young offenders is rehabilitative. Their role is to provide younger offenders with opportunities to “develop the skills necessary to avoid future offending.” However, in 1999, a new “Children’s

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92 Ibid.
93 Ibid.
94 Ibid.
95 Ibid., 22.
96 Ibid.
Bill” was introduced. This “1999 Children Bill” was intended to temporarily replace the original “1908 Children’s Act” that had, up until then, provided the legal framework for all legislative matters concerning the welfare of children. As a preamble to the immanent new “Children’s Act,” the “1999 Bill” sought to:

1) Address the notion of parental responsibility.97
2) Accommodate the needs of “out of control non-offending children.
3) Offer better protection to children in detention.
4) Introduce the concept of a “Special Residential Services Board” to advise the Minister for Education and Science together with the Minister for Health, on matters concerning children held in detention.
5) Promote the establishment of “restorative justice” structures for young offenders.98

Nevertheless, the defining legislative document concerning the welfare of children emerged in November 2001 with the introduction of the “2001 Children’s Act.” This particular “Act:”

• Raised the age of criminal responsibility from seven to twelve.99
• Applied the term “child” to all persons under the age of eighteen.100
• Redefined all juvenile residential schools, such as industrial schools and reform schools, as “Children’s Detention Schools.”101
• Reinforced the need for a “Special Residential Services Board.”102 The role of this “Board” includes:

98 Ibid.
100 Ibid.
101 Ibid., article 2.
102 Ibid., article 226.
a) “Co-ordinating the delivery of residential accommodation and support services” for children housed in specially designated residential schools.\(^\text{103}\)

b) “Ensuring the appropriate and efficient utilisation of such schools.” The “Special Residential Services Board” also discourages the custodial sentence for young offenders unless absolutely necessary.\(^\text{104}\)

c) Choosing appropriate residential care in order to accommodate the particular needs of individuals.\(^\text{105}\)

d) Continuing the monitoring of residential facilities together with the services provided to those in residential care.\(^\text{106}\)

The new “Act” also stipulated that “any penalty imposed on a child for an offence should cause as little interference as possible to the child’s legitimate activities and pursuits...”\(^\text{107}\) In short, a period of detention should only be imposed as a last resort.\(^\text{108}\)

Indeed, greater attention should be given to the establishment of non-custodial sanctions such as “diversion programmes.”\(^\text{109}\) The intention behind these “diversion programmes” is to encourage young offenders away from criminal activity by providing constructive activities within the local community.\(^\text{110}\) Other possible alternatives to custodial sentences would include:

- The imposition of a “Parental Supervision Order” whereby, parents would be compelled to seek help in order that they assume their role as parent more responsibly.\(^\text{111}\)

\(^{103}\) Ibid., article 227(a).
\(^{104}\) Ibid., article 227(b).
\(^{105}\) Ibid., article 227(d).
\(^{106}\) Ibid., article 227(f).
\(^{107}\) Ibid., article 96.
\(^{108}\) Ibid.
\(^{109}\) Ibid., 18.
\(^{110}\) Ibid., articles 18-20.
\(^{111}\) Ibid., article 111.
• Compelling the parent(s)/guardian(s) to pay compensation.  

• Ordering the parent(s)/guardian(s) to exercise proper control over the child.  

• The use of non-residential/day care training centres.  

• The use of community sanctions such as mentor support, restrictions on movement orders and probation orders.  

Where a “detention order” has been granted, children under sixteen are to be detained in “Children’s Detention Schools.” Where the child is aged between sixteen and eighteen, a “children’s detention centre,” such as St. Patrick’s Institution, is to be provided. Places of detention should address the needs of all children including educational, medical, psychological and issues concerning their “general moral and physical welfare.” Efforts should also be made to help children in detention to maintain close family relationships. It is to be mentioned, however, that children between the ages of sixteen and eighteen come under the auspices of the “2001 Children’s Act” even if detained within the borstal system. 

It is interesting to note that the emphasis is placed on treating young offenders as opposed to punishing them. Indeed, it has been suggested that such a progressive approach could have therapeutic value for young offenders. To begin with, community based programmes are generally considered to be more effective in reducing recidivism rates than detention. The author also suggests that a new experience of community understanding may replace the love, affirmation and

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112 Ibid., article 113.  
113 Ibid., article 114.  
114 Ibid., article 118.  
115 Ibid., article 115.  
116 Ibid., article 153(b).  
117 Ibid., article 153(b).  
118 Ibid., article 158(c).  
119 Ibid., article 150.  
120 Lord Longford, Young Offenders, 226.  
121 Ibid.  
122 Ibid., Ibid., 157.
acceptance that many young offenders would have been previously deprived of.

Conclusion.

The transition from offender status to reformed offender is a complex process. Indeed, the quest for a more effective offender reform structure remains ongoing. Certainly, the more progressive of methodologies employed appear to adopt a two-fold policy. Firstly, rehabilitation programmes are designed to instil within offenders a greater sense of self-respect and self-confidence. Some of these impediments to normal social functioning are addressed in comprehensive educational and vocational training programmes. It would also appear that offender reform programmes are more effective when employed within the wider social arena. Secondly, however, staff members involved in offender reform syllabi tend to argue that a positive social response is crucial to the success of such programmes. Consequently, corrective education programmes should be extended so as to impact upon local communities in a positive manner.

The Department of Education and Science is obliged to respond to the educational needs of Irish society. As an educational agency, it fulfils its role by providing adequate residential care, together with appropriate rehabilitation programmes, for younger offenders. Furthermore, the publication of the “2001 Children’s Act” is considered a significant contribution to the well-being of children in residential care. It is ironic, however, that imprisoned adult offenders are the one group of people that the Department of Education and Science fails to accommodate. Accordingly, given the ontological nature of the current educational structure in Ireland, it may be argued that issues pertaining to minority groups are not thoroughly explored. In recent years, Ireland has become an increasingly multicultural and pluralist society.

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The criminal sub-culture has evolved to become a distinct force within that multicultural and pluralist society. Coolahan has pointed out that current educational structures must continue to adapt in order to accommodate the needs of the multiplicity of minority groups which have come to re-shape Irish society. Yet, the education of imprisoned adult offenders in Ireland is co-ordinated by one person in the Department of Justice, Equality and Law Reform. In theory, Irish penal policies are designed to facilitate the "reintegration into society" procedure for offenders. Unfortunately, the real scenario is best witnessed by those held in prison who consider themselves the forgotten people of the Irish education system.
CHAPTER SEVEN
Prison Education: Some International Perspectives.

Introduction.

In this chapter, the author proposes to examine corrective educational provision and practices from an international perspective. The author intends to examine, at an international level, trends in policies and operational procedures pertaining to the education and reform of offenders. While criminal activity is common to every culture and every society, different nations must address their own particular problems in their own unique way. Special attention has been given to corrective educational provision within the following countries: the United States, Canada, the Netherlands, France, Australia, the United Kingdom and Northern Ireland. The reasons for selecting penal structures and policies in these particular jurisdictions are outlined below. The author also intends to explore if any of these international trends or initiatives may be of potential relevance within the Irish context. For instance:

- In the United States correctional educational policies are designed and administered at jurisdictional level, except in federal cases. Subsequently, the needs of the common lawbreaker are addressed by local or state authorities given that penal policies may differ slightly from state to state. Some states are further advanced than others in developing rehabilitation programmes and alternatives to custodial sentences. The United States is also home to the Office of Correctional Education. The role of this organisation is to support those involved in the further education and training of offenders within the United States. It also aims to standardise correctional educational policies at a national level. Thirdly, the United States is also the host country to the Correctional Education Association, an organisation with a mission to advance the cause of offender reform. Because these two particular
organisations exist within the United States, much is written about current corrective educational policies there and potential for the future. A number of these documents are discussed in this thesis.

- In Canada corrective policies are governed nationally by the Correctional Service of Canada. Canadian authorities have experimented with a number of philosophies and hypotheses within which, priority given to the education and training of offenders often varied.

- Within the Dutch prison system, authorities place great emphasis on education in offender rehabilitation programmes. Furthermore, less emphasis is placed on security paving the way for a more open door prison policy.

- In France, authorities agreed to establish a college style of education within a number of prisons. Offenders held within these facilities are offered the opportunity to avail of a university education. Furthermore, following an agreement made between penal legislators and industrialists, prisoners stand to benefit from the work they perform while detained and once released.

- Within the Australian penal system, each territory assumes direct responsibility for designing its own corrective educational and vocational programmes. Accordingly, as is the case with most other jurisdictions internationally, many territories must confront their own unique issues pertaining to offender reform. Furthermore, special educational and vocational colleges are employed to deliver corrective and rehabilitative programmes. Finally, within the Australian penal system, priority is given to finding suitable employment for newly released prisoners.

- Within the United Kingdom, partnership exists between Her Majesty’s Prison Service and the Department for Enterprise and Skills. Since the author visited two British prisons, both located within the London area, details of educational,
vocational and rehabilitative programmes offered by these two facilities to inmates are included in this study.¹

- In Northern Ireland, Northern Ireland Office has published a number of documents pertaining to the rehabilitation of offenders recently. The Northern Ireland Office has also founded the Northern Ireland Association for the Care and Resettlement of Offenders.

In addition, the author has discussed how some of these procedures, which are currently in operation at an international level, could apply to the Irish penal system.

7.1 Corrective Education, Some International Trends: The United States.

In the United States, prison education operates from the principle that offenders' behaviour, attitudes and ideas can be changed, according to Thom Gehring et al.² Gehring et al. have also stated that prison education is corrective by nature and focuses on the high-risk prison population, for instance gang members, those convicted for firearm offences, drugs, violent crime and sex offences.³ Gehring et al. have also noted that most corrective education programmes in the United States serve to improve literacy and numeracy skills and provide some vocational training.⁴ Within the education system of United States, the difference between regular education and corrective education rests in what Thom Gehring et al. have called "the traditional formula for American education."⁵ Regular education focuses on knowledge, skills and attitudes. In contrast, corrective education techniques focus on attitudes, skills and

¹ Please see Appendix One, Prison/School Visitation I and II for details of educational, vocational and rehabilitation programmes at HMP Wormwood Scrubs and HMP Wandsworth. Results of research conducted are included in Chapter Nine.
³ Ibid.
⁴ Ibid., 171.
⁵ Ibid.
knowledge, in that order. Educators in the United States now feel that educational constructs should also promote cultural issues. Cultural education within mainstream education could be a means used to prevent entry into a life of crime for those drawn to such a lifestyle. According to Gehring et al, cultural education is a process which addresses positive ideologies and conventions which help shape society. Certainly, within corrective education, cultural education may offer alternatives to a life of crime. Education and socialisation become one simultaneous entity within the process of prisoner rehabilitation. Gehring et al. have maintained that current correctional educational programmes are very academically focussed. While great attention is given to the development of literacy and numeracy skills, these capacities do not necessarily teach an individual to live in a community as a social being. In other words, education and life-skills merge to become one single process of prisoner rehabilitation.

In a separate study, it has been noted that the key to the effective reintegration of offenders lies in “finding employment and housing, re-establishing family networks and being accepted into the community as a productive member.” A total of one hundred and five “Alternative, Community and Correctional Education Schools and Services” (ACCESS) programmes have subsequently been established throughout the United States. These particular programmes provide offenders with a “more personalised learning plan and more individualised interactions with staff members.”

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6 Ibid.
7 Ibid.
8 Ibid.
9 Ibid.
12 Ibid., 71.
ACCESS schools serve the needs of those students whose needs have not been addressed within the regular education system.¹³

Prison authorities in the United States have experienced a progressive move away from institutions of correction. Instead of relying on an indiscriminate custodial sentencing policy, authorities have attempted to apply a more humane and community based approach to the treatment of offenders.¹⁴ To begin, in recent years, authorities in the United States' have gradually introduced a programme of "home confinement."¹⁵ Many countries have offered "home confinement" to offenders as an alternative to more traditional forms of detention. Indeed, authorities in South Korea, South Africa, Poland, Russia and India have a long history of imposing "home confinement" on political dissidents.¹⁶ In the United States, the concept of "home confinement" was introduced in St. Louis in 1971 for young offenders. In 1977 authorities at Florida, Alabama, Washington D.C., Panama City and introduced a policy of "home confinement" for young offenders also.¹⁷ In 1983 authorities in Florida introduced the "Correctional Reform Act." This “Act” stipulated that "home confinement" was considered a more appropriate alternative to the more traditional institutionalised detention for adult offenders. By 1986, thirty States had introduced legislation that provided for "home confinement" for adult offenders.¹⁸ Trial judges select suitable candidates that would benefit from "home confinement" as opposed to imprisonment.¹⁹ The welfare and needs of society must be considered by trial judges when selecting candidates for the “home confinement” programme.²⁰ Successful candidates agree to a

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¹³Ibid.
¹⁵ Ibid., 33.
¹⁶ Ibid., 34.
¹⁷ Ibid.
¹⁸ Ibid., 35.
¹⁹ Ibid., 120.
²⁰ Ibid.
contract with authorities. For instance, young offenders must agree to attend classes daily and adhere to college rules. Adult candidates must agree to seek employment.\textsuperscript{21} Candidates suffering from chemical dependencies must agree to attend treatment clinics.\textsuperscript{22} Furthermore, selected candidates wear a wrist bracelet or waist band or ankle bracelet fitted with a transmitter that allows authorities to monitor unauthorised absences from home.\textsuperscript{23} Comparing "home confinement" to the more traditional practices of prisoner detention, Ball et al. have stated that Prison systems are "criminogenic" in essence. In other words, present prison structures reinforce criminal tendencies by treating the offender as being abnormal.\textsuperscript{24} They have also suggested that "home confinement"

1) Does not label the offender as much as imprisonment can.\textsuperscript{25}

2) Reduces overcrowding in prisons and reduces the need to build more prisons.\textsuperscript{26}

3) Helps keep the family unit intact. This form of confinement also helps to maintain an offender's responsibility to family and the wider community.\textsuperscript{27}

4) Facilitates the further education of offenders, particularly younger offenders. It also allows adult offenders to seek employment and maintain children.\textsuperscript{28} This form of detention means that convicted offenders are not excluded from society. Young offenders are able to attend normal classes in regular schools. Adult offenders are able to seek employment within the regular job market.\textsuperscript{29}

5) Appears to be effective in reducing repeated offences.\textsuperscript{30}

\textsuperscript{21} Ibid., 136.
\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid., 78.
\textsuperscript{24} Ibid., 42.
\textsuperscript{25} Ibid.
\textsuperscript{26} Ibid., 80.
\textsuperscript{27} Ibid., 83.
\textsuperscript{28} Ibid., 83-86.
\textsuperscript{29} Ibid., 37.
6) Allows greater community participation in prisoner rehabilitation.\(^{31}\)

7) Places the responsibility for self-improvement with the offender himself/herself.\(^{32}\)

8) Is less costly to the State than regular imprisonment.\(^{33}\)

It must be noted, however, that, at the time of publication, Ball (et al.) admit that there are no conclusive statistics to prove the theory that "home confinement" is a more effective means of preventing repeated offences than regular imprisonment. They have not stipulated how or if they intend to monitor this situation further.\(^{34}\)

It is common practice, in the United States, for each local authority to assume direct responsibility for the provision of education and training programmes in local correctional facilities. Nevertheless, in April, 1991, the U.S. Department of Education established the "Office of Correctional Education" (OCE). Its sole purpose was to provide "national leadership on issues in correctional education."\(^{35}\) The OCE fulfils its role by:

- Providing technical information to local schools, States, and correctional institutions.
- Co-ordinating its efforts and resources with other Federal agencies involved in correctional education programmes.
- Providing "outreach" support services to state directors and correctional facility authorities.\(^{36}\)
- Monitoring the progress made in individual states and standardising corrective education programmes at a national level.

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\(^{31}\) Ibid., 135.

\(^{32}\) Ibid., 129.

\(^{33}\) Ibid., 21.

\(^{34}\) Ibid., 88.

\(^{35}\) The Office of Correctional Education, United States of America, _Mission_.

\(^{36}\) Ibid.
It has been noted that the OCE continually compares educational provision in the different states and the effectiveness of those educational programmes. In addition to this, the Centre for Effective Collaboration and Practice, in conjunction with the National Centre on Education, Disability and Juvenile Justice (CECP/EDJJ), argued that individuals with "disabling conditions" dominate populations in both juvenile and adult correctional facilities. Many individuals detained in correctional facilities have been diagnosed with learning difficulties or emotional disturbances. These disturbances will inevitably render such individuals more likely to engage in criminal activity. A report published jointly by both organisations entitled "Students with Disabilities in Correctional Facilities" has suggested that many of these recurring issues raise questions concerning the provision of education to such individuals. In the past, many of these disabilities were misdiagnosed by educators as hostility and lack of cooperation on the part of individual students. Accordingly, the CECP/EDJJ report argued that educational structures need to be further established in order to meet detainees' individual needs. Furthermore, it advocates a policy whereby individual detention centres should provide appropriate services for inmates with disabilities.

7.2 Corrective Education, Some International Trends: Canada.

Unlike the United States, the "Correctional Service of Canada" (CSC) operates on a national basis. Its function is to:

39 Ibid.
40 Ibid.
Contribute to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens while exercising reasonable, safe and humane control.  

In Canada, offenders sentenced to two or more years of imprisonment are automatically allocated to federal prisons. As a result, local provincial facilities house short-term and remand prisoners only. Canadian authorities regard prison education as one of many services that aids in the process of prisoner rehabilitation. Other services include psychological, medical and counselling interventions. Unfortunately, prison educational provision moves up and down the list of priorities, depending on the ever-changing prevailing corrective theory and government policy. Still, Canadian authorities openly oppose approaches to the treatment of offenders that appear to be over-punitive.

Canadian authorities have experimented with many different models which were subsequently applied to educational constructs in prisons. For instance, the "Medical Model," which was the dominant penal rehabilitation policy in Canada from 1945-1974, originated from the theory that criminal activity has its roots in biological and psychological inadequacies. Previous to the medical model, Canadian authorities considered that the lack of education resulted in poverty that, in turn, enticed some to participate in criminal activity. Education was, therefore, believed to be the main catalyst in the rehabilitation process of offenders. Yet despite better education provision, crime rates increased. Besides, advocates of the "Medical Model"
concentrated on genetic and hereditary traits among offenders. Interestingly, during this particular era, prison educational structures developed in areas where prisoners already had reached an advanced level of education before imprisonment.49

During the years 1974-1977, Canadian authorities were influenced by a growing number of people who argued that the rehabilitation of offenders was an impossible task.50 In fact, blame for criminal behaviour was attributed solely to the individual offender himself/herself. Consequently, social relations contributed nothing to criminal activity. Indeed, by 1975, the Canadian Law Reform Commission rejected a motion that would allow the possibility of rehabilitation to influence an offender's sentence or proposed early release.51 The dominant ethos of that particular time determined that the role of the federal prison should be more punitive than rehabilitative. In contrast, those involved in prison education argued that, by providing training and opportunities for further advancement, some prisoners would turn away from crime. It was only during the years 1977-1987 that "The Opportunities Model" was initiated. By this time, authorities had come to acknowledge that prisoners were capable of making choices that would enhance their own lives after release.52 Proponents of this particular model aimed at developing the natural talents possessed by prisoners and attempted to help them improve their "post-release situations."53

Following recommendations made in the early 1990s by international organisations such as The Correctional Education Association (CEA) and The International Council for Adult Education (ICAE), Canadian prison authorities applied

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49 Ibid., 32.
50 Ibid., 33.
51 Ibid., 35.
52 Ibid., 36.
53 Ibid.

During this period, difficulties arose in relation to the prison education curriculum. Prisoners wished to receive training in languages, computer programming and business management. Prison authorities decided what courses would be provided given the limited resources they had. As a result, the "Opportunities Model" offered little by way of incentive to prisoners. Ibid., 38.
a cognitive-skill developmental programme to prison educational programmes.\footnote{Ibid., 41.} By adopting this method, authorities intended to redirect the destructive thinking patterns that some offenders may experience. In other words, it promoted a "think before you act" approach.\footnote{Ibid.} Indeed, this programme of cognitive skills development spread throughout the Canadian prison service.\footnote{Ibid.} Nevertheless, at present, there also exists the "New Medical Model." This particular "Model" has been described as a rehabilitative model. Those involved in the treatment of offenders now assume that offenders have needs that contribute, to some extent, to criminal behaviour.\footnote{Ibid., 45-46.} The predominantly held belief is that, in order to reduce the level of crime, the needs of offenders must be addressed. Once the needs are diagnosed the appropriate intervention will be afforded to the offenders. Treatment programmes, productive occupational therapy such as educational programmes and vocational training, are offered.\footnote{Duguid and Fraser, "Policy, Praxis and Rehabilitation: Prison Education in Canada 1945-1995,"44.} This particular model is similar to rehabilitative structures currently practiced in a number of correctional facilities researched during the course of this study.\footnote{Ibid., 45.} Education is, within the stipulations of this particular model, regarded as a critical component in the rehabilitation process of prisoners.

In the light of these directives, the current "Mandate and Principles of Adult Corrections in Canada," as defined by the Canadian Criminal Justice Association (CCJA), includes:\footnote{Canadian Criminal Justice Association, Mandate and Principles of Adult Corrections in Canada. www.home.istar.ca/~ccja/angl/mandatan.html Accessed 2\textsuperscript{nd} May, 2002. No details of last update given.}

\footnote{Note: In Ireland, this particular module is offered to the prison population under the title "Enhanced Thinking Skills." Please see Appendix Six: Proposed Guidance and Counselling Programme for Offenders; Work and Interview Skills, section 1) Decision Making and Problem Solving.}
• Providing the court system with a variety of alternatives to custodial sentences.

• “Encouraging the offender’s participation, whether in the community or in a correctional institution, in programmes provided and designed to aid his/her successful integration into the community.”

• Co-operating with external organisations to prevent crime and reduce recidivism rates.

• Recognising imprisoned offenders as members of society by placing minimal restrictions upon inmates.

• Helping imprisoned offenders maintain close links with family members and particularly with spouses.

• Providing appropriate programmes to “meet the legitimate needs and interests of offenders.”

Nevertheless, despite all these good intentions, it is very difficult to find detailed information concerning educational programmes in Canadian correctional facilities. One comment made by the CCJA suggested that too much government money is invested in new legislations and not enough spent on rehabilitative programmes for offenders. Canadian authorities have also been criticised for “adopting a single approach to crime,” by not “distinguishing between youth and adult crime.” In view of these criticisms, the CCJA has argued that priority should be given to the educational needs of individuals engaged in criminal activity, particularly in the case of younger offenders.

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61 Ibid.
63 Ibid.
64 Ibid.
However, as is the case with most other countries, Canadian authorities must confront the problem of overcrowding in prisons. Overcrowding results from “zero-tolerance policies” that results in longer sentences for offenders. In Canada, there would also appear to be a severe lack of alternatives to custodial sentences for adult offenders. The CCJA has noted that overcrowding in prisons:

- "Impairs" prisoner rehabilitation and pre-release programmes.
- Diverts attention away from the need for more effective rehabilitation programmes.
- Impinges upon the “basic human dignity” of offenders.

In the light of this evidence, the CCJA concluded that there would “appear to be a lacking of an overall strategic plan for criminal justice and corrections, and the collective will to eradicate this problem.”

7.3 Corrective Education, Some International Trends: The Netherlands.

The concept of corrective education began in the Netherlands at the end of the nineteenth century. Those engaged in a new scientific approach to criminal research entitled "criminal anthropology" linked criminal activity to offenders' social backgrounds. Franke suggested that Darwin's "Theory of Evolution," introduced in 1876, had already influenced new theories surrounding the nature of criminal activity. Indeed, Darwin’s theory indirectly contributed to the hypothesis that criminals were essentially abnormal from conception. Furthermore, Franke has stated that, at the end of the nineteenth century, 90% of the Dutch prison population emerged from the

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66 Ibid.


Note: See section 1.12 of this paper for details pertaining to the rehabilitative programmes in operation within the Dutch prison system.
poorest of social classes. Prisons of that particular era were nothing more than "huge
poorhouses."\textsuperscript{68} Such people had not evolved sufficiently to become civilised. Criminal
behaviour was considered a hereditary trait. Those convicted for criminal offences
were judged to be inferior and should, therefore, be removed from society.\textsuperscript{69} With the
emergence of "criminal anthropology" issues such as living conditions, opportunities
for crime, diet and seasonal factors were explored.\textsuperscript{70} This new approach to the
treatment of offenders generated the hypothesis that punishment should not constitute
mere retribution alone but should "have a future goal in mind."\textsuperscript{71} In response to this
premise, the Dutch prison authorities introduced the "Elmira Project" towards the end
of the nineteenth century. "Elmira" was, in fact, a detention centre chosen by the
authorities to become an institute for prisoner reform, principally for young offenders.\textsuperscript{72}
Indeed, emphasis was placed upon efforts made by detainees to reform. Work
placements were offered to detainees upon release and parole officers were appointed.\textsuperscript{73}

Interestingly, at that particular time, Dutch prison authorities introduced a
programme for offender reform that would remain in progress to the present day. In
1900, for example, Dutch authorities argued that the existing prison structures were not
sensitive to the needs of individual prisoners.\textsuperscript{74} As a result, Dutch prison authorities
introduced a policy of "individualisation." This particular programme was designed
primarily to accommodate the needs of individual prisoners. Certainly, by 1900, the

\textsuperscript{68} Franke, The Emancipation of Prisoners: A Socio-Historical Analysis of the Dutch Prison
System, 191-192.
\textsuperscript{69} Ibid 178-179.
\textsuperscript{70} Ibid.,180.
\textsuperscript{71} Ibid.,181.
\textsuperscript{72} Ibid., 188.
\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid., 188-189.

Note: No information is given as to the measures undertaken by Dutch authorities to facilitate this
process of young offender reform. The "Children's Act of 1905" directed that young offenders be
committed to Elmira for an indefinite period of time. Detainees remained at the facility until prison
authorities judged them as having successfully completed the process of rehabilitation. Franke has stated
that the "Elmira Project" influenced the emergence of the Borstal system in England at the start of the
twentieth century. Ibid., 188-189.
concept of prison education was considered an essential component of prisoner reform. Dutch authorities suggested that the education of prisoners could not succeed in isolation. In addition, in 1901, the Dutch Prison Service received petitions from lawyers calling for the abolition of solitary confinement.\(^{75}\) In 1906, the Dutch authorities were further petitioned to abolish "cellular" confinement altogether.\(^{76}\) As a compromise, in 1912, Dutch authorities proposed a system of "conditional sentencing."\(^{77}\) This notion of "conditional sentencing" was, in fact, introduced into the penal system 1915.\(^{78}\) Franke has stated that "conditional sentencing" emerged as an ambiguous concept. In reality, "conditional sentencing" was not defined as a form of punishment or retribution. The process involved postponing prison sentences conditionally. In the Netherlands, advocates of "conditional sentencing" considered that the mere detaining of the poverty classes neither helped to rehabilitate offenders nor aid the "reintegration into society" process. By introducing "conditional sentencing," Dutch authorities attempted to reduce the suffering imposed by prison confinement. Trial judges were now given the freedom to postpone an offender's conviction if the judge deemed it appropriate to do so. Those already in prison were released once prison authorities judged offenders to be reformed.\(^{79}\) In 1928, Dutch authorities introduced the "Psychopath Laws." Prisoners suffering from mental illness were detained in asylums only until medical experts judged those detainees as constituting no further threat to society.\(^{80}\) Franke has also stated that the "Psychopath

\(^{75}\) Ibid., 196-199.
\(^{76}\) Ibid., 196.
\(^{77}\) Ibid., 201.
\(^{78}\) Ibid., 201.
\(^{79}\) Ibid., 199-202.
\(^{80}\) Ibid. 205.
Laws allowed authorities greater freedom to release prisoners not suffering from mental illness.\textsuperscript{81}

At the start of the 1930s there emerged a conviction that prisoners could not reform while detained in a continual state of social isolation.\textsuperscript{82} Dutch authorities subsequently introduced the "Open Air Prison" policy. "Open Air Prison" structures allowed prisoners to work outside the prison during the day only to return to confinement at night. In the Netherlands, emphasis is placed on prisoner "self-government" and the prisoners appointed prison trustees themselves.\textsuperscript{83} Under this system, prisoners were afforded a greater deal of trust and personal responsibility.\textsuperscript{84} In 1934, Dutch prison authorities directed that first time offenders would be eligible for community activities after having served six months in prison. For repeat offenders, however, the length of time for eligibility for inclusion into this form of censure was increased to one year.\textsuperscript{85} Prisoners were also provided with newspapers and radios for the first time.\textsuperscript{86} Education was increasingly recognised as an essential component within the process of prisoner rehabilitation. Education provision was not limited to vocational training but also incorporated an affective dimension. Offenders attending educational programmes engaged in a process of learning self-restraint, self-management and anger management.\textsuperscript{87}

The Netherlands remained under German occupation from 1940 until 1945 during which time Dutch prisons housed many prisoners convicted of war related offences.\textsuperscript{88} After this period, Dutch authorities introduced a programme of

\textsuperscript{81} Ibid.
\textsuperscript{82} Ibid., 213.
\textsuperscript{84} Ibid.
\textsuperscript{85} Ibid., 217-218.
\textsuperscript{86} Ibid.
\textsuperscript{87} Ibid., 219.
\textsuperscript{88} Ibid., 244.
"socialisation" within the prison system. The introduction of this "socialisation" process meant that prisons were less authoritarian by nature. Instead, penal authorities adopted a principle of "management by negotiation." Dutch prison officials' own experiences of detention during World War II by both the Germans and Japanese influenced many of these new initiatives. Furthermore, the "Prison Act" of 1953 directed that all prisoners be prepared for reintegration into society. In 1964, with the election of a more conservative government, harsher regimes were introduced with the conviction that the programmes currently in place to re-socialise offenders were unsuccessful. In 1976, more humane structures were re-introduced into the Dutch prison system. Legislators argued once again that harsh and rigid prison structures did not facilitate the process of prisoner rehabilitation. Outside agencies, such as sports governing boards, were invited to participate in prison life. Presenters from outside the prison system were invited to host discussions. In addition, prisoners had access to televisions and visitor restrictions were eased. Dutch authorities also described education as an alternative to punishment.

Prison education began in the Netherlands in the 1970s with a focus on sport, physical education and libraries. In the 1980s, the central prison authority began to give formal education a greater emphasis within prison protocols. In the Netherlands today, 25% of all adult prisoners come from foreign countries and a further 25% from culturally recognised minority groups. The teaching of Dutch as a second language is

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89 Ibid., 246.
92 Ibid., 248.
93 Ibid., 249.
94 Ibid., 251.
95 Ibid.
See section 1.12 of this paper in relation to the rehabilitative centred approach to the Dutch prison system.
an important part of prison education in the Netherlands. Furthermore, the Dutch prison education system is renowned for its well-stocked libraries. In fact, Dutch prison libraries contain a vast variety of books written in over thirty languages. All detainees in Dutch prisons maintain the right to avail of educational courses. While convicted prisoners are obliged to work, this rule is waived in favour of a prisoner's explicit desire to attend classes. The teaching methods and resources available are as up-to-date as those used in all education institutions throughout the country. Prison workshops are the pride of the Dutch prison authorities for their training techniques and efficiency. Furthermore, prison authorities evaluate the effectiveness of their operations on a regular basis.

7.4 Corrective Education, Some International Trends: France.

The concept of educational provision in French prisons began at the end of the 18th century. The education was rehabilitative by nature and involved moral and religious training. It was only in the aftermath of World War II that education and vocational training was formalised as part of prison structures by the Director of Prison Administration. Subsequently, in 1950, teachers entered the French Prison Service, initially on a voluntary basis. In 1963, teachers trained in teaching "Basic Skills" were appointed. In 1968, a college structure was established within the walls of "Le Fleur-Méroquis" Prison in Paris. The aim of establishing a college within the walls of the prison was to provide prisoners with the opportunities to avail of a university

97 Ibid.,131.
98 Ibid., 130.
99 Ibid.
100 Ibid., 132.
101 Ibid., 129.
102 Ibid., 132-133.
104 Ibid.
education. In 1985, French authorities decided to expand this practice. Between the years 1988-1990, colleges were opened for prisoners at Strasbourg, Lille and Marseilles.

France in the 1980s and 1990s witnessed a rapid increase in criminal activity. The authorities reacted with preventative measures in order to decelerate the rate of increase. They adopted a multi-agency co-ordinated approach incorporating state authorities, voluntary organisations and the private sector. These preventative measures involved teachers, vocational tutors, social workers and visitors to the prison, all working together with one common aim. A rigid evaluation of programmes was also undertaken. In recent times, nonetheless, French authorities have argued that time in prison should be used in a productive manner. They aim to help prisoners "acquire the minimum necessary skills for general life." By providing training in at least the basics in numeracy and literacy skills, French authorities hope to prevent offenders from re-offending. In 1985, two French legislative authorities, the Ministry for National Education and the Ministry for Justice, held a joint enquiry into the potential benefits of prison education. This enquiry group also examined the necessary structures that would be required in order for prison education provision to be most beneficial. In 1995, French authorities introduced Regional Educational Units, each unit being responsible for a specified number of prisons. In France, the Regional

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105 Ibid.
106 Ibid.
108 Ibid., 126.
111 Ibid., 85.
112 Ibid.
113 Ibid., 84.
Educational Units were directed by one national co-ordinator. The establishment of these regional units meant that all levels of education were offered to prisoners, from basic learning skills to university courses. Prison educators were also to co-ordinate their activities with those involved in vocational training and other external training associations.\textsuperscript{114}

Meanwhile, French prison authorities now negotiate contracts with industrialists which, in turn, provide nine thousand prisoners with employment.\textsuperscript{115} Remuneration paid to prisoners remains consistent with the French national minimum wage rates. Of a particular prisoner's monthly income, 10\% is paid to the state as reimbursement for his/her own food and board while in prison. A further 20\% is paid to the victims of crime as part compensation. The balance of the prisoner's salary is kept in a fund only to be returned to the prisoner upon his/her release.\textsuperscript{116}

7.5 Corrective Education, Some International Trends: Australia.

Australian authorities currently experience some difficulties in relation to non-English speaking prisoners, for instance Aboriginal prisoners.\textsuperscript{117} Educational provision for Aboriginal prisoners was improved with the appointment of Aboriginal teachers as a result of the Queensland Prison Education Conference of 1992.\textsuperscript{118} Prison education in Australia is directed by special vocational orientated community colleges called "Colleges of Technical and Further Education (TAFE)."\textsuperscript{119} TAFE colleges offer a nation-wide set-standard to the prison education system and provide individual

\textsuperscript{114} Ibid.
\textsuperscript{115} Barry Vaughan, \textit{Toward a Model Prison System} (Dublin: The Irish Penal Reform Trust, 2001), 52.
\textsuperscript{116} Ibid.
\textsuperscript{118} Ibid., 15.
\textsuperscript{119} Ibid., 13.
prisoners with community recognised qualifications.\textsuperscript{120} Social participation in prison education in Australia is also encouraged. For instance, the national airline of Australia, "Qantas," sponsored a prison education conference in Brisbane in 1992.\textsuperscript{121} In Australia, "prison-time" is classified as "unemployment-time" so those individuals who are just released from prison are entitled to immediate job placements.\textsuperscript{122}

Eileen Byrne has argued that the more a prisoner is involved in satisfying activities, the less likely he/she is to engage in violent acts. Such a prisoner is also less likely to harbour negative feelings towards prison staff.\textsuperscript{123} Byrne has further stated that the dominant philosophy among prison education staff in Queensland is that every individual is entitled to learn. It is not acceptable for an individual to be listed as being illiterate upon conviction only to remain illiterate upon release.\textsuperscript{124} Byrne also acknowledged the potential embarrassment to prisoners when they are compelled to openly admit their literacy problems.\textsuperscript{125} In order to avoid disillusionment among prisoners and education staff, the report has suggested that prisoners should not be transferred to other prisons mid-way thorough vocational or educational programmes.\textsuperscript{126}

In New South Wales, the curriculum constructed for use within local correctional centres places an emphasis on the visual arts. Corrective educators operate on the basis that rehabilitative programmes should:

Meet the individual needs of the student and to provide opportunities for the enhancement of a rewarding lifestyle and its associated benefits: skills, employment, self-satisfaction, high self-esteem and rewarding inter-relationships with peers and all members of the community. Any practice

\textsuperscript{120} Ibid.
\textsuperscript{121} Ibid., 14.
\textsuperscript{122} Ibid., 15.
\textsuperscript{123} Eileen M. Byrne, \textit{Unlocking Minds: From Retribution to Rehabilitation. A Review of Prisoner Education in Queensland.} (Brisbane: Queensland Corrective Services Commission, 1990), 9.
\textsuperscript{124} Ibid., 22.
\textsuperscript{125} Ibid., 23.
\textsuperscript{126} Ibid., 27-34.
associated with the visual arts has the capacity for providing this opportunity.\textsuperscript{127}

It is generally accepted that the visual arts are expressed creatively in many different forms. Nevertheless, through the visual arts, individual offenders acquire technical skills. It has also been claimed that creative expression "complements other educational programmes."\textsuperscript{128} Within a social context, the visual arts also allow offenders to engage in a form of "collaborative creative work." Throughout this entire process, offenders:

Learn to deconstruct the visual codings and social histories of society and find positive and expressive ways of overwriting old experiences to produce new, creative, expressive narratives. This process fosters a personalised rewriting of the signs of cultural production.\textsuperscript{129}

In other words, through a process of collaborative creative expression, offenders may come to identify themselves as social beings. Accordingly, individual offenders become co-constructors of their own societies. Such programmes also help develop within offenders, a greater sense of social responsibility and appreciation for cultural values.\textsuperscript{130}

In the Northern Territory, emphasis is also placed on the visual arts as a means to offender rehabilitation. However, the Northern Territory Correctional Services (NTCS) also prioritise basic literacy and numeracy skills for detained offenders.\textsuperscript{131} The NTCS provides accredited courses in various vocational skills such as horticulture, car maintenance and community service. Comprehensive programmes are provided to

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\textsuperscript{128} Ibid.

\textsuperscript{129} Ibid.

\textsuperscript{130} Ibid.

\textsuperscript{131} Northern Territory Correctional Services, \textit{Offender Rehabilitation and Reintegration: Prisoner Education}. \url{www.ourmessage.org/nt_corr_services/prisonereducation/prised01.html} Accessed 3\textsuperscript{rd} May, 2002. Details of last update given.
correctional facilities in the locality such as Darwin and Alice Springs by specially chosen “Chief Industry Officers.”

7.6 Corrective Education, Some International Trends: The United Kingdom.

In The United Kingdom, imprisonment is considered a deprivation of certain rights but should not incorporate a denial to the right of education. In 1969, the Chief Education Officer assumed control of vocational training and prison education. Up until 1969 vocational training and prison education were co-ordinated by two different sectors within the prison service. However, in 1992, the "Further and Higher Education Act" allowed prison authorities to contract outside educational agencies and institutions to provide education for adult offenders. It was generally understood that imprisoned adult offenders could benefit from the most up-to-date courses and teaching methodologies. It also meant that the special educational needs of the inmates could be accommodated. In the United Kingdom, special needs education for imprisoned adult offenders incorporates many pertinent issues such as many life-skills and communication skills. In short, the education of offenders involves more than the mere development of cognitive capacities. The development of life-skills involves training in the areas of family craft, parent craft, independent living,

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134 Ibid., 74.
136 Ibid.
137 Ibid., 17.
138 Ibid.

Flynn and Price suggest that prison education helps induce behavioural changes in prisoners. Some prison educators have considered that providing cognitive skills courses in empathy development, moral reasoning and negative emotion management is the key to enhancing behavioural changes in prisoners. Other prison educators have argued that the standard school curriculum provides the necessary cognitive skills and vocational training to facilitate behaviour changes in offenders. Ibid., 31.
budgeting, social responsibility, race issues and job responsibility.\textsuperscript{139} Prison educators should be sensitive to the fact that many offenders are hostile to traditional teaching methods having experienced failure in the past. Teachers should encourage and support offenders who strive to learn.\textsuperscript{140}

Furthermore, it is interesting to note that present prison educational provision in England and Wales includes City and Guild examinations, Open University courses, GCSE courses and examinations at “O” level and “A” level. Educational provision and retraining is also made for professional prisoners who cannot return to their original professions as a result of their convictions. Such provision offers professionals the opportunities to acquire new skills in order to assume new professions upon release.\textsuperscript{141}

As part of the “Lifelong Learning” programme introduced within the United Kingdom, the notion of improvement in education provision for offenders has been addressed. By 2000, a new “partnership” had evolved between the Department of Education and Enterprise, (DfEE), (now known as the Department of Education and Skills, DfES), and Her Majesty’s Prison Service. The aim of this “partnership” within the United Kingdom is to:

Ensure that all prisoners, wherever they are, and irrespective of their personal status, have access to education and training in prison and on release, to gain the skills, qualifications and personal attributes needed to hold down a job and resettle into the community – and so help break the persistent cycle of re-offending.\textsuperscript{142}

The DfEE and the Prison Service had already outlined some of the ongoing concerns that needed to be confronted by the authorities in this endeavour. These concerns included:

\begin{itemize}
  \item \textsuperscript{139} Ibid., 17.
  \item \textsuperscript{140} Ibid., 20.
  \item \textsuperscript{141} Forster, "The Prison Service and Education in England and Wales," 77.
  \item \textsuperscript{142} The Department of Education and Skills, \textit{Improving Prisoners’ Learning and Skills: A New Strategic Partnership} www.lifelonglearning.co.uk/ipls/index.htm Accessed 16\textsuperscript{th} December, 2001. Last updated 20\textsuperscript{th} February, 2001.
\end{itemize}
1) Reducing the high rate of recidivism rates, particularly among younger offenders. This figure currently averages at 75% among the general offender population. However, it is hoped that, by providing more meaningful employment, offenders may distance themselves from criminal activity.

2) Improving literacy and numeracy skills among the general prison population. It has been noted that “up to 90% of all jobs” are closed to offenders due the prevailing lack of literacy and numeracy skills among the criminal elements.

3) Improving job market skills by providing self-development programmes and training in information technology.

4) Creating the ideal situation whereby, all detainees will be assessed upon arrival at correctional facilities. It is hoped that this practice would further lead to the development of “appropriate programmes for education” within each detention centre.

A document published by the DfEE in February, 2001 entitled “Improving Prisoners’ Learning and Skills” focuses its attention on a holistic education. It stated that:

Focusing on prisoners’ learning needs is not a substitute for preventative measures of the kind the government is putting in place to tackle social exclusion and to help vulnerable young people and adults gain from education and training at work: it is an essential component of our agenda to build citizenship and employability.

However, in order to circumvent some of the issues that impede the “social re-integration process” of offenders, the DfEE, together with H.M. Prison Service, recommended that:

- The newly formed “strategic partnership” should reinforce its links with the “Juvenile Justice Board” and with the “National Probation Service” by April, 2001.

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143 Ibid.
144 Ibid.
• Efforts should be made to capitalise on the existing associations with the “voluntary sector and with business and industry” in order to provide further opportunities for offenders to learn new skills and to find meaningful employment.

• The “Custody to Work Unit” should be developed even further in order to address offender “resettlement issues.” It has been noted that the “Custody to Work Unit” works towards overcoming some of the barriers to offender social re-integration. This ‘unit’ also helps to organise employment and further training for ex-prisoners.\(^\text{145}\)

7.7 Corrective Education, Some International Trends: Northern Ireland.

As is the case in many parts of the world, the majority of those serving custodial and non-custodial sentences in Northern Ireland are poorly educated.\(^\text{146}\) Most are unemployed and have few employment prospects. Authorities in Northern Ireland offer all convicted offenders a wide variety of academic courses and vocational training programmes.\(^\text{147}\) During the year 1998-1999, 47.6% of all convicted offenders attended educational and vocational programmes.\(^\text{148}\) The Northern Ireland Office has also instructed prison authorities to co-ordinate their efforts with local employers. Authorities have attempted to link adult offender employment opportunities and the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), established in 1971, with local community enterprises.\(^\text{149}\) Initiatives introduced by the Northern Ireland Office in the past have included:

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\(^{145}\) Ibid.


\(^{147}\) Ibid.

\(^{148}\) Ibid.

\(^{149}\) Ibid., 46.
1) The 1994, "Policy Appraisal and Fair Treatment Programme." Public authorities are obliged by law to promote equal opportunities. This not only applies to religious persuasion or political affiliations but also incorporates issues of gender, disability, sexual orientation and age.\textsuperscript{150} It is generally accepted that prison officials in Northern Ireland often use religious affiliation as a means of classifying prisoners. This practice of gathering such personal information was not intended, at first, to be used for such purposes. Its sole purpose was to provide adequate prison chaplaincy services for detainees.\textsuperscript{151} The "Policy Appraisal and Fair Treatment Programme" was designed primarily in order to safeguard against such discrimination.

2) In 1991 the Northern Ireland Office introduced a programme titled "Targeting Social Need." Local authorities were instructed to target the most disadvantaged areas. One specific aim of local authorities was to generate greater opportunities for employment. In 1998 the "New Targeting Social Need Programme" was initiated. Through this programme, local authorities sought to:

a) Increase opportunities for employment.

b) Address existing inequalities in health-care, housing and education.

c) Promote social inclusion. In relation to social inclusion, no specific reference is made for special provision regarding ex-offenders. However, ex-offenders living in disadvantaged areas would benefit from the programme.\textsuperscript{152}

However, in March 2000, the Northern Ireland Office (NIO) published a document titled "Crime Reduction/Reducing Criminality." In this document the NIO stated that the teaching of literacy skills and computer skills is the "most important crime

\textsuperscript{150} Blair, \textit{Prisons and Probation}, 64-65.

\textsuperscript{151} Ibid., 67.

\textsuperscript{152} Ibid., 64.
prevention practice that schools can offer."\textsuperscript{153} The NIO has also suggested that institutes of education should strive to reduce dysfunctional behaviour such as bullying among students. Schools must also try to reduce the number of students who fail to achieve an adequate education.\textsuperscript{154} Education, therefore, becomes a very important preventative instrument in directing younger offenders away from criminal activity.

Colette Blair also argued that criminal activity in Northern Ireland is often linked to sectarianism.\textsuperscript{155} As a result, efforts have been made in order to reduce the level of crime within the jurisdiction by taking preventative measures. Crime prevention has been defined as "intervention in mechanisms that cause criminal events in a way that seeks to reduce the probability of the occurrence."\textsuperscript{156} In order to reduce crime rates and prevent further crime among juveniles, authorities in Northern Ireland have introduced support schemes such as:

1) Family based programmes such as non-intrusive home visitation and family support structures for those in high risk or stressful situations.

2) The provision of opportunity programmes for young people. One such programme is the "Early Years Project" that operates in the Shankill Road area. The project aims to:

a) Develop parents' self-esteem.

b) Offer opportunities for parents to find more suitable employment.

c) Offer local community support such as childcare and parent group-training.\textsuperscript{157}

d) Community-based mentoring programmes.


\textsuperscript{154} Ibid.

\textsuperscript{155} Ibid., 6.


e) Community-based recreational programmes.\textsuperscript{158}

It is hoped that such endeavours will eliminate some of those factors already mentioned that contribute to criminal activity.\textsuperscript{159} Furthermore, Blair has suggested that attempts to generate a greater interest in self-improvement among parents will influence young people who may still be of school age.\textsuperscript{160} She has also stated that those introducing community projects must be sensitive to the "cultural norms and values which are at work" in the locality."\textsuperscript{161}

Of course, authorities in Northern Ireland have also implemented programmes for individuals who have been convicted by the courts. In Northern Ireland, there exists one facility for male young-adult offenders. This particular centre has the capacity to accommodate three hundred inmates between the ages of seventeen and twenty-one.\textsuperscript{162}

For adult male offenders, the Northern Ireland Prison Service (NIPS) operates two prisons at present. Magilligan Prison accommodates low risk prisoners serving six years or less. Maghaberry Prison is classified as a high security facility and houses many long-term offenders.\textsuperscript{163} The role of the NIPS is to protect the community by "holding securely" those committed to prison in Northern Ireland. Furthermore, the service ensures that prison provides inmates with opportunities "to develop their physical and mental well-being and to prepare them for release."\textsuperscript{164} Programmes introduced into the prison system should, therefore, primarily address the individual needs of prisoners. Blair has stated that all individual prisoners should be assessed in order that each prisoner would avail of the most suitable programmes to accommodate


\textsuperscript{159} Blair, \textit{Crime Reduction/Reducing Criminality}, 10-11.

\textsuperscript{160} Ibid., 12.

\textsuperscript{161} Ibid., 17.

\textsuperscript{162} Blair, \textit{Prisons and Probation}, 10.

\textsuperscript{163} Ibid.

\textsuperscript{164} Ibid.
his/her individual needs. Training and educational programmes are to be coordinated by qualified staff who will take an interest in motivating prisoners. Other incentives used to motivate prisoners include course certification.

Officials in Northern Ireland have argued that "prison" should be considered an "intervention" and should, therefore, provide interventionist programmes. Prison programmes should attempt to change the prisoner's attitude regarding re-offending, assess and review problem related behaviour, provide rehabilitation and help to avoid a return to prison. Prison authorities insist that they have little control over the environments to which offenders return upon release. As a result, the NIPS has introduced a "Cognitive Skills" programme aimed at helping offenders to consider the consequences of their criminal acts and to help them to understand their motives for committing criminal acts. In addition, this programme is designed to aid offenders to develop new skills to control their behaviour. A "Cognitive Behaviourist" approach to prisoner rehabilitation addresses, not only the "external factors" that contribute to a person's behaviour but also the reasoning process of the individual. Furthermore, it is one that examines the social group within which the individual has been conditioned. Such programmes are "increasingly seen as providing the best change in reducing offending." They also help offenders to develop new ways to control offending behaviour. In the Republic of Ireland, these particular modules are known as

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165 Ibid., 41.
166 Ibid.
167 Ibid.
168 Ibid., 40.
169 Ibid., 39.
170 Ibid., 33.
171 Ibid.
172 Ibid., 1.
"Enhanced Thinking Skills" programmes. Blair has stated that new cognitive skills help reduce recidivism rates. Indeed, authorities in Northern Ireland have noted that such endeavours "contribute to peace and stability" within the province.

Blair has also observed that, up until the Good Friday Agreement of 1998, Northern Ireland had one of the highest prison populations per capita in Western Europe. Since the new political initiatives have been implemented, many prisoners have been released early. Besides, many ex-prisoners have assumed leadership roles in brokering the Good Friday Agreement. Blair has suggested that such ex-prisoners offer "pragmatic leadership" in such circumstances. She also argued that, in reality, most ex-prisoners do not enjoy such opportunities for self-enrichment. Blair has stated that legislators in Northern Ireland have, in recent years, gradually implemented a policy of non-custodial sentences. Indeed, non-custodial sentences are "more rehabilitative," less costly and less punitive in dealing with offenders. By imposing non-custodial sentences, the negative affects of prison are avoided. It's clear, therefore, that alternative sanctions promote, for offenders, the reintegration process into society.

One alternative to imprisonment, currently in operation, is "restorative justice." Within a Northern Ireland context, "restorative justice" is described as a "process whereby all the parties in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implication for the future." Both victims and

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173 On February 18th, 2004, the author met with a clinical psychologist working within the Irish Prison Service. During the course of this encounter, it was noted that, within the Irish Prison Service, all prisoners are eligible to attend a “Thinking Skills Programme.” This particular programme is identical to that offered to those detained in British prisons already referred to in Appendix One, Prison Visitation II, HMP Wandsworth.

174 Blair, Crime Reduction/Reducing Criminality, 42.
175 Blair, Prisons and Probation, 10.
176 Ibid., 5.
177 Ibid., 45.
178 Ibid., 43.
179 Ibid.
offenders are invited, (not forced), to participate in a process where the interests of all parties concerned are discussed. Those who promote the cause of "restorative justice" try to undo the harm caused by offences. Advocates of this form of legislation advise that it is effective in preventing further crime. The dominant theory held is that the offender is offered the opportunity of reintegration into society. Those who promote "restorative justice" regard this approach to the treatment of offenders as a powerful response to the dissatisfaction that had previously existed with the more conventional approaches to criminal justice.\textsuperscript{181}

The Northern Ireland justice authorities also use "electronic monitoring" (EM) as an alternative to custodial sentences. While the system is expensive to implement, once installed it reduces the need for parole supervisors and probation officers.\textsuperscript{182} Another alternative in operation is that of "community service." "Community service" is described as unpaid work and contributes to the well-being of society. Blair has noted that, when compared to imprisoned offenders, community service projects show favourable recidivism rates.\textsuperscript{183}

7.8 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland.

In this section, the author highlights some of the special corrective measures authorities in other jurisdictions have implemented in order to expedite the process of prisoner reform. Many of these initiatives are considered, by the author, appropriate for application within the Irish penal system.


\textsuperscript{182} Blair, \textit{Crime Reduction/Reducing Criminality}, 38

\textsuperscript{183} Ibid., 37.
7.8.1 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: The United States.

In the United States, the Department of Education established the OCE in 1991. Corrective educational/vocational programme development is enhanced by the cooperation which exists between the OCE and other State recognised organisations such as the CECP and the EDJJ. The OCE is also actively engaged in supporting those schools and correctional facilities engaged in the development of crime preventative programmes. Meanwhile, in Ireland, the Department of Justice, Equality and Law Reform is responsible for the education, training and rehabilitation of adult offenders. Of course, it has been noted that the Department of Education and Children in Ireland governs those facilities charged with the care of younger offenders. It has already been noted that this particular government department promotes the education and further training but does not necessarily become actively involved in the endeavour. The author notes that the Department of Justice, Equality and Law Reform is not essentially an educative authority but legislative. In the United States, while each local legislative authority is responsible for administering its own corrective educational and vocational policy, the OCE is designated by the Department of Education to monitor and standardise offender reform programmes. In Ireland, the overall responsibility for educational provision for offenders rests with one individual employed by the Department of Justice, Equality and Law Reform. Given the current Irish policy, each school is ultimately responsible for designing and planning its own crime preventative programme. These particular modules often assume the form of substance abuse prevention programmes. Furthermore, many local legislative authorities are proactively exploring alternatives to custodial sentencing policies. Some of those alternative measures already in operation would include home confinement and the use
of electronic monitoring. While authorities in Ireland have employed a number of alternatives to custody, they have not, at this time, introduced home confinement or electronic monitoring programmes.

7.8.2 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: Canada.

In Canada, the CSC was criticised by the CCJA for failing to address inmates' needs in total. Indeed, the shift from one experiential model to another, on a number of occasions, within CSC programmes suggests that non-holistic measures were used. These non-holistic means of promoting offender reform were subsequently considered unproductive. In response, the CSC adopted a number of recommendations of recognised agencies such as the CEA and the ICEA in the further development of offender rehabilitation programmes. It was only with the introduction of the "New Medical Model" in more recent years did the CSC address needs of offenders in a holistic manner. In Ireland, when constructing new penal policies, prison authorities are influenced by international agencies such as the Council of Europe, the European Prison Education Association and the CEA. In has been noted, however, within the Irish system, the different agencies engaged in prisoner reform do not necessarily collaborate with each other. For instance those involved in the education of adult imprisoned offenders do not always communicate with those involved in providing vocational training to prisoners. The author considers that a greater degree of cooperation between the various agencies would be conducive to prisoner reform. Furthermore, the CSC was advised that, if corrective educational programmes were to be effective, then adequate resources should be made readily available.
7.8.3 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: The Netherlands.

The policy of "individualisation," established by Dutch penal reformers at the start of the twentieth century, is similar to the individual sentencing policies advocated by two prison governors working within the Irish Prison Service. Both governors have argued that this policy would address individual prisoner needs by permitting the formulation of a rehabilitation plan unique to each inmate. Within the Dutch criminal justice system, trial judges are authorised to impose conditional sentences upon those offenders making a genuine effort to reform. With an "open door" policy practised in many Danish correctional facilities, greater emphasis is placed on educational/vocational training than on security. Furthermore, Dutch prison officials tend to apply an overall progressive penal code within their various correctional facilities. The "management by negotiation" policy instils, within inmates, a greater sense of self-autonomy. Educational programmes provided within the Danish prison system itself are well resourced. In comparison to the Danish system, Irish penal procedures remain very secure, by nature. It is unfortunate that Irish society tends to lean more towards zero tolerance policies, despite the fact that other jurisdictions consider them ineffective. In many cases, Irish penal structures focus on the crime committed as opposed to the needs of the offender. Accordingly, allowances are not always made for the offender's circumstances during the period leading up to the crime.

184 Please see Appendix Five, interviews with the governors of Mountjoy Prison and Midlands Prison respectively for details of comments made regarding individual sentencing policies.
7.8.4 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: France.

In France, prisoners engaged in active employment are remunerated according to the dictates of the national wage agreement. Subsequently, prisoners' work is afforded equal value to that of every other French citizen. The French penal code also permits employed prisoners to accumulate personal finances in order that they should have some resources once they are discharged from custody. This may reduce the number of those who are, upon release, homeless. It would appear appropriate in Ireland that prisoners should pay for their own upkeep while detained. By allowing prisoners earn a salary appropriate to skills used and work performed, detained offenders may be able to fulfil their financial responsibilities to their families. This may, in turn help to ease the economic burden on prisoners' families. It may also reduce the cost to the exchequer of the upkeep of prisoners and their families. However, it may be difficult to convince industrialists of the benefits to be gained by employing prisoners if employers are required to pay national minimum wage rates.

7.8.5 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: Australia.

The association between meaningful employment and offender rehabilitation is documented throughout this thesis. Australian legislators confronted this issue by introducing a policy whereby, prison time is considered unemployment time. However, one positive result emanating from this policy is that ex-prisoners are not unemployed for long periods of time once discharged from correctional facilities. The general belief is that this practice reduces the number of repeated offences. The Australian authorities have been pro-active in inviting State recognised bodies, such as Quantas, to promote to
cause of offender reform. Within the Australian penal system, Aboriginal teachers are employed to teach Aboriginal inmates. Finally, Eileen Byrne, a corrective educator within the Australian system, noted that the education of prisoners should not be unnecessarily disrupted by security protocols. By promoting ex-prisoners to the top of the unemployment list may, on one hand, seem unfair within the Irish context. There may, in fact, be a large number of law-abiding citizens among the long-term unemployed. On the other hand, however, it is a practice which could reduce the number of repeated offences. Furthermore, by inviting semi-state bodies to participate in the cause of prisoner reform, a greater appreciation for the plight of offenders may emanate from within the public domain. The author considers it a practice which allows offenders feel that they are not totally isolated from the broader social spectrum. Within the Irish context, the author considers that the practice of employing teachers from minority groups could be extended to include the pedagogical needs of imprisoned/convicted marginal groups such as Travellers.

7.8.6 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: The United Kingdom.

Within the United Kingdom, the amalgamation of educational and vocational training within Her Majesty’s Prison Service, in 1969, saw the emergence of a holistic rehabilitation programme for offenders. A second major development was the new partnership established between the DfES and Her Majesty’s Prison Service. A third feature within Her Majesty’s Prison Service concerns the agreement made with outside manufacturing agencies. With the help of these industrial companies, Her Majesty’s Prison Service aims to equip prisoners with up-to-date and marketable skills. In Ireland, the partnership between the Irish Prison Service or the Department of Justice,
Equality and Law Reform and the Department of Education and Children does not exist. Furthermore, as was already discussed, there currently exists no co-operation between the individual co-ordinating prison educational programmes and the individual providing prison vocational training. The author feels that greater engagement between both individuals and their respective agencies would advance the cause of a holistic rehabilitation programme for prisoners.

7.8.7 Some International Trends in the sphere of Offender Reform which may be Applicable to Ireland: Northern Ireland.

By establishing the NIACRO, authorities in Northern Ireland founded an organisation intent on providing adequate care and support for offenders. Furthermore, in recent years, the NIO has published a number of documents outlining proposals to extend current diversion programmes, to further establish of community based programmes for offenders and to overcome the affects of sectarianism. Within the NIPS, prison officials favour an interventionist approach which is more rehabilitative than punitive. Finally, the NIO has already introduced alternatives to custodial sentences including electronic monitoring, restorative justice programmes and Community Service Orders. In Ireland, the results of research conducted are not as readily available as those produced by the NIO. Secondly, Ireland has already implemented a number of alternatives to custody for convicted offenders, including Community Service Orders and Restorative Justice Programmes. However, authorities in Ireland have yet to introduce Electronic Monitoring Programmes. The author considers Electronic Monitoring as a possible means of reducing the negative affects of prison life while, at the same time, allowing convicted offenders to maintain their
responsibility to society. With Electronic Monitoring, an offender could work, study, and fulfil his/her family obligations.

Conclusion.

The evidence already discussed in this chapter would suggest that there has been a gradual move away from harsh prison practices. Experience has taught that harsh prison policies do not necessarily have the desired effect in reducing recidivism rates. Consequently, it has been acknowledged, at an international level, that rehabilitation provides the best means of securing offender reform. Interestingly, many jurisdictions rely heavily on education and vocational training as a means of achieving this goal. Furthermore, it has been noted that those prisoners involved in education or vocational training are far less troublesome than those who are not. This would suggest that a more constructive regime for imprisoned offenders is beneficial for both prisoners and staff alike.

Authorities also struggle to reduce the stigmas and negative effects attached to imprisonment. As a result, there is an increased move towards the use of non-custodial sentences in many countries. Such a course of action reduces the necessity for pre-release and social re-integration programmes for prisoners about to be released. It has also been noted that offender rehabilitation programmes tend to be more successful when effected within the wider social context. Furthermore, penal authorities are attempting to involve local communities in offender rehabilitation. By introducing such measures, officials are attempting to reconcile a society that seeks justice and offenders who desire a second chance in life.
CHAPTER EIGHT

Research Methodology.

Introduction.

Throughout this thesis, it has become apparent that hard-line approaches to the treatment of offenders, such as the indiscriminate use of custodial sentencing policies, are ineffective in deterring repeated offences. It must be noted that attempts have been made to reduce the number of repeated offences by improving the quality of rehabilitation programmes. Yet, recidivism rates remain disturbingly high, averaging out at 70%-75% among younger offenders.¹ As a result, the author considers that current offender rehabilitation programmes may lack some essential ingredients to effect life-style transformations among the criminal elements. The author also suggests that such recidivism rates may indicate that imprisoned offenders are inadequately prepared to face the challenges of a modern society with which they are confronted upon release. Consequently, they may lack the necessary “tools” to become law-abiding citizens.

Accordingly, it is important to consider the possible constituents which could effect this conversion in life for offenders wishing to co-operate with the process of individual reform. It has been noted throughout this study that, in the case of offenders, the notion of transition incorporates a multitude of complex issues. Many theories pertaining to the effective rehabilitative treatment of offenders have already been discussed. International documents and trends which are intended effect offender reform have been mentioned in this study. Legislative documents recently introduced into the Irish education system and into the criminal justice system have also been

¹ Please see Appendix One: Prison/School Visitation V: St. Patrick’s Institution, Operational Procedures for information pertaining to recidivism rates among younger offenders and Prison/School Visitation II: Trinity House Residential School; Education Provision, An Integrative Approach.
discussed. Many of the issues which inhibit the process of offender reform have already been debated in this thesis. These concerns are not only work related but also include relational, associational, recreational and social concepts. It has been argued throughout this study that each offender carries, within himself/herself, a number of personal historical issues which influence his/her values, beliefs and social conditioning. Such factors include a certain individual uniqueness together with an intrinsic ability to be self-autonomous. Yet, many offenders experience a lack of social acceptance, stigmatisation as a result of criminal convictions and the significant lack of employment prospects.

With these concerns in mind, the hypothesis presented in this study argues that the introduction of guidance and counselling within the confines of corrective education would make existing offender rehabilitation programmes more effective. However, in order to develop this hypothesis, the author considered that other issues, which may expedite or inhibit the process of offender reform, should also be addressed in this study. Consequently, the author considered the possibility that current educational and vocational programmes do not necessarily adopt a holistic approach to offender rehabilitation. Offenders must also address many other personal issues while making career decisions. For example, offenders may need to address issues such as overcoming substance abuse, confronting a society which does not readily accept ex-offenders, breaking associations with criminal peers and adopting a work ethic. Offenders may also be required to adhere to conditions as stipulated by the courts or Probation and Welfare Service. As a result, career-decisions are often a complex process for offenders.

In view of these deliberations, the author aimed to explore the notion of a
comprehensive guidance and counselling programme which could possibly help to make current educational structures more effective. He also considered how many of the important issues pertaining to particular offenders, such as social skills, drugs and AIDS related issues, could be incorporated into such a programme. Accordingly, it is noted that career decisions cannot be made in isolation from other life issues.

In order to determine current guidance and counselling provisions within corrective educational structures, the author initiated a pilot exploratory study within six correctional facilities. The purpose of this investigation was to extract the views of a small sample of those imprisoned together with the opinion of a small number of those working within the prison system and juvenile justice system regarding the concept of guidance and counselling within the process of offender reform. In the event where guidance and counselling was not offered to inmates/students, the author aimed to explore, with teachers and inmates, the feasibility of introducing guidance and counselling to current offender rehabilitation programmes. By employing a pilot exploratory study, the author made the most of any opportunities which arose within these establishments to generate data with teachers and inmates. He assumed a number of roles and invoked different methods with a view to discussing guidance and counselling together with offenders’ career options with as many individuals as possible.

8.1 Chosen Methodology: A Phenomenological Qualitative Pilot Exploratory Study.

In order to examine current guidance and counselling provisions for offenders, six correctional facilities were selected within which the author conducted a pilot exploratory study. Exploratory research has been described as a process which “aims
to find out more about a particular problem or phenomenon rather than to test specific predictions.” This particular technique may be invoked when a researcher is entering into “new or ill defined territory.” The author’s intention, as stated in the original hypothesis, was to examine the existence or non-existence of current guidance and counselling provisions within correctional facilities. He also intended to investigate the possible differences in guidance and counselling provisions between Irish and British correctional facilities. He expanded this strategy even further by examining differences in guidance and counselling provision between juvenile and adult centres. Finally, the author planned to explore the feasibility of including guidance and counselling in corrective educational programmes within those particular facilities which did not already provide guidance and counselling to inmates/students. Hence, the author instigated a pilot study within the various institutions. A pilot study is described as an attempt to examine one’s hypothesis with a small sample of the population one may be working with. It has also been observed that pilot studies allow researchers to generate “preliminary data.”

Louis Cohen et al. have noted that a qualitative research methodology is considered anti-positivist in that it remains sensitive to human experience. They further argued that this form of research methodology explores the “commonsense, taken-for-granted assumptions of everyday life.” According to Cohen et al., this particular form of research methodology addresses:

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3 Ibid.
7 Ibid., 23.
- Human potential, creativity and freedom.\textsuperscript{8}
- Subjective interpretations and variations.\textsuperscript{9}
- The notion of a world in a continuous state of change as opposed to being "fixed and static."\textsuperscript{10}
- The need to examine real situations "through the eyes of participants rather than the researcher." Accordingly, there may exist a variety of interpretations pertaining to one single event.\textsuperscript{11}

It has been noted that a qualitative study is one that observes human behaviour and emotions.\textsuperscript{12} Jane L. Anton has suggested that a quantitative approach, with its emphasis on statistics, ignores many of the intrinsic human factors under investigation.\textsuperscript{13} Accordingly, many dimensions to the human condition cannot be measured according to predetermined statistical generalisations. Cohen et al. have observed that a qualitative research methodology respects an individual's "own involvement with the life experience itself."\textsuperscript{14} In other words, the individual is not simply removed from life's occurrences. Furthermore, Cohen et al. have suggested that a phenomenological dimension added to qualitative research is considered:

a theoretical point of view that advocates the study of direct experience taken at face value; and one which sees behaviour as determined by the phenomena of experience rather than by external, objective and physically described reality.\textsuperscript{15}

\textsuperscript{8} Ibid., 21.
\textsuperscript{9} Ibid., 22.
\textsuperscript{10} Ibid.
\textsuperscript{11} Ibid.
\textsuperscript{13} Ibid., 118.
\textsuperscript{14} Cohen, Manion and Morrison, Research Methods in Education, 20.
\textsuperscript{15} Ibid., 23.
Accordingly, attempts made to understand human interpretations of phenomena must be performed within the “context of human events.” In view of this theory, Chris Barker and associates have discussed “four central assumptions” applicable to the phenomenological qualitative debate. Firstly, there exists a subjective perception of worldly events. It has been noted that subjective perceptions influence “what we do, think and feel.” Secondly, not all human understanding can be measured by scientific objective means. A qualitative study is considered “a different way of knowing.”

Two observations must be considered in order to maintain an authentic phenomenological qualitative methodology. Firstly, there is the notion of “bracketing.” “Bracketing” has been described as an attempt, on the part of the researcher, to “set-aside” his/her own personal “biases, assumptions and expectations, as far as possible.” Gary Anderson reinforces this point when he stated that “no value stance is assumed” on the part of the researcher. Secondly, there exists the concept of authentic “phenomenological description.” In this case, research findings are documented as authentically as possible without being coloured by the researchers’ interpretations or perceptions. “Reflexivity” on the part of interviewees is also considered a critical component essential to this type of study. This notion of “reflexivity” recognises “social settings” together with individual interpretation and

18 Ibid.
19 Mc Roberts, Transition and Transformation, 139.
analysis. One particular methodology often used in a qualitative study is “participant observation.” This particular approach is described as one which allows the researcher to examine human behaviour and interactions. It is also regarded as a process whereby, a researcher can observe human emotions within a particular social setting.

The author’s application of participant observation methodology will be outlined later in this chapter. For the purpose of this study, nevertheless, the author sought to:

1) Examine the cause and affects of criminal activity from the perspective of a number of individuals working within the prison system and the Juvenile Justice System. The author also intended to explore, with those working with offenders, possible diversion/rehabilitation programmes, such as guidance and counselling, which could be undertaken to reduce repeated offences or to prevent crime.

2) Examine the cause and affects of criminal activity from the perspective of offenders themselves. The author also intended to explore, with offenders, possible measures which could be undertaken to reduce repeated offences or to prevent crime. The original hypotheses which inspired this research intended to determine the possible benefits to be gained by introducing formal guidance and counselling programmes within correctional institutes.

It has been suggested that “qualitative interviewing” often refers to “in-depth, semi-structured or loosely structured forms of interviewing.” Within this context, the author adopted an unstructured/open interview methodology. These encounters are

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25 Ibid., 171.
26 Note: For this purpose of this thesis, “those who work with offenders” will include 5 principal/supervising teachers, fourteen subject teachers, one head prison chaplain, three prison governors and one senior prison officer.
classified as "conversations with a purpose."

Pamela Abbott and Roger Sapsford have noted that any interview is considered a "specialised form of communication between people for a specific purpose associated with some agreed subject matter." They have further observed that such "open interviews" aim at "eliciting the informants' views on the informants' own terms." Such interviews, according to Jennifer Mason, are characterised by:

1) An informal style, often taking the form of a conversation or discussion.
2) A "thematic, topic-centred biographical approach,"
3) The assumption that data "are generated via the interaction."
4) One-to-one or group interactions.

Within this forum, Mason has considered that data "are generated" as opposed to being "collected." According to Cohen et al., the interviewee becomes "responsible for initiating and directing the course of the encounter and for the attitudes he/she expresses in it." It has been suggested that non-directive interviews help researchers to overcome the effects of their own personal biases. Accordingly, such interviews "desire to impose as little as possible of the researchers' ideas on the conversation."

However, the weakness of "open interviews" lies in the fact that data "are generated" solely from the interviewees' perspective. Accordingly, responses may be coloured by the interviewees' own emotional constructs and precepts. Nevertheless,
it is a means whereby, subjective interpretations may be determined.\textsuperscript{37} George J. Mouly has noted that such unstructured interviews are beneficial in that they often generate significant ideas which may not have been anticipated by the researcher.\textsuperscript{38} Accordingly, new knowledge, previously unknown to the researcher, may be generated within such a process. Indeed, Mouly has further commented that this particular interview style is "most appropriate" during the early stages of research.\textsuperscript{39} Indeed, this particular approach was adopted by the author for use with inmates/students and those working with offenders in order to generate preliminary data for further discussion.

Mouly has continued his discourse by stating that data generated through unstructured interviews may be subsequently refined or clarified through structured interviews.\textsuperscript{40} It has also been noted that "structured questionnaires" are often the product of open/unstructured interviews.\textsuperscript{41} Within structured interviews, "the same questions are presented in the same manner" and answers are often "restricted to a predetermined list."\textsuperscript{42} In the light of this hypothesis, interviews conducted between the three prison governors and the author followed a more definite line of inquiry. While interviewing the governors in question, the author intended to clarify some points raised earlier in the un-structured interviews.

\textsuperscript{37} Abbott and Sapsford, \textit{Research Methods for Nurses and the Caring Professions}, 122.
\textsuperscript{39} Ibid.
\textsuperscript{40} Ibid.
\textsuperscript{41} Ibid.
8.2 Selection Procedures and Rationale for Selection of Detention Centres.

In order to develop the original hypotheses proposed by the author, a small sample of corrective facilities were selected for research. Centres were chosen for multiple reasons which will be outlined in sections 8.2.1 to 8.2.4 inclusive. The rationale behind selecting these particular detention centres included the nature of educational programmes currently provided and vocational training offered to inmates.

The chosen detention centres included:

1) Two adult penal facilities in England.
2) Two juvenile detention centres in the Republic of Ireland.
3) One young-adult male offenders’ facility in Dublin.
4) One female adult offenders’ prison in Dublin.

8.2.1 Selection Procedures and Rationale for Selection of Detention Centres: HMP Wormwood Scrubs.

The official “HM Prison Service website,” accessed by the author in March, 2001, mentioned a revolutionary educational programme that had just been introduced into Wormwood Scrubs Prison. Outside PVC windows manufacturing companies were now invited into the prison to train suitably motivated detainees. Prisoners, working within the prison, under the supervision of qualified personnel, manufacture PVC windows. Upon release, those prisoners who completed the programme are considered trained glazers. Furthermore, as part of the agreement made with HM Prison Service, these particular manufacturing companies are required to employ a designated number of ex-prisoners trained in glazing. The author considered that the investigation of such efforts made by outside industrialists in the education and training of inmates/students might be of benefit to any proposed guidance and counselling programme.
8.2.2 Selection Procedures and Rationale for Selection of Detention Centres: HMP Wandsworth.

In March, 2001, a television documentary, presented by “Channel 4,” portrayed Wandsworth Prison as one that imparts a progressive philosophy in its management of offenders. New policies being introduced into the facility were designed to afford each detainee a greater sense of self-respect. Furthermore, the governor of the prison, at that particular time, favoured inaugurating a more “open door” structure within the facility. This new practice would eventually mean that prisoners would enjoy greater interaction with each other. Consequently, the number of hours prisoners would be locked in their cells would be greatly reduced. According to that particular documentary, prisoner rehabilitation and welfare are central to operational procedures and structures within this prison. For the purpose of this study, the author aimed to examine the practical application of these new practices and their affect on the lives of inmates. The author also aimed to explore, with educators, the benefits of linking the proposed open door policy to prisoners’ career options.

8.2.3 Selection Procedures and Rationale for Selection of Detention Centres: Two Juvenile Detention Centres and St. Patrick’s Institution.

Two juvenile detention centres were chosen because they are by definition, according to the “2001 Children’s Act,” Children’s Detention Schools. The author aimed to examine current educational, vocational and rehabilitative policies within these two juvenile facilities. He also intended to compare the guidance and counselling

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43 Note: “The 2001 Children’s Act” supersedes the “1908 Children’s Act” which distinguished between Industrial Schools and Reform Schools. As a result of the “2001 Children’s Act” both institutions are classified as “Children’s Detention Schools.” The Department of Education and Science and the Department of Health and Children, Children Act, 2001 (Dublin, The Government Stationary Office, 2001), paragraph 157.
structures, as provided by the Department of Education and Science, in residential schools to those provided by the Department of Justice, Equality and Law Reform in adult facilities. St. Patrick's Institution was surveyed because this particular centre marks the transition from juvenile offenders to adult offenders. The author intended to explore any special corrective educational features within the borstal system in Ireland. He also aimed to examine other rehabilitative structures, for instance guidance and counselling, within this particular facility.

8.2.4 Selection Procedures and Rationale for Selection of Detention Centres: Dóchas Centre.

Finally, the Dóchas Centre, Dublin, was chosen because it provides residential care for female adult offenders and remand prisoners. Since this is the only facility which houses adult female offenders and remand prisoners, the author intended to explore any unique educational and rehabilitative programmes currently provided there. The author also aimed to explore the reasons as to why some women turn to crime and any further measures which could be taken to help them reintegrate back into society. The author also intended to examine the services available to inmates at Dóchas Centre as they explore their career and life options.

8.3 Process of Attaining Consent to Access the Selected Establishments.

The first issue that needed to be addressed was access to the various correctional centres. In order to obtain access to Wormwood Scrubs Prison and Wandsworth Prison, the respective prison governors were contacted. Permission to enter the two juvenile centres was sought from the supervising teachers at both facilities. In order to gain access to the Irish adult centres, permission was obtained from the appropriate
authorities, for example the co-ordinator of Corrective Education at the Department of Justice, Equality and Law Reform, Dublin, the principal/supervising teacher at each centre, the Chief Correctional Educator in the Dublin region and the Governor of Mountjoy Prison/Dóchas Centre, Dublin. It should also be noted that security clearance to enter prisons within the Irish jurisdiction was sought on behalf of the author by the co-ordinator of Corrective Education at the Department of Justice, Equality and Law Reform.

8.4 Recording of Data.

The use of tape recorders is strictly prohibited in British correctional facilities due to security concerns. British prison authorities also feel that any recorded information acquired while interviewing prisoners may be used inappropriately and may, in fact, impinge upon the privacy of prisoners. In the case of the interviews held with the prison governor located at HMP Wandsworth, the prohibition against using tape recorders with British penal establishments still stood. Nevertheless, Leo Goldman has pointed out that strategic measures need to be undertaken in order to facilitate an accurate presentation of research findings. Subsequently, the author relied on note taking while visiting the two prisons in the United Kingdom. It has been argued that the taking of notes becomes less accurate with the passing of time. In order to maintain the integrity of the notes, the author adopted a policy of on-the-spot note taking.

Permission to use a tape recorder in Irish detention centres was not sought by the author. The only data generated in Irish correctional facilities, apart from data presented by two prison governors, were provided by teachers or care staff. The

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44 Information relating to the prohibition of tape recorder usage in British correctional facilities presented by the head-chaplain at HMP Wormwood Scrubs.
45 Leo Goldman, "Introduction and Point of View," 21.
author discovered, while researching two adult facilities in Britain, that such establishments can, at time, be noisy. With a lot of noise circulating around, the author considered it more suitable to take on-the-spot notes. While visiting detention centres in Ireland, all interviews with subject teachers were conducted in the staff room or in classrooms between classes. Given the time restrictions placed on teachers and the noise emanating from inmates/students while changing author considered it more appropriate to take on-the-spot notes during these encounters also. In order to maintain continuity and consistency, the author took on-the-spot notes while interviewing the two governors working within the Irish Prison Service.

8.5 Consent and Confidentiality.

Participants were always invited to partake in the study. Their consent always appeared to be genuine. When invited to participate in the study, the inmates responded positively and in a friendly manner. The author observed, in the course of his research, that groups of inmates tended to be less concerned with “on-the-spot” note taking than those interviewed on a one-to-one basis. Individuals participating in one-to-one interviews often needed reassurance that their names would not feature in any document. Inmates, teachers and prison staff were always assured that their identities would not be revealed and information that may cause discomfort to themselves or to other inmates would not be included. Interviewees were also advised of the option to withdraw from the research project at any time. Leo Goldman has classified this form of human interaction as “contractual relationship.” On all occasions, inmates, teachers and prison officials were informed by the author as to the nature of his research. It was

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47 Please see Appendix Four: The Process of Seeking Consent from Inmates and the issue of Confidentiality.

also deemed appropriate by the author that interviewees should also be advised as to the potential benefits that might arise from the research being carried out.\textsuperscript{49} Another area of concern was the privacy of the interviewees.

8.6 Measurement and Evaluation.

Some of those who favour quantitative investigation have argued that those engrossed in qualitative research studies “abandon scientific procedures of verification.” It has also been claimed that they “give up hope of discovering useful generalisations” about human behaviour.\textsuperscript{50} Such methodologies, it is suggested, are more applicable to philosophical treatises than to a scientific search for absolute truth.\textsuperscript{51} There is also the risk that people will “impose their own definitions of situations” upon others. In other words, the more intellectually powerful may influence the intellectually vulnerable.\textsuperscript{52}

A qualitative study attempts to define truths on the basis of images and events documented in the field notes.\textsuperscript{53} In order to achieve this objective in this study, an emphasis was placed on the “consistencies” that existed in offenders’ stories. Patterns began to emerge outlining the possible causes and explanations of criminal activity.\textsuperscript{54} In fact, one of the benefits of a qualitative study is that it strives to understand why such patterns exist.\textsuperscript{55} It becomes a “quest for repeated regularities” within the social

\textsuperscript{49} Bersoff, “Legal and Ethical Concerns in Research,” 380.
\textsuperscript{50} Cohen, Manion and Morrison, Research Methods in Education, 27.
\textsuperscript{51} Ibid.
\textsuperscript{52} Ibid.
\textsuperscript{53} Abbott and Sapsford, Research Methods for Nurses and the Caring Professions, 132-133.
\textsuperscript{54} Matthew B. Miles and A. Michael Huberman, Qualitative Data Analysis: A Source Book of New Methods (Beverly Hills, London and New Delhi: SAGE Publications, 1984), 216.
\textsuperscript{55} Ibid., 67.
Accordingly, research results are examined in terms of "repeatability." Accurate representation of the offender population is gained, therefore, by:

1) Interviewing a number of offenders/students, teachers and governors located in a number of different correctional facilities.

2) Instigating a process of "triangulation" whereby, the researcher strives to find the consistencies between his/her own findings and other independent studies.

Data generated in this thesis often emanated from a number of different categories of informants such as inmates, teachers and governors combined. In other words, data included in this study were generated from at least two different sources. As a result, patterns were formulated from viewpoints presented by the interviewees. The author also notes that every effort was made by the author to ensure that data generated and results reported were not influenced by his own personal biases.

8.7 Participant Observation.

Abbott and Sapsford have discussed two techniques applicable to "participant observation." Firstly, there is "covert participant observation" whereby, the real reason for the researchers' presence is hidden from the other participants. However, this actual method presents its own difficulties. To begin with, some individuals consider covert surveillance unethical in that participants may be deceived. Problems concerning the notion of "informed consent" also arise. Consequently, the author considered an "overt participant observation" methodology the more appropriate course
of action. Within such an operation, all participants are informed of the real reason for
the researcher’s presence. While visiting each detention facility, the author informed
teachers, prison/care staff and inmates/students alike as to the purpose of his visit. It
is a method that overcomes many ethical dilemmas. However, one drawback which
results from an overt operation is “reactivity.” Participants, both inmates and
authorities, may alter their behaviour or the situation in the presence of the researcher.
Accordingly, research findings may not be totally authentic. However, participant
observation may also involve the researcher assuming a particular role within the
research environment or simply interviewing chosen candidates. For the purpose of
this study, the author,

1) Assumed the role of teacher’s assistant. Upon entering the various classes, the
author was invited by the subject teachers to simply sit at the back of the classroom
and observe the class in process. Alternatively, the author was invited by some
subject teachers to participate in one-to-one tuition of inmates-students wherever
the need arose. The author chose to participate in one-to-one tuitions, when invited,
in order that he could enter into the spirit of the learning process with
inmates/students. He also considered he would gain a better understanding of
corrective educational practices by partaking in the teaching process. The author
acted as teacher’s assistant in Trinity House Education Centre, Oberstown
Education Centre, St. Patrick’s Institution and HMP Wormwood Scrubs.

2) Conducted interviews with class/subject teachers at the conclusion of each class he
participated in.

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63 Ibid., 148.
64 Students in this case refers to adolescents who are detained and are not classified as prisoners.
65 Abbott and Sapsford, Research Methods for Nurses and the Caring Professions, 148.
66 Ibid., 155.
3) Engaged in group discussions with inmates about prison life. A total of three interviews were conducted in this manner, one at HMP Wandsworth and two at HMP Wormwood Scrubs. This procedure was usually effected with small clusters of individuals in a friendly environment. Very often the interviews were conducted by way of friendly conversation over a cup of coffee between classes or other prison activities.

4) Conducted three one-to-one interviews with inmates at HMP Wormwood Scrubs.

The author adopted these particular approaches in order that he should generate data from as diverse a population as possible. The author considered that, by generating data from within different settings, various issues may arise for further discussion and analysis.

8.8 Sample Process.

By way of summary, a number of instruments were invoked by the author in order that data should be generated. These particular mechanisms included:

- Occasional participant observation within classrooms in four detention/education centres.

- Open/unstructured interviews conducted with the following individuals or groups of individuals:
  1. Three one-to one encounters with inmates.
  2. Three group meetings with inmates.
  3. Five principal/supervising teachers.
  4. Fourteen subject teachers.
  5. One head chaplain.
  6. One senior prison officer.
Three structured interviews with two prison governors working within the Irish Prison Service and one deputy-governor working within the British penal system.  

It must be noted that a number of different sampling methods were employed when selecting potential candidates for interview. The sampling process and the rationale for choosing to conduct interviews with these individuals, or groups of individuals, will be outlined in the next few pages. The following table summarises those correctional facilities where interviews were conducted. It also outlines the kind of interviews which took place between the author and detainees, between the author and staff/authorities, within the various different institutions.

Table 1: Outline of interviews conducted within the various correctional facilities.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Group Interviews With Inmates</th>
<th>One-to-One Interviews With Inmates</th>
<th>School Principal Consulted</th>
<th>Subject Teachers Consulted</th>
<th>Chaplains Consulted</th>
<th>Senior Prison Officers Consulted</th>
<th>Prison Governors Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>HMP Wormwood Scrubs</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>HMP Wandsworth</td>
<td>✓</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Trinity House Education Centre</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oberstown Education Centre</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>St. Patrick's Institution</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dóchas Centre</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Midlands Prison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ Indicates that interviews with the group of individuals mentioned were conducted within these correctional centres.

X Indicates that interviews with the group of individuals mentioned were not conducted within these correctional centres.

67 No distinction will be made between deputy-governor and governor henceforth. Consequently, reference will be made to three governors consulted.
8.8.1 Sample Process: Teachers.

Many of the teachers involved in the education of offenders in five of the facilities visited offered precise details about the aims and objectives of their own particular courses. Teachers were asked to participate in the study on the basis of their experience in the field of corrective education. Except in the case of HMP Wandsworth, all school principal/supervising teachers were interviewed. Subject teachers were invited to offer input on subject matter taught and teaching methodologies used. All of the teachers who were interviewed had at least two years teaching experience in correctional facilities. However, no reference is made in this study to teachers' gender, age or social status. The author's primary intention, while conducting his research with teachers, was to focus on the teachers' experience, subject matter taught and the teaching methodologies employed.

8.8.2 Sample Process: Classes.

In relation to the classes in which the author was to act as teaching assistant, the principal/supervising teacher would first introduce the author to the respect subject teacher. It would have been agreed earlier between the author and the principal/supervising teacher what classes the author should attend during the course of that day. Classes due to be visited were selected by the principal/supervising teacher with a view to giving the author a broad an experience as possible into subject matter taught and classroom dynamics. The entire process was conducted by way of mutual agreement between the author and the principal/supervising teacher. Classes that the writer should visit were also singled out by the principal/supervising teacher according to the subject matter being taught and the experience of the subject teacher. The class
members were asked collectively if they had any objection to the author being present in the class.

8.8.3 Sample Process: One Head Chaplain.

The head-chaplain at HMP Wormwood Scrubs was introduced to the author by the principal/supervising teacher. Since the head-chaplain has access to the entire prison, the author asked him if he (the head-chaplain) would agree to escort the writer around the prison. The head-chaplain accompanied the author through the prison over the forthcoming days. He also introduced the writer to a number of prisoners and groups of prisoners.

8.8.4 Sample Process: One Senior Prison Officer.

The author arranged with the authorities at HMP Wandsworth to visit the prison for two days in August, 2001. However, upon arriving at the facility, the author was informed that it was not possible for him to visit the school. Nevertheless, the author was guided through the prison rehabilitation, educational and vocational programmes by a high-ranking experienced prison officer. This particular official is directly involved in the organisation and administration of rehabilitative programmes for inmates.

8.8.5 Sample Process: Inmates/Students.

The nature of the prison education timetable made the necessary contact with prisoners very difficult. The author could not pre-arrange group interviews with inmates since interviews were conducted according to 1) the availability of detainees 2) the cooperation of the teaching staff and 3) the dictates of security structures. The strict
prison regime, existing in all penal institutions, ruled that the interviewing of prisoners during compulsory lock-up times was inappropriate. Given the fact that many offenders arrive at facilities with little formal education, the author was reluctant to remove inmates from class in order that they should participate in this study. Subsequently, those inmates/students who participated in this study were either participating in educational programmes and were, therefore, available for interview intermittently. Otherwise, inmates/students were introduced to the author by teachers or other prison officials. It must be noted, however, that inmates/students were not chosen for interview on the basis of colour or race, crimes committed or length of sentence, social class or political views. Instead, the author took every opportunity as it arose in order to generate data.

8.8.5.1 Sample Process: Inmates/Students; Group Interviews at HMP Wormwood Scrubs.

At HMP Wormwood Scrubs, the author conducted two group interviews with inmates. On one occasion, due to the absence of one subject teacher, the author was granted permission, by the principal/supervising teacher, to engage in a dialogue with a group of nine prisoners. These particular inmates had presented themselves for class. With the teacher due to take the class absent, the author took the opportunity to interview the group. All nine inmates consented to the dialogue.

In order to preside over a second group encounter with detainees, the author was invited by the head-chaplain to meet with a group of seven inmates in the church recreational hall. These particular inmates attended Catholic religious services frequently. Once the service had concluded, they congregated socially in the recreation hall. They did not come from any specific prison wing but were well acquainted with
each other because of this regular occurrence. This meeting took place, again over a cup of coffee, in the presence of the head-chaplain.

8.8.5.2 Sample Process: Inmates/Students; One-To-One Interviews at HMP Wormwood Scrubs.

At HMP Wormwood Scrubs, the author engaged in one-to-one discussions with three inmates. On one occasion, a group of inmates were sitting conversing over a cup of coffee in a common room during a break between classes. The author asked the detainees if he could sit with them. During this particular encounter the author was introduced to one prisoner. The other group members felt that this individual would be best qualified to discuss prison life since he had spent the longest length of time in detention. A second inmate, a trustee of the prison, was introduced to the author by the prison head-chaplain. This inmate consented to be interviewed by the author with no other individual present. On a third occasion, a third prisoner was introduced to the author by members of the teaching staff in the teachers' staff room. He was employed by the prison to work in the school organising books and resources.

8.8.5.3 Sample Process: Inmates/Students; One Group Interview at HMP Wandsworth.

While being guided through the educational provisions at HMP Wandsworth by a senior prison officer, the author requested to meet some prisoners. A group of five inmates had congregated in one specific prison cell which has been transformed into a small coffee room. These particular inmates are not from any one wing in the prison and meet frequently during recreational time. They were introduced to the author by the senior prison officer.
8.8.5.4 Sample Process: Inmates/Students; Trinity House, Oberstown Education Centre, St. Patrick’s Institution.

In relation to Trinity House and Oberstown Education Centre and St. Patrick’s Institution, the author considered one to one or group interviews with younger detainees inappropriate. The author was reminded by school principal/supervising teachers in all three establishments of their responsibilities to the students in their care. All data generated within these three establishments was presented by teaching staff.

8.8.5.5 Sample Process: Inmates/Students; Interviews at Dóchas Centre.

In the Dóchas Centre, the governing policy is also founded upon the protection and well-being of all the detainees. A one-to-one consultation with the supervising teacher was arranged. The supervising teacher guided the author through educational, vocational and therapeutic programmes currently offered to inmates at Dóchas Centre. The author was not invited to meet with the detainees. Subsequently, all data generated in the Dóchas Centre and included in this thesis was offered by the supervising teacher.

8.8.6 Sample Process: Governors.

In order to attain the views of those responsible for the overall welfare and rehabilitation of adult prisoners, two prison governors working within the Irish penal system and one governor working within the British penal service were interviewed by the author. Within this context, all three governors were considered “key informants” in that each one had significant “experience and knowledge” of prison practices and provisions. Governors at HMP Wandsworth and Mountjoy Prison/Dóchas Centre were invited to participate in this study since rehabilitative strategies in both institutions

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are discussed in this thesis. Though Midlands Prison, located in Portlaoise, was not chosen for closer examination, the author asked the prison governor there if he would agree to participate in this study. To begin, this was the only Irish detention centre situated outside of the Dublin area visited during the course of this study. By interviewing this governor, the author aimed to the causes of crime and the methods employed to discourage further criminal activity, in a provincial area. In interviewing the three governors, the primary aim of the author was to:

1) Invite them to reflect their views relating to the causes of crime.

2) Encourage them to express their views concerning the most effective mechanisms of securing offender reform.

3) Ask them to convey their vision for further penal reform.

8.9 Open/Unstructured Interviews.

8.9.1 Open/Unstructured Interview with One Head Chaplain.

While being escorted through HMP Wormwood Scrubs by the head chaplain, the author expressed a wish to visit some of the vocational training workshops, some special rehabilitative units and to meet with some inmates. Other themes which the author raised for discussion with the head chaplain included prisoners’ general outlook on life and pastoral care issues.
8.9.2 Open/Unstructured Interview with One Senior Prison Officer.

The high-ranking prison officer, assigned to accompany the author at HMP Wandsworth, is a designated information officer assigned to the prison. The author informed the high-ranking prison official that he wished to explore, within the prison, rehabilitative programmes, educational provision and vocational training. During the course of this encounter, the author raised the issue of guidance and counselling provision within the facility.

8.9.3 Open/Unstructured Interviews with Inmates.

Once the inmates were clear as to the author’s intentions, he (the author) asked the detainees if he could sit among them. The inmates consented to the author’s request. During the course of the encounter, the conversation directed towards the inmates themselves and prison life. These encounters always took the form of an open discussion. Prisoners would speak of prison life, prison officers, present prison operational procedures compared to those invoked in the past, other prisoners and their expectations of a normal life. The author encouraged the inmates to elaborate on their life stories, their dreams for the future, how that dream could be realised, prison life, the state of the current prison system and the affects of prison life. For instance, if an inmate referred to an issue of immediate relevance to this study, the author asked the inmate to discuss the subject further. Very often, one particular inmate would have been more knowledgeable about prison life that the other detainees in the group. He might explain or compare some prison protocol or structure to the other inmates.

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69 It must be noted that data generated through open conversation with prisoners was collected from adult inmates only. This point has been made already in this chapter.
8.9.4 Open/Unstructured Interviews with Subject Teachers.

At the end of each class which the author attended, he met with the respective subject teacher. These encounters took place, either in the staff room or in the classroom, depending on whether the teacher had to teach another class immediately. It provided an opportunity for the author to discuss with the teacher course content, student/teacher interactions, and teaching style. They provided the author with opportunities to take accurate notes while, at the same time, clarifying any ambiguities with the subject teacher. For instance, the author requested each subject teacher to explain:

1) Why particular text books or standardised tests are chosen over others.

2) The aims and objectives of his/her particular module.

3) The potential benefits to be gained by the inmates/students.

Other areas of interest to the author which were highlighted by him and explored with teachers included the use of psychometric assessments with students/inmates, guidance and counselling provision, literacy/numeracy levels among students/inmates and students'/inmates response to teachers.

8.9.5 Open/Unstructured Interviews with Principal/Supervising Teachers.

The author arranged appointments with five principal/supervising teachers in order to discuss school issues. All these encounters were conducted in the principal/supervising teacher’s office. Themes raised by the author for discussion included school ethos, teaching practices, subject matter, the rational for adopting such approaches to teaching, teachers’ accomplishments and inmates’/students’ achievements. During the course of these meetings, the author discussed, with all principal/supervising teachers, current guidance and counselling provision within their
respective facilities. He also raised the issue of providing guidance and counselling in the future with principal/supervising teachers located in those centres currently not employing a recognised guidance counsellor.

8.10 Structured Interviews with Three Prison Governors.

While interviewing the governors, the author followed the precepts of a prepared questionnaire. The purpose of the questionnaire was to “derive more precise generalisations” about the data already generated through the open interviews. However, for the purpose of this study, the questionnaire itself consisted of ten open-ended questions. This particular approach allowed each governor to develop viewpoints which were either articulated or unexpressed in the unstructured interviews.

Conclusion.

For the purpose of this research, the author considered that a qualitative study would result in a greater understanding of offenders’ subjective interpretations and perspectives. Furthermore, a phenomenological qualitative study would reinforce the original hypothesis by addressing the factors contributing to criminal activity and the human responses that follow. In other words, such an approach would consider offenders’ individual circumstances, emotions, opinions and aspirations.

In order to develop the original hypotheses, the author embarked upon a pilot explorative study within six correctional facilities. In employing this method, the author intended to examine the mechanisms used by corrective educators to enable

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70 Please see Appendix Five for details of structured interviews conducted with three prison governors.
offenders to make appropriate career choices. Furthermore, the author wished to explore, with corrective educators, the possibility of introducing guidance and counselling within those facilities which currently do not currently employ a recognised guidance counsellor. Each correctional centre, in its own unique way, provided an insight into the world of the convicted offender, young and adult, male and female, in Ireland and in Britain. The author's aim was to elicit data from a number of different groups of individuals who may have direct exposure to current corrective correctional policies. Those who were invited to partake in this study included a number of teachers and principal/supervising teachers. These individuals are charged with the education and training of offenders. Other participants included on prison head chaplain and one senior prison officer. A number of inmates were also invited to participate in group and in one-to-one interviews. Prisoners are numbered among those who are caught up in the criminal lifestyle. The author intended to extract, from the inmates themselves, the causes of crime and the measures which could be invoked to reduce repeated offences. During the course of the research, the author assumed a number of different roles with a view to interacting with teachers and inmates in as many different settings as possible. Finally, three prison governors were interviewed and their views are included in this thesis. Since governors are responsible for the overall welfare of those prisoners held in their charge, the author considered that the views of a small sample of prison governors would be a valuable addition to this study.