

A TOUR LADEN IN ETHICS

Despite these conditions – and my acidic views – I would participate in a tour if certain minimum requisites were met. In order to produce meaningful results, the main condition would be confidential sessions with researchers in a secure part of the institution. However, staff cannot handpick the convicts – ever! Otherwise, the ethical integrity of the tour has been compromised. Purely on philosophical grounds, I reject all prisoners suggested by prisoncrats. In fact, prisoners the prison administration despise – gang members, jailhouse lawyers and others they deem troublemakers – would better serve observers.

Answers to scholarly questions do not necessarily lie within the hearts of hardened individuals, but these people are some of the prison's most reliable sources of accurate information. Too often the most disruptive prisoners are also the most vociferous. Prison officials prefer their captives subservient, complacent and docile. Those who resist are frequently targeted for elimination and jailhouse lawyers are at the top of this list (Dey, 2008b).

Every prison has a department that handles prisoner grievances. One of the most direct paths to uncovering the realities of any correctional facility can be found in these 'appeals'. These litigants who file these grievances are an excellent source – I should know as I am one of them. The rest are my 'colleagues' who come to me in droves for assistance and advice as the resident expert on prison law. Incarcerated activists are one of the last bastions of resistance to the myriad injustices of 'the carceral'. While such conduct is legal behaviour, many members of a prison's staff hate jailhouse lawyers and the feeling is mutual.

An ethical prison tour, at least from my perspective, would include prisoners we deem trustworthy. If researchers endeavour to better understand what the government has created over the last few decades, then unimpeded access to prisoners is imperative. The carceral is a multifaceted topic, and the vastly different views between convicts and guards could produce interesting tangents to underreported subjects.

PENOLOGICAL DARK AGES

In their present form, researchers would be poorly served by a prison tour in the CDCR. While Convict Criminologists could produce meaningful works

(see Richards et. al, 2007), too few educated ex-cons exist to consider this an acceptable option. If the researcher is not street smart – prison smart – and only book smart, then, at best, s/he will add yet another chapter to the body of criminal justice (mis)information that often misses a key ingredient: the prisoner.

The *JPP* and *Convict Criminology* regularly present first person views of the carceral from prisoners, ex-prisoners and academics. However, they are the exception. Moreover, those of us who contribute to various publications from the CDCR do so in spite of the media embargo and often do so at great personal risk. Like the *Convict Criminologist*, the educated convict is also a rarity. An academic who is not ‘street smart’ is not likely to produce anything of consequence due to the impediments imposed during the Penological Dark Ages.

Much is written about the carceral. The average prisoner is not cognizant of this body of published works, let alone an active participant in the creation of this knowledge. Prisoners like me struggle as a voice for the voiceless. From the bowels of the beast, activist prisoners are anomalies. For the small number of us who exist, we should be at the forefront of a reform movement. But to the narrow-minded prisoncrat, ‘prison activist’ is synonymous with ‘prison assassin’. I take pride in the fact they would deny this ‘fact’. I am the criminal, yet they stand fast in their refusal to admit the truth.

ILLUMINATION OF PRISONDOM

The restoration of unfettered and confidential access to the ‘media’ and ‘academia’ is the key to undoing the “eclipse of prison ethnography”. When researchers are allowed to do their work, then the restoration of accountability and human rights can begin. Tours are worthless when the officials who advocate carceral ideologies control them.

The people who run and operate prisons, like any law enforcement agency, are a tight-knit community. They do not like it when outsiders tell them what to do or how to do it. To them, maintaining the status quo of 2.3 million prisoners is mere collateral damage in the war on domestic terrorism. Arrogance founded on fraud, the success of their industry is built on a body of lies. Elitists always dehumanize the masses of lower classes.

Due to these conditions, the realities of prison remain hidden from the public. Whether it is Eugene V. Debs at the beginning of the 20th Century

(2000), George Jackson in the middle (1994[1970]) or *Prison Legal News* at the turn of the millennium, the flow of horrors and oppression transcends time. Once the embargo is lifted as part of an overall movement, then meaningful work that transcends the ‘oppression’ and ‘horrors’ can begin.

I am unconvinced this free flow of information will begin anytime soon, but anything is possible. However, the “Dialogue” is imperative. With the ‘man’s’ jackboot on our collective throats, I fight the good fight as I await the beginning of a Renaissance of Reformation.

ENDNOTES

- ¹ “News media and non-news media representatives shall be allowed to interview inmates in person in accordance with the visiting requirements of sections 3170 and 3176.3” (California Code of Regulations, Title 15; 15 CCR 3261.5(b)). “During an interview conducted pursuant to subsection 3261.5(b), news media and non-news media representatives shall be allowed to bring up to three (3) pens, three (3) pencils and one (1) pad of paper into the facility” (15 CCR 3261.5(b)(2)). “News media and non-news media representatives may be permitted random face-to-face interviews with inmates... such interviews shall be conducted as stipulated by the institutional head” (15 CCR 3161.5(f)).
- ² *Coleman v. Schwarzenegger*, Nos. CIV S-90-0520, C01-1351, 2009 WL 330960 (E.D. Cal. Feb. 9, 2009) – a tentative order for the release of large numbers of the State’s prisoners due to unconstitutional mental and medical health conditions. *Kelso v. Schwarzenegger* (2009, DJDAR 4554) – the state unsuccessfully appealed the actions of the court appointed receiver. These are the latest decisions in an on-going saga in the federal courts that could change how government deals with corrections. Under the *Prison Litigation Reform Act*, the state intends to appeal all of these interwoven matters directly to the United States Supreme Court.

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Tour de Farce

Charles Huckelbury

Prison tours are always choreographed performances, but that does not prevent perceptive participants from gaining a little insight into the operation of the physical plant they are visiting. The prison administration and its representatives naturally want to put the best face on an unpleasant situation, striving, in Sarah Palin-esque fashion, to put lipstick on a pit bull. It is therefore imperative for anyone interested in ethnographic studies of the prisoner demographic to look beyond the dog-and-pony show for more subtle indications of what actually transpires before they arrive and after they leave. Those observations, however, hardly qualify as valid full ethnographic studies.

Such investigations are difficult, made even more so by the restrictions placed on members of the tour, often involving the prohibition of any contact, including conversation, with the prisoners. Indeed, some tours are even conducted during lockdowns for count to facilitate this isolation. Such tours can also make prisoners feel like zoo animals before the viewing public. And, of course, those doing the viewing can no more form a coherent schema of what life in prison is like than ethology students can assess an animal's behaviour by watching it pace back and forth in its cage.

Alternatively, tours can be far more constructive when selected prisoners are provided the opportunities to speak, an occasion that can put a human face on what would otherwise be merely a statistic. A caveat to this strategy is the tendency of staff to select prisoners who are not disruptive and will function as little more than shells for the administration. This tactic shifts the discussion from an operational basis to a more favourable personal one, with the chosen exemplar demonstrating the successful transformation from miscreant to citizen.

Another possibility for face-to-face encounters may be created by the administration's desire to showcase a particular program. At the New Hampshire State Prison, for example, until its recent demise, I was part of a program that trained service dogs for physically and emotionally challenged men and women. The dogs lived with their trainers in our cells and were matched with companions upon graduation. All tours that entered the housing unit received introductions to the program and several prisoners were assigned to provide a brief overview. And, of course, the tour members met our dogs, an experience that never failed to break the tension and win

smiles. The tour members saw the cells, showers and common area, but in every case, the emphasis was on the dogs, to the exclusion of their human trainers.

Without such a program, however, the standard tour gets only a cursory look behind the walls, which unfortunately often evokes either a sense of outrage that prisoners are living a leisurely life in a cushy environment or promotes an unrealistic assessment of the carceral experience as a genuinely rehabilitative exercise. One personal incident continues to stand out three decades later.

A tour entered a prison in Florida in the mid-1970s and walked into the cellblock I was living in at the time. I had done a few things to make the cell slightly more comfortable – a little painting, a few pictures on the wall, a small medicine cabinet, radio playing – all of which caused one of the group to take a step inside, look around for a few seconds, and pronounce that “this isn’t so bad”. He was standing in a six-by-ten concrete and steel cage, a ‘home’ smaller than his bathroom, and this man said it wasn’t “too bad”. The meagreness of such an ‘ethnography’ is obvious.

This is not to say that academics and other professionals would draw the same inferences. Obviously, a tour composed of such men and women would appreciate the damage that confinement in a large closet for decades would entail, on both the body and the mind of the prisoner, and could frame the attending arguments in coherent terms. But for the general public, prison tours are a study in superficiality, having no more basis in reality than, say, a tour of the battlefield at Gettysburg, which cannot begin to impart a grasp of the horror that was the Civil War. For prisoners, it is a minor disruption in another boring day.

Can, then, prison tours function as a laboratory for ethnographic studies? Yes, but only very incompletely, and the only with adequate training for observers prior to the tour. For the public in general, a tour of the physical plant led by uniformed guards, and seeing the obvious control of the prisoners inside, remain a nostrum designed to promote an acceptable rationale for the expenditure of their tax dollars and to relieve some anxiety about the predators who are feared to populate their cities. A concomitant to that proposition is the persistent belief in the necessity of such facilities, which, when you think about it, just might be the motivating force behind the organization and availability of such tours.

ABOUT THE AUTHOR

Charles Huckelbury was sentenced to life imprisonment – 35 year minimum – at the age of 27 and has spent the last 28 years in prison. Awarded second place in Prison Life’s fiction contest in 1995, he won the PEN American Center first prize for fiction in 2001. A regular contributor to the *JPP* since 1997, Charles joined the Editorial Board in 2001 and is now an Associate Editor. He was one of four featured writers in Shawn Thompson’s *Letters From Prison* (Harper Collins, 2001). His new book of poetry, *Tales From the Purple Penguin* (BleakHouse Publishing, 2008) has received rave reviews from students and academics.

The Engaged Specific Intellectual: Resisting Unethical Prison Tourism and the Hubris of the Objectifying Modality of the Universal Intellectual

Craig Minogue

I begin this article by arguing for an important matter of style by identifying the sociological position from which I write and justify my ideological position with reference to the modality of work done by Michel Foucault. In examining prison tourism, I will criticize the work of academics like Fred Alford and Loïc Wacquant who do not critically engage with the power relations of the prison, but rather allow themselves to be co-opted as privileged actors when they tour prisons. I argue that academic objectivism translates as an act of hubris when one side of a knowledge-producing power relationship is joined by those participating in prison tourism. I conclude this paper with a discussion on how Michel Foucault's thesis of the specific intellectual provides an example of a modality of work that can allow the possibility of prison tours to be run ethically under certain circumstances.

ACADEMICS AND POSITIONALITY

Firstly, to that matter of style which needs to be addressed. I will refer to people throughout this essay by their full proper names, for as Paul Ricoeur (1992, p. 29) says in his seminal *Oneself as Another*, “the privilege accorded the proper names assigned to humans has to do with their subsequent role in confirming their identity and their selfhood”. In most academic disciplines it is common practice to refer to one's fellows in professional journals and other written work by the collegial use of second names only. This practice is no doubt a kind of shorthand, but I read it as a type of elitism and thus a language of exclusion. Discipline does not end in the academy, for as a verb the word ‘discipline’ means the practice of imposing obedience and punishment on another person. This discipline is a personal rebuke and in these types of disciplinary systems the person who is rebuked is most often stripped of his or her social and human character and objectivised in a way to suit the particular disciplinary project, be that of the prison, the military or other total institutions like English public schools. My academic discipline is that of the humanities, of philosophy, applied ethics and morality. I write however from within the physical discipline of the prison where the loss

of the horrific “Mr” along with the loss of one’s first name are not at all collegial experiences for me, but excluding, objectivising and dehumanizing ones. For these reasons I try to break with this particular academic tradition of using second names only whenever I can in my work; perhaps as you read you will see the humanizing effect which I think this achieves.

Like every person, I view and analyse my situation from within particular frames of sociological and ideological reference. Sociologically I am positioned as a highly differentiated and marginalized other, that is a person serving a life sentence for a serious crime I committed almost a generation ago – a crime that lives on and, in fact, has a life of its’ own in the public imagination through sensationalist news and infotainment media.

Through my peer reviewed publishing, court actions and other jailhouse lawyer activities I am also positioned as an academic and an activist. Dylan Rodríguez (2006, p. 110) would say that I am an ‘imprisoned radical intellectual’. Black Panther Marshall Eddie Conway would say that I am a ‘political prisoner’. Henry Giroux (2005, p. 190) would say that I am an ‘oppositional academic’. Of course, the prison administrators think I am a ‘troublemaker’ (Carlton, 2007, p. 155, 236). Ideologically I see myself as what Michel Foucault called a ‘specific intellectual’, that is a person who works ‘not in the modality of the ‘universal’, the ‘exemplary’, the ‘just-and-true-for-all’, rather he or she works “within specific sectors, at the precise points where their own conditions of life or work situate them” (May, 1993, p. 6 and Foucault, 1980, p. 126). As Todd May says:

Rather than standing above or outside their society, ‘specific intellectuals’ are immersed within it. They cite, analyse, and engage in struggles not in the name of those who are oppressed, but alongside them, in solidarity with them, in part because others’ oppression is often inseparable from their own. This type of intervention allows them to embrace the oppression that ‘universal intellectuals’ used to analyse and to understand it better than the latter did, because rather than pronouncing on the fate of others from on high or outside, they carry with them an experience of the kind that belongs to the oppressed themselves (May, 1993, pp. 6-7).

I argue that universal intellectuals, those who believe that they can stand outside of power relations and make pronouncements about the practices found there are engaged in an act of intellectual hubris and indignity.

Gilles Deleuze said that Michel Foucault's work demonstrated that there was an inherent 'indignity' associated with 'speaking for others', as well as with intellectuals taking a universal and objective view from the outside of power relations. Again Todd May best summarises this position highlighted by Gilles Deleuze when he says of Michel Foucault's work that when

...it came to strategies for action, he preferred to listen to the oppressed rather than to act as the standard-bearer for their 'liberation'. Instead he offered specific historical analyses that were useful for their struggle. The name he gave to one who performed this type of work was the 'specific intellectual' (May, 1993, p. 6).

Before I make the distinction between a specific and universal intellectual clear, it needs to be kept in mind that the prison is a knowledge-producing discourse, especially when it comes to the emergence of a sense of good self and bad other.

A specific intellectual works ethically with others by subjectively asking in an engaged way: "What would it be like in the prisoner's shoes?" To consider the interests of others as if they are your own subjective interests is at the heart of modern secular ethics and morality. The specific intellectual thus views the prison from the perspective of the powerless and this vantage point cannot help but to open up possibilities in the otherwise closed normative sense of good self as oppositional to the bad other.

The universal intellectual works by objectively asking in a neutral way: "What are the facts of the situation?" So to tour a prison with a guard at one's side and penetrate prisoners with one's silent gaze as if they were occupants of a zoo, the universal intellectual is only able to hear one side of the knowledge producing discourse of power relations. The universal intellectual, a good self who goes home at the end of the day, thus views the prison from the perspective of the powerful. From this vantage point, he or she cannot help but to perpetuate a normative sense of good self as oppositional to the bad other people who are not allowed a voice like those others in the zoo.

I approach the issue of prison tourism from my personally and particularly engaged perspective as a prisoner, not from that of a privileged academic researcher. That some leading academic researchers do not understand their

privileged position is staggering. Working in the American prison system, academics like Fred Alford (2000, p. 142) boast of their position in the prison as one like “an unpaid staff member with an official position, that of researcher... [with] a staff badge”. A sharp distinction needs to be made here. I am not a privileged actor with a ‘staff badge’ and the freedom to roam around the prison at my self-directed will. My piece of plastic identifies me as ‘Prisoner’ and this is a categorization that serves to restrict every bodily movement does not open doors like Fred Alford’s ‘staff badge’. My badge, my label closes doors and spaces on me and from me, for as a prisoner I am a person against whom disciplinary power is directed. Fred Alford not only implicitly rejects the modality of the specific intellectual; from his privileged position in an unequal power relation, he explicitly argues that Michel Foucault got it all wrong (Alford, 2000).

Loïc Wacquant writes in his ‘field notes’ of a guided tour of a prison that he feels like “a voyeur, an intruder” and that he “would like to say, ‘I’m sorry to disturb you,’ [to the prisoners] but it would be incongruous” (Wacquant, 2002, p. 378). Yes, it would be incongruous, that is, it would be out of place because he is a privileged actor in an unequal power relationship. With a prison guard at his side and the freedom to leave when he chooses, Loïc Wacquant’s position is apart from and above that of the prisoners he gazes upon; he is co-opted and positioned by the prevailing power relations and his view and understanding cannot help but be shaped by this positioning. Loïc Wacquant’s feelings of horror at the “ongoing visual and sensory penetration” that the prisoners are suffering and which turns them into objects, has in his own words, “infringed on the dignity of human beings by the mere fact of having been there and seen that place, and thus to have treated its denizens as one might the occupant of a zoo” (Wacquant, 2002, p. 378, 381). So, Loïc Wacquant concedes that prisoners are humiliated, stripped of humanity and objectivised by prison tours like the ones he participates in, but he seems to take a ‘how could it be otherwise’ attitude.

Perhaps things would have been different if, when Loïc Wacquant felt this horror and this infringement of the dignity of others, he had stopped, squatted down on his haunches and stuck his hand through the bars to a man on his bunk and said “Hello I am Loïc Wacquant, an academic doing research about the prison, how are you doing?” If Loïc Wacquant had done this, it is my guess that his gaze would not have been so penetrative. Perhaps when he made eye contact with that person behind the bars on the

bunk he would have created a space for humanity. Perhaps when grasping that other person's hand he would have created a "territory of intimacy" and acted against what he obviously thinks is the wrong way to treat others (Wacquant, 2002, p. 378). Loïc Wacquant seems to understand that he is not a neutral or objective actor. Rather, he is a subjective participant in the unequal and unjust power relations, but he simply laments the fact that he can not give ethical character to his actions, precluding discussion on how the situation could have resisted or how it could have been made otherwise. By working in this way, Loïc Wacquant joined with the normative values of the dominant discourse of the inequitable power relations of the prison. And this joining was done, no doubt, for the sake of being objective, but the problem with the objective view taken is that the dominant normative discourse is the default position from which one takes the view. That the discourse and the knowledge he is analyzing emerged from the power relations of the guard at his side, the institution, the law, the State, popular opinion, a pop-cultural gorging on crime TV, and finally of the prisoners behind the bars and solid doors of their confinement seems to have escaped Loïc Wacquant. To be fair, he does 'feel' the problem, he does experience the 'embarrassment' of people being treated as if they are "occupants of a zoo" (Wacquant, 2002, p. 381). But what does he do? What 'action' is this feeling translated into?

To make matters worse, Loïc Wacquant then misreads Michel Foucault as a 'historical diagnosis of the present' in materialistic and objective terms, and says 'he could not have been more wrong', having missed the genealogical method and the subjective approach that Michel Foucault took in *Discipline and Punish* (1977) in relation to exploring the emergence of a disciplinary subject; that is of a sense of the self as compliant (docile) to the disciplinary project of the carceral (Wacquant, 2002, p. 384). Foucault's *Discipline and Punish* is not about prison buildings, it is not a history of punishment or the prison, it is not about the activities of the prisoners therein. What it is primarily concerned with is "a correlative history of the modern soul [self] and of a new power to judge" (Foucault, 1977, p. 23). This power to judge and the construction of a sense of self and other is one that emerges through the public discourse of normative values around crime and punishment. That the emergence of a sense of self through the dominant discourse is the main focus of Michel Foucault's work throughout *Madness and Civilization* (1965), *The Birth of the Clinic* (1973), and *Discipline and*

Punish (1977). The point about the emergence of self is highlighted in the *History of Sexuality Volume I an Introduction*, where it is demonstrated that a normative dominant discourse of heterosexual relations creates a culturally specified discursive imperative against homosexuality by not allowing homosexuality to be seen or heard in its own light (Foucault, 1980a).

Intellectuals like Fred Alford and Loïc Wacquant position themselves to tell others about the experience of their oppression rather than drawing from the lived situation at hand and analyzing its particular truth and its particular place in the lives people actually live (May, 1993, p. 7). A good example of the work of Michel Foucault's specific intellectual, that is one that draws from a lived situation, is Drew Leder's (2004) *Imprisoned Bodies: The Life-World of the Incarcerated*. The task of the specific intellectual is to stand, as Todd May put it so well:

In solidarity with those whose situation forces them to struggle. The task confers upon the intellectual no privileged status. The intellectual has no more authority than the doctor or the lawyer to speak the truth or the meaning of others' struggles, and certainly no more than those who face their oppression daily. He or she is one of them in his or her own oppression, and beside them in theirs. It is a role of the walk-on, not the director (May, 1993, p. 7).

A 'staff badge' makes one a director, just as the silent penetrative gaze of people of prison tours contribute to prisoners being treated as objects. These activities position the academics who are touring prisons on the all-powerful side of unequal power relations and limits their understanding of the situation, and makes the situation of the oppressed worse. The way in which academics like Fred Alford and Loïc Wacquant's work highlights "the two contrasting pictures of knowledge that Michel Foucault identifies in *Discipline and Punish*" (May, 1993, p. 72). Again, as Todd May explains so well:

...the traditional liberal view, which holds that knowledge occurs in the absence of relations of power; the other is the genealogical view, which sees knowledge arising as a product of power/knowledge. From the traditional perspective, the subject of power lies at the source of knowledge, giving rise to knowledge and subsequently to power: hence, subjective

foundationalism and the importance of the mind. For genealogy, on the other hand, the subject comes later; it is a product of power-knowledge relationships, of the matrices formed by the interplay between knowledge and power, not their source (ibid).

The ‘liberal view’ that Todd May talks about here is that of the universal intellectual who works in what he or she presumes is a neutral modality and reports on the facts as they appear. The ‘genealogical view’ is that of the specific intellectual who looks past the way things are and asks how they became the way they are perceived to be. The specific genealogical intellectual asks how a sense of self emerged from the power/knowledge relations and seeks to expose those processes of emergence. The universal neutral/objective intellectual presumes that self is already formed and that power/knowledge act upon that sense of self and other. I believe that I have made a good case for the serious problems associated with academic tours and work in the prison, especially when academics ostensibly try to be objective. In actuality, they are co-opted by the dominant normative discourse of the power relations found in the prison, and the subsequent emergence of a sense of self and other for the prisoners and those who are penetrating them with their gaze.

NOTES ON THE MERITS AND ETHICS OF PRISON TOURS

In my 2003 *JPP* article, “Human Rights and life as an attraction in a correctional theme park”, I exposed my feelings of objectification and my experiences of prison tourism and its inequitable power relations, so I will not repeat those facts and that analysis here (Minogue, 2003, pp. 44-57). I will, however, now move on to address the other specific issues that have been raised by the *JPP* about prison tourism.

Before I answer the specific questions put by the *JPP* on prison tours and make suggestions for how an ethical tour can be run, I need to secure the position from which I will do that. The work of Michel Foucault illuminates this position. While he does not provide a program of action to resist unjust power or wrong, Michel Foucault provides a mode of analysis that allows the people concerned – prisoners and people working with them in this case – to develop their own program. This illustrates the issue of pronouncements that has been mentioned a number of times and

which has perhaps not been fully appreciated. The universal intellectual makes an objective sounding pronouncement: this is what is happening and this is what should be done about it. A specific intellectual says: I have immersed myself in the power/knowledge relations in solidarity with the oppressed and I have excavated a genealogy that indicates how things have come to be perceived as being this way. That analysis is then made available to the oppressed and they can see how their situation has come to be, and then use that understanding as a tool to develop a program of resistance for themselves. To criticize Michel Foucault for not providing a program, misses the distinction of his modality of work from that of the universal intellectual to the specific intellectual who seeks to empower people who's sense of self emerges through the power/knowledge relations like those found in the prison.

Can a Prison Tour Be Run Ethically?

The short answer is 'yes', but there is a 'however'. Before arguing for how a prison tour can be run ethically, I need to define my terms. Put simply, 'ethics' deals with considering the morally relevant interests of people in relation to an intended action which will affect their interests. Although there are interests that are common to all people, like avoiding unnecessary pain and suffering – I say 'unnecessary' because pain and suffering can be necessary like that associated with a medical procedure to save one's life – then there are specific interests in relation to issues of, say, gender, religion, culture, and yes those interests associated with being a person imprisoned by the State.

The reality is that there are some interests which are intruded upon as a necessary implication of the processes of mass imprisonment of millions of people as a punishment (not all in the one place yet). There is a discrete and a discreet nature to these things, which are shared within the environment by prisoners and the guards. The first thing that comes to mind is the interest of privacy. For example, conducting ablutions in front of other people is not only undignified but because of the bad design of some prisons, it is a necessary indignity and a shared indignity. The interest that people have in not making this type of indignity worse or more public than it already is by the circumstances of imprisonment is an important one and it is one indignity whose violation I have experienced as a result of prison tourism (Minogue, 2003, p. 45).

Loïc Wacquant rightly claims that prison tours offer “a propitious vantage point from which to contribute to the *comparative ethnography of the state*” (Wacquant, 2002, p. 389 – original emphasis). But, for a prison tour to be run ethically the outsiders participating in it must give consideration to the morally relevant interests of the people involved. Loïc Wacquant clearly identified the problem of his penetrative gaze and the infringement inherent in his presence in the prison and how he later felt dirty and embarrassed (Wacquant, 2002, pp. 378, 381). One important way that moral consideration can be given so the tours are conducted ethically is to allow the people who are the ‘subjects’ concerned, to speak for themselves. In Australia and North America, and I am sure other regions, those people who are imprisoned such as radical intellectuals, political prisoners, oppositional academics, and the plain old prison activist or specific intellectual, are well known to lawyers, law faculties and social justice NGOs. So if a tour is contemplated, those people should be contacted and asked how a tour could be ethically conducted, that would respect the interests of the people in the prison. Once advice has been received, those wanting to tour would then write to the prison administration and say that they consider the prison to be a remote and isolated community that has particular norms and sensitivities, and as such they have approached people incarcerated in the prison and asked for their thoughts on how a tour could best be conducted so as not to offend their morally relevant interests. Then set out the concerns that have been expressed and ask that the prison administration enter into a dialogue about how to best meet those concerns, as well as the concerns and requirements of the administration. If the prison administration is not willing to enter into this dialogue or consider the morally relevant interests of the people in their prison then this should speak very loudly against any tour being able to be ethically conducted or being of any academic or sociological value.

Can Prison Tours be an Effective Strategy to Reveal the Realities of Imprisonment?

The short answer is ‘yes’, but again there is a ‘however’. If the people in the prison are involved in the process, if there is a dialogue before, during and after the tour, then I believe that there can be an enormous benefit in revealing the realities of imprisonment. Of course a lot depends on which prisoners are part of this process. Anyone wanting to have a tour would need to be sceptical of the prison administration nominating prisoners to be

involved. In the prison system here, prisoner representatives and those who are allowed to talk to visitors on tours are selected by the staff. There is no 'application form' or process of prisoners deciding who their representatives are. Prisoners can apply for Peer Educator or Peer Supporter roles, but the staff decide who is employed in those positions. Prisoners who unofficially do this work, like me, are targeted by the prison administration for retaliation (Minogue, 2008). The activist, who is ideologically and morally committed to his or her actions in resisting the unnecessary inequalities, will do so despite, or perhaps in spite of, being targeted for retaliation by the prison administration.

Do Prison Tours Have Any Merit?

The short answer is 'no', not as they are currently run, but there is a 'however' here as well. If prison tours were run with appropriate prisoner consultation beforehand and participation during the tour and then after, tours could have merit.

What Do I Foresee as an Ethical and Meritorious Prison Tour?

I have touched upon this issue above, so I will restate in point form that which has already been mentioned and then add more substantively to that which has not yet been dealt with. An ethical prison tour would look something like this:

- Make contact with the appropriate prisoners – if those wanting a tour are unable to make this contact then I would question how relevant the tour can be if the people wanting to tour are so out of touch with lawyers, law faculties and social justice NGOs working around prison issues;
- State the purpose and the aims of the tour;
- Ask for advice as to how a tour could be conducted in such a way as it gave proper consideration to the legitimate interest of the people incarcerated in the prison;
- Approach the prison administration requesting a tour and a dialogue about how that tour will be undertaken with consideration to the advice received from prisoners; and
- Re-contact the prisoners and advise them of the outcomes of the dialogue with the prison administration in relation to how the tour is

to be conducted and ask if they are willing for the tour to go ahead under those circumstances.

If academics or students were to be visiting say, a remote indigenous community or an isolated religious community that lived apart from the modern world, then it is my expectation that such a process of consultation would be undertaken with the leaders of people in those communities – leaders who have been empowered by the community and not appointed by people outside the community. Would a university ethics committee allow a tour of a remote indigenous community on the approval of the local governmental authorities only or would the committee require some type of consultative process like I have suggested? I think and hope the answer would be “yes, a consultative process is required”, so why should it be any different for the prison? I have found that, here in Australia, there is no ethics committee process for academics and students who engage in prison tours; the universities reason they are not responsible as the prison lets them do it (Minogue, 2003, pp. 53-54). That the State malevolently holds people by life threatening levels of force does not exclude normal ethics committee involvement, rather it should make it an imperative. I have argued this before in my 2003 *JPP* article but the point can do with being restated. Think of the way in which prison tours have and are being run, and transfer that modality to any other remote and isolated community with members who are vulnerable to their interests not being properly considered by outsiders who are visiting and this will illustrate the problem of inadequate consultation, as well as the real need for it to be done ethically. Imagine an academic touring a remote indigenous community with the authority of the local police officer and no community consultation beforehand; no academic who wanted to keep their job would do such a thing. However, so accepting of the normative discourse of prisoners being less than human, being animal-like creatures who have forfeited any moral consideration of their pain and suffering, academics do in the prison what they would not think of doing in any other situation. How can they not see this? What value does their work hold if they are so myopic?

But How Would the Tour Be Conducted in Practice?

It is my view that the prisoners who were contacted for advice should meet the people doing the tour at the closest point possible to their entry and

then accompany the group or individual and escorting officer on the tour of prisoner areas. If this was the case the prisoner could:

- Introduce the people on the tour to prisoners he or she feels may have something relevant to say or ask relevant questions of prisoners to initiate a dialogue between the visitors and the prisoners;
- Suggest areas to visit;
- Pause on the tour and include historical information about particular areas from a prisoner's point of view;
- Draw attention to particular problems *in situ*; and
- Engage in a dialogue with the group in response to the commentary of the escorting officer.

The dialogue is of the utmost importance. I do not know about the scripts for prison tours by prison administrators in North America, but I know that in Australia the “passing of verbal communication” (the prisons’ words) by prisoners to persons on a tour is considered to be like the “passing” of contraband to prisoners (Minogue, 2003, p. 47). Prisoners are not allowed a voice – they are like children of old, to be seen but not heard.

Would the prison allow such an interactive participatory process? I think that most people reading this essay would laugh and answer “no way, man”. If that is the case then what does this say about the tours as they are now conducted? This should then be the focus of academic inquiry: to consider why the prison wants to control the outcome of a tour, and then to critically assess the value of the tour as “*a comparative ethnography of the state*” (Wacquant, 2002, p. 389 – original emphasis).

After the Tour

The people on the tour should reflect on the tour, along with what was said before and after prisoners joined the tour group or individual. Did the escorting staff member seek to preface or undermine issues that prisoners raised? Did the prison officer seek to “play the man and not the ball” in relation to the issues raised by prisoners? If so, then those who undertook the tour need to reflect on what that means, and then communicate with the prisoners again and ask for their point of view. After this process, then consider the whole picture and what was gained from the tour.

These suggestions for how prison tours can be conducted ethically depend largely on the prisoners who are approached for their advice, and on whether or not prison authorities will allow them to participate in this way. If prison authorities will not allow this type of prisoner participation and balk at the approach taken by the people wanting to do a prison tour, then this speaks to the type of tour that they would experience if solely conducted by prison authorities – unethical and unmeritorious. If prison authorities balk, then the experience of trying to arrange an ethical tour can be written up for a journal article or an opinion piece in a progressive newspaper. A complaint can be made also to an appropriate authority or the political branches of government. The issue also can be agitated around the openness and accountability of public institutions. What should not be done is for the tours to continue as they are now; that would be truly incongruous, because when an academic thinks “how could it be otherwise” they are not really thinking and the unthinking academic should have no place in the public dialogue about imprisonment.

– Somewhere in the carceral archipelago.

ENDNOTES

¹ English ‘public’ schools are what the rest of the world would call a ‘private’ school.

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ABOUT THE AUTHOR

Craig W.J. Minogue has survived prison since 1986. His release date is in 2016. Completing a multi-disciplinary BA (Honours) in 2005, which was his first formal educational achievement, he is now working on his PhD in Applied Ethics at La Trobe University. Craig is a social justice advocate who assists fellow prisoners with equitable access to courts, information about the law, educational programs and health services. By necessity, he is also an unofficial volunteer crisis and acute mental health care worker. Craig is a regular contributor to community legal education projects and he has peer-reviewed publications in the fields of philosophy, literature, criminal law, human rights and prison issues. He also creates art when he can and he has a number of works hanging in public buildings in Melbourne, Australia. He is currently in custody at Marngoneet Correctional Centre and can be contacted at craig2016@bigpond.au.

RESPONSE

Dialogue on the Status of Prison Ethnography and Carceral Tours From the 2009 Meeting of the Canadian Society of Criminology *Journal of Prisoners on Prisons*

The first issue of the *Journal of Prisoners on Prisons (JPP)* included articles written by prisoners presented at the Third International Conference on Penal Abolition (ICOPA III) in Montreal. This longstanding practice of sharing the work of our contributors at academic and activist conferences continues today.

On October 3, the *JPP* hosted a 90 minute panel discussion entitled “Prisoners on Prisons: Problematizing Carceral Tours and Prison Ethnography” at the 2009 Meeting of the Canadian Society of Criminology hosted by the University of Ottawa. Chaired by Dawn Moore, Editorial Board member and professor of law at Carleton University, excerpts were read from *Dialogue* contributions sole-authored by prisoners including Craig Minogue, Eugene Dey, Charles Huckelbury and Jon Marc Taylor. The panel was well-attended by a range of conference participants, including undergraduate and graduate students, as well as professors – some of whom are involved with the journal.

After 15 minute excerpts from each of the articles were read to the audience along with a brief commentary by each of the readers, a lively 30 minute discussion period facilitated by Dawn Moore ensued, covering a range of issues raised by the contributors. In keeping with the title of the panel and the theme of this issue’s *Dialogues* section, carceral tours and prison ethnography were the central topics of debate.

While the meaning of the term ‘ethnography’ is contested, generally, it is understood that this approach to social research involves the sustained immersion of the researcher in a given milieu that allows for up-close observation and participation in a particular cultural setting. From the outset, it appeared that there was a consensus in the room that carceral tours – as a cursory, temporary, distanced and partial form of immersion into the prison fraught with power imbalances – do not represent a form of ethnographic research. That said the question was posed: what other sociological purposes can carceral tours serve? It was suggested that an image of imprisonment is being (re)produced through this practice. Thus,

for researchers this production ought to be an object of examination in and of itself.

As flawed as prison tours are, carceral tours were advanced by some professors in attendance as a means to bring their students into contact with people and places that can only be treated abstractly in the university classroom. It was suggested, that to not participate in carceral tours might reflect a refusal to look at and acknowledge the pain of others. However, it was also recognized that these practices can be injurious to prisoners who are often subjected to tours without being given the opportunity to influence their design or content, a point noted frequently by *Dialogue* contributors. While the need to witness atrocity was maintained by some in the audience, there was a concern that carceral tours, as they are most often conducted, are voyeuristic. To avoid this pitfall, discussion participants emphasized that persons on carceral tours need to recognize that there are ethical imperatives they ought to follow such as acknowledging prisoners they encounter or refusing to enter spaces of prisons where they would violate the privacy of prisoners. It was also noted that an ethical approach to carceral tours should take into account the subject positions of both the prisoner and the tour participant.

With this in mind, audience members began to explore how they could put into practice the recommendations made by Craig Minogue, Eugene Dey and Charles Huckelbury about how carceral tours could be conducted in an ethical fashion. Two of the panel participants who have filled requests under the federal Access to Information Act and obtained Correctional Service of Canada (CSC) penitentiary tour regulations and scripts, suggested that carceral tours in Canada can be highly contrived. It was also noted that one of the *Dialogue* participants, Craig Minogue, had previously submitted such requests in Australia yielding similar results. By bringing this information together with the guidelines provided by *Dialogue* contributors, it was recommended that interested parties could attempt to arrange federal penitentiary tours in concert with prisoners and then approach CSC to push for the arrangement. One audience member stated that she would attempt to undertake such an initiative and intends to report back through the *JPP*.

Judging by the nods of those present as the contributions were being read, most seemed to agree with the majority of points presented. That said, some disagreed with the position of a number of the *Dialogue* contributors regarding participation in tours led by prisoners chosen by the administration. While the contributors suggest that prisoners hand-picked

by staff would likely paint a rosy picture of the state of carceral affairs, some conference participants wondered whether limiting tours to those led by oppositional prisoners would represent a privileging of certain voices based on a subjective judgement of whose voice is authentic. Such an approach might risk the silencing of an important segment of the prison population. Could tours not be conducted in a way that would capture a wide variety of voices inside?

On this issue of representation, some audience members pointed out the lack of knowledge about tours in women's prisons, or how tours in jails – where sometimes male tourists and male prisoners cast their gaze upon women prisoners – affect the experiences of women in carceral spaces. It was argued the voices of women prisoners need to be part of the *JPP Dialogue* in the future.

As previously mentioned, prison ethnography was also a focus of discussion amongst conference participants. Based on Jon Marc Taylor's contribution to the *Dialogue*, a number of issues were raised. Central to the discussion was whether academics positioned externally to the institution could conduct ethnographic research that would excavate the realities of imprisonment. One participant, who had previously conducted interviews with female prisoners in the Canadian context, noted that research with ex-prisoners is often preferable as they seem to be more comfortable divulging information outside the prison setting where confidentiality can be better protected and risks of retribution from 'correctional' authorities for participating in studies are significantly diminished. Noting the many access barriers faced by those wishing to conduct critical research inside Canadian prisons, another conference participant noted that academics from her university were working with their research ethics board to pressure CSC and other penal institutions to remove the current blockade keeping social scientists from entering the carceral system for the purposes of academic inquiry.

Attention then turned to discussing alternative modes of knowledge pertaining to imprisonment. Prisoner writing found within the academic journals such as the *JPP*, scholarly books, novels and plays were all suggested as viable forms of knowledge to be mobilized by researchers to understand incarceration and its role within society.

Conference participants also discussed the ramifications of the prisoner / academic co-researcher model described by Jon Marc Taylor. Of particular concern was whether academics involved in such a research configuration

would be placing their imprisoned co-researcher at risk of retaliation from prison administrators and frontline staff who may not appreciate the critiques directed at their institutions or work; the implication being that if the risk is too great, academics ought to pull the plug on the collaboration to protect their co-researcher. A professor responded that, ultimately, it is the prisoner in the position of co-researcher who is best situated to assess the risks they may encounter as a result of their participation, and thus, they must be empowered to make the choice as to whether or no they wish to participate in a collaborative study. Given the many examples of successful collaborative 'inside-outside' efforts, including the contribution by Susan Nagelsen and Charles Huckelbury to this *Dialogue*, the co-researcher model is arguably one worth promoting and expanding. As one conference delegate noted, the approach interrupts the researcher-subject relationship – with associated power imbalances – that characterizes other forms of research. This collaborative arrangement recognizes the diverse locations of authority (inside and outside), de-centres the 'ivory tower' and its tendency to observe the 'other' from a distance, and introduces the prisoner to the scholarly debate as a partner. Additionally, insofar as this form of collaboration is covered under freedom of speech laws, it represents nothing more and nothing less than an exercise in collaborative research and expression. It therefore offers a means of working around institutional barriers to access, both in the prison and the university. This was cited as being important because just as academic colleagues often collaborate to share expertise, so too can academics and prisoners co-author important works.

It should be noted that each of the contributions were received positively and the degree to which the audience was engaged during the question period was arguably unlike anything else seen or experienced at the conference. As the *Dialogue on Prison Ethnography and Carceral Tours* continues, we encourage and look forward to contributions from other prisoners and fellow travellers on additional issues concerning imprisonment and punishment.

PRISONERS' STRUGGLES

'The Same as a Death Sentence':

Juvenile Life without Parole

Jeremiah J. Gilbert

My name is Jeremiah James Gilbert. I am currently serving a Life without Parole sentence (Hassine, 1996) for a crime I committed when I was 15 years old. I will be 31 on November 27 of this year. I would like to share with you some of the facts concerning Juvenile Life without Parole (LWOP). In doing so, I hope to raise awareness about this sentencing procedure in the United States and the possibly for change.

On February 16, 1995 the United States signed an International Human Rights Treaty called the Convention on the Rights of the Child (CRC). In June 2006, the United Nations admonished the United States for not ratifying the treaty. Of the 130 plus countries to sign on, only the U.S. and Somalia have refused to ratify.

An estimate by the Human Rights Watch (2005) shows that over 2,228 juveniles are serving LWOP sentences in the U.S., whereas there are only 12 in the rest of the world. In 11 of the 17 years between 1985 and 2001, a juvenile was more likely than an adult to be sentenced to LWOP for the same crime. Of these children, 59 percent were sentenced to LWOP for their first ever convictions (Human Rights Watch, 2005). Sentencing children to life is also highly racialized since almost 60 percent of youth serving time in adult state prisons are African American, although this group only comprises 15 percent of the youth population (Building Blocks for Youth, 2000).

In March 2005, the U.S. Supreme Court ruled that juveniles possessed a diminished culpability and therefore could not be sentenced to death (Human Rights Watch, 2008). The same reasoning ought to apply to Life without Parole. In the U.S., Life without Parole does not have a release date. It means one is in prison until their death, making it the same as a death sentence.

The average cost of incarceration in the U.S. for a male prisoner in maximum security is at least \$45,000 per year (Austin *et al.*, 2001). The average male life expectancy is now close to 75 years. As mentioned previously, I came to prison when I was 15. Should I reach the average life expectancy the tax paying public will have paid at least \$2,800,000 for my imprisonment!

Hundreds of thousands of teenagers under the age of 18 are sent to the adult penal system across the U.S. each year, according to the Coalition for Juvenile Justice (2003) in Washington, D.C.. If you, or anyone you know, would like to help all of us who as children were told that we were beyond redemption, please go to my website at <http://walterkarp.tripod.com/jeremiahgilbert/index.html>.

Should you wish to add your name to the online petition to abolish Juvenile Life without Parole or research for yourself some of the facts I have stated, the favourite links page will direct you to various groups to assist you in doing so. Thank you for your time and consideration.

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ABOUT THE AUTHOR

Jeremiah Gilbert is 32 years old and has been in prison for over half his life. He continues to serve a Life without Parole (LWOP) sentence. He has recently released a book of poems called *A Convict Cries*, which is available online. Half of all proceeds of the book will be donated to various charities.

To write:

Jeremiah J. Gilbert #709551
 Clallum Bay Corrections Center
 1830 Eagle Crest Way D-I-10
 Clallum Bay, WA 98326
 U.S.A.

**‘You Improvise to Survive’:
HIV Prevention, Survival Strategies
and Queer Cultures of Self-Defence*
*MTL Trans Support Group***

WHY IMPROVISE

I can’t really offer advice about having ‘safesex’. I don’t practice it. I practice ‘being careful’. In my own way. It does not involve use of things, plastic, rubber, etc. Mostly avoid body fluids, which is the main way of transmission. That is tricky, but hey, it’s the life. You improvise to survive. That’s all I can offer.

– Amazon

In two years of coordinating a letter writing program between incarcerated and non-incarcerated gay, queer and trans communities, the Prisoner Correspondence Project’s outside collective – itself comprised entirely of gay, queer and trans folks – forges strategies to support our penpals, friends, contacts and allies on the inside. We aim to intervene on carceral landscapes of structural anti-gay and anti-queer violence. In response to violently anti-queer prison and policing regimes across the U.S. and Canada, and to the sexual and emotional health risks faced by our inside penpals, the Prisoner Correspondence Project has begun to coordinate a series of resources, ranging from educational strategies including literature and information, to physical resources like condoms and lube. Such resources address harm reduction strategies directly relevant to the lives and survival of gay, queer and trans prisoners.

Filling the Gaps

While many critical resources do exist in support of prisoners and prison abolition, there remains a troubling gap surrounding issues that have particular relevance among gay, queer and trans prisoners. Through the coordination of our letter-writing program, the Project affords us the opportunity to identify how the criminalization of homosexuality within the prison system, as well as the targeted policing and incarceration of gays and queers more broadly, poses a daily threat to the physical and emotional well-being of those inside. The work that we do is accordingly rooted in the belief that forging informal, personal circuits of communication and exchange is essential in supporting our communities both inside and out.

Thus in tandem with the penpal program, we organize a library of writing and information related to queer and trans survival in prison, addressing topics ranging from health and harm-reduction (HIV and Hep C prevention, safer fixing, drug and hormone injection, safer barebacking), to broader forms of emotional and sexual survival. Through the dissemination of information is about queer health and survival, our anti-prison politics are put into practice by demanding self-determination and sexual freedom for queer and trans prisoners, critical in sustaining broader emotional and physical well-being. As such, the development of these resources is unfolding in close dialogue with the motivations, desires and anti-prison politics of prisoners which are at the root of the project itself.

As we began supplying pre-existing educational and informational resources to our penpals inside, we came to recognize the ways in which these resources – and our interventions – were lacking. Many existing resources – addressing topics including safer sex, coming out and so on – not only failed to account for the realities faced by incarcerated communities, but failed to acknowledge them altogether, effectively writing gay, queer and trans prisoner realities out of existence. Responding to this context of violent erasure and of prison systems failing to meet the most basic needs of those housed within their walls, we decided to facilitate the development of informational resources that were both directly relevant to the needs and which reflected the lives of our incarcerated penpals. Acknowledging this original shortcoming forged an opportunity to build interventions and strategies not only to promote physical health and survival, but also to affirm what it means to be queer or trans behind bars.

These omissions and gaps in resources reflect the lack of discourse and community dialogue about gay, queer and trans prisoners. They reproduce the invisibility of queers inside prisons, and the perpetual violence of anti-gay correctional mandates. We consistently came up against the reality that resources emerging from queer and LGBT community contexts were virtually irrelevant to parts of these communities inside prisons. Similarly, many resources emerging from prisoner support contexts failed to acknowledge realities of sexual desire and pleasure inside prisons. For instance, while a broad spectrum of resources exist concerning HIV-prevention, nearly all of this literature presumes consistent access to condoms – a reality we cannot assume exists in prisons. As a result, we decided to take up the task of creating resources that begin to acknowledge how these gaps and the larger

invisibilities they reflect affect not only safer sex practices, but the very survival of queer and trans people who are incarcerated.

Anchoring the Project in Collaborative Work and Anti-Prison Politics

To anchor these new resources in the lived desires and needs of our inside penpals, we foregrounded the stories, experiences and anecdotes of incarcerated participants in the project. The resources are based on a harm reduction model that acknowledges the presence of risk in everyday behaviour, in stark opposition to models which identify and isolate behaviours upon which to intervene. Our intentions extend beyond the mere distribution of information, reflecting our desires to: a) politicize existing resource and service provision by refusing to assess risk and need as discrete from the structures that create/enforce them; b) anchor the resources in an affirmative politics of (queer) desire and of pleasure, and in so doing, refuse the way that many existing sexual health resources are evacuated of an analysis of desire or the meanings gay and queer communities derive from sex, inside and outside of prisons; as well as c) root the resources themselves in the collaborative *process*, building broader networks of resistance and support through months of sustained collaboration. In doing so, we acknowledge that histories of resistance and organizing among marginal communities – prisoner, queer, HIV positive – have come about through grassroots, by-and-for efforts by incarcerated folks in dialogue with communities outside and with one another, not from efforts imposed from without.

These resources, most importantly, continue to develop as a work-in-progress, as they evolve and change based on our still-limited but growing access to the voices of those on the inside. We intend for these resources to link gay, queer and trans people between institutions and across national borders. We intend that these resources act not only as a model for harm reduction and education, but also as an indispensable tool for community building and self-preservation.

NAVIGATING JOINT LEGACIES OF AIDS AND MASS INCARCERATION

I was last out in the end of 1980 – the AIDS virus was not known then, and sex was a lot more prevalent and carefree. At least compared to post-AIDS scare times.

– Amazon

By not providing condoms, it doesn't discourage sexual behaviour and promiscuity, but rather only threatens to give a world-wide epidemic a lot more momentum.

– J.A. Brown

The Early Days of Community Disappearance

While the lived needs and desires communicated through our ongoing correspondence with our penpals have been the central motivation for the development of these resources, they have mobilized entire cultural, political and sexual histories in the process – histories which have directly structured the landscapes of violence faced by gay, queer and trans prisoners. Those historical legacies which have structured queer realities in the most explicit and violent ways remain: the war on drugs – which represented the beginning of massive carceral expansion – and the AIDS crisis.

When we speak of the AIDS crisis, we must understand it not only in terms of the virus itself at play, but as the host of cultural and political forces which occurred alongside the disease: hysteria, quarantining, renewed homophobia, medical incarceration, contact tracing, mandatory testing and extensive surveillance. Each of these instances of structural anti-queer violence cannot be understood as separate from the epidemiological conditions that devastated our communities and sexual cultures.

The war on drugs emerged at the same time as the onset of the AIDS epidemic. While the war on drugs, as a U.S. project, was ravaging communities of colour south of the Canada-U.S. border, it emerged in only a marginally diluted form several years later under Canada's Mulroney government. We must see each of these histories as having unfolded alongside one another, each reinforcing the mandates of the other. Both AIDS and the war on drugs served to: a) target specific communities, working in tandem to ensure the removal and disappearance of the same communities already targeted along lines of race, class, sexual orientation and gender, and b) play a central role in interrupting and demobilizing militant gay and black liberation movements. In revisiting such histories, one can observe how officials in power structured and exacerbated the course of the epidemic by allowing HIV to spread among those same communities already targeted by policing and incarceration, actively nurturing the conditions for “the right people” – to borrow the words of Ronald Reagan – to transmit the virus. Once inside, many among these same communities, jointly devastated by AIDS

and mass incarceration, found themselves without treatment, medication or adequate healthcare.

**This Landscape as it Exists Today:
The Correctional Mandate and Anti-queer Violence***

Here in prison, or at least this prison, there is no such thing as safe sex. It is against the rules.

– Matt Jones

As we received submissions, anecdotes, feedback, and suggestions from our contacts inside, we came to realize the extent to which these histories still represent some of the key narratives structuring their daily lives and interactions in prisons. Today we see these histories as diffuse, naturalized and embedded in our negotiations of queer and trans desire, risk, pleasure, as well as survival. These negotiations are directly structured by expressions of anti-queer violence in carceral settings:

- (a) Sexual expression and intimacy between prisoners is – in almost all cases – explicitly criminal, resulting in punishment, extra-legal beatings, administrative retaliation, solitary confinement / isolation and increased sentencing. In the process, consensual queer sex between prisoners faces the same sanctions as instances of sexual assault, rape and sexual violence.
- (b) Tangible and consistent condom access in prisons – federal and provincial / state, north and south of the US-Canada border – does not exist, revealing the profound discrepancies between institutional policy and the lived realities of individuals. Over the course of the past two years, incarcerated project participants have recalled a spectrum of experiences with respect to alleged condom availability, ranging from condoms being rationed at a rate of one per month, to the nursing station having “run out” for a nine consecutive month stretch, to an array of structurally coordinated disincentives in accessing condoms or lube. In many cases, condoms can only be accessed by asking administrative personnel and in contexts where queer sex is criminal, meaning that condom access hinges upon directly incriminating oneself, or potentially “outing” yourself as

gay or queer. Where in the U.S. the landscape is characterized by almost total lack of access nationwide, in Canada this landscape is characterized by the myth of consistent and unobstructed condom access.

- (c) Prisoner-led organizing, including the emergence of prisoner-run HIV prevention and peer-health education programs in the late 1980s and early 1990s, has been criminalized inside prisons over the course of the past twenty years across the U.S. and Canada, most explicitly under the purview of alleged 'anti-gang' reform. This shift demobilized an emerging prisoner AIDS prevention movement, ensuring the continued rise in infection rates among communities on the inside.
- (d) Queer or explicit safer sex information, literature and resources are routinely censored, seized or returned under the purview of anti-pornography policies. Just as the U.S.-Canada border obstructed the passage of such materials in the 1980s when AIDS was decimating our communities on the outside, prison mailrooms and administrations continue this role of censorship and gatekeeping as diffuse borders mapped onto existing national ones. As a result, prevention and health knowledge on the inside is now often five, ten or even fifteen years behind what is on the outside, further inhibiting queer survival.
- (e) There exists a lack of consistent access to HIV medication and anti-retroviral drugs among HIV positive communities who become incarcerated, as well as among prisoners who contract the disease *while* incarcerated. These intentional and structural gaps in access create new and more virulent strains of HIV that are medication-resistant in the bodies of queer, trans and other HIV positive prisoners. This last instance of the bodily management and regulation of prisoners comprises an instance of structural anti-queer violence that *not only* mobilizes historical legacies of entire communities being permitted to die, but which actively nurtures the conditions for a second cohort to the epidemic that may prove itself even more resilient than the first.

In our desire to revisit each of these intertwining narratives, not only do we situate ourselves historically, but we come to understand that the

realities we face today reflect the lived effects of legacies of 30 years of AIDS decimation and carceral expansion. That these knowledges emerge through our correspondence and resource development reveals the extent to which, in becoming naturalized, these histories exist in people's very bodies, emerging in the most minute and daily negotiations of violence, risk and sexual safety.

Navigating the Spectre of Death

Men who died I never knew, just saw here every day, no longer here, vanished in a single breath. It rubs off from the way cops think about us, like cattle. We start thinking of ourselves that way too. It just happened that last night I heard another one of my best friends and cellmates died of O.D., a real beautiful young transsexual woman.

– Amazon

Alongside this array of structural and policy-level conditions lie personal negotiations of histories of death, mourning and disappearance. These are experiences that cannot be assessed discretely from the material conditions of incarceration to which gay, queer and trans communities are subject. As such, they directly impact the form and content of the resources and the resource development process. For many among our community on the inside, this negotiation of death presents itself as a second cohort of mourning, loss and disappearance. While gay, queer and trans communities were decimated from AIDS on the outside throughout the 1980s and early 1990s, many inside today are experiencing a second wave of death from suicide, overdose, medical negligence, along with AIDS. We must ensure that our work is directly informed and impacted by these overlapping traumas.

While few of these negotiations of death, trauma or history emanate directly from carceral structures, they interact with people's experiences of incarceration, and are actively reproduced through the material conditions of queer/trans incarceration and punishment. These encounters with anti-queer violence are not only reproduced in the omissions of existing HIV/AIDS prevention discourse and materials that fail to account for the lives of communities inside prisons, they are also reproduced through much of existing abolitionist and prison activist agendas, as well as their

discourses which fail to account for the lives and realities and desires of gay, queer and trans communities inside prisons. We cannot assess the lack of relevant prevention resources as separate from the lack of discourse or discussion about sexuality, gender or queer desire. In the process, these very omissions, silences and erasures become folded into the very landscape of anti-queer violence coordinated by the prison system itself. As such, the very navigations of loss, trauma and community decimation are reproduced, unfolding alongside the invisibility that characterizes incarcerated gay, lesbian, queer and trans experience.

FACILITATING COLLABORATIVE RESOURCE DEVELOPMENT ACROSS PRISON WALLS

Safe sex is always important in or outside of prison to me. But the only difference is, on the outside, I have a choice. I, for one, am particularly glad you mentioned the issue of barebacking, because it is – without doubt – long overdue.

– J.A. Brown

Dialogue with Communities on the Outside

The initial impetus for the development of resources emerged directly from acknowledging the gaps and omissions in existing resources, along with the series of in-depth personal statements sent to us by a host of inside collaborators, outlining their negotiations of risk, safety, survival and their encounters with anti-queer punishment. To this end, by foregrounding these encounters and ongoing realities, we hope to acknowledge and honour existing discourses emanating from inside communities on these negotiations, while at the same time bringing these experiences to dialogues within communities we are a part of on the outside – prison abolition, gay/queer/trans and so on.

Our first opportunity to share these contributions with members of our communities on the outside came in the context of a workshop we facilitated at the AIDS Committee Ottawa as part of *Snowblower*, an annual health and wellness festival for gay men. Entitled “Fucking without Fear: Sexual ‘Safety’ Inside and Outside Prisons”, this workshop allowed us to discuss more concrete ways prisoner support and anti-prison movements, along with gay and queer prisoner support initiatives in particular, can work toward

meaningful, collaborative work with existing AIDS service and advocacy organizations. The process itself reflected our investments in: 1) contributing to the creation of outside gay, queer and trans resources that acknowledge criminalization, policing and incarceration as the daily realities among many in our community; and 2) insisting that prisoner justice and prison abolition become re-prioritized by gay and queer community organizers. In the process, we seek to contribute to queer cultures that resist containment in the broadest of terms.

In both workshop settings as well as other contexts, using the submissions and contributors' negotiations of risk, violence and safety as a point of departure, we consistently encounter the continuities which exist between landscapes of anti-queer violence inside and outside of carceral sites. Forging space to reflect critically on the continuities which exist inside and outside of prisons where gay, queer, and trans communities are concerned, enable an understanding that the circumstances of incarcerated members of our communities exist as part of larger homophobic and transphobic, as well as racist and anti-poor systems that function beyond carceral environments. The targeting by law enforcement of queer youth, and in particular queer and trans youth of colour, as well as the barriers in accessing resources and support among rural gays and queers, and the recent criminalization of HIV transmission in Canada culminating in a recent murder conviction, represent but several instances in which this landscape of isolation and the regulation of gay, queer and trans survival does not begin or end with carceral sites, but travels across them.

Encounters with Prevention Work: Building Relationships between Anti-prison and HIV Prevention Communities

Emerging jointly from the omissions and exclusions identified in existing prevention materials and from the negotiations of anti-gay, anti-queer correctional mandates faced by communities inside, we were then faced with the task of forging partnerships with allied healthcare workers, prevention workers and nurses working for AIDS service providers, as well as other community health organizations in Montreal and beyond.

The emerging focus regarding the content of the new resources themselves was established jointly through both the experiences recalled to us through the submissions received, as well as our own experiences as non-incarcerated gays and queers in encounters with medical negligence,

information gatekeeping, and homophobia at the hands of healthcare providers. These priorities consolidated around ensuring resources a) which are not overly medicalized and made inaccessible through medical terminology, b) which do not pathologize sexual decisions or practices, honouring the sexual choices made by communities inside, and c) which depart from a tradition of the de-sexualizing of prevention materials, and that integrate affirmations of queer sexual cultures inside prisons in the face of sexual violence and deprivation. In this regard, passages from the submissions we have received will be embedded within the resources themselves as a means of ensuring that the information necessary for risk reduction and protection is not divorced from community and individual encounters with this landscape.

If today we see these individual and collective histories of incarceration, AIDS devastation, and anti-queer violence as embedded in our negotiations of desire, risk, pleasure and survival, then it is these experiences we seek to reflect in our materials and work as a collective. Through this process, we have been able to forge more expansive and relevant models of risk or harm reduction, understanding harm reduction as it relates both to health and bodily agency, and as it relates to encounters with the penal system. The mandate at the core of these resources remains: to affirm sexual desire in the context of its' punishment, to celebrate sexual cultures in the context of their erasure, to equip people with the tools for survival in the context of being set up to die, and to honour individual and community survival as resistance.

**CONCLUSION:
PICKING-UP WHERE THESE HISTORIES LEFT OFF
BY CREATING NEW TACTICS FOR SELF-DEFENSE**

I took a tremendous amount of chances in my day, but never again. I will not test my destiny or fate. It takes experience to be able to navigate the prisons sexually and make the best choices. I have 28 years behind me and intend to stay negative the rest of my life.

– Amazon

Within this landscape of violence and omission, there also exist movements nurturing resistance, survival, and queer cultures of self-defence. Alongside

these histories of queer containment and epidemic risk, there exists histories of community resilience comprised of gay and queer solidarities emanating from both the inside and the outside. Organized historical movements include the ACT UP in-prison committee, the Bedford women's prison ACE (AIDS, Counselling, and Education) collective, and AIDS service organizations advocacy for condom access, treatment, education, and clean gear inside prisons based out of Toronto and Montréal. There also exist longstanding histories of prisoner-run peer-health prevention programs and early gay liberation organizing against police entrapment, bar raids, the policing of queer sex, and the criminalization of our lives. It is these histories from which we seek to learn, to honour and to use as a point of departure in forging new strategies for survival against shifting carceral mandates. Archiving our own work, including the stories of resistance and survival emanating from communities inside must remain the core of our interventions, and stands as a refusal of the erasure of queer histories.

It is these intertwining historical legacies – of AIDS devastation, of prison expansion, and the disappearance of entire segments of our communities – that demand we ask questions about what it would look like to integrate our anti-prison or justice work with our prevention work. If we acknowledge the critical role that prisons play in ensuring continued and rising seroconversion rates, what would it look like for every AIDS service organization to integrate as part of its mandate a decrease in the number of people locked up behind bars? To declare a national moratorium on incarceration? Through a process of revisiting these histories and assessing them against experiences of queer and trans incarceration today, we reveal the profound overlaps between anti-prison and AIDS prevention mandates, and the potential for more effective and meaningful resistance among gays and queers. Further, by creating resources and coordinating collaborative projects between inside and outside communities that integrate and honour joint legacies of AIDS and mass incarceration/prison expansion, we move closer to creating gay, queer and trans cultures of self-preservation, community affirmation, and self-defence.

ENDNOTES

- * Thank you to Amazon, Matt Jones, Toddles, J.A. Brown, Patrice and Denzial, whose stories, submissions, anecdotes, and ongoing feedback in the face of mailroom

ensorship, punitive surveillance, administrative retaliation, and anti-gay, anti-queer violence, have been the core of this project and continue to be the inspiration for our organizing.

REFERENCES

Dowsett, Gary (1996) *Practicing Desire: Homosexual Sex in the Era of AIDS*, Stanford: Stanford University Press.

ABOUT THE PRISONER CORRESPONDENCE PROJECT

The Prisoner Correspondence Project invites any incarcerated and non-incarcerated people who do work on the inside and who would like to be involved with resource development and outreach – in and out of prisons – to get in touch with us. In particular, we invite incarcerated gay, lesbian, bisexual, transgender and queer folks to get in touch with feedback or to collaborate on upcoming projects. We are also always looking for new penpals, inside and out. You can reach us at:

Prisoner Correspondence Project

c/o QPIRG

1455 de Maisonneuve W.

Montréal, Québec

H3G 1M8

www.prisonercorrespondenceproject.com

queertrans.prisonersolidarity@gmail.com

CALLING ALL GAY AND TRANS PRISONERS

The Prisoner Correspondence Project coordinates a penpal program for all gay, lesbian, bisexual, transsexual, transgender and queer prisoners. We pair you up with a penpal from these same communities outside of prison, for friendship and support.

The PrisonerCP also coordinates a resource library on gay and trans survival inside prisons, including:

- safer sex
- safer drug use and fixing / clean needle care
- safer tattooing
- emotional coping and survival
- writing by gay, queer, and trans prisoners across the US and Canada

By sharing stories, resources, and learning from each other, we hope to build new strategies for survival and build stronger community between our communities inside and outside of prisons.

Whether you are serving a short or long sentence, please get in touch with us for more information about our resources, being matched up with a penpal, or anything else.

PRISONER CORRESPONDENCE PROJECT
c/o QPIRG
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ARTWORK BY SHAHJAT SATTARWAL AL-MUSAWI, INCARCERATED IN THE STATE OF IOWA

APPEL AUX PERSONNES GAIES ET TRANS INCARCÉRÉES

Le Projet de Correspondance pour Prisonnier.e.s coordonne un programme de correspondance pour toute personne gais, lesbienne, bisexuelle, transsexuelle, transgenre ou queer en prison. Nous vous coupons avec un.e correspondant.e de ces mêmes communautés à l'extérieur de prison, afin de faciliter le support et la solidarité.

Le Projet de Correspondance pour Prisonnier.e.s coordonne également une bibliothèque de ressources sur la survie gais et trans en prison. Les thèmes abordés comprennent:

- la prudence sexuelle
- la réduction des métaux lors de l'utilisation de drogue / l'entretien des seringues
- le tatouage moins risqué
- l'adaptation et la survie émotionnelle
- des écrits par des prisonnier.e.s gais.e.s, queer et trans du Canada et des EU

En partageant nos histoires, nos ressources et en apprenant l'un de l'autre, nous souhaitons forger de nouvelles stratégies de survie et bâtir des liens solides entre nos communautés à l'intérieur et à l'extérieur de prison.

Que vous complétiez une peine de longue ou de courte durée, SVP rejoignez-nous pour plus d'information sur nos ressources, pour être mis en contact avec un.e correspondant.e, ou pour quoi que ce soit d'autre.

**PROJET DE CORRESPONDANCE POUR
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Reading in the Pig Pen of Repression

Cam, from Regina Books through Bars

My name is Cam and I live in Regina, Saskatchewan. Along with a couple of friends, I helped form Regina Books through Bars (RBTB) in 2007. In the past two years, the group has collected thousands of used books and sent these, plus thousands of dollars worth of newer books to prisoners free of charge.

I got involved with RBTB because I saw first-hand how books can ease the grind of prison life. A couple of years before forming the group I was stuck in an Italian penitentiary for taking part in an “illegal demonstration” against the rise of fascism. I was incarcerated at Bergamo penitentiary, referred to as the “italiano Abu Ghraib” by fellow prisoners. Bergamo penitentiary is a mega-prison that warehouses thousands. I was locked in my cell for 21 hours a day. Like most prisons, it was boring as hell with nothing to do except watch television and chat with homesick cellmates. The majority of the prisoners at Bergamo are migrants from outside of Italy who will be deported to “their country of origin” once they have completed their sentence.

One day I was complaining to my cellmate Vaz about how bored I was. Vaz is serving an 18 year sentence for possession of a quarter pound of hash. He suggested I check out Bergamo’s prison library and told me how it was an oasis in this pig pen of repression. He explained how the books provide him an educational outlet he needs at times. The next day I found the library and went inside. To say I was pleasantly surprised would be an understatement. The library was flush. It had been built up over the years by the local anarchist black cross network and was brimming with books. I borrowed a couple books that day and started to read and read and read some more.

The books helped pass the long days and I soon made a promise to myself: when I got out of there I would start sending books to prisoners and never stop. Once I did get out of Bergamo, I came back to Canada and moved to Regina. I started to research the prison libraries in Saskatchewan. The news was quite grim. The libraries, if they existed at all, were in rough shape. The books that prisoners were given access to were a hodgepodge of westerns, harlequin love novels, readers’ digests from the 1960s and newer faith-based books. So I decided to organize a book drive and write a couple grant proposals. Today, the project is still going strong as our work continues.

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The Right to Education of Persons in Detention: Summary of Report Presented to the UN Human Rights Committee in June 2009

Vernor Muñoz

In 1998, the United Nations established the mandate of the “Special Rapporteur on the Right to Education”. A Special Rapporteur is an independent expert appointed by a body of the United Nations, the Human Rights Council, to examine and report back on a country situation or a specific human rights theme. I was appointed Special Rapporteur in 2004 and although I recognized that numerous children and adults alike are denied their right to education generally, I felt it appropriate to focus attention on groups traditionally marginalized and vulnerable to discrimination. I have sought to establish the causes and circumstances surrounding such discrimination and the challenges that must be faced in order to promote the realization of their right to education. Persons in detention constitute one such highly marginalized group, facing daily, sustained and endemic violations of that right. This article offers a brief summary of the recent report titled “The right to education of persons in detention” presented to the Human Rights Council in June 2009. It may be found in full at:

<http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>

It was particularly important to hear and understand the views and experiences of prisoners themselves. Their willingness to share these has been invaluable and, as noted below, their views should be sought as a matter of course in deciding penal education policy and its implementation.

BACKGROUND TO EDUCATION IN DETENTION

The provision of education for persons in detention is inherently complex and, where it does take place, it does so in an environment inherently hostile to its liberating potential (Scarfó, 2008). Frequently inadequate attention and resources – human and financial – dedicated to adequate education, combined with the damaging impact of detention, exacerbate often low levels of self-esteem and motivation of learners, creating major challenges for prison administrators, staff and learners alike.

Nonetheless, there is a growing recognition of the benefits of education as a vital element in addressing the ability of prisoners to develop and

maintain skill sets that will enable them to take advantage of social, economical, and cultural opportunities. While this recognition is welcome and necessary, it should be noted that the nature, provision, quality, and participation rates of education in detention vary significantly between and within regions, States, and even individual institutions. While this variation in education too often tends to oscillate between the ‘poor’ and ‘very poor’, full acknowledgment must be made of the number of educational programs of exceptional quality which, from prisoners’ own observations, are the result of individual initiative and extraordinary commitment, rather than necessarily the product of State or individual institutional policy.¹

**CONFLICTING PHILOSOPHIES AND ASSUMPTIONS:
ROLE OF PRISONS VS. ‘CORRECTIONAL’ EDUCATION
VS. THE RIGHT TO EDUCATION**

The role of education within places of detention must be examined against the broader objectives of penal systems, which are inherently institutions of coercion, serving a set of complex and mutually conflicting objectives. They reflect to differing degrees prevailing societal calls for punishment, deterrence, retribution and/or rehabilitation, as well as a managerial focus on resource management and security.

Opportunities for education should be commonplace in detention (Morin and Cosman, 1989), not simply an add-on should resources ‘allow’ it. It should be aimed at the full development of the whole person requiring, amongst others, prisoner access to formal and informal education, to literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sport, social education, higher education and library facilities.² Prisoners should have a say in how these opportunities for education are designed. Respect for the human dignity of all within the community – whether in detention or not – presupposes genuine participation in decisions impacting our lives, including those relating to educational provision.

INTERNATIONAL LEGAL AND POLITICAL DEVELOPMENTS

Criminal justice issues are principally the concern of domestic policy and legislation that reflect their historical and cultural context. Nonetheless,

there has been a long standing concern of the international community about the humanization of criminal justice, the protection of human rights, and the importance of education in the development of the individual and the community.³ This, combined with the acknowledged particular vulnerability of those in detention to State action and its consequences, has led to the development of international standards that aim to confront the challenges of stigma, indifference and marginalization that so often characterize education in detention.

Unlike many other 'groups' that endure discrimination, people in detention do not benefit from a dedicated legally binding text. In 1990, however, the General Assembly usefully synthesized the basic principles for the treatment of prisoners. In particular, it noted that:

- All prisoners shall be treated with the respect due to their inherent dignity and value as human beings;⁴
- Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants;⁵ and
- All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.⁶

There are many other international instruments that deal specifically with prisons and conditions of detention and offer guidance for good prison management⁷ but other than the 1990 General Assembly resolution noted above, perhaps the most prominent for the purposes of this report are the Standard Minimum Rules for The Treatment of Prisoners (1957) and the Standard Minimum Rules for the Administration of Juvenile Justice (1985). Both insist upon the provision by States of a wide reaching education for those they have sought to detain.

The development of binding international law and guidance pertaining to education in detention is of course welcome and helps inform the international debate about the treatment of prisoners, especially in their

access to education. Even though States have had the pre-eminent role in setting these standards however, full compliance remains poor and until the international community fully endorses the underlying principles, these standards will continue to have limited impact.

The right to education is now generally accepted as encompassing the provision of an education that is, at the very least, available, accessible, adaptable and acceptable.⁸ No text allows for forfeiture of this right and, more essentially, forfeiture is not necessitated by the fact of incarceration.

THE REALITY OF PRISON EDUCATION

Global Detention: Levels and Trends

Existing data suggests that over 9.25 million people are detained globally, either as pre-trial detainees or as sentenced prisoners. Almost half of these are in the U.S. (2.19m), China (1.55m) or Russia (0.87m).⁹ Prison populations are increasing in an estimated 73% of States,¹⁰ a figure mirrored in overcrowding which has reached, for example, 374.5% of capacity in Grenada, 330% in Zambia and 108% in the U.S.¹¹

General Barriers to Education in Detention

Public opinion, often indifferent to and ignorant of detention can sometimes be perceived as the main barrier in fulfilling the potential of education in prison although the main responsibility rests on the State through its public policies of education. These attitudes are fuelled by an often equally ill-informed and ill-advised media which, when reporting on criminal justice ‘stories’, focuses almost exclusively on unrepresentative individual violent events. The too ready willingness of politicians to reflect these fears in penal policy has led to a reluctance to embed prisoners’ right to education in legislation, and to develop models of education and delivery consistent with the full development of the human personality. Within this context, and while recognizing that each person is unique in their learning needs and experiences, barriers to education in relevant literature are often broken down into three categories: dispositional, institutional and situational.¹²

Barriers external to the learner, institutional and situational in detention, are perhaps best detailed by learners themselves. Their list is long, globally relevant and includes: troubling examples of education interrupted or

terminated on the personal whims of prison administrators and officers, and by frequent lockdowns and abrupt transfers between institutions; the absence of libraries; the absence and confiscation of written and educational material generally; waiting lists of up to three years for courses; limited, and often complete absence of, access to and training in IT and related skills necessary in today's IT-driven community and specifically linked to this, of a perceived focus on education linked to prison management rather than the specific needs and rights of prisoners.

Staff shortages lead to cancelled or untenable mixed ability classes and absence of staff to invigilate exams; of poor timetabling; of inconsistent and poor quality tuition; of too basic, irrelevant and/or inappropriate curriculums; of vocational courses which are dated paths to nowhere; of teaching skills that are no longer in demand; of absence of safe and stable spaces in which to learn; indifference to needs associated with specific disabilities; of withdrawal of educational 'privileges' as a punitive measure; of the absence and/or withdrawal of public funding for, particularly, higher education along with the prohibitive costs of self funding; of financial 'penalties' incurred if education is pursued in place of prison employment; of discriminatory access to education based on place of detention, sentence length, and/or security category; and as will be detailed below, discriminatory, inappropriate and inadequate education for women, minorities and those with learning difficulties.¹³

The Experience of Specific Groups in Detention

Whilst recognizing the real risk of 'grouping' people, one reason being that no group is homogenous, certain people do appear to experience similarities in their educational needs and experiences. Foreign nationals may, for instance, have no command of the language of instruction and/or persons with learning disabilities who face stigma and discrimination generally, and in education specifically,¹⁴ are frequently made yet more vulnerable by penal systems that invariably fail to recognize, understand or support their specific needs.

Children, including juveniles, who constitute a particularly vulnerable group also as perpetrators of crimes,¹⁵ often find themselves in justice systems with few guarantees of access to education, and even where provided, are in receipt of one that is not adaptable, is inadequate and ill-suited to their needs.

Women represent a small proportion of the global prison population worldwide. Available figures suggest the rates, which are now increasing, to be between two and nine percent,¹⁶ with the global average standing at roughly four percent (Walklate, 2001). In many States where educational attainment is assessed upon entry, it is often not assessed by sex. Nonetheless, where figures do exist it would appear that women have lower levels of educational attainment than men, reflecting pervasive gender discrimination generally. In many States there are fewer and lesser-quality programs offered to women compared to those offered to male detainees.¹⁷

ENGAGEMENT OF STATES IN PREPARATION OF REPORT

In early October 2008 a questionnaire was sent to all Member States of the UN, along with a number of intergovernmental and non-governmental organizations working on issues related to the right to education and education in the context of detention.

State Responses

As State responses to the questionnaire differed markedly in detail and transparency, comparisons were difficult to assess with confidence. Nonetheless, a number of notable themes are apparent, the first of which is a general acknowledgment that the right to education enshrined in Constitutions or legislation applies equally to persons in detention, although this is not explicitly guaranteed.

While most States indicate that education is one of the main components of their criminal justice management strategy, almost all emphasized its role in employment, rehabilitation and reintegration upon release. These are of course vital objectives but the frequent focus on employment prospects remains somewhat narrower than that required by the right to education.

The imperative of security is the principal reason given for restricting access to education and the frequent limited access to computers and/or the internet. More specifically limited access to computers does of course impact upon the relevance of educational provision in this technological age, and in turn impacts upon the increased significance of well stocked, accessible and relevant libraries. Most, but not all, prisons do have libraries of some form, although it is clear that some rely to differing extents on the efforts of NGOs in their sourcing, financing and maintenance.

In the majority of responding States, education is offered free of charge to the detainee, at least with regards to primary, secondary (where provided), as well as vocational training. The cost of higher education where offered whether by distance learning or personal attendance is more usually borne by the detainee and/or financed by private grants.

Participation of diverse actors, such as detainees, prison officers, the outside community, NGOs and families in the design, delivery, and monitoring of educational programmes is known to impact positively on their relevance and outcome. Despite this a number of States make no formal provision for participation of detainees or others directly impacted.

Although most States acknowledge the diverse background and needs of persons in detention, they offer little indication of how this diversity is reflected in programmes and curriculum offered, other than for instance referring to the provision of special language classes for non-nationals.

It is clear that a number of States are at the early stage of developing a coherent policy for education in detention, others are midway through, while others build upon past efforts. State replies to the questionnaire do not generally leave the impression that this is currently the case despite, with regard to best practice in particular, receipt of information concerning a number of very interesting and innovative programs from States, individuals, and organizations alike.

Replies by Intergovernmental Organizations, NGOs and Civil Society

Without the active involvement of dedicated individuals, academic institutions and NGOs, education in detention would be far poorer than is currently the case or, in some institutions, even non-existent. They are all well placed to contribute to the quality and relevance of the global debate on education for even where they do not actively provide educational services themselves, they see and/or specifically experience the practical day-to-day realities of life in detention, as well as legislative and policy implications, together with their long-term consequences.

The responses represent a wide geographical spread and provide independent comment on the provision of education for those in detention in specific States, filling some of the gaps in information provided by States themselves. Further they offer a very different perspective to that of States, often highlighting consistent patterns of denial of the right to education, details of which have been incorporated in the text above. Their credible and

important perspective clearly suggests the need for States to involve such organizations/individuals closely in legislative and policy developments, along with their practical implementation.

CONCLUSION AND RECOMMENDATIONS

Persons deprived of their liberty remain entitled to their inherent human rights – including their right to education. The challenge before us is to create an environment for those who are detained that enables human dignity, capacity and positive change. The provision of accessible, available, adaptable and acceptable education is one vital element in this environment. The principle obligation to provide this education is upon States. Nonetheless we must come together with the shared aim of fulfilling the right to education for persons in detention to a far greater extent than now seems to be the case.

1. To this end I direct the following recommendations to States:
 - (a) Education for persons in detention should be guaranteed and entrenched in Constitutional and/or other legislative instruments;
 - (b) The provision of education for persons in detention should be adequately resourced from public funds; and
 - (c) Compliance in the standards set forth in international law and guidance pertaining to education in detention should be ensured.
2. To domestic authorities in charge of public education I recommend that they should:
 - (a) Make available to all detainees, whether sentenced or in remand, educational programmes that would cover at least the curriculum of compulsory education at the primary and if possible, also at the secondary level;
 - (b) Together with the institutions of detention, arrange comprehensive education programmes aimed at the development of the full potential of each detainee. These should aim also to minimize the negative impact of incarceration, improve prospects of reintegration, rehabilitation, self esteem and morale;

- (c) Systematic and appropriate screening of all prisoners upon entry to places of detention should become the norm. Individual educational plans with full participation of the detainee, should result from this screening, and be monitored, evaluated and updated from entry to release;
- (d) States should identify the dispositional barriers to education, and subsequently ensure adequate assistance and resources to meet their challenge;
- (e) Education programmes should be integrated with the public system so as to allow for continuation of education upon release;
- (f) Detention institutions should maintain well funded and accessible libraries, stocked with an adequate and appropriate range of resources, including technological, available for all categories of detainees;
- (g) Teachers in places of detention should be offered approved training and ongoing professional development, a safe working environment, and appropriate recognition in terms of working conditions and remuneration;
- (h) Evaluation and monitoring of all education programs in detention should become the norm and a responsibility of Ministries of Education. States are encouraged to investigate which practices pervade their prison estates, to recognize them and take prompt steps to address them;
- (i) Educational programs in detention should be adequately based on current, multidisciplinary and detailed research. To this end the international community should establish cooperation and exchange mechanisms between States to facilitate the sharing of such research, and examples of best practice and their implementation;
- (j) The diverse background and needs of persons in detention indication, and how this diversity is reflected in programmes and curriculum offered is also an area where the sharing of research, best practice and experience would generate particular dividends, and is therefore specifically and strongly encouraged; and
- (k) The production and delivery of adequate pedagogical material with the necessary and active participation of all persons in

- detention, and more specifically those from marginalized groups, should also be encouraged.
3. In specific respect of children and women in detention and other marginalized groups:
 - (a) Special attention must be given to ensuring that all children subject to compulsory education have access to, and participate in, such education;
 - (b) Curricula and educative practices in places of detention must be gender sensitive, in order to fulfill the right to education of women and girls; and
 - (c) Attention should be also given to persons from traditionally marginalized groups including women, minority and indigenous groups, those of foreign origin, and persons with physical, learning and psychosocial disabilities. Education programs for such groups should pay close attention to accessibility and relevance to individual needs, and the barriers to continued education upon release should be addressed and properly taken care of.

Deprivation of liberty should be a measure of last resort. Given the considerable negative long-term economic, social and psychological consequences of detention on detainees, their families and the community, considerably greater attention should be paid to implementing alternatives to detention for children and adults alike.

ENDNOTES

- ¹ Contributions from detainees. Letters on file with the author.
- ² Article 3 (b) ECOSOC Resolution, E/1990/69.
- ³ Ibid.
- ⁴ Article 1 *Basic Principles for the Treatment of Prisoners*: Adopted and Proclaimed by General Assembly resolution 45/111 of 14 December 1990.
- ⁵ Ibid, Article 5. The right to education forms a core element to instruments specified and many 'other' UN covenants.
- ⁶ Ibid, Article 6.
- ⁷ See also for instance the publication of the United Nations, *Human Rights and Prisons* – a training package for prison officials, available at www.ohchr.org.
- ⁸ See E/CN. 4/1999/49 and General Comment 13, Committee on Economic, Social and Cultural Rights, *The right to education*, E/C.12/1999/10.

- ⁹ The USA also leads the tables in the proportion of its population it detains; 738 per 100,000 followed closely by Russia at 611 per 100,000; see R. Walmsley, *World Prison Population List* (seventh edition), London: International Centre for Prison Studies – Kings College London.
- ¹⁰ Ibid.
- ¹¹ *World Prison Brief*, London: International Centre for Prison Studies, Kings College London.
- ¹² Scurrah, M., *Learning on the Inside in Risdon Prison*, unpublished report on file with author.
- ¹³ Information provided by prisoners and former prisoners: on file with author.
- ¹⁴ See the report on the right to education of persons with disabilities, A/HRC/4/29 (2007).
- ¹⁵ Carranza, E. (2004) *Criminalidad, Políticas Públicas y Edad de ingreso a la Responsabilidad penal*. Read at Congreso de Salamanca available at: <http://www.woijj.org>.
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Incarceration in America: A Dictatorship Inside a Democracy *Garrison S. Johnson*

For the past twenty two years, I have been imprisoned in America and this experience has been both positive and negative. What I shall attempt to explain cannot truly be comprehended unless you are an African American incarcerated in the United States. That is because you would feel that what you may have been imprisoned and punished for is related to the colour of your skin as opposed to the crime you were convicted for. This is difficult to articulate. However, prior to my placement in prison – at the age of 21 – I was illiterate but became self-educated through reading various books. I read about how slavery was practiced in the 1700s, how the slave owners operated their slave plantations, which has many parallels to how America runs its prison system in the 21st century.

For instance, African Americans are the majority of the prison population in the United States. The prisons are run and staffed primarily by White and non-Black personnel. The prison guards and management appear to be racially prejudiced against Black people. They innately implement racial segregation policies governing prisoners. African American prisoners are frequently beaten and subjected to the use of excessive force by prison guards whereas others are not. When a single Black prisoner is involved in some sort of prison disturbance the entire African American prison population is punished. I currently have litigation pending trying to abolish that practice. The case is *Johnson v. Sullivan et al.* case no. 1:06-cv-1089-ALA. If you are familiar with the history of slavery you will see the contrast. When an African slave ran away from the plantation the slave owner would punish all the slaves to deter the others from running away.

In my experience, the U.S. prison system is allowed to be a dictatorship inside of a democracy because there is no civilian oversight and prison administrators are given a green light to manage their prisons without interference from the courts. The ships continue sailing across the transatlantic, the *Pinta*, the *Nina* and *Santa Maria*'s, dropping off human cargo at the gates of America's prisons for economic gain and job creation. There are no reforms or rehabilitations, only harsh taskmasters subjecting their cargo to hidden prejudices.

ABOUT THE AUTHOR

Born in October 1964 in Philadelphia, *Garrison Johnson* grew-up in a single parent household with five siblings. His mother struggled to make ends meet so decided it best to move to California for employment. Living in California as a boy was difficult and confusing because of the issues that plagued the poor communities in Los Angeles. There was a dividing line between those who had and those who had not. Garrison discovered that he had a learning disorder, which resulted in his inability to read and write throughout high school. Submitting to the negative environment around him, Garrison chose a life of crime. In and out of juvenile facilities, he has been serving a life sentence since 1987. In attempting to gather evidence suppressed from his last trial, Garrison became self-educated inside prison walls. Some of his poetry has been included in a self-published book called *Poems from the Inside*, which is available at his website www.garrisoncorrespondenceinc.com.

Building a Movement to Abolish Prisons: Lessons from the U.S. *

Julia Sudbury

In 1983, a visionary group of activists came together in Toronto, Canada for the First International Conference on Prison Abolition, with the goal of building an international movement to end imprisonment as a response to social problems. Twenty-five years after that first gathering, the prison population globally has exploded. In the U.S. alone, the number of women and men held in cages has grown from around half a million in 1980 to over 2.3 million today. Despite our best efforts, the use of imprisonment as a catch-all solution to social problems – from poverty to addiction – has become more, not less entrenched. It seems like a good time to pause, to celebrate our victories and reflect honestly on our failures, to rethink our strategies and to identify new ways of organizing that may be more effective in the future.

Anti-prison activists in the U.S. are in the midst of this process of reflection. It is ten years since Critical Resistance (CR), an international conference and strategy session was held in Berkeley. The event brought together 3,500 activists, artists, educators, radical lawyers, young people, indigenous people, immigrants, former prisoners and their families, determined to challenge the policing and criminalization of poor communities and communities of colour. CR marked a turning point in abolitionist work in the United States. From that moment, we participated in the growth of a vibrant movement dedicated to building a country and a world without prisons. In September 2008, thousands of people came together in Oakland, California to assess the state of the movement and to explore the challenges we need to overcome to make our vision a reality. The build up to that event included fundraisers, music and poetry events, activist parties, outreach events, documentary film-making and discussion circles across the country. In other words, it was not just about organizing a conference, it was about engaging in an active process of movement building.

Critical Resistance has created a new language to talk about imprisonment, which has become standard in activist, progressive media and academic circles in the United States. Rather than thinking about imprisonment as a response to crime, we began to explore the ways in which prisons had become embedded in the political and economic landscape, creating numerous interest groups – from politicians to private prison contractors – who profit from and are dedicated to continuing mass incarceration. We

argued that since prisons clearly do not create safety or prevent crime – and the U.S. has to be the perfect case study for that reality – then the massive prison expansion we have been witnessing must exist for some other function. We found that function in the prison-industrial complex (PIC) – a symbiotic relationship between politicians, corporations, the media and government. This symbiotic entity generates mass racialized incarceration as a supposed solution to the social problems caused by globalization and the state's retreat from social welfare. A so-called solution, which of course only exacerbates the problems it claims to resolve, therefore perpetuating its own existence.

A classic example of this is the war on drugs, which has hugely increased the number of people in prison – in particular African Americans and Latinos – while draining public funds, which could have been used to fund treatment and to tackle the social problems leading to drug use. In East Oakland, where I live, incarcerated people with addictions are released with little to no recovery, into a community devastated by racism, poverty, violence and drugs – a situation rooted in three decades of neoliberal economic reforms – and then recycled back into the system when they relapse. Even in states like California which have passed laws mandating drug treatment rather than prison for certain drug offences, the criminal justice system remains the gatekeeper to drug treatment, ensuring that low-income drug users, particularly people of colour will continue to keep the prison beds filled and the prison machine generating profits.

The concept PIC makes visible the money involved in the prison build-up, where it comes from and whose pocket it ends up in. It is therefore a powerful basis for mobilizing opposition by everyone who believes that their taxes should be building schools, hospitals, youth programs, treatment centers and women's shelters, not warehousing people in cages. In other words, it is a powerful coalition-building tool. The PIC also shifts our focus from prisons to the entire web of policing, control and state violence that assaults poor communities and communities of colour everyday. This is the reason that many activists in the U.S. have shifted from talking about prison or penal abolition to PIC abolition. Critical Resistance's vision of PIC abolition is as follows:

We work for PIC abolition because we do not believe that any amount of imprisonment, policing, or surveillance will ultimately make our

communities safer or more self-determined, prevent “crime”, or help repair the damage that happens when one person hurts another. We believe, instead, that access to basic necessities like food, shelter, meaningful work and freedom as well as alternative systems of accountability create the conditions for healthier, more stable neighborhoods, families, and our wider communities

– http://www.criticalresistance.org/downloads/cr10_pamphlet1.pdf

PIC Abolition is not about creating alternatives to incarceration, it is about social and economic justice. That means that we cannot simply dismantle prisons, jails and detention centres, we must also build self-determining communities that are fully resourced to meet their members’ needs. This is why the theme of CR10 is Dismantle, Change, Build. To create a world where prisons are obsolete – to quote Angela Davis (2003) – we must also change the inequalities that cause harm at interpersonal and institutional levels, and build a society governed by the principles of social and economic justice. Put simply, a world without prisons is also a world with safe affordable housing, good nutrition, healthcare, a quality education, and opportunities for creativity and healing for all. Put even more simply, a world in which everyone is valued enough to be treated as a human being, cannot also contain the violence and separation of imprisonment.

10 LESSONS

I want to briefly share some lessons from our movement assessment process and from my own experiences of abolitionist organizing during the past ten years. I identified 10 lessons.

A Movement vs. a Non-profit

The first lesson we have learned is the critical importance of building a mass movement. A movement is not a non-profit or voluntary organization, although these may contribute by providing infrastructure and staffing helpful to movement work. The radical women of colour organization, Incite!, recently published a book called *The Revolution Will Not Be Funded*, which pointed out the fundamental error in thinking that the non-profit model of organizing can ever bring about radical social change. Voluntary organizations can and do influence government policies, but they cannot generate the people-power

necessary to create the kind of fundamental social and economic reorganization necessary to make prisons obsolete. Abolitionist Dylan Rodriguez argues that alongside the PIC, we now have a non-profit industrial complex that manages and controls dissent, turning grassroots discontent into policy papers and consultation meetings palatable to the state. This non-profit model of social change limits grassroots mobilizing because it tends to produce paid experts who are seen as having more legitimacy than directly affected communities. But as Arundhati Roy (2004) says: “Real resistance has real consequences. And no salary”. To confront state violence, in the form of the overpolicing and criminalization of poor communities, we need a mass mobilization similar to the mobilizations against the war in Iraq. Only then will we begin to see real change.

Beyond “Preaching to the Choir”

I am calling the second lesson: ‘beyond preaching to the choir’. Often as anti-prison organizers we find ourselves speaking to each other at small gatherings of like-minded people. If we are going to build a mass movement however, we need more than a couple hundred dedicated abolitionists. CR has worked to mobilize large numbers of people by reaching out to people who might not initially oppose prisons. For example, many African Americans from low-income communities feel that the criminal justice system is the only thing between them and the chaos of drugs and gun violence. At the same time, most will have at least one loved one who has been in conflict with the law, and they also experience overpolicing and harassment. CR has shifted people toward embracing abolition in these communities by creating conversations about what the community would need to feel safer – whether after school programs, better lighting, cleaned up parks and so on – and then asking how people would spend the billions of dollars it costs to incarcerate people from these communities. We need to get out of our comfort zones, and talk abolition in immigrant communities, unions, classrooms and elsewhere. We also need to demonstrate that we are all impacted by the PIC and we all have a stake in dismantling it.

Thinking through Race, Class, Gender and Nationality

The third lesson is the importance of putting an analysis of the intersections of race, class, gender and nationality at the center of our work. This means that we need to understand the ways in which our activist spaces

can mirror the systemic inequalities that fuel the PIC. For example, who are our spokespersons? Do they include formerly incarcerated people? Black people? Queer and trans people? Immigrants? Refugees? Or are we replicating the prison system, with white middle class activists acting as ‘movement wardens’? Are we speaking about people in prison and their communities, or are directly affected communities speaking for ourselves?

Leadership by the Most Affected

The fourth lesson is that prioritizing the voices of incarcerated and formerly incarcerated people, along with the most affected communities involves mindfulness and proactivity. Much of our organizing involves using e-mail. How does this impact recently released members who may not have a computer easily available? Where are our gatherings located and how accessible are these spaces to low-income communities of colour? What are the dynamics of our meetings? Do university-educated members know when to step back and create space for others to speak? Those of us who have class and race privilege can support initiatives like the Leadership Training Institute which trains recently released women in public speaking and organizing, and All of Us or None, a civil rights organizations for former felons in the U.S. to develop new leadership for movement.

Mobilizing Youth

The fifth lesson is that any movement that is going to be vibrant and create lasting change must involve the mobilization of young people. In the U.S., young people have taken the lead in the abolitionist movement. At the first CR conference, over 2,000 school children staged a walk out to demand that a new youth jail not be built. Young people as well as educators have organized under the banner of education not incarceration, as well as denouncing the school-to-prison-pipeline. These campaigns have brought together teachers unions, young people, parents and abolitionists to challenge education cutbacks, fee increases, school exclusions, and school closures, as well as to make the link between spending on policing and prisons, and cuts to education.

Art as a Tool of Resistance

The sixth lesson is the importance of the arts and culture, in particular music. Music has always been an important part of the new abolitionist movement

in the U.S.. The hip hop movement – and underground or grassroots hip hop in particular – can carry a political message in a far more powerful way than any talk or paper. At CR events, we’ve had the support of international popular musicians such as M’shel Ndegeochello and Mos Def. But possibly more importantly, local artists, musicians, youth dancers, and others have created artistic work that expresses a radical abolitionist vision and uses art as a vehicle for social change.

Spirituality, Healing and Recovery

The seventh lesson is the importance of incorporating spirituality, healing and recovery into our movement work. When we organized the first CR, the organizers really abandoned our own well-being for the good of the movement. After the event, we were burnt out and many of us were in relationship break-ups! We have learned that that is not a sustainable way to organize. We also know that the PIC is a violent and brutalizing system, so if we want to include those directly affected by it, we need to make space for people to heal from the violence. At CR10, we had AA and NA meetings, yoga and meditation, a healing space, counsellors and body movement workshops. We also had an interfaith breakfast, where people from different faith backgrounds explored what it means to bring their spirituality to the work. This is very different from the missionary work of early abolitionists who were dedicated to helping others. It is about using spirituality as a source of strength in our efforts to liberate ourselves and our communities.

Cross-movement Coalitions

The eighth lesson is the importance of building cross-movement coalitions. In the U.S., abolitionist spaces include those whose primary focus is organizing against the war, globalization and domestic violence, for immigrant and indigenous rights, economic and environmental justice, sexworker rights, Palestinian solidarity, the military out of Puerto Rico and so on. In this way, we infuse abolitionist politics into all of our progressive movements. As we do so, we also need to work on building a shared analysis, so that we can avoid undermining each other’s work. For example, we need to ensure that those working against the criminalization and detention of Arabs and Middle Eastern communities do not use the rhetoric that “they do not belong in prison”, suggesting implicitly that

black and poor people do belong in prison. Similarly, we need to make sure that black communities understand how the war in Iraq is tied to the policing of black communities at home.

The Transnational PIC

The ninth lesson is the need for global analysis and coalition-building. Although there is a long history of internationalist organizing in the U.S., many activists struggle to see beyond U.S. borders. In the past decade, however, it has become clear that the PIC is transnational, with cross-border links existing between corporations and pro-prison politicians in the U.S., Canada, Mexico, Central America, Europe, Iraq, Afghanistan and elsewhere. Like a many-headed hydra, if we cut off the head in one country, it can re-emerge and flourish in another. This is what happened when private prison corporations that were beginning to struggle in the U.S. spread to South Africa and Europe. That is why ICOPA is such an important forum in challenging the transnational PIC.

Abolition NOW

Our final lesson is that we can and must live abolition NOW. Abolition is a way of living and organizing in our families, communities and work, not just a vision of the future. Living abolition means re-examining our everyday assumptions about how to deal with conflict and harm in our lives. It means seeking transformative approaches to create accountability in our lives. Organizations like Creative Interventions in the U.S. have started to build alternative forms of community accountability, rooted in gender and racial justice that we can use right now. We may know a family member who is violent or a member of an organization who is sexually harassing another member. Community accountability strategies encourage us to take responsibility for tackling harm collectively, in ways that honour all involved. Living abolition also means challenging the systemic inequalities that the PIC is built on in our everyday lives. This might mean examining how race or class privilege operates in our lives and in our organizing, and taking action to create more horizontal relationships. Ultimately the promise of abolition is that we can live a life without blaming, punishing or inflicting violence. And that is a life we can live right now.

ENDNOTES

- * An earlier version of this piece was presented at the Twelfth International Conference on Penal Abolition which took place in July 2008 at King's College London, England.

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ABOUT THE AUTHOR

Julia Sudbury is a leading activist scholar in the prison abolitionist movement. She was a co-founder of Critical Resistance – www.criticalresistance.org, a national abolitionist organisation that popularised the concept of the “prison-industrial complex” in the United States. She is now Professor of Ethnic Studies at Mills College, a women’s liberal arts college in California.

Call for Contributions:
ICOPA XIII – Thirteenth International
Conference on Penal Abolition
Belfast, Northern Ireland
ICOPA International Organizing Committee

The expansion and normalization of imprisonment as a tool for dealing with a wide range of social problems has led to the entrenched perception of prisons as seemingly permanent fixtures of the modern landscape. In most academic and political circles, debates about prisons and penal policy are limited to discussions of ‘reform’, with little serious problematization of the underlying structure. Penal abolitionism – as a perspective, theory and international movement – presents a vital alternative to this penal inertia. Abolitionists reject the presumed inevitability of the prison and actively seek to oppose and dismantle the prison-industrial complex, while advancing community-based and non-punitive alternatives to imprisonment as part of a broader strategy of social transformation.

The voices of prisoners have been central to past abolitionist debates, and have helped to shape the theoretical and political terrain of the international abolitionist movement. The *Journal of Prisons on Prisons (JPP)* itself emerged out of the proceedings of the Third International Conference on Penal Abolition (ICOPA III), held in Montreal in 1987. Since that time, the *JPP* has dedicated two thematic issues – Volumes 1(1) and 17(2) – to the topic of abolition. Moving forward, we hope to reinvigorate abolitionist thought and action by once again placing the voices of those most affected by the system at the centre of the debate.

The *JPP* is seeking original submissions on the theme of penal abolitionism, for the purpose of preparing a special issue or *Dialogues* section. Papers on a wide range of topics related to abolitionism are welcome. In particular, we invite contributions that deal with:

1. Theoretical engagements with penal abolitionism – engagements with classical abolitionist texts and discussions of new directions for abolitionist theory.
2. Abolitionist practices and the penal abolitionist movement – discussions of the “how” of penal abolitionism, the scope and nature of the movement, and especially on the roles played by prisoners. Papers might engage with art, writing and expression as resistance in

an abolitionist context.

3. Reflections on the goals of contemporary penal abolitionism – reconciling abolitionist goals (both short- and long-term) with the current state of the carceral, and engagements with the question “what is to be abolished?”. For example, contributions could touch upon issues such as access to health care, mental health care and harm-reduction in prisons, political imprisonment, immigration detention and torture, gender and sexuality, youth incarceration and mandatory minimum sentencing, and the role of private enterprise.
4. Why abolition, why now? – works that ground discussions of abolitionism in the experiences and accounts of prisoners.

Please provide us with a draft article by no later than March 1, 2010.

Selected papers submitted by that time may be considered for presentation, read by the author or a delegate, at the Thirteenth International Conference on Penal Abolition (ICOPA XIII) to take place in summer 2010 at Queen’s University – Belfast, Northern Ireland.

Submissions can be sent by e-mail to jpp@uottawa.ca or by post to:

Journal of Prisoners on Prisons
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BOOK REVIEWS

From The Iron House: Imprisonment in First Nations Writing by Deena Rymhs

Wilfrid Laurier University Press (2008), 146 pp.

Reviewed by Susan Nagelsen

The impact of prison and the residential school on the recent histories of the Aboriginal people is considered by Deena Rymhs as she reviews writing by authors who have been or are incarcerated, and by authors who have written about life in the residential school. The first work of its kind, this volume offers a window into the similarity between the life of the incarcerated and the residential school: they are all too familiar, almost to the point of same. Rymhs reminds us in *From The Iron House* that for many prisoners, writing offers an opportunity to play a more vital, personal role in their representation. Writings by prisoners are often an exposé of the failings of the criminal justice system and an attempt to find the voice that many feel has been silenced by the system. In their writings, which often take the form of apology, the writer has the chance to provide data that would not have been permitted during the trial – the writing becomes an attempt for the author to regain a sense of autonomy. Writings from these institutions have served to shift public attitudes and provide concrete changes in law, giving Aboriginal belief systems a sense of legitimacy in the judicial system.

In *Part One* of the volume, Rymhs explores the use of genre in the prison setting, ranging from autobiography to memoir, poetry and essay, and even considering oral forms of text. She questions the ways in which authors adapt different forms to their specific context and ponders the consideration of audience as an effective tool for the intended message. She also questions how the prison writer's role of self in relation to his or her community helps shape the writing that is produced. Rymhs proves, through her use of *Prison Writings* by Leonard Peltier, *Inside Out: An Autobiography by a Native Canadian* by James Tyman, and *Stolen Life: The Journey of a Cree Woman* by Yvonne Johnson, that the need for a public audience beyond the constraints of law is an underlying theme in much prison writing. The author's need to "structure an alternative hearing, one that resists legal scrutiny and the singular judgment it imparts" (p. 65) is overwhelming.

Another form of prisoner writing, prison collections and periodicals, provide a window into prison life that often takes the form of resistance. These forms incorporate oral traditions from the prison culture, combining them with the Aboriginal mores, providing a unique way for prisoners to react to prison life and “their experience with this institution as one of resistance rather than ‘rehabilitation’” (p. 81).

Part Two of the volume looks at the use of genres by residential school writers, and the tendency for the authors to use their writing to develop a voice that allows for defiance against the school’s control of their identity as well as development as autonomous beings. There was a conscious attempt by authorities to thwart the cultural development of the charges under the control of the residential school in an attempt to marginalize the voices and history of the Aboriginal people. The authors in this section take memoir and the elegy, forms that are rich in the cultural tradition and use them to their own advantage for the telling of their stories. According to Rymhs, residential accounts have provided a venue for “collective healing and affirmation” (p. 126), as evidenced in both Rita Joe and Isabelle Knockwood’s work.

From The Iron House: Imprisonment in First Nations Writing demonstrates the need for voices housed behind bars to be set free, even if the bodies that contain them remain isolated from the communities they wish to reach with their words. Deena Rymhs eloquently reminds the audience that these are not just texts, but lives, and the words on the pages require our attention as a matter of social conscious.

ABOUT THE REVIEWER

Susan Nagelsen is Director of the Writing Program at New England College in Henniker, New Hampshire, where she has taught for twenty-five years. She is an essayist and a fiction writer as well as the author of two writing manuals. She teaches first-year courses as well as advanced essay writing courses such as the art of the essay and content based writing. She also teaches in the Criminal Justice program where her course focuses on teaching students about prison from the point of view of prisoners. Her most recent published fiction can be found in the fall 2005 edition of the *Henniker Review*, *Tacenda*, *Bleakhouse Review* and in the *Journal of Prisoners on Prison* Volume 14(2), an issue addressing aging in prison. She

is a frequent contributor to the *JPP* and is currently Associate Editor. She is also the editor of an anthology of work by incarcerated writers entitled *Exiled Voices, Portals of Discovery* (New England College Press, 2008). The book features 13 incarcerated writers with an introduction to each written by Nagelsen and is being used as a textbook in courses focusing on criminal justice issues.

Out There / In Here: Masculinity, Violence and Prisoning by Elizabeth Comack

Fernwood Publishing (2008), 160 pp.

Reviewed by Krystle Maki

Feminist critiques of crime have always questioned gender in relation to women's criminalization and positioned it at the centre of the analysis, so why, Comack asks, have we not done the same to understand men's experiences of criminalization? This question leads her to conduct in-depth interviews with 19 incarcerated men in a Manitoba prison. Drawing on feminist standpoint methodology, this account is grounded in the detailed personal histories of the incarcerated men interviewed.

The first section of this book focuses on 'bringing masculinity into view'. Comack locates the incarceration of men within the context of neoliberal restructuring, which has rolled back social services and simultaneously invested resources into expanding prisons and crime control. Comack does not position violence as an inherently male characteristic, rather she frames male violence as a response to the 'social anxiety' exacerbated by neoliberal restructuring, which has heightened social inequality. By examining the current socio-political context and how it shapes everyday interactions, Comack moves beyond popular pathological and psychological explanations for crime and violence among men. To understand the experiences of the men interviewed, Comack draws on the theoretical work of criminologist James Messerschmitt, who she views as one of the few scholars attempting to highlight the relationships between men, masculinity and crime. His theory positions men's crime as "doing" masculinity – essentially claiming that we perform our gender, it is not an inherent, static or natural part of ourselves, but rather a performance based on societal norms and expectations.

Sections Two and Four of this text, explore the interviewee's experiences within broader society, both as children and as adults respectively. In both of these sections Comack highlights the ways in which institutions propagate violence. In some cases, interviewees convey how hegemonic masculinity acts as a resource and strategy for both boys and men to negotiate institutionalized violence. The third section looks at men's experiences as children, in what Comack refers to as "the care/custody mangle". Drawing on the men's narratives, this section explores their negotiation of masculinity growing up in state institutions, as well as how these institutions, such as foster care and detention centres, perpetuate violence. The fifth section focuses on how men negotiate masculinity within prison, illustrating how

prison, as well as other institutions perpetuate and normalize structural violence. The final section discusses resistance and explores other ways of “doing” masculinity.

The key thesis of this book is that violence is not an inherently masculine quality. Thus, it is important to look at the systemic violence that men have experienced, as well as how “prison itself is a gendering space, one in which violence figures prominently. It is also a gendering experience in which the pressures on men to ‘do’ masculinity are even more intense and exaggerated” (p. 10). Highlighting the narratives of her research participants to connect male violence with forms of structural violence they have experienced in youth and adulthood makes Comack’s contribution original and insightful.

At times I found it difficult to read the men’s accounts of their violence, particularly against women. However, by telling the stories of these prisoners, Comack questions dominant societal assumptions about what kinds of men reside in prisons, demonstrating that ‘they’ are more similar to ‘us’ than most wish to believe. Situating men’s violence – both in and outside of prison – within the larger socio-political context,

Comack is able to balance humanizing the male prisoners who make up her study, while not excusing their actions. I would recommend Comack’s book to men who have experienced criminalization, along with those who work with incarcerated men in and outside of prisons to gain perspective on structural violence.

ABOUT THE REVIEWER

Krystle Maki is currently a PhD student at Queen’s University in the Department of Sociology, where she also completed her MA. Her MA thesis is titled *Guilty Until Proven Eligible: Welfare Surveillance of Single Mothers in Ontario*. Krystle’s research interests include surveillance, feminist political economy, poverty and welfare policy.

COVER ART

N *Neal Freeland* is a Saulteaux artist and poet who spent 17 years in prison, and is currently living in the city, going to college, as well as continuing to work on his graphic novels and poetry. He is also writing a screenplay for his second short independent film. During his imprisonment he learned to write poetry, honed his skills as an artist and went to school. He also spent a large portion of his time as a peer counsellor, both professionally and as a volunteer. He has recently taken up swimming again (his first love), discovered movies all over again, and loves to watch almost any movie on the big screen. In September, he began his first of two years in a college Social Work program.

Front Cover: “PJD” – 1995 pen and ink illustration
Neal Freeland

The medium is pen and ink. The picture shows a man leaning against the bars, with cuffs on his wrists. It was originally drawn in 1995 and used for T-shirts in Stony Mountain Institution. The piece has since been redrawn with additional shading details using newer pen and inks.

Back Cover: “City of Desolation” – 2001 pen and ink illustration
Neal Freeland

NOTE FOR CONTRIBUTORS: SUBMISSIONS, COPYRIGHT AND REPRODUCTIONS

We have prepared the following notes on a few areas of *JPP* policy in response to a number of recurring questions. Please do not hesitate to contact us with any questions regarding these policies.

SUBMISSIONS

Prisoners and former prisoners are encouraged to submit original works that fit the submission guidelines published at the front of each issue. We ask that prospective contributors do not concurrently submit their works to other journals or publishing venues. From a strictly legal standpoint, if we decide to publish an article that has, unbeknownst to us, previously been published elsewhere, it may constitute an infringement of copyright. A sole-submission policy also acknowledges the work that our Editorial Board puts into providing feedback on an article in order to facilitate publication. If you are considering publishing an article with us *and* in another venue (for example, a personal blog or newsletter), we ask that you inform us as soon as possible, so as to avoid surprises down the road.

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The *JPP* holds joint copyright of published articles, alongside the article author(s). It is our policy to always support contributors who wish to re-publish their articles elsewhere. Contributors do not need to contact us to obtain permission in order to re-publish their articles – though we always like to hear about it. However, we do ask that re-published articles include a footnote acknowledgement along the following lines:

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