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Jarman, Ben "Part of the Furniture Now, Innit?" Risk governance and moral thwarting among life-sentenced men in English prisons. In: Moral and Ethical Worlds of Confinement, 6-7 Jul 2022, Cambridge, UK. (Unpublished)

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‘I’m part of the furniture now, innit?’

Risk governance and moral thwarting among life-sentenced men in English prisons

Ben Jarman

Introduction

I haven’t made any progress... whether I go from B to C to D... to me, that’s not progress.¹ I’m still in prison. When I go out, I will still be on licence² and I’ll still be a prisoner. That’s the way I look at things [...] Going from B to C to D, no— I don’t think that’s progress. I just think that’s just the natural course of events.

Grant

BJ: Your tariff was... what, ten years ago, eleven years ago now?

Jeff: Eleven. I knew I’d go past, but I didn’t know I’d go past it this long [...] I just kept thinking to myself, “how long have I got to do? How long am I going to be here for?” And then it was a year, another year, another year [and] I started thinking [waves hand

- 1 ‘B-cat’, ‘C-cat’ and ‘D-cat’: security classifications for male prisoners in England and Wales. Category-A prisoners are held in maximum-security conditions. Category-D prisoners are held in ‘open’ prisons, involving the lowest degree of restrictions. Categories B and C are intermediate steps.
- 2 ‘On licence’: subject to formal supervision requirements and control measures. These are imposed for life and non-compliance with them can prompt recall to custody.

dismissively], “Pffft. Part of the furniture now, innit?”³

Grant and Jeff were both held in an open prison. Both nearing sixty and convicted of murder many years before, Grant was close to his ‘tariff’,⁴ while Jeff’s had long since passed. The offender manager (henceforth, OM) Grant describes above intended to recommend Grant’s release at a forthcoming parole hearing, reasoning that the risk of his harming others again was manageable.⁵ For Jeff, however, a record of occasionally unpredictable behaviour left the impression of a riskier release. Far from being ‘part of the furniture’—a forgotten and unnoticed part of a scene—Jeff was in fact subject to intense official surveillance and supervision, based on worries over the risks involved in releasing him. Jeff was eager to be released but uncertain how to bring this about; Grant stood likely to be released soon, but said he was ‘in no hurry’.

As Grant’s words suggest, both men had progressed well enough against official expectations to be trusted in an open prison. Even so, both also shared the feeling that their ethical lives were thwarted by the sentence, in that their efforts to ‘do the right thing’ over many years had still left them unable to realise the long-term intentions which really mattered to them.

To explain this situation, it is first necessary to recall how recent anthropological scholarship has given us an account of how people strive to shape themselves into whom they need to become. Two theoretical accounts from this literature are discussed, before the specifics of each case are described in greater detail. A final, concluding section discusses how their attempts to be ethical were frustrated by the way official actions communicated with them about ethics: in the form of universal obligations which were difficult if not impossible for them to realise in practice.

Virtue ethics in practice

‘Poststructuralist’ accounts of virtue ethics (Mattingly 2012; cf. Faubion 2011; 2012; Mahmood

3 i.e. having become invisible or unnoticed, usually through lengthy occupation of a scene.

4 i.e. the end of the ‘minimum term’ to be served in custody, marking the end of the ‘penalty phase’ of a life sentence.

5 At the time of the interview, this OM had just left his job. Grant’s case had been passed to a new OM; Grant was uncertain whether she would also recommend release, but said that he would accept her decision either way.

2005; Laidlaw 2013), look particularly to the work of the later Foucault (e.g. 1986; 1988) for conceptual and theoretical foundations. In this view, ethics consists in striving to occupy ‘subject positions’. These are shaped by moral codes of the sort promoted by institutions. However, to occupy a subject position is not simply to replicate a moral code. Rather, ethics consists of the practices by which a subject reflects on moral codes of the kind structured by power relations and promoted by various social institutions, evaluating themselves in this context and choosing how and in what balance they might fulfil the duties consistent with a good life.

Ethics, on this view, involves not creating *norms*, but autopoiesis or creating *oneself* by cultivating virtues commensurate with fluent moral action. Different ‘technologies of the self’ provide the means to this end, and might include any practice which enables reflection on the self: reading, prayer, psychotherapy, physical exercise, or artistic creation could all qualify, as could more explicitly pedagogical relationships with moral exemplars: teachers, mentors, or another person already occupying a given subject position.⁶ The key feature in common is their self-reflexive intent.

Subject positions are neither immutable nor monolithic, even when moral codes appear to be. Put simply, this is because “one’s duties are one matter [but] one’s values and the ideals to which one might aspire are often quite another” (Faubion 2011, 30). Different people may appropriate and fulfil similar duties in different ways. On this view, autopoiesis mostly reproduces existing moral norms, with idiosyncratic but insubstantial differences of praxis. But occasionally, especially when a subject finds their existing moral resources ill-fitted to unfamiliar circumstances or an alien environment, ethical action can point *away* from the reproduction of moral norms and towards moral innovation, such that previously authoritative duties are reframed or discarded as no longer relevant (cf. Robbins 2007). Unaccustomed or unexpected circumstances might prompt crises or jolt subjects out of habitual patterns of activity, prompting more fundamental kinds of reevaluation (Zigon 2007).

6 In somewhat different theoretical language, Webb Keane might group all of these influences under the concept of *ethical affordances*—features of a person’s environment which solicit their attention as useful in some way for ethical work.

A separate strand in virtue ethics scholarship draws largely on Aristotelian ethics . This ‘humanist’ strand (Mattingly 2012) has some similarities to its poststructuralist counterpart: both doubt the universal applicability of *any* approach to moral reasoning. Both are therefore opposed to Kantian deontology, utilitarian consequentialism, or the notion of any ‘authoritative’ approaches to right action. This means that both strands, rather than seeking to answer how human beings ought to conduct themselves, instead observe how human beings reflect on and evaluate their actions.

‘Humanist’ approaches to virtue ethics emphasise not so much the power-soaked nature of ethics—how ethical considerations are embedded in power relations and social structure—but rather its phenomenology. This involves a more biographical, temporal account of ethics, emphasising the lived-forward-understood-backwards aspects of ethical life, the role of fate and luck in ethical thinking, and the notion of ‘moral tragedies’: situations in which people strive to attain unattainable, opposed, or incommensurable visions of the good; or where they possess imperfect knowledge, but are nonetheless forced to act. Narrative is important in this tradition, both as a means of reasoning retrospectively but also of projecting the self into possible futures (Mattingly 2018). Also important are accounts of first- and second-order desire (i.e. the relationship between (first-order) things one *actually* wants, and (second-order) things one *wants to want* given one’s situation, or things one might *need* should foreseeable circumstances arise); and also the concept of the ‘ground project’: a narrative describing a stable, lasting, long-term project of care (for the self or for others), which becomes inextricably linked to personal identity.

What follows draws on both accounts of virtue ethics. Jeff and Grant, both censured to lifelong punishment, were both subject to demanding moral codes suggested by their punishment. The moral demands of retributivist censure (which emphasised their autonomy and accountability) were imperfectly compatible with the requirement to subjectivate themselves to a licence regime in which their dangerousness (and lack of ethical autonomy) would be taken for granted. These codes posed contradictory demands, but were also backed by ‘tight’ penal power which made compliance with them a precondition of their release from prison and conditional freedom.

The following sections describe, in turn, how each man responded to some of these contradictions,

and how each came to feel thwarted, because the life licence either directly blocked their ‘ground projects’—what they understood themselves to be living *for*—or made these projects confoundingly difficult—even appearing unethical, from an official perspective—to pursue.

Grant

Grant insisted that he had made no progress in prison (see the epigrammatic quotation at the start of this paper). This was puzzling. Simply to be in an open prison *before* his tariff expired was unusual, as was his confidence that there was a fair chance of release at the first opportunity. From a third-person perspective, Grant had made *excellent* progress in custody. Seen from the *inside*, however, Grant’s entire sentence was a story of unredeemed remorse.

Grant had killed his wife after learning she had been unfaithful. With his memories of a successful career and (for many years) a happy marriage, Grant’s account of how things had gone so wrong took the form of a tragic narrative. He took some pains to emphasise that what he had done was wrong, and worried about how his account made his wife appear, but nonetheless reflected that they had both borne some responsibility for the relationship becoming toxic long before its fatal end. This, he said, had been a difficult point to make in offending behaviour courses, which were predicated on teaching him the ‘skills’ needed to better manage his emotions in (presumptively) more “healthy relationships” in future.

Grant, while willingly completing the course, intended to preclude this possibility entirely:

If I got into a relationship, yeah, there’s a bloody increased risk. Course there is. And I understand where they’re coming from. And I respect that. But what they should be also respecting [is] that I’m not gonna get in a relationship. [I said this to them] and [the facilitator] said to me, “oh, don’t you trust women?” I said, “no, it’s not to do with that, it’s how I feel”. I said, “supposing I meet someone”, [...] I said, “do I take her to the ballet, and then at half-time, over a gin and tonic, I say, ‘oh, by the way, I murdered my wife?’” It ain’t going to happen! It’s just not going to happen, you know? [five-second pause] Yes, it’s nice to have companionship, and that could be a problem later on.[five-second pause] But you

don't have to be lonely in this life [sighing] [...] There's no more lonelier place than in prison. And, I mean, I've got through [that].

As the quotation above suggests, Grant found it difficult to look to a future which could *replicate* the life he had lost, simply moving to a new relationship with the benefit of added 'skills'. Rehabilitation could not *restore* him to a better life. Instead, Grant found it more meaningful to occupy the subject position of a repentant but morally accountable 'retributive subject'. Grant therefore accepted the idea that he *could* be risky, not that he *would* be. Instead of working to internalise the idea that he was dangerous, and learning the 'skills' required to manage this risk, he emphasised moral agency, responsibility, remorse, and repentance (see, for example Murphy 2011; Bottoms 2019; Tasioulas 2007; 2006). How important this had become to his identity was especially clear in the following account of his interaction with a key member of staff:

I had a new offender manager.⁷ This is nearly three years ago [...] Twenty minutes [into our first meeting], he said he was a great believer in fate. And he said it wouldn't have mattered who I married, he believes I would have killed them [...] He doesn't know the background because [...] it never came out in court. It wasn't allowed to. So he's just going on the records. Which I understand he's got to do. That's his job. I understand that. I'm not knocking that. But his personal thoughts and his personal beliefs about fate, I think he should have kept to himself [...] So... afterwards, I said to him, I said, "the courses that I've done and, like, the bereavement things I've done... about changing my beliefs, adapting them, dropping my beliefs completely..." I said, "isn't it about time you looked at your beliefs?" And he went silent. He just did not know what to say. Because I think he felt that maybe I was right. And then his attitude changed towards me and we got on great guns,⁸ and we have ever since. I mean, he really has tried to help me.

Offender managers (henceforth: OMs) have a key voice in the release process through their written reports to parole panels (which are nearly always followed; see Bradford and Cowell 2012; Dyke,

7 An official tasked with assessing a prisoner's risk of causing harm in future, and with formulating and coordinating a plan to manage it.

8 i.e. got on very well together, formed a very good relationship.

Bird, and Rivas 2020; Lackenby 2018; Power 2018). For Grant to challenge his OM so starkly in a first meeting was a potentially significant risk to this important relationship, but can be seen as a ‘costly signal’ of his being (ethically speaking) the ‘real deal’ (on costly signals in biology, see Zahavi and Zahavi 1997; and in criminology, see Gambetta 2011; Bushway and Apel 2012; Maruna 2012). Grant was, in effect, demanding that the OM recognise him as a responsible, ethical person, not misrecognise him as a ‘bad’ person or a risk. He did this not by questioning the legitimacy of risk assessment but by pointing to his accomplishment in a different moral register. His claim to privileged knowledge about the background to the crime (“it never came out in court”) is also striking. It hints at his crime having been caused by him having had *reasons* to act as he did. Mistaken reasons, to be sure, which Grant now renounces. Nevertheless, he asserts that by taking responsibility for a shameful act and dissociating himself from the beliefs that led him to act in that manner, he has done the right thing. This enables him to turn the tables on his OM and demand recognition on his own terms.

Interpersonal interactions (unlike technocratic classifications) can become ethically charged by questions of mutual regard (Keane 2016, chap. 2)—they are (I-thou) second-person, not (I-it) third-person, interactions (cf. Liebling 2015). For Grant, being visibly repentant was a ‘ground project’: a commitment, arising from the conviction, so important to who he was that Grant might “not know [himself]” without it (Mattingly 2014, 12). It arose from his understanding of censure: that it was communicative, rather than merely expressive, calling for a response, not merely passive acceptance (see, variously, Brownlee 2011; Duff 1991; 2003b; 2003a; 2020). Hence when his OM typified him according to a managerial logic which was alien to this retributive subject position, Grant could not remain silent. From a subject position influenced by retributive, censoring forms of moral communication, he gave an account of his moral worth.

Grant’s response might have involved expressions of remorse or regret, attempts at redress, or (where these are ignored, or impossible) the imbuing of future actions with some kind of redemptive meaning; all of these have been documented among life-sentenced prisoners in his

position, albeit mostly those convicted when younger (cf. Crewe, Hulley, and Wright 2020, chap. 7; Irwin 2009, chap. 5; S. K. Herbert 2019, chaps 2–4; S. Herbert 2018). Yet the temporality of Grant’s sentence—the fact that it came *after* he had had a family—left him struggling to imagine a new start. His daily life was replete with practices of penance, but struggled to accommodate practices of hope. He said prison had been ‘too easy’, and so had, at times, declined to take essential medication so as to induce bodily suffering. Grant also emphasised a penitent readiness to accept the imposition of lowered moral status. It appeared an ethical practice for him to try and fit his desires to the constraints of his situation, because *this was what he deserved*:

All the way through my sentence, I’ve always had so many different offender managers, you know. And I’ve heard so many stories [from other prisoners] about exactly what’s just happened to me. They [OMs] leave [their jobs] just before your parole hearing then a new one replaces them [and they don’t recommend release]. Well, that’s part and parcel.⁹ [...] It has been said to me by OMU¹⁰ and my OM... “You know, Grant, you don’t keep badgering¹¹ us over things, you just get on with it.” And that’s true. I just do. If I get a home leave, fantastic. If I don’t, I go to work [laughs].

While complaints about short-staffing in the OMU and administrative logjams were common in the open prison where he was held, Grant explicitly forswore “pushing” his requests to the front of the queue by chasing them up. Where others campaigned for home leaves by (as he put it) “manipulating the system”, but Grant’s ethical practices involved a kind of active acceptance of whatever fate might send him. In part this was because he felt so disconnected from the single thing that mattered to him the most, and decisions about his release therefore felt less than important. Grant lived to be reconciled with his children:

G: I’m not one of those prisoners who is fighting to get out. I was going to say I wasn’t fussed about getting out. That’s not quite true. But I’m in no hurry, then [...]

9 ‘Part and parcel’ - “that’s an integral part of the situation”, “that’s just the way things are”

10 OMU: the Offender Management Unit, the department in every prison which employs Offender Managers and which is responsible for risk assessment and sentence planning.

11 ‘Badgering’: persistently and repeatedly asking the same question.

BJ: What if your children were in the picture?

G: If my children was in my life, then I would want to be out yesterday. [...] Let's say I do get out on this first parole [...] I'm getting out still without my kids in my life. So, yes, I can get on with my life. But what I want is my children in my life. To make it worthwhile, let's say. So the prison's priorities and my priorities will never match.

However, measures in place to manage his risk of harming others meant this option was simply not open to him to pursue:

Without my children, I feel empty [fifteen-second pause, begins to cry] Now, I haven't heard from my children for [a long time]. I don't know where they live. I don't know if they're married. I don't know if they've got children. I haven't got a Scooby.¹² But I've got that little bit of hope [...] If I was to hear tomorrow that... if I got a letter, saying, "we never want to see you, you horrible bastard" [sobbing] then I'd have nothing. I wouldn't care about work. I wouldn't care about getting out [...] When I had my risk board,¹³ the governor, she said to me [...] "you can't try and contact these names". And two of the names were my children. And she said, "is that an issue?" I went, "yeah, of course it's a bloody issue, but it's not a problem" [...] I'm not going to break the rules to satisfy myself [...] I'm not going to break those licence conditions and then try and contact them. But it's still a bloody issue.

Risk management measures presuppose Grant to be at least potentially dangerous, such that he requires lifelong supervision and control. The possibility that Grant might actually be who he claims to be—a morally accountable actor who can be trusted—is discounted. Risk management, as a relation of power, preordained the *telos* Grant might work towards: the absence of harm to others. What mattered to him, what he considered to be important—ultimately matters only to the extent that it is compatible with his moral duty to make no unwarranted demands on others, and to become the means to an end for them (i.e. safety, security, freedom from harm). Ultimately, penal

12 Rhyming slang: "Scooby[-Doo]" = "clue". Hence, "I have absolutely no idea".

13 A meeting at which the conditions surrounding Grant's release, and the terms of his release licence, was discussed.

power requires a good life for Grant (as the recipient of lifelong punishment) to be subordinate to that of his children, unless they take the initiative by contacting him). To the extent that he might try to realise his view of a good life, it is not a good life, but instead evidence of risk.

It was in this sense that Grant felt thwarted, and unable fully to realise the selfhood he most prized. His subject position was that of a penitent, fitted best to the carceral half-world of the prison, but prepared to adapt himself to the thin and partial version of rehabilitation which was on offer to him.

Jeff

Jeff had progressed to open prison less directly and more slowly. Like Grant he emphasised his remorse over his offence, and also how he deserved his punishment. When he expressed frustration about having served nearly one-and-a-half times his tariff (see below), he always qualified it by pointing out how the sentence was justified on the basis of desert, as the following two quotes should make clear:

I've taken somebody's life, yes, and [they're] trying to make me stay in prison for the rest of my life. So maybe I'll just die in prison and not see the outside again.

I've deserved every single day of it. Every single day.

It had taken Jeff some years to fully acknowledge the gravity of his having raped and killed a stranger in their home. Although he handed himself in to the police, his guilty plea to murder was not accepted because he initially sought to deny the rape and therefore to take a less-than-complete form of responsibility. His time on remand suggested how the stigma he feared was jointly enforced by prison staff and other prisoners:

The staff used to [point prisoners out and] tell people, "oh, he's a sex offender, he's in for killing a kid, he's in for this, that, the other". Then they'd walk off and you'd get beat up and all that, yes? [...] People [used to be] scalded, cut [...] One of the lads I used to knock about with, he hung himself in his cell.

Despite his attempt at part-denial, Jeff was convicted by a jury. His change of stance came about because a full admission of guilt was a precondition of participation in an offending behaviour course, and the course itself appeared to Jeff to be a precondition of progression through the sentence. Jeff's account of the course sessions was revealing:

J: You had to do roleplays of what happened.

BJ: What was that like?

J: It does your head in¹⁴ [...] Because you have to play your victim, yes? To see how they felt, what they were going through, yes? [...] Then you have to be you again, with somebody else as your victim. It's not very nice, you know? Well, obviously, it makes you realise, you know, what they were going through, and I think that's what they did it for.

BJ: Yes. Do you think that's a legitimate thing to do with people?

J: I don't know. I think if you're strong, maybe, but some people aren't that strong, are they? [...]

BJ: Mmm. Did you feel strong?

J: I felt I've got to do it, innit? So I needed to understand where I went wrong and that, in my life, you know, what led up to it and that. So yes.

The reference to 'strength' here is as significant as the whiff of moral coercion—Jeff's feeling that he had "got to do it". Both suggest an understanding of moral censure as expressive, not communicative:

[C]ommunication involves, as expression need not, a reciprocal and rational engagement. Expression requires only one who expresses. If there [is] someone at whom it is directed, that person need figure only as its passive object or recipient [...] Communication thus addresses the other as a rational agent, whereas expression need not. (Duff 2003a, 79–80)

For Jeff, retributive ethics framed 'hard treatment' (see Matravers 2011) as something to be endured, not responded to. Jeff's "understanding" of his offence, referred to below, came in the form of received wisdom, imparted through binary categories:

14 "Does your head in" - is difficult to think about, is extremely unpleasant.

They made me understand things, like the course and making me understand the different ways about my life when I was outside, where I went wrong, pinpointed everything out for me [...] I didn't care about things, you know? I liked to have a drink, I liked money.

Obviously I didn't care about people, which I do now, because I used to rob people's houses and take their cars and now I know that's wrong.

Jeff's description of his risk-related licence conditions was similarly passive, again suggesting compliance prompted by 'dull compulsion' (Carrabine 2005) not ethical subjectivation.

Nevertheless, Jeff did not agree with all of the conditions proposed for his license. Risk assessors had determined that Jeff's elderly parents were 'vulnerable adults' and hence that his visiting them at home could constitute a safeguarding issue. Because they were unable to travel, this threatened to undermine the hope that mattered most to Jeff, which was that he would be released in time to care for them. He felt obligated to do this by their unstinting support despite his crime:

You know, you say things to [the prison], like, "Oh, they're ill," and this, that and the other, and "they haven't got that long left". I don't think they believe, you know? They don't really know what's going on. It will cause problems if they say to me I can't see them [...]

Obviously, I know I'm going to be on life licence, so, obviously I know I need to get a job and get my own place and settle down, but I've got a family as well [...] To distance me from them is not going to give me any support, is it?

Moreover, in light of his history of occasional substance misuse in prison, alongside the role this played in his offence, risk assessors had determined that Jeff's posed a 'high' risk of serious harm to the public if he were released. Jeff disagreed but had learned not to challenge such assessments. At the same time, he found it difficult to explain this passive stance to his family:

J: I told my mum, yes. She wasn't very happy. I didn't want to worry her [...] Saying, "Oh, when I come out, I might not be able to see the kids and I've got to have permission to see you." She's going, "Why? Why? Why? What's...?" and then she said that again: "You need to stand up for yourself. Tell them, innit."

BJ: Yes. What would happen if you did [stand up to them]? Let's say, in your next parole

board...

R: [...] I'd probably say to them— Obviously, you can only keep saying sorry and explaining what happened [...] so much, yes? I'd say, "You've got all these licence conditions that you want me to do." Because to me, yes, with all those licence conditions... they put those licence conditions on it, I think, mostly because some of them are hard [and they want you] to fail, yes? So if you go out there and you don't fail, yes, then they're wrong, aren't they? That's what I'm saying. So, yes, pull me out of here, release me to prove you wrong.

It is significant that when Jeff was asked to imagine how he might follow his mother's injunction to "stand up for himself", he understands this as a retributive question—whether he has "said sorry" enough, or been punished enough—not as a question about his risk and the measures required to manage it. In part, this was because he found the risk-based requirements so confusing that the best course of action appeared to be to delegate the substantive ethical work of self-representation in relation to them to a third party:

There's no point disagreeing with it. Not me, anyway. I let my solicitor deal with it because he's more clued up and he knows about all the laws and that, yes? To me, it's more confusing than anything. You know, it's just confused me. It's just confusing to me.

Jeff, though he was compliant, understood compliance narrowly and treated the license as a set of external impositions ("conditions you want me to do", above). He believed his duty was to accept censure and endure hard treatment, not to subjectivate himself to a more exacting (and ambiguous) set of demands he hardly understood. This, and 'outsourcing' ethical accountability to his solicitor, arguably made him appear *more* risky, even perhaps jeopardising the realisation of the project that most engaged his hopes—getting out of prison to look after his parents. He found it hard to imagine how he would carry on if they died before his release:

When I read things like that in my parole [papers] [i.e. licence conditions complicating contact with his family], I think, "is it worth me getting out? Is my life... you know, well... why?"

Jeff's implicit claim—that he had responded appropriately to retributive punishment by receiving

‘enough’ pain—was similar to Grant’s. However, it was also less successful, in that it was less likely to be recognised as a coherent ethical presentation, and (in its passivity) was less compatible with the ‘tight’ expectations of penal power (see Crewe 2011; Crewe and Ievins 2021; Rennie and Crewe 2022). Jeff’s offence and his patchy compliance record meant that risk assessors were bound to exercise caution; but this only increased the importance that Jeff perform fluently in the role of the reformed penal subject.

There are serious questions over the fairness of Jeff’s situation, mostly relating to his difficulties with understanding what was expected of him. Jeff’s prison records recorded his difficulties in various ways: one report in his files put it, he “[met] the criteria for mild intellectual disability”; but another recorded that he had “antisocial personality problems, untreatable”, and was “bordering on psychopathic”. Each assessment, however technically valid, entailed different moral judgements. Jeff could appear needy and confused, or uncontrolled, manipulative and dangerous, depending on the framework of understanding being applied. In either case he was morally non-autonomous and certainly not trustworthy: the nearly thirty separate risk factors requiring official attention which were listed in his proposed licence conditions attested to the enormous range of ways in which he could fall foul of his risk. Yet the *retributive meaning* of Jeff’s conviction was that he had done wrong and *was* accountable. The reasons he gave for his behaviour were simplistic, and risk assessors responded by providing for him to be surveilled and monitored as though his behaviour was pathologically caused. Jeff’s response was confusion.

Conclusion: risk-driven punishment as an incapacitative ‘morality system’

Incapacitative rationales imply certain presumptions about the moral status of, and the obligations to be expected from, the person being punished. First, lifelong surveillance and control measures presume permanent risk. Second, by making an instrument of the person being punished, they presume that they are not competent to weigh their own conceptions of the good against those of others. Both external evaluation and subordinate status for as long as punishment continues are therefore also presumed. Third, to the extent that the aspirations of the person being punished

might conflict with the welfare or interests of others, the presumption is that this is dangerous, and must be thwarted.

Ethically, all of this recalls the philosopher Bernard Williams's description of how ethical considerations can congeal into "morality systems". (Williams 2011; Chappell and Smyth 2018). For Williams, ethical considerations applied *contingently*: the norms suggested by moral codes might be wide in scope, but applying them and balancing them out is a matter for deliberation by particular persons in their particular contexts. The resonance with the poststructuralist account of moral codes and subject positions should be clear; so too the temporal themes of imperfect knowledge and moral tragedy in Jeff's and Grant's accounts recall the humanist focus on first-person ethics.

Since the Enlightenment, Williams argued, there was an increasing tendency to treat ethical considerations as though they are prompted, at all times and in all situations, by *moral obligations*, of a more universal connotations:

[T]here is a pressure within the morality system to represent every consideration that goes into a deliberation and yields a particular obligation as being itself a general obligation; so if I am *now* under an obligation to do something that would be for the best, this will be because I have some *general* obligation, perhaps among others, to do what is for the best. (Williams 2011, 175 emphasis added)

Freed of temporal and biographical context, obligations proliferate, becoming overriding, general and inescapable. Moreover, obligations understood in this way cannot coherently be in conflict, otherwise they are not obligations: they must *all* be accomplished, and if not, either the deliberation has been faulty, or the actor is simply immoral. As Williams made clear, this makes "blame [the] characteristic reaction of the morality system", and "remorse or self-reproach or guilt [...] [its] characteristic first-person reaction". Without experiencing these, individual persons "would not belong to the morality system or be a full moral agent in its terms". Put simply, there is no escape from blame:

“moral judgment and blame can apply [even to those who] want to live outside that system altogether. From the perspective of morality, there is nowhere outside the system, or at least nowhere for a responsible agent.” (Williams 2011, 177–78)

Morality systems, then, make obligations categorical. They trump and sideline other considerations, even those that are (for Williams) undeniably ethical (i.e. they concern how a particular person can seek to live a good life). From this universalising position, considerations defined by what matters to a given person (in Grant’s case, the possibility of reconciliation with his children, or in Jeff’s case, the imperative to repay his parents’ care for him) are simply subjective—in the pejorative sense of being *antisocial*. They lack priority compared to the apparently universal good secured by ‘preventing harm’.

Jeff’s and Grant’s attempts to be ethical existed within a wider context where they were blamed as if accountable *and* controlled as if unaccountable and ‘dangerous’. Their moral status was therefore ‘overdetermined’ (see Altman and Coe 2021):

Overdetermined actions fit neither into the temporality of backward-looking retribution—in which the punishment follows the crime—nor the temporality of forward-looking deterrence—in which future crimes can be prevented [...] the specifics of an individual’s past actions and the open-endedness of their future actions are shouldered out by the assumption that they are essentially wrongdoers who pose a danger to [...] innocent, lawful (typically white) citizens. (Altman and Coe 2021, 14)

Taking responsibility and accepting blame suggested a commensurate ethical response of repentance, appropriate to the subject position an autonomous moral agent. Classification as ‘dangerous’, to the extent that it left any room for moral agency, presumed self-interest and then tested its compatibility with a notional general good. Either the crime had been committed under the influence of some ethically deranging influence (e.g. substance misuse, mental ill-health, cognitive disability) which had diluted or eliminated autonomy and self-control; or the subject was incorrigible, and a predator. In either case, wrongdoing had been caused, not driven by autonomously derived moral reasons (however mistaken). The commensurate ethical response from

the recipient of punishment was patient endurance, while officials strove to diagnose and treat pathology. The extent of compliance, the observed consistency of changed behaviour, and the subject's responsiveness to incentives and disincentives, would all reveal whether they were rational agents capable of supervised self-governance, or incorrigible and dangerous beings warranting only fear and control; but the judgement could only be made from outside.

As philosophers of punishment have argued—and as this paper shows empirically—the two views are hard to reconcile and the availability of each to be deployed in the event of a breach of obligations makes balancing them out extremely difficult for the individual. As Grant's retort to his OM suggests, moral recognition can be claimed in from persons, but not from systems. The life-licensed prisoner has been constructed as a category of person who must self-govern without appearing to impinge on others, and who must live within the constraints of their lowered status. This constrains ethical life to a formidable degree. It is scarcely surprising that many life-sentenced prisoners espouse a more retributive worldview, even at the cost of trapping themselves in the past.

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