

## Book Reviews

### **Life after Life Imprisonment\***

**Catherine A. Appleton**

Oxford: Oxford University Press, 2010

ISBN: 978-0-19-958271-6, 280 pages, hardback, £65.00

Having spent the past six years managing PBNI services provided to life-sentenced prisoners in custody and in the community, it was with excitement and anticipation that I opened this book. There is limited research and academic discussion in respect of post-release 'lifers'. This book's aim of investigating 'life after life imprisonment' in order to distinguish factors associated with successful resettlement from those that are relevant to recall and reoffending was music to my ears. I looked forward to 'answers' that would inform future practice, and this book does not disappoint.

The author's research was inspired by the results of a small-scale study that highlighted the high recall rates of discretionary life-sentenced prisoners in England and Wales in the 1990s. The size of her ensuing research project is impressive, with 113 interviews with Probation Officers across England and Wales. In an attempt to 'understand the world of the research participants as they construct it', 37 life licensees were also interviewed and invited to 'tell their story'. Nine of these were interviewed while subject to recall to custody.

The book sets out clearly and comprehensively the legal and political context for discretionary life-sentenced prisoners. It does not focus on mandatory life sentences and the legislative framework is that of England and Wales, but Catherine Appleton raises important issues that are transferable to other jurisdictions regarding transparency, fairness and

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efficiency in respect of release procedures. She also highlights the huge responsibility invested in those who have a role to play in decisions to 'recall', as well as the outstanding dilemmas and tensions arising for recalls that are based on non-adjudicated behaviour. It may be tempting for some readers to skim through Part I, and it took me a second reading to fully appreciate its value.

In Part II, Appleton introduces the reader to the 'old' versus the 'new' penology debate of individual rehabilitation versus risk management. She takes the reader on 'a short excursion into the theoretical issue of relevance', highlighting the broad policy shift towards the emergence of a risk society where regulatory controls dominate and there is 'an underlying sense of pessimism' about the individual's capacity for reform. She evidences how this appears to have been translated into the Probation culture and practice in England and Wales. It is heartening then that this chapter, which goes on to detail how lifers are processed 'with little mention of transformative goals', concludes that public protection and rehabilitation are not mutually exclusive. Indeed, rehabilitation also continues to play a prominent role in Probation Officer practice with life-licensees. Similarly, regarding licensees' perceptions of supervision, Appleton notes that there were many instances of those under supervision 'illustrating a completely compatible mixture of care and control in their descriptions of the role of probation supervision'.

Part II goes on to 'give the answers' that I sought from the outset of my journey through the book. Much of what is considered by lifers to assist successful resettlement is grounded in the professional relationship and traditional social work values of Probation Officers. And it is to the credit of the practitioners in this study that they were able to develop positive relationships which were highly appreciated by those they supervise. The interviews with life-licensees and the many direct quotes from them considerably enliven this discourse.

In Part III, entitled 'Desistance and Persistence', the author promotes the benefits of desistance-based practices. Desistance theory is a helpful framework in drawing together the many elements of good practice that Probation Officers have exemplified in this book. Of added value is the pursuit of the construction of a new narrative identity. The book is helpful in identifying the role Probation Officers and others can play in order to contribute to this new pro-social self. While recognising the positive outcomes arising from the construction of new identity, I would be

interested to hear further debate on how this can be progressed to ensure it takes account of victim considerations.

The final section of this book examines the recall process and seeks to examine, through quantitative analysis, significant factors associated with the likelihood of recall. The results will have resonance for readers who have been involved in the recall process. This section makes interesting reading but, as the author acknowledges, the findings are based on a small number of cases and further empirical research would be helpful.

This is an important book and should be read by all those who have responsibility for policy or practice with life-sentenced prisoners and life-licensees. The supervisors' and licensees' accounts of supervision demystify this work and give a sense of what makes up day-to-day engagement, including the tensions and dilemmas faced. There are many important messages coming out of this research; it is incumbent on managers and practitioners to learn from and act on them.

**Coercive Confinement in Post-Independence Ireland: Patients, Prisoners and Penitents****Edited by Eoin O'Sullivan and Ian O'Donnell\***

Manchester: Manchester University Press, 2012

ISBN: 978-0-7190-8648-9, 288 pages, hardback, £65.00

The central concern of this book is whether the large increase in the imprisoned population in Ireland over the four decades since 1970 is in fact masking a much more significant trend in the changing role of institutions and the use of coercive confinement in Ireland since the foundation of the State.

Internationally, the question of why there has been such an increase in prison populations in certain Western countries in recent decades is a focus of debate. The apparently exponential increase of that population in Ireland since 1970 has attracted political, social and academic comment.

Between the establishment of the Free State in 1921 and an apparent watershed in 1970, the imprisoned population of Ireland remained relatively steady at between 30 and 35 per 100,000 of national population per annum. Between 1970 and 2009, that population increased steadily to in excess of 90 per 100,000, representing a threefold increase over the four decades.

The authors, however, look behind these changing numbers to show a very different picture. Rather than looking at prison as almost the only form of coercive confinement, as today, they examine the broader, historic picture of civil and criminal detention in the myriad forms available during the earlier decades of the period examined.

They demonstrate with stark detail how the increase in prison population has been accompanied by a vastly more significant reduction in involuntary confinement in other forms of institution. When this broader picture is considered, a more concerning issue is the vast number of citizens coercively confined, mostly without any form of due process, in a multitude of sub-standard institutions between 1920 and 1970.

By examining the changes in imprisonment rates over the nine decades, in the context of the alternative forms of coercive confinement available, the authors put forward a more holistic analysis of those other forms of confinement. Other studies, they argue, have looked at

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institutions such as county homes, mental hospitals, industrial schools or Magdalene laundries in isolation. As a consequence, the analysis of coercive confinement as an all-encompassing entity in the period from 1920 to 2009 has, to date, failed to consider the totality of the picture and to arrive at a full and reasoned understanding of what occurred and why.

The authors employ contemporaneous writing from the time to describe the experience and circumstances in these institutions. While the statistics speak in stark reality, the writings add a sense of the attitudes, values and beliefs that prevailed, even among those individuals who appear less punitive.

The authors divide the literature they review into three categories: (1) patients, paupers and unmarried mothers, (2) prisoners and (3) troubled and troublesome children. In this short review, I refer specifically to only the first of these.

For single mothers and others deemed wayward, a form of social or moral internment, whereby those who could bring shame were locked away to prevent them from doing so, prevailed. The panorama of sin was extensive, and the concentration on and finesse in distinctions made between one moral infringement and another almost obsessive. The concept of disaggregation is frequently proposed to manage the risk of cross-contamination. Most of the sin was sexual, but punishment for this was almost exclusively of females and by detention. The words rape, incest and child sexual abuse do not appear in the writings. Beyond the women themselves, there was a need to ensure the proper moral (Catholic) upbringing of their children, who in turn populated to a large degree the industrial schools. These attitudes appear to have waned by the early 1970s, when the introduction of unmarried mother's allowance for the first time allowed such women to raise their children with a measure of independence.

If institutions for unmarried mothers were largely urban-based and religious-run, the mental hospitals were more rural in location and purpose. While under the direct governance of the State, the poor level of investment in both mental hospitals and county homes for the destitute is clearly described. Many who spent most of their lives in the mental hospitals of the period may have been only briefly, if ever, mentally ill. Such illness, at times, could not be identified or treated because of the vast overcrowding within the institutions. A significant explanation for this overcrowding was the socioeconomic circumstances of the time. The stem farm inheritance system ensured that only one son could inherit the

unified farm. The future of other family members had therefore to be secured elsewhere. Where families and individuals managed effectively, this was achieved by education, emigration or religious vocation. Where they did not, the need to eliminate surplus family members was met primarily by the mental hospital.

The authors argue that the level of coercive confinement in Ireland between 1920 and 1970 was a result of the values, the needs and the activities of not one but three powerful institutions: the State as an executive organisation, the Catholic Church and the family. Family, state and church all stood to gain through such confinements, but most importantly, they stood to gain together. It has been elsewhere argued that the Irish Free State, established through a background of revolution, needed, in the first instance, to establish its legitimacy. It did so in part by underwriting in the constitution the positions of both the Catholic Church and the family. The authors here argue that the new State perceived a need to establish its moral superiority. Such perceived needs supported a tendency to conservatism and authoritarianism.

By the 1960s the de Valera vision of a rural ideal, extolled in his 1946 speech, was being replaced by a concept of an urban industrial prosperity. By the early 1970s, membership of the EEC had brought both inward economic investment and an external social lens. Developments in psychiatric treatment, the farmer's dole and unmarried mother's allowance were some of the markers in the watershed of social change.

The writings assembled in this book do not support complacency. While one gender is no longer specifically targeted for detention, since 1971 the rate of female imprisonment has increased to a significantly greater extent than that of males. While those involuntarily confined in today's prisons have benefited from due process, the majority still come from socio-economically deprived backgrounds and many have poor mental or physical health. In the absence of adequate community-based supports to meet such needs, it is clear that the socially and economically excluded will continue to make up the bulk of our coercively confined population.

## **Justice in Transition: Community Restorative Justice in Northern Ireland\***

**Anna Eriksson**

London: Routledge, 2012

ISBN: 978-0-415-62772-6, 232 pages, paperback, £24.95

This book examines community restorative justice in the Northern Irish context, making a substantial contribution to the relatively small restorative justice literature focused on this aspect (e.g. McEvoy and Mika, 2002). Eriksson combines a comprehensive literature review of restorative justice practice and theory with findings from her empirical research, including interviews with those involved in community-led restorative projects based in Northern Ireland and with individuals from related agencies, such as the Police Service of Northern Ireland. The excerpts included in this book serve as a fascinating insight not only into the actual workings of community restorative justice initiatives in Northern Ireland, but also into what people who work for these organisations understand as being the true value of their work.

The book starts with an overview of restorative justice and gives a brief insight into the contested nature of the concept. Eriksson then examines the implications of a transitional context on restorative justice and looks at what restorative justice may uniquely be able to offer in a post-conflict society. She goes on to provide a good, concise overview of the historical origins of restorative justice in Northern Ireland, from Brehon law to present day. She then elaborates further on recent history, with a chapter dedicated to examining the violent practices immediately preceding the move towards restorative justice, i.e. paramilitary punishment beatings and shootings.

Two chapters examine the main concern of this book, the two community-led restorative justice projects in Northern Ireland: Community Restorative Justice Ireland (CRJI) and Alternatives. Particularly interesting is Eriksson's account of the way in which CRJI and Alternatives gradually evolved to start replacing the harsh punishments being imposed in their communities by paramilitary organisations. She also looks at the differences between the operation of CRJI and Alternatives, which highlights the importance of a flexible approach for restorative

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justice, so as to adapt to the needs of the community within which it operates.

These chapters are followed by consideration of the implications of the involvement of ex-combatants with both CRJI and Alternatives. Eriksson details how this involvement creates opportunities, such as bringing some credibility and legitimacy in the eyes of the community, as well as the ability to engage with paramilitary organisations in negotiating a move away from punishment attacks to more peaceful methods of resolving conflicts. However, the involvement of former combatants causes difficulties as well, which are also highlighted by Eriksson. These include negative perceptions of these restorative projects as being simply a front for the relevant paramilitary organisation and being used as another means to exert control over the community. There are also implications of ex-combatant involvement in interactions between these organisations and State agencies.

The last few chapters in the book are dedicated to an examination of the development of community restorative justice in Northern Ireland, in particular the gradual move towards stronger links with State agencies. Eriksson points to the special role of CRJI and Alternatives in building bridges between the State and the community. This is an interesting examination of the gradual construction of relationships between both CRJI and Alternatives and state agencies, looking at various aspects including funding issues, retention of the independence of CRJI and Alternatives and the positives and negatives of closer interaction with State agencies. Eriksson posits what may happen to these community-led organisations in the future, as they form stronger partnerships with State agencies including the police, and suggests that the struggle over the ownership of justice may well continue, despite increased collaboration.

Overall, Eriksson provides a convincing account of the importance of community restorative justice and its benefits. She makes an interesting point about the fluidity of community restorative justice practice in Northern Ireland and throughout the book, reiterates the benefits of such a grass-roots approach. She argues, *inter alia*, that the nature of 'community' in the Northern Irish context is such that a top-down approach to crime prevention is unlikely to succeed and may even increase tensions between the State and the community. Eriksson argues that community restorative justice projects have an invaluable role, having evolved independently of the State and therefore having a measure of legitimacy with, and a wider reach within, the community.

Eriksson sees restorative justice as a fundamentally different way of thinking about and dealing with conflicts and, because of her particular conception of restorative justice (emphasising the importance of flexibility of approach, among other things), she sees State-run restorative justice as having limited transformative potential because of its having been adapted to fit in with the dominant criminal justice system.

Eriksson also argues that community restorative justice is better able to address underlying causes of crime, in particular social structural conditions, such as a culture of violence within a community. She sees community restorative justice in Northern Ireland as being a powerful vehicle for transformative justice, transforming the relationships between participants, and also contributing to changes in the 'structural circumstances' that led to the conflict.

Through making several such comparisons (some implicit, some explicit) between State and community restorative justice, Eriksson makes plain that she sees many more benefits in community schemes. She does not, however, really elaborate on the State-run restorative justice scheme in Northern Ireland and does not seek to highlight the positive aspects of State-run schemes.

While many of Eriksson's claims for community restorative justice seem bold, they are largely backed up by her fascinating empirical research carried out with CRJI and Alternatives. Further engagement with the arguments against such initiatives might have lent more punch to her concluding remarks, but, as she points out herself, there is already substantial literature detailing all the perceived faults associated with such schemes and hers is a refreshing positive voice to be added to the debate, skilfully highlighting all the beneficial aspects of community restorative justice and potential wider applications.

Another interesting aspect of the book is Eriksson's discussions concerning the meaning of 'community' and she offers an intriguing account of the differing conceptions of community within and outside the transitional context, as well as the positives and negatives associated with the concept of 'community'. Eriksson notes that within the transitional context, the strong informal control networks that a strong community can offer can sometimes be a contributing factor to armed conflict and therefore something that the State may attempt to repress when reasserting its authority. Conversely, States not in a transitional context may emphasise the importance of strong communities. Eriksson goes on to demonstrate the positive role that strong community ties can play in

the transformative context, when placed within a restorative justice framework.

The book maintains a distance from wider theoretical arguments relating to restorative justice, such as those pertaining to philosophies of punishment. For example, Eriksson takes the stance that restorative justice is something opposed to retributive justice, without much deliberation on this point. I wonder if some discussion on this might have been warranted, as this view is by no means the consensus and is hotly contested within the field of restorative justice – even Howard Zehr, the ‘grandfather of restorative justice’ changed his position from arguing that restorative justice is opposed to retributive justice to accepting that there are, or can be, retributive elements within restorative approaches (Zehr, 2002). A number of other authors also see retributive elements to the restorative process (e.g. Zernova, 2007). This lack of engagement with such issues is certainly not fatal, but may have had some implications for her research, though that would be difficult to say from an outside perspective. Certainly, Eriksson is clearly an extremely effective empirical researcher and it is from her empirical research that the main contribution of this book comes. Aspects of restorative justice theory not dealt with by Eriksson have been covered extensively by various authors already, in any event (e.g. Daly, 2002).

Overall, Eriksson’s book is a thorough account of the benefits of community restorative justice, as well as an examination of the particular usefulness of restorative justice in a transitional context – concluding that her research shows that restorative justice is a useful framework around which to construct ‘indigenous initiatives’ of conflict resolution. She argues that restorative justice forms a useful framework for transitional societies, as it takes account of underlying political, social and economic factors that contribute to criminal and antisocial behaviour in such societies. Eriksson also argues that, aside from showing the benefits of a community-led restorative approach, her research also supports a widening of the application of restorative justice; for example, to more serious offending behaviour and to adults as well as juveniles.

This book appears to be ideal for those wishing to familiarise themselves with the origins, development and current practice of community restorative justice in Northern Ireland (there is a timeline in the appendix, which is a very good reference source for an overview of developments concerning restorative justice in Northern Ireland). While this book is primarily geared towards the academic market, it should

appeal to a much wider readership as well, including restorative justice practitioners and criminal justice professionals.

### References

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Life Imprisonment. Read. Most Viewed Writers. Answer Â· Life Imprisonment. Why do judges sometimes add "plus 1000 years" on a life sentence? Robert Bonwell Parker, lawyer specializing in litigation and entertainment law.Â · Life in his state means 25 years, and convicts can petition for parole after finishing half their sentence. While he's locked up, he starts hitting the books and finds that his constitutional rights were violated by the prosecutors as they were trying him for the second case, so after the requisite appeals, he files a habeas corpus petition, wins, and gets one of the charges thrown out. Because of how firearm laws work, that reduces his "plus" sentence from 35 years down to 10. Now he's only serving one life sentence plus 10 years. Sentenced to life imprisonment, the applicants requested a suspension of their sentence after fifteen years' imprisonment. The competent court refused the request, on the grounds that there was a high risk of the applicants again committing crimes when released. The Court declared both applications inadmissible as manifestly ill-founded, finding that the applicants were not deprived of hope of being released again, as German law provided for a parole system and they could therefore lodge a new request to be released on probation. LÃ©ger v. France. 30 March 2009 (Grand Chamber "strike-out" judgment)