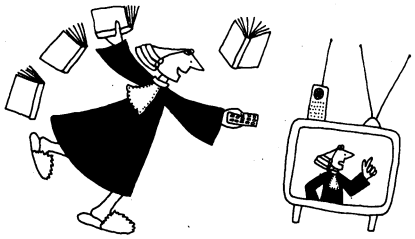
LAW & CULTURE



REVIEW ESSAY

RECAPTURING FREEDOM: Issues Relating to the Release of Long-term Prisoners into the Community

Dot Goulding; Hawkins Press, Sydney 2007; 192 pp, $49.95 (paperback)

In *Recapturing Freedom: Issues Relating to the Release of Long-term Prisoners into the Community*, Dot Goulding outlines the history of the West Australian prison system and the general failure of imprisonment (Chapter 1), dealing with the 'total' nature of the prison (Chapter 2), surveillance and the dichotomous nature of staff/prisoner relations (Chapter 3), the well-known evidence of violence and brutalisation (Chapter 4), the personal experience of release (Chapter 5), concluding with recommendations for change (Chapter 6). In this essay I will argue that Dot Goulding has uncritically accepted assumptions about the violent praxis of the prison and the way in which prisoners represent this in their 'war stories'. I will identify the real issue that leads to the war stories and to the other problems faced by prisoners.

I was troubled by Goulding's presumption that prisoners set the cultural norms of the prison. I would argue that the key to understanding violence in prisons is the inherently violent nature of the prison itself as an institution, yet this is only suggested in passing in the book. The violence and oppression of the prison does not emanate from the prisoners or their subculture — it comes from the staff and the institution itself, but this fact is largely overlooked. Prisoners are not a coherent group and no group loyalties exist. This is well illustrated by the accounts of prisoners who are *seemingly* assaulting, raping and killing each other at every opportunity. Prisoners do not have guns, chemical weapons, tortuous instruments of restraint, attack dogs, striking weapons, electro-shock weapons or control of the physical aspects of the environment; nor do they have the support of the political, legal and social institutions for acts of violence they perpetrate. Prisoners do not wear regalia adorned with epaulets stating their place in the dominance hierarchy — in fact the opposite is the case at every point in the prison matrix of control and oppression. Prisoners do not determine the violent culture of the prison; the para-military men (and it's mainly men) with the keys to the weapon-stocked armoury do that. Overt criminal violence by staff does not remove 'the most prominent source of institutional stability and control', as it is this very violence which maintains stability and control (p 77).

I was also troubled by the uncritical reliance on the 'war stories' of violence, rape and murder which seem to be a moment to moment occurrence in the WA prison system. The main 'prison consultant' used by Dot Goulding had served 17 years and he is relied upon to build this picture (p 95). Perhaps it is another world in WA, but I suspect that such accounts are greatly exaggerated. And prisoners do exaggerate and keep alive misleading stereotypes of the prison experience that are best left to late night American prison movies; I know this as I have occasionally found myself doing it, but why? Is it not bad enough without playing to the stereotypes for shock, sympathy or the exaggerated feeling of toughness as a result of surviving a brutalising experience?

One reason, I think, for the exaggeration and shower-block rape fictions is that the deprivations, physical and psychological assaults and dehumanisation that one suffers while existing in prison are difficult to articulate. This is especially true for socially and educationally marginalised people who simply do not have the vocabulary to properly explain what is happening to them. The suffering of prisoners is also deftly hidden behind a mask of 'administrative evil' of the prison process.[1] The stereotypes and worst case examples are a ready, attention-grabbing shorthand for getting across how one feels, and they can, in the telling, become the reality of one's experience. I know it is regarded as criminological orthodoxy and that there are dozens of studies describing the alleged prevalence of sexual assault in prisons, some of which are referred to in Dot Goulding's book. However, I would argue that sexual assault is far less frequent than is often claimed. No matter how often surveys are conducted with begging questions that leave little to no room for a respondent to say otherwise, no matter how often a falsehood is told, it does not become true.

I have heard accounts from prison activists and lawyers and read in professional publications what my personal experience as a keen observer of my own environment since 1986 tells me are outrageously exaggerated claims of rape and sexual assault in the Victorian male prison system. There are isolated and very infrequent instances of course, but they do not prove a greater problem. What is more prevalent — and as far as I know has not received any research attention — is the use of a harsh, sexually violent argot amongst prisoners when talking about the disadvantage and injustice of their situations, which they describe as 'being fucked', or being 'bent over and fucked', 'we are being fucked again' and so on. If a prisoner suffers a loss, no matter how small, then his fellow prisoners will say 'if you would cop that, you would cop a cock in your mouth'. 'You say what happened … here [with a hand gesture toward the genitals] suck my dick!'' I know that this sexually violent metaphor and modality of categorising almost every aspect of the prison and criminal justice experience amongst male prisoners is omnipresent in Victoria. Perhaps the argot is the same in WA and the prisoner accounts Dot Goulding relies on are given through this distorting lense; perhaps the sexually violent argot of male prisoners in describing their situations is universal. A good example is the scene in the film *The Shawshank Redemption* (1994) that was repeated with each new man who sat with the main characters in the mess-hall to become a clichéd moment to describe the prison experience: 'What happened?' Andy Dufresne is asked. 'The lawyer fucked me' is his response, and it is also the next man's response, and the next after that; they have all been fucked, but not literally.

I do not doubt for a moment that the quiet acquiescence and the feelings of powerlessness to resist the

pervasive institutionalised violence and administrative evil that controls their lives, makes prisoners feel it appropriate to metaphorically categorise their feelings in terms of being a victim of a sexual assault. The prison experience violates a sense of personhood and autonomy, and renders the body overwhelmed to a superior and malevolent power, so it should not be unexpected that in a patriarchal and misogynous culture, and in a male dominance hierarchy of an institution like a prison, that power relations are described by men in terms of who is fucking and who is being fucked. In light of these realities, I would argue that there needs to be a critical analysis beyond the fact that one prisoner says unprompted of their prison experience that they do the fucking, three say they have not been fucked but have seen it happen to others, and three prisoners say much the same thing about being raped and assaulted (p 85). Dot Goulding did not do this critical analysis.

A useful insight in the book is found in the prisoner accounts of their acquiescence to the culture of violence and interpersonal terrorism which is determined by the prison staff. The fact is 'most prisoners wouldn't think of hurting a prison officer' and the use interpersonal violence by staff is accepted without formal complaint (pp 62, 99). The prisoners in Dot Goulding's study respond to the violence and interpersonal terrorism by not 'talking with the screws' and 'minimising contact' on the reasoning that 'I don't like them and they don't like me' (p 66–7). This is a class issue, as poor and socio-economically disadvantaged prisoners do not have a middle-class sense of entitlement; they do not look on the staff as public servants and themselves as members of the public, albeit temporarily imprisoned.

The issue of class, while touched upon, is not explored to anywhere near the depth I felt it required in the book. Nor was prisoner acceptance of the 'us and them' dichotomy critically examined. For example, 'John' who served 11 years says: 'there is an invisible line … there's an apprehension of actually approaching an officer and asking them for something' (p 68). That prisoners do not seek welfare or any other assistance from the staff must make the staff's day a lot easier. 'David' says: 'prison officers aren't welfare workers … how could an officer be a welfare worker when the next minute he could turn a key on you or put you in shackles … it's a conflict of interests' (p 66).

I believe that prisoners should make it personal; they should ask for help and for access to support services and the assistance they need. Prison staff *are* there for the benefit of the prisoners, to provide access to services and support. Not only is this is a class issue, it is most probably a race issue as well, as poor people along with people of colour get their heads knocked off their shoulders so often by white folk in power that they stop sticking their heads up. When a person's position becomes one from which they can't say what their needs are, then there is no chance whatsoever of them coping. Accepting the 'us and them' dichotomy and refusing to engage with prison officers in a welfare role — as all of the prisoners in Dot Goulding's study did — is counterproductive and leaves them without the support that they *may* have been able to extract from the system. Why excuse the welfare role so prison staff can fulfil their custodial role without an internal conflict? Prison staff should feel conflicted about what they are doing to other people and this conflict would be highlighted by engagement.

The inability of prisoners to communicate and interact with others for their own betterment is a result of the institutionally instilled dichotomy of us and them, and the prisoner practice of not talking to the screws. The long range problem this creates is starkly highlighted by Dot Goulding in relation to how these prisoners cope on release. For example, 'John' is back in prison after being free for only 10 days after his 11-year sentence, he says of his release that he felt:

> like a severely mentally retarded person. Mumble, mumble, mumble. I practically had to write all my communication down. That's how bad I was … I went to buy cigarettes from a kiosk and because there was no grill I was like an idiot and had to point to what I wanted … it was very embarrassing, standing there and stammering like an idiot … I remember I felt like crawling under a paving stone at the end of the first day out (p 121).

Although not stated as a conclusion, Dot Goulding's study finds that prisoners do not have the skills to articulate their needs in a coherent way on the inside or the outside. This is where prisoners need support. I would argue that suggestions for reform that do not address this fundamental problem are an exercise in 'fixing it after it's broken'. Goulding's suggestion of half-way houses only extends the prison modality of control further into the community. Restorative and transformative justice programs that do not *replace* punitive justice simply add humiliation to the assault and insult of a brutal prison system. How does 'John' for example, participate in such a process when he cannot bring himself to articulate his needs with prison staff or a 'real world' shopkeeper for a packet of cigarettes?

Prisoners would fare better on release if there were programs which addressed the key issue of being able to articulate one's needs and then rationally insisting that they be met through a discourse that does not revolve around the phrase 'fucking screw dog'. If prisoners could properly communicate then prison staff would come to see that they are dealing with real people and treat them accordingly, and their jobs, although more difficult, may be more fulfilling and thus encourage them to change the prison culture.

With the exception of the personal experience of release, there is little new in *Recapturing Freedom*. What really contributed to 10 of the 11 prisoners in this study returning to prison however, is misread due to assumptions about the violent prison praxis and the way in which prisoners represent that in 'war stories'. Dot Goulding's obvious experience in the field and the trust she built with the participants led, I suspect, to her being treated as an 'insider', and because of this the real issues of class, race, educational disadvantage and the inability to communicate with 'outsiders' on a basic human level was missed — 'John' could talk with Dot, *but not a shopkeeper*. Rather than make recommendations to address the real problems of the inability to communicate, restorative justice programs are suggested

which few prisoners could cope with, and halfway houses are recommended to extend the prison into the community so released prisoners will not feel as if they 'don't belong' when they are released (p 127). Apart from the issues I have excavated from the text, there is little to recommend in *Recapturing Freedom*.

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REVIEWS

SERIAL SURVIVORS: Women's narratives of surviving rape

Jan Jordan; The Federation Press, 246 pp, 2008; $39.95 (paperback)

Jan Jordan's book is an intimate and compelling account of surviving rape. I picked it up with some trepidation expecting to find it confronting and likely upsetting. However, what I encountered instead were fifteen unique, powerful and very moving stories of courage, hope, faith, resilience and creativity, harnessed in the face of terrible violence and deep trauma. Confounding my expectations, *Serial Survivors* was not only easy to read but hard to put down. It documents the experiences of women who survived rape at the hands of New Zealand's most notorious serial rapist. The book is truly unique in providing a window into how the women felt, what they thought, and what they did to survive — literally, psychologically and spiritually. While previous research has captured women's responses to the legal system and their treatment, or aspects of the crime and its impact, to my knowledge, there is nothing that compares in giving women the space to tell their own stories about the entire experience — the crime, its aftermath, and the criminal process, from reporting right th ıgh to conviction and sentencing.

ngth of the book is the power of n's voices and what we learn from them. Jordan writes: 'I wanted to keep the authenticity of their voices and at the same time turn this into accessible writing for the reader' (p 207). She has succeeded in this. The author deftly draws out the themes and weaves them together in ways that maintain the complexity and uniqueness of the individual stories. She also places the women's stories in context by letting the reader know how they fit within broader patterns or understandings, how their experiences reflect or diverge from the existing knowledge and research, and how they might constructively inform policy and practice. One point that is underlined is that the group of women is in many ways not representative of the circumstances of women who are raped. Most women know the men who assault them. These women, raped in their own homes by a stranger, a serial rapist, were not subject to the disbelief that too often accompanies reporting and shadows any subsequent legal processes. Most of the women were articulate and middle class. This in no way undermines the book's significance.

While the phrase victim/survivor is familiar to all who are engaged in research, policy or service delivery in the area of sexual assault, the women's stories in this book give new insights into what this actually means. Survival used in the context of sexual assault is understood to be broader than literal survival, although rape victims (the term is apt here) are sometimes murdered, and frequently the fear and threat of death accompany rape. It is common to consider the attack as a time of victimisation, to think of women at the time of attack as victims, and to conceive of survival as a healing journey that takes place over time. What these women's stories make clear is that survival and the resistance that makes it possible is something that takes place right from the very start.

While the pain, shock and devastating impact of the attacks is not underplayed, what shines through is the myriad ways that the women struggle and succeed to find ways to maintain or regain control, even in the most challenging circumstances, whether being overcome through brute force or confronting the rigid structures of the criminal justice system. In each of these circumstances women found ways — sometimes unlikely ways — to protect and assert themselves.

The book is divided into six chapters. The first is entitled simply 'The women'. After briefly being introduced to each through her own words, the reader is told simply 'This book tells the stories of their survival'. Each of the five subsequent chapters begins with the word 'surviving'. They cover 'the attack', 'police processes', 'the trial', 'others' (surviving them and them surviving), and 'moving on'. Discussion of the rapist, Malcolm Rewa, is consigned to an appendix. The decision to structure the book like this serves to emphasise that the book is about the women. It makes clear that part of surviving MR's crimes (he is referred to only by his initials throughout the text) is not to feel, perceive or think of him and his crimes as omnipresent and at the centre, but rather as small and peripheral. The decision to ostracise him to the back of the book and to give even his name as little space as possible continues this strategy.

For me, Chapter 2, 'Surviving the attack', was the most powerful and the most unexpected. Based on the accounts, Jordan summarises the resistance of the women as falling into the categories of 'physical resistance', 'talking to the offender', 'trying to alert others', and 'mental/inner resistance' (p 16). The following quote from Gabriel speaks to inner or mental resistance.

> This guy had me strewn over a bed half naked, bound with blankets over my face, in position, just totally ready to rape me and he's going through the knife drawer, coming back into the room . . . I thought 'What can I do, what can I do to protect myself?'. So I closed my eyes really hard and I decided to just fill up the entire room with myself so that as much of that room had me in it, so that there was no room for him in there, and it was a really hard process because I didn't have much time. Then I started praying, which is bizarre because I don't pray very much at all, but anyway God sounded like a really good idea right about then (laughs). I just closed my eyes to try and think about me and how big I could possibly make myself in this room without moving. Bigger and bigger and bigger and bigger, and not focusing on what he is doing out there, and bigger and bigger and bigger. And he comes back in and tries to rape me and he can't . . . It really changed my