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Rehabilitation in Prison and the Role of Creative Art

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Abstract

With the numerous calls for reform of prison in the twenty-first century it is vital that the use of rehabilitation in prisons is given careful consideration. This study explores the development of prisons and the uses of rehabilitation for prisoners. In particular it examines creative art as a tool for rehabilitation, through a review of existing literature, analysis of case studies and primary qualitative research. It argues that creative art can have enormously positive impact in the prison system; it has the ability to aid a prisoner's rehabilitation and alleviate some of the problems which prisons face today. Recommendations are made based on these findings which include the implementation of further arts programs, the exhibition of prisoner artwork, and the development of a body to oversee the running art programs for prisoners.

Key Words: prisons, prison reform, rehabilitation, art, creative art

Introduction

‘The degree of civilization in a society can be judged by entering its prisons’.

This quote, attributed to Fyodor Dostoevsky, is often referred to in relation to penal reform. If we were to apply this to Ireland, judging by our prisons, our society would be deemed to be in a dire state. This can be seen by looking at some of the problems that our prisons face daily: poor literacy levels, poor mental health, addictions, use of illegal drugs, overcrowding and inter-prison violence (IPRT, 2012). Many argue that the act of being sentenced to prison is in itself the punishment. For example, Sir Alexander Paterson stated, ‘Men come to prisons as punishment, not for punishment’ (cited in Tumin, 1996, p.18). From this, it follows that the purpose of the Criminal Justice System is to punish (through retribution) and the purpose of prison is primarily for rehabilitation. According to the Scottish Prisons Commission, ‘prison may sometimes do good, but it always does harm’ (IPRT, 2009). Prison as it is now, arguably, has nothing but negative effects on the prisoner. For this reason, we need to focus on the hypothesis that ‘prison may sometimes do good’ (IPRT 2009). With the abundance of problems the Irish Prison Service is faced with today, it is clear that there must be change; we cannot neglect the reality and allow the system to remain as it is. While prisons cannot be reformed overnight, the introduction of activities to which the prisoner responds positively may enhance the ‘good’.

Art programs are one example of this. The ‘creative arts’ is a broad term used to describe a multitude of expressive fields, the most popular forms of which are visual art, dance, drama and music. This research argues that engagement in artistic practice can be of much benefit to a prisoner and can aid them in their personal development. This study aims to demonstrate this through qualitative research. Literature and case studies that explore the impact of the use of creative arts and their benefits in particular for prisoners are also explored.

Development of prison

Foucault (1991) looks at punishment in relation to power and its social context. He first looked at the sixteenth/seventeenth century when places of control were open, community, primary institutions and drew on theories of punishment which were moralistic, traditional and later classical (centring on public execution and torture). Foucault observed that this demonstrated the authority and power of the king.

Although the eighteenth century was seen as a time of reform of punishment, Foucault held that this was not in the interests of the criminal but instead as another means to conduct power. From the nineteenth century places of control became closed, segregated institutions and drew on theories of punishment, which were 'neo-positive' (Cohen, 1985).

Foucault illustrated how the changing forms of discipline, along with Bentham's panopticon, led to the modern prison system. Bentham created the 'panopticon' in 1791, which was a circular structure with an observation tower in the centre. The panopticon allowed for full surveillance of those in the circular structure by those who were hidden in the tower. Prisons were based on this design for the next half a century (www.howardleague.org, 2012). Foucault describes its aim being to take the offender's freedom from him and to reform him.

Garland (1985) attributes key characteristics to the period between the 1890s and the 1960s in penal policy and thinking, for example, diversions from prison (e.g. fines, probation) and the transferral of responsibility of offenders to the state rather than private charity. Prison was becoming a place for treatment and helping offenders rather than simply punishing them (Garland, 1985). Later, Garland (2001) identifies twelve major themes that have caused change in crime control and criminal justice between 1970 and 2000, including: the decline of the rehabilitative ideal; the re-emergence of punitive sanctions and expressive justice; and the commercialization of crime control. Rehabilitation, although it continued to be used in prisons, was no longer seen as the primary purpose of prisons. It was replaced with other goals such as retribution and incapacitation (Garland, 2001). Garland (2001) and Bauman (2005) note that when there was a focus on rehabilitation, prisons 'recycled' prisoners as they were taken from society and later were guided back to society. With the shift to a focus on control and punishment it is now almost impossible for prisoners to return to society and therefore reach a 'social death'. They conclude from this, that prisons are now used as a 'waste disposal system' or a 'human warehouse'.

Development of Rehabilitation

In his 1974 article 'What Works', Martinson implied that there is nothing that can be done in order to rehabilitate prisoners. This can be seen to have impacted upon the

use of rehabilitation for prisoners as it was viewed that there was no treatment that was effective. In contrast, Garland (2001) argues that this ‘nothing works’ sentiment overstates that negative data on rehabilitation and suppresses the data that contrasts with this view. He describes it as an emotive reaction to the failings of the system rather than an informed view of the system. Cohen (1985) and Lawlor and McDonald (2001) outline the benefit of rehabilitation programs when the right type of rehabilitation is matched to the suitable offender, setting and type of professional. Tumin (1996) states that prisons can aid the rehabilitation of prisoners and can make a positive contribution to society. He points out that the majority of prisoners are young, uneducated and have committed minor offences, so prison for these people should be about preparing them for release and ensuring that they avoid the revolving door of relapse and reoffending. Morris (1974) argues that the purpose of imprisonment is independent of rehabilitation: we should aim to help offenders regardless of what is deemed the purpose of prison. He states that as there is a disproportionate number of prisoners who are unemployed, untrained, uneducated, psychologically disturbed and socially isolated, so it is therefore in the best interests of society to help prisoners to alleviate these problems.

It can be argued that it is easier to treat the offender as a ‘bad person’ and punish him in this way to make the victim feel satisfied that there has been retribution. The victim wants justice for themselves, but this then begs the question, how does this help the next person? The victim may be satisfied, but the rest of society suffers. This method enforces a vicious circle of crime (O’Mahony, 2008): an offender commits a crime, is punished, suffers, is released and usually goes on to commit further crime against another member of society, often of a more serious nature. To break this circle we must intervene at some stage and aim to change the course that the offender would otherwise likely take.

If we take a utilitarian view then we should be looking at what benefits the many (society) rather than the few (the victim). Retribution only benefits ‘the few’ (i.e. the victim and those close to him/her) whereas with rehabilitation although the victim themselves do not get ‘justice’, there is a much higher possibility that ‘the many’ will benefit.

Contrary to Hobbes' view of human nature being innately selfish, Locke holds that humans are born with a 'blank slate', with no innate knowledge of the world and that we are shaped through our experiences in life (Bennett, et al., 2008, pp.112-113). In this way, humans can learn through experiences and better themselves. If we take this assumption that we are born a blank slate, rehabilitation is therefore possible; through rehabilitation humans can learn to become better people.

Methodology

Primary research for this study was largely qualitative as the author felt it was essential to gain a deeper understanding of the purpose of prisons and the need for rehabilitation. Qualitative research has the ability contribute complex descriptions of peoples' experiences and observations to any research. This type of research considers the 'human' side of an issue (Family Health International, n.d). As qualitative research is flexible it also allowed broader scope for the research. For example, each interview was semi-structured so as to allow the interviewee to be flexible in their answers (e.g. they may bring up an issue that he auhor had not considered). Four face-to-face interviews were conducted as he auhor felt that building a rapport with the interviewee would result in the interviewee being more comfortable and thus giving more detailed answers.

Three of the interviews focused on effects that imprisonment has on those incarcerated, how these should be minimised; rehabilitation versus retribution in Irish prisons; services within the prison and the benefits of creative art for prisoners. For this, people from different areas were interviewed, so that each would be looking at the question from a different standpoint, through a different lens, so to speak. First, I interviewed Professor Colin Sumner, University College Cork, as Colin has been working in the area of law and criminology for the past thirty years and has written extensively on this. Next interviewed was Catherine Coakley. The author felt it was essential for the study to include the views of a person who works with offenders on an on-going basis. As Catherine has worked in the Education Unit in Cork Prison for the past thirty-three years, previously as an art teacher and presently as head of the Education Unit, she was most suitable and beneficial to interview for the study. Next an interview was conducted with a lecturer who has engaged in research on

prisons/penal policy.⁴ The last interview focused on how art can help a person and applying this to prisoners. I interviewed Catherine Phillips, who is a professionally qualified art therapist and lectures at Cork Institute of Technology in Art Therapy.

Research Findings and Analysis

Rehabilitation

There is agreement between interviewees that rehabilitation works best. Coakley (2013) used a metaphor that sums up why this is so: if you take a piece of broken furniture and lock it in a room for a few years, when you go back to it, it will still be broken because nobody has done anything to fix it. Coakley (2013) states that even when you don't agree with providing rehabilitation from a moral standpoint, it is logical to provide it from a financial standpoint: it is cheaper to help prisoners in order to prevent recidivism, than to provide more prison places in the future. It is also logical as it benefits society if a prisoner is rehabilitated. Smith (2013) believes that we are required to and have a moral obligation to meet the needs and welfare of prisoners and that this is the fundamental purpose of rehabilitation: society has a duty to look after the most vulnerable in society and as much of the prison population is quite vulnerable they should be provided with resources and services that they need. There is much argument as to what types of rehabilitation are most successful, and what needs to be done in order to rehabilitate prisoners. This author proposes that the creative arts are particularly suitable for the rehabilitation of prisoners and the use of art programs in prison have had much beneficial effect on prisoners.

Minimising the negative effects of incarceration on the prisoner, through art

In discussing the effects that incarceration has on prisoners, there was agreement between all interviewees that there are many negative effects. Sumner (2013) and Smith (2013) state that the Irish Prison Service is not innovative enough and could be doing much more to help people build their lives again and minimising the negative effects of prison. However, in stark contrast to Sumner's (2013) and Smith (2013) views, Coakley (2013) holds that there are many attempts made in prisons to minimise these negative effects. She claims that the Education Unit provides a distraction for prisoners who are suffering with depression and/or other mental illness.

⁴ This interviewee wishes to remain anonymous so has been given them the pseudonym 'Mary Smith'.

Yet although Coakley (2013) believes that many attempts have already been made, she also states that there is more that the Irish Prison Service and Irish legislation can do to minimise these effects of imprisonment further.

Coakley (2013) and Smith (2013) stress that prisoners' relationships with their family greatly suffer as a result of incarceration. Coakley (2013) mentions that the offender can't touch or hug their children. Art programs could help a prisoner connect with their child as they can create something tangible to give to their child. In a study by Nugent and Loucks (2011) it was found that the prisoners also felt proud when they had something that they had made to give to their children when they visited. It also provides them with an activity to practice with their child after release which can have great benefit in connecting their family again.

Coakley (2013) mentioned that the prisoner's mental health suffers a lot when they come into prisons. Many also have mental health or addiction issues before entering prison. However there are no special regulations provided for those with mental illness in Irish prisons. Therefore an art program could be most beneficial to these prisoners. Nugent and Loucks (2011) found that persons with mental health issues found the therapeutic effects of an art program enjoyable. One prison officer believed that the arts particularly help those with mental health issues (Nugent and Loucks, 2011). Also, Phillips (2013) notes that many people who have difficulties with verbal skills and words find art can be a way to express themselves when words fail them.

According to the revised European Prison Rules 2006, prison work should attempt to aid prisoners in gaining employment after release (Council of Europe, 2006). However Coakley (2013) notes that incarceration renders people practically unemployable on release. There's a huge stigma attached to being in prison and as many professions and occupations require Garda clearance it means that most ex-prisoners will not be employed. Sumner (2013) holds that rehabilitative programs/services are most important in increasing employment prospects on release. Brewster (2010, p. 36) also found that an art program taught the offenders to work with a 'sense of purpose' and a 'focused discipline' that would prepare these offenders for life after prison, particularly in the area of employment.

Overcrowding is common in Irish prisons and shows no sign of improving in the near future (IRPT, 2012). Due to this, prisoners need an escape from the stress of being locked up in such close confinement for long periods of time. Art can be a way of providing this escape. Studies have shown that with the aid of art, prisoners have become calmer and thus better able to cope with their living conditions (Brewster, 2010; Nugent and Loucks, 2011). As overcrowding often leads to added stress being put on prisoners, there comes with this an increase in prisoner violence (Coughlan, 2012). As art is in itself a means for self-expression, it is therefore beneficial to offenders, particularly those with violent tendencies, to use art for this purpose and prevent them expressing themselves in a violent and/or socially unacceptable way.

Benefits of Art Programs

Art programs can improve people's personal development, in particular their self-esteem, self-confidence and sense of pride (Brewster, 2010; Nugent and Loucks, 2011) all of which are important in gaining employment. Phillips (2013) believes that art creates a space for a person to explore all aspects of themselves through new ways of being seeing and feeling. She states that the creative process facilitates a safe space to explore one's inner self. She explains that in creating something you are exploring and reflecting your inner world which brings all aspects of yourself together. Often, she finds that one may discover aspects of themselves they did not know existed before this. This was also found by Nugent and Loucks (2011), that the women in their study were discovering sides of themselves that they never had before.

There was consensus among the interviewees that art can be a means for prisoners to express themselves. Sumner (2013) states that this is a tried and proven fact: art allows prisoners to discover their feelings, get in touch with their inner self and become more self-aware. Coakley (2013) and Phillips (2013) mention that art in itself is therapeutic and, similarly to Rubin (2010), hold that it provides the prisoner with a sense of achievement when he has created something.

Smith (2013) also holds that art should particularly be provided for those who have not succeeded in formal education. Many prisoners may not have succeeded previously within the education system and may not have any interest in education. It is therefore beneficial to provide art programs as an alternative to mainstream

education programs as it does not require any particular level of cognitive ability. Creative art is an area that allows inclusion for everyone. For those who have not achieved within the education system, art programs can provide offenders with another opportunity to achieve. In this way it aids the prisoner in creating their own narrative. This can be particularly useful for young offenders whom McVerry (2006) holds give the greatest return when it comes to rehabilitation, as they are at an important and decisive stage in their development. It can therefore be argued that implementing arts programs directed at young offenders can have much positive impact. Clements (2004) notes that art can also be a means of providing a stepping stone into education. As art naturally develops a person's mind, it may encourage those in arts programs to thereafter explore education to develop their mind and skills further.

Sumner (2013) states that through theatre and drama, prisoners become more reflective, better able to engage with others and develop sensitivity to others. The study by Nugent and Loucks (2011) also found this to be the case as they observed that the women learned to respect the prison officers more as they also saw their 'softer' side and also saw different sides to other prisoners and they tended to encourage each other.

Since the late 1970/1980s there has been a rise of arts programs being introduced in prisons, possibly most notable in the USA. The following statement is from a prison inmate who had the experience of an arts program in the USA

There are general feelings of hostility and hopelessness in prisons today and it is getting worse with overcrowding. . . Art workshops and similar programs help take us out of this atmosphere and we become like any other free person expressing our talents. Being in prison is the final ride downhill unless one can resist the things around him and learn to function in a society which he no longer has any contact with. Arts programs for many of us may be the final salvation of our minds from prison insanity. It's contact with the best of the human race. It is something that says that we, too, are still valuable. (www.williamjamesassociation.org/prison_arts, 2012)

The Ability of Art Programs to Compensate for Ireland's Lack of Adherence to EU Legislation

Article 26 (2) of the Universal Declaration of Human Rights (UDHR) states that 'Education shall be directed to the full development of the human personality' (UN, 1948). Although the Whitaker Report (1985) noted this as most important the Irish Prison System fails to abide. Smith (2013) notes that a prisoner's social skills are negatively affected in prison, particularly due to isolation. Here, art programs can be of use. Rubin (2010) claims that without doubt art activities can be used to promote social and emotional growth. Along with the benefits to personal development which have been discussed, art is also a means of healing: it allows a person to release tension, to experience freedom and discipline and to express ideas, thoughts or emotions that are too difficult to put into words. Similarly, Buchatler (2009), Clements (2004) and Meadows (2010) found that prisoners participate in a more effective manner, are less aggressive, improve their self-esteem and develop much better communication skills through participating in art programs. Also Sumner (2013) made the point that art is an unfixed, fluid form, similar to relationships. As many prisoners are not good with relationships, they may find art a way of helping them respond better in their relationships.

Smith (2013) was the only interviewee to point out that as the rest of society has access to art and cultural activities, they should similarly be provided to prisoners. With regards to arts in prison, most studies tend to look at the benefits of art and determining if it is worthwhile. These studies neglect Article 27 (1) of the UDHR (UN, 1948) as they do not discuss the right of prisoners to simply enjoy the arts and participate in cultural life. Granted, it is difficult to implement this article fully in the case of prisoners yet this is not to say it should be ignored. As far as possible prisons must strive to ensure that all prisoners' human rights should be met, therefore we should be providing art programs in prisons simply to allow prisoners to enjoy the arts, regardless of any benefits or lack of.

The revised European Prison Rules 2006 also advise that prison authorities must be constantly informing the public of the purpose and work of the prison system in order to ensure public understanding of prison (Council of Europe, 2006). Instead most of the public's knowledge of prison comes from the media instead of the prison

authorities. Again, Smith (2013) was the only interviewee to mention that art could be a way of improving relations between prisoners and the wider society: art can give society a different view of prisoner and their potential and of prison itself. Exhibitions of prisoners' artwork such as the one in Kilmainham Gaol (IPRT, 2012) are a great way to inform the public. The exhibition gets people's attention and interest and can be used as a means to not only show artwork of those in prisons, but to inform the public of the purpose and work of prison. It demonstrates how far a prisoner has come: from committing offences to creating works of art.

The revised European Prison Rules 2006 state that the prison regime must offer a balanced program of activities to prisoners which allow them to spend as many hours as necessary to achieve an adequate level of social/human interaction (Council of Europe, 2006). In reality it would take more hours than are possible in order for prisoners to achieve an adequate level of social/human interaction with the programs provided in prisons at the moment. As case studies have shown that arts programs have facilitated much positive interaction between prisoners (Brewster, 2010; Estrella, 2010; Nugent and Loucks, 2011), through arts programs, prisoners are better able to reach an adequate level of social/human interaction in a more practical number of hours.

In regards to Article 26 (2) of the UDHR (UN, 1948), in 'promoting understanding, tolerance and friendship among all nations, racial or religious groups', Brewster (2010) describes how offenders found that through art, prisoners found for the first time in prison (and for many the first time in their lives) they were not segregated by race but instead worked alongside people of all different races. Also in Nugent and Loucks (2011) study they similarly found that the foreign prisoners were beginning to integrate with the rest of prisoners through an arts program.

Conclusion

Key Findings

As this study has outlined, Irish prisons face multiple problems daily which have detrimental effect on prisoners. The author of this study takes a similar viewpoint to that of Sir Alexander Paterson in that imprisonment is a punishment in and of itself; prisoners should not be further punished once imprisoned. It is the duty of the Irish

Prison Service to aid the prisoners' rehabilitation. Prison initially was a place for reforming, helping and treatment of the offender (Garland, 1985; howardleague.org, 2012), it wasn't until the late twentieth century that the focus shifted toward retribution rather than rehabilitation (Garland, 2001). Since then, there has been a move back toward rehabilitation, with much research outlining the benefits of rehabilitation and why this is the favourable to retribution (Cohen, 1985; Garland, 2001; Lawlor and McDonald, 2001; Morris, 1974; O'Mahony, 2008).

Similarly, all interviewees agreed that rehabilitation must be practiced with prisoners, both from a moral standpoint and economical. They also all saw the effects of imprisonment as harmful to prisoners (Coakley, 2013; Phillips, 2013; Smith, 2013; Sumner, 2013). Imprisonment harms prisoners' relationships (Coakley, 2013; Smith, 2013), their mental health (Coakley, 2013), their employability (Coakley, 2013) and - worsened by the high levels of overcrowding- causes enormous amounts of stress (Coughlan, 2012).

This study has demonstrated that there is a need for rehabilitation – specific to individual prisoners – within prisons and notes how art programs can minimise some of the negative effects of imprisonment. For example, the prisoner can create something to give to his/her child. It can aid a prisoner's personal development (e.g. their self-esteem, self-confidence and sense of pride) (Brewster, 2010; Buchatler, 2009; Clements, 2004; Meadows, 2010; Nugent and Loucks, 2011; Phillips, 2013; Rubin, 2010) and it teaches them skills which will aid their employability on release (Brewster, 2010; Sumner, 2013). Art can also somewhat compensate the problem of overcrowding in our prisons. Where overcrowding usually causes stress/agitation and often leads to violence, art is relaxing, therapeutic, releases tension, allows one to express themselves and provides an escape for prisoners so they are then less likely to lash out (Brewster, 2010; Nugent and Loucks, 2011; Rubin, 2010). Art can be an alternative to mainstream education, particularly as it allows inclusion for everyone, regardless of cognitive ability (Smith, 2013) and in some cases it can be a stepping stone to further education (Clements, 2004). Art is also a great means for demonstrating to the public the work of prisons and shows prisoners in an alternative light.

Recommendations

Due to the clear benefits of art programs in prisons, this author recommends the implementation of further, and the expansion of existing, art programs. The author also recommends one exhibition per year to be held whereby the art work created by prisoners would be displayed.

There should be implementation of policy to reform rehabilitation programs (e.g. it must be directed at the full development of human personality) and to ensure their availability in each prison.

The author also stresses the need for implementation of a system which on entry to the prison, the prisoner would be assessed to determine which rehabilitative services/programs would suit them best.

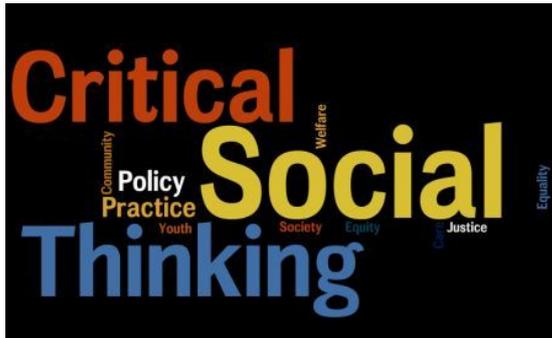
The author also recommends the development of a body within the Department of Justice to oversee that prisoner-welfare and human rights are adhered to (according to EU legislation/policy). This body would also be the central authority on prison programs: it would assess prisoners and ensure that each prisoner is provided with a suitable program that appeals to their wants and needs.

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A ‘Céad Míle Fáilte’ for EU Citizens? Differential experiences based on citizenship status

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Abstract

Citizenship is a status by which individuals attain membership of a nation. Various rights and obligations are associated with citizenship, to the exclusion of those who do not enjoy this status. Discussions on citizenship are often closely linked with migration and debate about who should be entitled to the benefit of membership of the state. European citizens who are living in Ireland long term enjoy many of the rights of Irish citizens; however, there are areas where they have limited rights, especially since the 2004 citizenship referendum. This research assesses what differences are experienced by European Citizens as a direct result of their citizenship status, and how these experiences impact on them. Clear differences emerged between the experiences of those from ‘Old Europe’ compared with people from the New Member States (NMS).

Keywords: Citizenship; immigration; European Union; Ireland