

# THE ISSUE OF FOREIGN NATIONAL PRISONERS. LOOKING BACK AND FORWARDS

Foreign National Prisoner Workshop  
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# JOHN HOWARD, THE LEGEND

1726-1790

Prison visitor

Philanthropist

Prison reformer

Author

*State of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons (1777, 1780, 1784 en 1792)*

*An account of the principal lazaretto's in Europe, and various papers relative to the plague (1789 and 1791)*



# JOHN HOWARD, THE MAN

1726: birth of John Howard

1731: death of mother

1742: death of father - orphan and rich

1745-1748: *grand tour* across Europe  
– return to England and ill

1751-52: recovery and first marriage

1755: widower

1757: encounter with privateers

1758-1765: second marriage and home in Cardington

1765: father and widower (again)

1767-1771: travelling and travelling

1773: High Sheriff of Bedfordshire and first prison visits

1773-1774: prison visits in England, Wales, Scotland and Ireland

1775-1790: visits to prisons, hospitals and lazaretto's in Europe

1790: death in Kherson (Ukraine)



# PRISON VISITS IN 1774

Alone or with a servant  
on horseback or by coach





# Foreign prison travels (1775-1790)



## JOHN HOWARD, THE INSPIRATOR

There is nothing wrong with being *curious* (West, 2011).

Travel/distance helps you to learn and understand.

If you want to study prisons, visit them (the belly of the beast).

Observation can lead to new questions (and answers) – don't be afraid of induction.

What would John Howard look at today? Prison conditions and prison organisation?

Who are the prisoners? Why so many/few? Why do we lock up people?

My Howard question for a year (2013-2014): *What are prisons for today?*

## WHAT ARE PRISONS FOR?

Prisons have always existed as depots for ***unwanted or dangerous*** people, or for those ***awaiting deliberations*** on their case by a court, to pressure ***debtors*** to pay what they were alleged to owe.

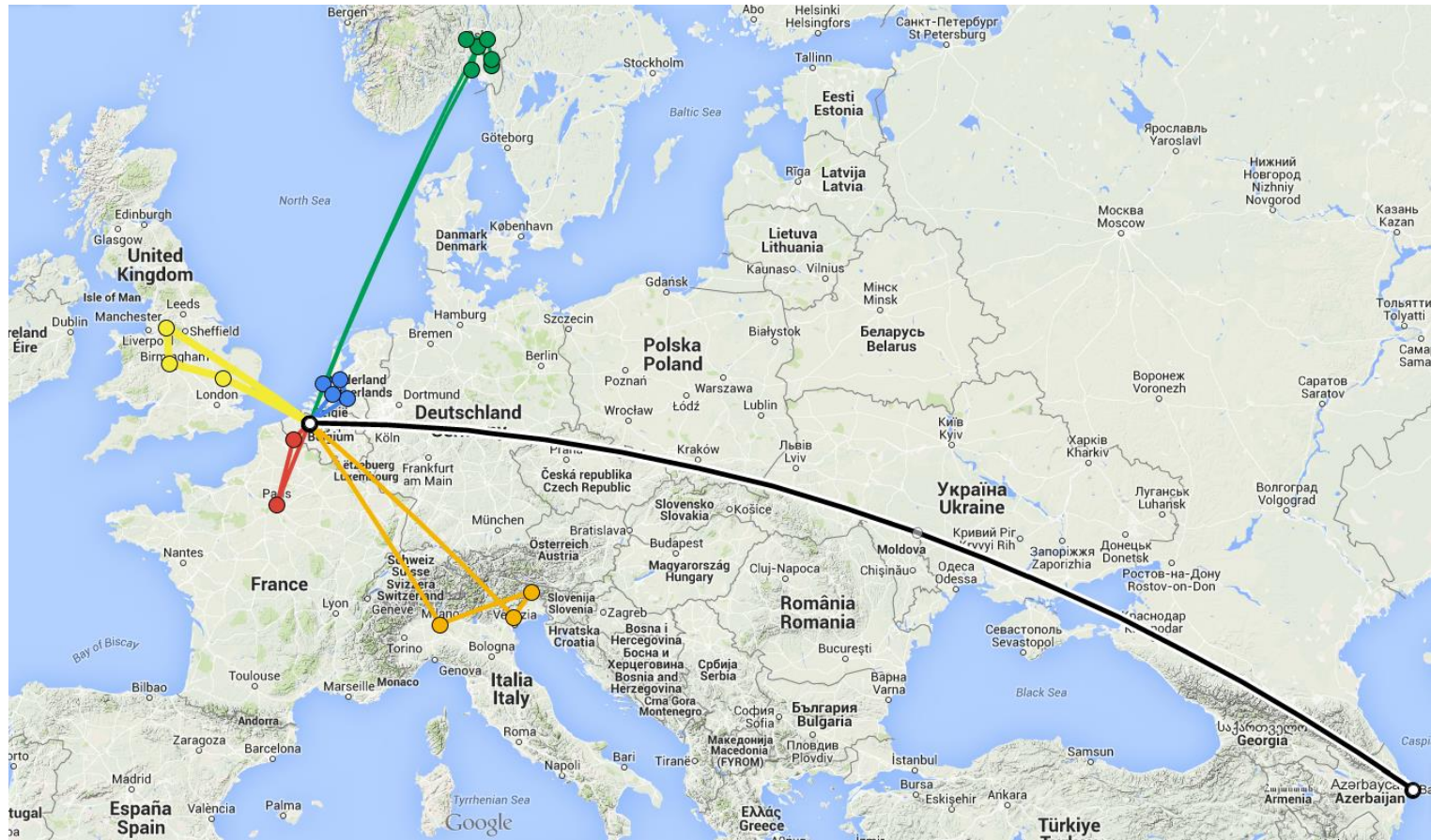
Convicted criminals were typically not much found inside prisons, since the sentences in Howard's time were largely corporal and capital punishment or transportation to one of Britain's colonies.

Incarceration ***as a punishment is said to be a more recent phenomenon***, the “birth” of the prison mostly situated in Howard's times.

Prison as a punishment is not just a temporary intervention awaiting something else, but a punishment with own aims and functions. This includes ambitions about ***changing the prisoner and his return to society***.



# IN HOWARD'S FOOTSTEPS FOR A YEAR



Bicycle, bus, tram, train, boat, car and airplane

To England, Norway, The Netherlands, France, Italy and Azerbaijan

Howard as travelling companion and methodological model: washing around Europe, knocking on prison doors and stepping inside to see how prisons are run and what life is, listening, asking question and reading





## WHAT ABOUT FOREIGN NATIONAL PRISONERS IN HOWARD'S WORK?

The State of the Prisons only has one reference to foreign national prisoners:

“I grant there is a material difference in the circumstances of foreign and domestic prisoners, but there is none in their nature: debtors and felons, as well as hostile foreigners are *men*, and by men they ought to be treated as men.” (Howard, 1776: 23)

And what about foreign national prisoners in my work?

# THE JAILER'S SALARY



The primary stress seems to be laid upon the cost (and reducing the cost) to society of incarceration. Nevertheless, prisons also have to protect the public from the risk of criminality and dangerous individuals.

Unless they are foreigners, it seems. Many of these are kept in prisons of their own under a policy of deporting them as soon as legally possible so that they do not encumber the budget. British policy evidently finds it necessary to lock people up rather a lot. It is also a policy that is quite taken with the recurring question, "Can it be done more cheaply?".



# THE NORTHERN STAR



Like the rest of Scandinavia, Norway in Howard's time was not coping with an influx of foreigners; rather, it was experiencing emigration.

I am told that this is a deportation policy with teeth, and that a great many convicts are actually booted out of the country after a last stop at the Aliens Holding Centre at Trandum, near Oslo Airport.



Foreigners are provided with equivalent, but not necessarily identical, facilities. For instance, while Norwegian inmates have a legal entitlement to pursue further education in prison just as they could in the outside world, that right does not extend to foreigners, who are only given access to basic-level courses. Medical services cannot be faulted and are provided to everyone in prison. They are comparable to what would be on offer in Norwegian society at large.



The vigorous deportation policy reveals a determination to keep Norway Norwegian, indeed to keep Norway above all for the Norwegians. But how can that desire sit with the reality of prisons receiving more and more foreigners? And what kind of reintegration into society should be invested in by the country's prisons?



# PARADOX OF CONTROL



The director of the facility and the head of prisoner care welcome us kindly and laugh when I ask them how Vught Prison is doing. *“Doing alright,” they reply, “but we’re hoping for some more arrivals next week.”*

As the sceptics saw it, the much tightened aliens policy meant that fewer foreigners had been coming to the Netherlands in the first place, never mind ending up in Dutch jails.



Women are sitting and standing around chatting in them. I am struck that most of the women are dark-skinned.

Compared with other countries that I have visited and studied, what leaps out at me is the appeal that the Dutch expressly and vigorously make to the individual responsibility [...] Among the batches of criminals who land in prison, there is never a shortage of “no-hopers” — those who are hardly able to bring about their own improvement or to earn their way out with good behavior. [...] No fewer than four-fifths of inmates questioned for one piece of research were found not willing enough to undergo the treatment to take part in a rehabilitation initiative, complete it successfully and profit from it.



# WORDS RING HOLLOW



Enter a French prison, however, as I did (albeit only a *maison d'arrêt*), and you will find very little of those French ideals and noble legal principles in evidence.

On the women's wing, we enter a room in which an inmate is talking to her mentor. Their conversation tails off the moment we arrive. The prisoner looks away and fades into the background, becoming almost an item of furniture. Her mentor talks to us, including about the inmate sitting with her, but while completely ignoring the woman herself. Our guide, too, directs all his attention to her colleague. I make an effort to at least greet the prisoner but obtain no response. The distance between me, the staff and the inmate is evidently felt to be too great to permit any spontaneous human exchange.

The *parloir* for inmates to receive their visitors is nothing more than a filthy, badly-lit basement room. The prison wiring and plumbing runs bare across the ceiling and down the walls. [...] The visiting coops are tiny and disgustingly dirty. And it stinks down here.

# DREAMS OF BECCARIA



The prison is becoming more and more of a specialist facility, then, with a special kind of inmate: chiefly suspects and convicts of Mafia-related criminality. Another consequence is that foreigners have become the minority of prisoners here.

After all, preparing the prisoners for their return to society is an absolute priority, except for 41bis category prisoners. However, the economic crisis is not exactly helping concrete reintegration efforts. It is particularly tricky, if not impossible, to land a job back in the south while locked up in Tolmezzo. Social services are also less and less able to assist.

The barista and the rest of the staff here are inmates. The bar is operated as a cooperative with both staff and inmates as shareholders, so both take a slice of the profits.

An inmate waylays me and insists that I see one of the digital blackboards that the men have recently begun assembling here, on their own initiative. He took a technical course in prison through the medium of English and came away with an electronics diploma. Proudly, he tells me that Bollate Prison is the only producer of these blackboards in the country and can hardly keep up with demand.





# POTEMKIN PRISONS?



As we approach, a warder clears our way with a wave of his arm. Hundreds of inmates stand up, stop talking and remove their caps. I have never seen such a reaction.

In several places, a little sign is hanging which proclaims in interesting English: TORTURE NOT TO. Now who would be the intended audience of that?



Everything is new and gleaming. [...] We are shown an occupied two-man cell with dedicated toilet/shower room, bedroom with bunk bed and table, and back door opening onto an outdoor space with garden table and chairs. The little patio is groaning with water bottles and fruit and vegetables.



I ask Musa why his country expends so much effort on its prisons. With a laugh, he replies that that is simply a facet of life that the international community keeps scrutinising. Surely, then, it only stands to reason to try to make that the main focus of improvements?

## LOCKING UP, LOCKING AWAY AND LOCKING IN (1)

Some countries are getting tough about the physical exclusion of some foreign convicts, by declaring them persona non grata and expelling them. The time is long gone that the problems of incarceration and criminality could be solved by deporting the undesirables over the seas, but many countries are still wrestling with a better solution to replace it.

What can be done with transients whose only connection to the country in which they are imprisoned is the crime they committed while passing through? What kind of inclusion can be on offer for them, and how and where should this inclusion be brought about? For me, these are the key challenges that will face the prisons of tomorrow which will want to do more than incarcerate people. And my travels have convinced me that this is the very matter that is causing today's European prisons the most headaches.

## LOCKING UP, LOCKING AWAY AND LOCKING IN (2)

It was precisely to mitigate the element of exclusion suffered under the existing judicial penalties that custodial sentences were developed. In the context of the early mediaeval Italian cities, thinkers racked their brains to devise an instrument that could correct dangerous and annoying people without necessarily making them social outcasts once and for all.

Incarceration was part of the punishment, but no less was the subsequent return to the society that had been off ended by the undesirable behavior. In the French context, too, imprisonment became a kind of foreign body in the arsenal of pre-existing punishments. The *lettres de cachet* were of course tools for locking people up without the trouble of going through the usual legal channels, and as such were inherently susceptible to capricious abuse. However, they were also—and perhaps even primarily—creatures born of the need to respond to new social trends which had made completely outlawing a person a less desirable goal than previously, and even an impossible one. Via *lettres de cachet*, capital punishments were stayed and commuted into temporary removals from society with a view to correcting the offender and then reinserting him into the mainstream.



## LOCKING UP, LOCKING AWAY AND LOCKING IN (3)

It is far easier to lock offenders up and lock them away for reasons of public safety than it is to lock them in and to try to work out what should be done with them after their sentence.

For me, equality, or the absence thereof, is a key indicator of what one can expect of a given prison system. In social contexts where some form of equality is a totem, or where there are paradigms of mutual respect and consensus-based politics, prisons seem to have a much easier time of it acquiring a rehabilitating function. In such countries, a lawbreaker is not automatically locked away (or at least not further excluded from the mainstream than he already was), but is temporarily locked up pending his resumption at some future time of a role in society. In societies where there is a substantial degree of inequality, on the other hand, prisons can far more readily become depots for undesirables seen as a threat to the dominant social groups.

## EPILOGUE: AND WHAT ABOUT PRISON RATES? (1)

I remain surprised by how few countries have managed to get a grip on prison capacity management as a component of their penal policy. Surely, if capacity is largely a function of political choices, it must be possible to anticipate or at least react to changing numbers?

When society polarises and prisons are made an instrument to lock offenders away, the chance is very great that the prison population will rise accordingly.

Prisons are often hybrid systems displaying both sets of characteristics: those of locking people up and of locking them away. Indeed, inequality can arise within a prison as a result of such a twin-track policy: it can give rise to some groups leaving prison easily and quite well prepared for life back on the outside, while other groups languish inside for long years and without many prospects.

## EPILOGUE: AND WHAT ABOUT PRISON RATES? (2)

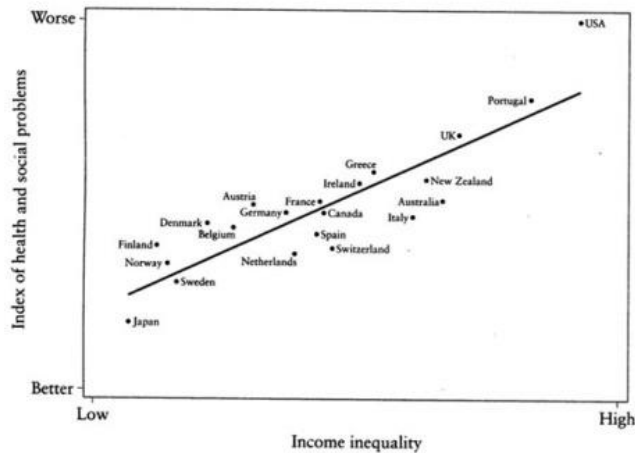
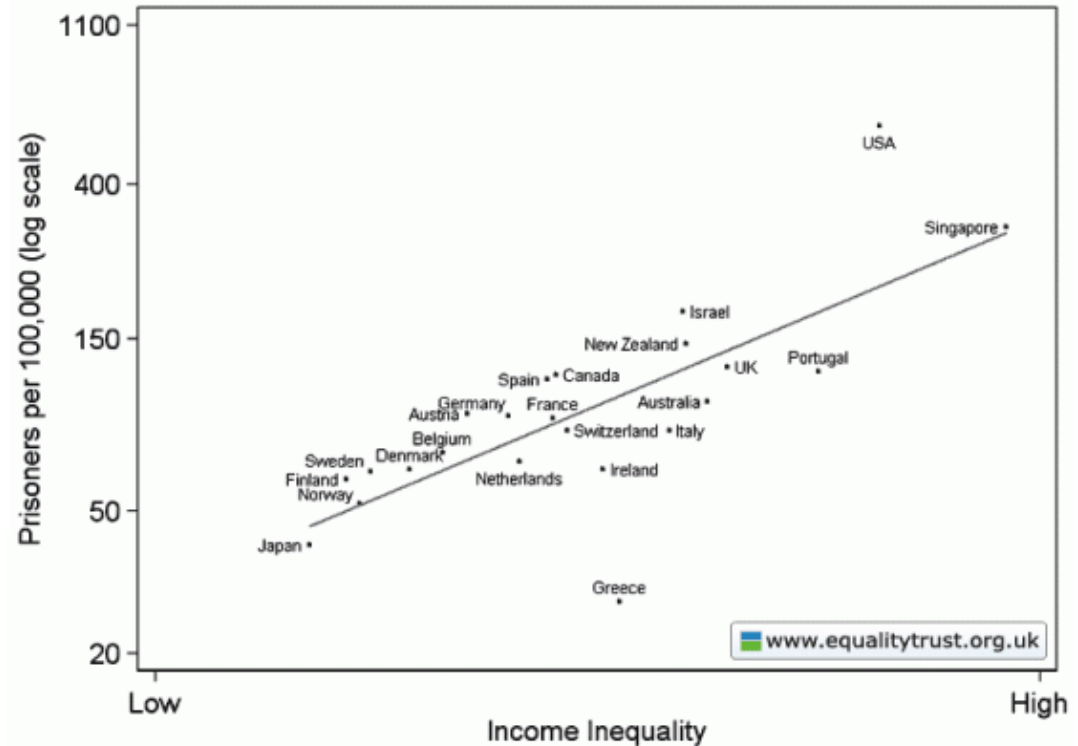
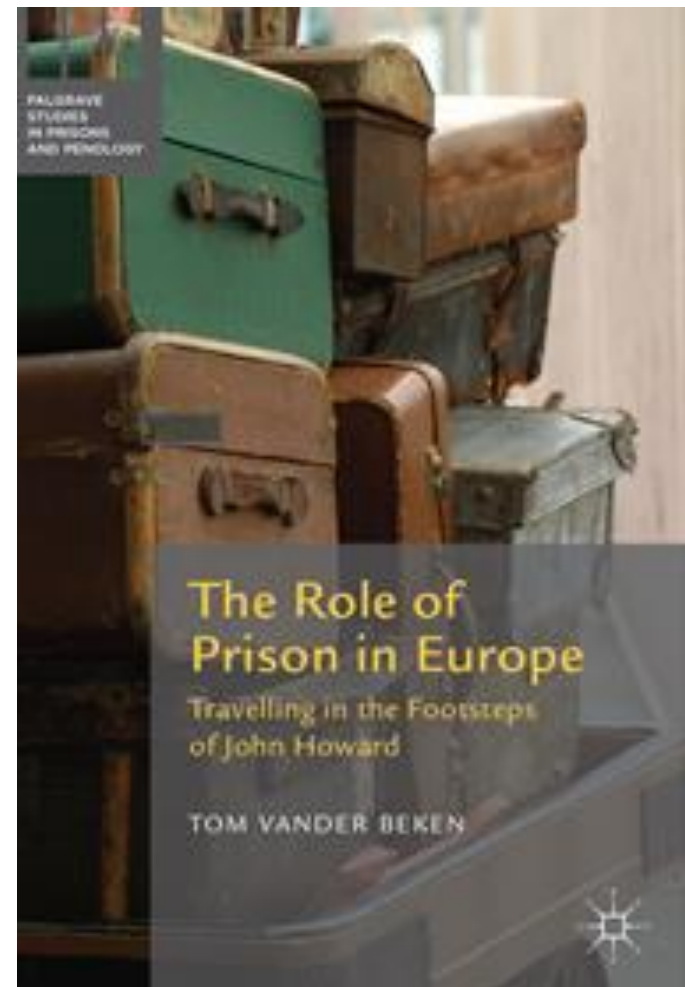
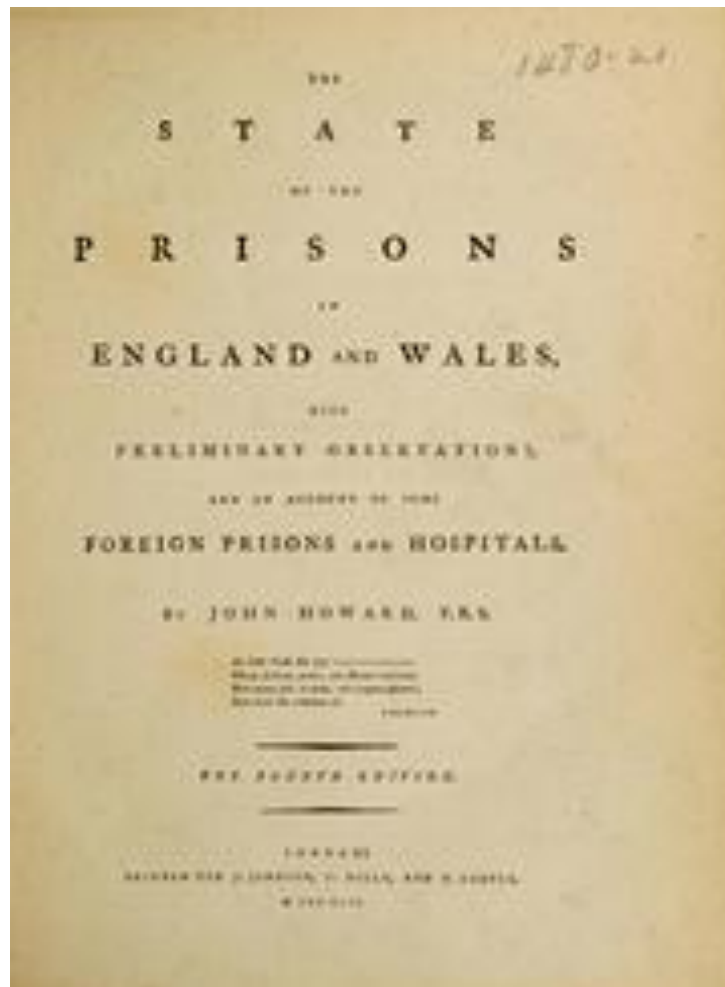


Figure 2.2 Health and social problems are closely related to inequality among rich countries.



[www.equalitytrust.org.uk](http://www.equalitytrust.org.uk)





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