

3/4/2016. The crisis in our jails and the penal system

The issue of prisons appears repeatedly on the front pages of our newspapers. In a well-publicised interview in 2014, the Chief Inspector of Prisons, Nick Hardwick, made clear that the prison service was in crisis (*The Independent*, 12th August). In January 2015 it was reported that prison suicides were at a 7-year high. In July 2015, in Hardwick's last scheduled report before he steps down, he warned that conditions in British jails have deteriorated badly in the last 10 years and that they are now "places of violence, squalor and idleness." On 8th February 2016 David Cameron, in the first speech on prisons by a British Prime Minister this century, acknowledged that change was needed. Mr Cameron stated that in an average week there will be nearly 600 incidents of self-harm, at least one suicide and 350 assaults, including 90 on staff. In summer 2015 there were 87,000 people in prison in England and Wales. The Prime Minister went on that 46% of them will re-offend within a year of release, and fully 60% for short-term prisoners, a wretched figure. Those should be the less hardened ones in jail; the intuition of many social workers that the prison system draws people deeper in is, unhappily, correct.

Mr Cameron announced a new policy, but will it help? Some people today think that prison is too harsh. Others think it is too soft. In that politicised debate there is little middle ground. Also there are few votes for any political party in the issue of jails, meaning that they are likely to be neglected. Are our jails always in crisis? What does God think about prison?

God doesn't think much of it. In ancient Israel, the only time and place in which God has given a judicial system, there were no prisons at all. That was not just because the Jews were on the march when they received the law, for God gave many instructions about what to do when the Israelites reached the Promised Land. Yet he gave no instruction to change the penal system decreed on the march, at Sinai.

It is instructive to compare the system God gave to ancient Israel with the modern penal system, to see what we can learn from God about justice and correction.

Our modern secular system has fines and prison only. Fines are paid to the State.

In ancient Israel fines were paid to someone who had been stolen from, by the thief – and more was to be paid back than was stolen, to deter thieving and confidence trickery. There was also corporal punishment in the form of flogging, but strictly limited in extent (Deuteronomy 25:1-4); and there was capital punishment. Both are over quickly. Capital punishment was commanded after the Flood to all mankind for murder, and that covenant (Genesis 9:3-6), unlike ancient Israel's, has not been refashioned in Christ. Hence St Paul wrote, after the Crucifixion, that rulers do not wield the sword for nothing (Romans 13:4). In ancient Israel the death penalty was to 'purge evil' and was enacted for what God regards as serious crimes against what it is to be a human being, in the image of God. These are laws that God sent his son to help people keep. He never commanded capital punishment (or mutilation) for theft of money or goods in his laws; his priorities differ from those behind other legal codes.

A major problem with prisons is that they are universities of crime, in which hardened criminals mix with first-timers and influence them toward a criminal lifestyle. Drugs are rife and, morally speaking, people do rot in jail. Prisons are increasingly also schools of radical Islam; there were 12,328 Muslims in jail in England and Wales at the beginning of 2016. Prisons cost taxpayers large sums of money to maintain, but why should people who have not broken the law pay for those who have? Imprisonment also disrupts family life, by taking an adult – often the breadwinner – away from his or her family. The family then suffers and must find a way to survive. Our society's other sanction, the fine, is often meaningless in the era of the Welfare State. Moreover, since fines are paid to the State, it is only people who take out insurance who get their money back if they are burgled.

What is a penal system for? It should deter, and as far as possible it should put right wrongs – the principle of restitution. Deterrence is based on fear of the consequences of being caught. The penal system should also be for the punishment of wrongdoers. This principle has been queried by secular people, who do not believe that man is basically bad; but no Christian should question it, for the Bible is clear that sin deserves

punishment. Any punishment should be educative, and should fit the crime. (Since 1967 parole has made sentencing increasingly misleading.) People who are clearly dangerous should not have access to the public.

Prison clearly serves as a punishment and a deterrent, but it is educative in the wrong sense. Our penal system has never been designed; like most things it has come about by a series of changes, each of which was thought good at the time. Many of these changes were indeed good; the Howard League for Penal Reform has fought for the dignity of prisoners for 150 years. In fact only in recent centuries have jails come to serve a mainly punitive function, with sentences of a prescribed number of years. Before then, jails were used as holding pens prior to trial, and as a threat to persons reluctant to pay debts (although if you really couldn't pay and were sent to jail then you would be unable to work off your debts). From Tudor times onwards there existed 'houses of correction,' but they were places of short-term restraint in that era, before jail terms replaced transportation and degrading corporal punishments harsher than in ancient Israel. Society's attitude to capital punishment has also changed. In the 18th century the number of capital offences grew, and included many acts of theft. (The mediaeval era farther back in time was not as strict as many people suppose.) Today, capital punishment is not in place even for murder or treason. The reluctance of juries to convict, in the era when theft was a capital offence, was a significant reason for the shift to jail sentences.

The Howard League today encourages the use of community sentences over prison. There is indeed a permanent crisis in our jails and, based on what God decreed for ancient Israel, I am sure that these proposals would be part of an improved penal system.