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'A pre-requisite of progress'? Prison modernisation and new prison building in England and Wales

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journals.sagepub.com/home/pun**Robert Jones** 

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Abstract

Drawing upon archival research and documentary analysis, this article offers the first in-depth critical account of the prison modernisation narrative in England and Wales. By closely examining the claims behind the UK Government's current prison building policy, the article reveals that prison modernisation is severely undermined by a lack of supporting evidence as well as arguments which indisputably serve to contradict the government's claims. In concluding that modernisation is a seductive and elusive concept which has been deployed to legitimate and support investment in the prison estate, the article offers new and important insights that contribute to critical research agendas around the endurance, survival, and growth of the prison, despite irrefutable and overwhelming evidence of its failure. The analysis presented here should encourage and embolden academics, policy makers, practitioners and politicians in England and Wales, as well as those in jurisdictions where modernisation is also used to legitimate prison expansion, to engage more critically with the claims behind prison modernisation.

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Introduction

The ‘need’ to modernise the prison estate in England and Wales has been a recurrent theme within debates on prison reform and penal policy over the last century. Traced back to the end of the Second World War and a period where modernisation was galvanising almost all areas of public policy (Senior et al., 2007), the demand for ‘modern’ prison places has ascended on different occasions in response to concerns over poor sanitation (Home Office, 1959a; Woolf, 1991), inadequate security (House of Commons Debate, 16 February 1967), as well as high levels of overcrowding (May, 1979). A consistent theme running throughout these debates, has been the belief that the ‘inheritance of a large number of old and unsuitable’ prison places stands as ‘one of the greatest obstacles to prison reform’ (House of Lords Debate, 23 April 1958).

More than half a century since calls to modernise the prison estate first began, modernisation has recently undergone a renaissance as part of successive UK Government plans to build new prisons and expand prison capacity. Since 2013, the UK Ministry of Justice (2015: title and paragraph 4) has repeatedly outlined its commitment to a ‘prison building revolution’ that will see thousands of prison places move from ‘outdated sites’ to new prisons designed to help reduce running costs while ‘significantly improving rehabilitation’. The government has promised that the ‘next generation’ of new prisons will not only be ‘fit-for-purpose’ but ‘future-proofed’ (Ministry of Justice, 2021a: 8). While evoking the same problem, namely old, unsuitable, and inefficient prison places, modernisation is once again being proffered as a route to a more ‘effective’ and ‘progressive’ prison system.¹

However, while the idea of building new prisons, including the strategies used by governments to legitimate prison expansion, have been subjected to some form of opposition, scrutiny, or critique (Braz, 2006; Guiney, 2019; Hart and Schlembach, 2015), the concept of prison modernisation remains something of an exception. Indeed, even while the UK Conservative Government’s latest campaign is used to justify the ‘biggest prison building programme in over a century’ (HM Treasury, 2021: 51), the specific claims included within the Ministry of Justice’s modernisation agenda have done little to provoke controversy or generate meaningful criticism from academics, liberal reformers, campaigners, or those in political opposition. Quite simply, the notion that new or ‘modern’ prison places offer a route to progress and reform continues to stand without challenge.

In this article, we seek to address this existing lacuna by offering the first in-depth critical account of prison modernisation in England and Wales. While the term ‘modern’ has featured heavily within debates on penal theory and the emergence of new methods and techniques of punishment in the historical period of modernity (Foucault, 1977; Garland, 1990), we approach ‘modernisation’ here as a nebulous term used within political debates to make a series of claims about the age and performance of prison establishments.

Referring to both ‘modern’ and ‘new’ prisons interchangeably throughout, in this article we explore the ways in which these claims about ‘modern’ prisons have featured prominently within successive government attempts to legitimate and support prison building campaigns in England and Wales.

By closely analysing and scrutinising the claims behind successive UK Government strategies, the aims of this article are to offer new and important insights that contribute to critical research agendas around the endurance, survival, and growth of the prison, despite irrefutable and overwhelming evidence of its failure (Davis, 2003; Mathiesen, 1990; Scott, 2020). Although the focus of our discussion is on developments in England and Wales, the arguments presented here can contribute more widely to international scholarship on penal theory as well as policy developments and debates in jurisdictions where modernisation is also being used to legitimate prison building and expansion (Council of Europe Development Bank, 2021; Irish Prison Service, 2022; Justice Trends, 2019). While our use of archival methods may offer scholars a model or route to exploring the narrative of modernisation further, the insights offered here also underline the need for academics to engage more critically with the claims behind ‘modern’ prison agendas in their own jurisdictions.

The article begins with an authoritative history of the modernisation agenda in England and Wales. Drawing upon archival materials including parliamentary papers and official prison documents, it traces the origins of the demand for ‘modern’ prison places throughout some of the major developments in twentieth century penal policy. In the next section we critically analyse the claims behind the current government’s modernisation agenda and argue that its prison building policy is severely undermined by a lack of supporting evidence as well as arguments which indisputably serve to contradict the claims behind the supposed benefits of ‘modern’ prisons. Finally, the article will consider why modernisation continues to be proffered as a route towards progress and reform despite major limitations in the evidence base. We conclude that modernisation is used as a strategy to secure public and political support for successive government prison building policies, and underline the need for greater academic research, scrutiny, and critique of the claims behind prison modernisation. At a time when the UK Conservative government is embarking on its latest prison building programme, and alongside recently published figures which show that prisoner numbers will rise to 106,000 in England and Wales by 2027, the analysis offered here is both original and timely.

A history of prison modernisation

The concept of modernisation can be traced back more than half a century to a time when many nations were looking to embark on programmes of major social reform, including the creation of the welfare state and the provision of health, education, housing, and social services (Harris, 2004). The emergence of the prison modernisation narrative also dates to the post-war period in England and Wales. In the years between the formal establishment of the state run system (1877) and the outbreak of the Second World War (1939), debates around the ‘need’ to modernise and expand the prison system were largely absent from official papers and reports. Following the Prison Act 1877, for example, attention was

largely fixed on the nature of penal regimes (classification or separation) and the demand for greater uniformity of punishment (Ruggles-Brise, 1921). The decision taken by the Chair of the Prison Commissioners, Edmund Du Cane, in 1877 to reduce the number of local prisons from 113 to 56, followed by further closures in the inter-war years (Fox, 1952), provides a clear indication that the emphasis at that time was not yet on prison expansion or the promise of new or 'modern' prison places.

From post-war to the prison department

The absence of a narrative around modernisation would soon change following the outbreak of the Second World War. Rising prisoner numbers between 1938 and 1945 added further pressure to an estate which, on top of the closures since 1877, had suffered further losses due to the requisition of prison buildings by the War Office (Prison Commission, 1942a, 1942b, 1943). As the war progressed, attention soon turned to the 'need' for additional prison capacity. During a meeting of the Prison Commission in 1939, for example, members discussed the prospect of re-opening HMP Pentonville to help alleviate overcrowding (Prison Commission, 1939). This was followed in 1940 by the suggestion that the War Office should return Usk Borstal Institution to the prison commissioners (Prison Commission, 1940), while 'Post-War Building Schemes' were being drawn up in 1942 amidst rising prisoner numbers and an apparent shortage of spaces (Prison Commission, 1942c).

In the years after the war, prison modernisation began to emerge alongside growing concerns over prison overcrowding, inadequate sanitation, and poor conditions. Under the surface of this debate was the growing belief that older prison places were an impediment to a much improved system. Speaking during a House of Lords Debate in 1958, Lord Moynihan told members that 'one of the greatest obstacles to prison reform in this country is the inheritance of a large number of old and unsuitable but solidly-constructed prisons' (House of Lords Debate, 23 April 1958). It was the Home Office's (1959a) *Penal Practice in a Changing Society* White Paper, however, that was to prove the veritable birth of the prison modernisation agenda. At a time when Prison Commissioners faced a prison building campaign of 'formidable dimensions and great urgency' (Home Office, 1959a: 21), the White Paper went to great lengths to identify the 'antiquity and inadequacy' of the existing prison estate as *the* 'chief obstacles to penal progress' (Home Office, 1959b). Describing a series of institutions committed to 'solitary confinement', 'brutal repression', 'hard labour' and that were 'quite unfitted to modern conceptions of penal treatment', the White Paper cast the Victorian prison system 'as a monumental denial of the principles' to which the Home Office (1959a: 14) were now committed.² In seeking to combine the problems of the old and the promise of the new, the Home Office (1959a: 21) concluded that a prison building programme 'planned in relation to modern requirements' had become 'a pre-requisite of progress'.

Mountbatten to the 'Titan' prison

By the time the prison service was moved into the Prison Department of the Home Office in the mid-1960s, the topic of prison building was now firmly on the agenda. Within the

Prison Department's Annual Report for 1965, the Home Office (1966) offered details of 14 new prisons in England and Wales. The campaign for new prisons would continue unabated alongside efforts to decry the state of older institutions. Following a series of high profile prison escapes in the early 1960s, the report of the Mountbatten inquiry (1966) added further weight to the arguments against Victorian prisons. In a House of Commons debate in 1967, the Home Secretary, Roy Jenkins MP, noted the report's stark revelation of the difficulties in 'trying to run a modern penal policy within a framework of buildings constructed mostly 100 years or so ago' (House of Commons Debate, 16 February 1967). Jenkins went further in stating that any attempts at reforming prisoners were 'much less likely to be achieved with archaic buildings, gross overcrowding, inadequate work facilities and disgusting sanitary conditions, than with good modern facilities' (House of Commons Debate, 16 February 1967).

The Prison Department's commitment to the prison building programme and 'the urgent social need for new prison places' continued throughout the 1970s (Home Office, 1971). These efforts, however, were to be frustrated in 1973 by HM Treasury's decision to scale back the building programme following revised prison population estimates. The Home Office's (1976: 11) 'schemes to rebuild or modernise' prisons were soon 'inhibited by lack of funds' and, by 1977, the 'essential redevelopment of the Victorian estate seemed...more remote than at any time in the past 30 years' (Home Office, 1978: 9).

The decision to scale back the prison building programme only served to intensify the Prison Department's efforts to decry the conditions inside 'obsolete' (Home Office, 1973: 11) and 'outmoded' Victorian prisons (Home Office, 1974: 10). Between 1978 and 1980, Prison Department reports included dedicated sections on the 'Victorian Heritage' to highlight the 'increasing concern' that prison officials had over the conditions and facilities within older prisons (Home Office, 1979: 13, 1980, 1981). The 1978 report, for instance, included the Prison Department's assessment that of 56 prisons opened before 1930, only ten were in good physical condition. The concerns of prison governors were added to help paint a picture of 'drab' and 'shabby' Victorian prisons in 'dire need of a massive injection of resources' (Home Office, 1979: 17). A failure to do so, according to one governor, would mean that 'the prisoners and staff, living and working in Dickensian conditions, continue to suffer' (Home Office, 1979: 17).

The Prison Department's analysis of Victorian prisons was submitted as evidence to the Committee of Inquiry into the United Kingdom Prison Services in 1979 (i.e., May inquiry). The Committee's final report would lend further support to the campaign for new prisons which, by the early 1980s, was to receive Margaret Thatcher's Conservative government's full backing. By the time that the Prison Service had replaced the Prison Department in 1986, a total of 16 new units or establishments were under construction across England and Wales, with a further 12 in the design stage (Home Office, 1987). The success of the campaign to deliver a 'new generation' of prisons noticeably resulted in fewer attempts to decry the state of Victorian prisons (Home Office, 1987: 37). Although many of these prisons remained in use, the narrative rarely featured within Prison Service reports from the mid-1980s onwards. No longer

called upon to generate support for prison expansion, modernisation would, however, re-appear at the beginning of the next decade.

Prison 'riots' across England and Wales in April 1990 catapulted questions over prison conditions and capacity to the forefront of political and public debate (Player and Jenkins, 1994).³ The official inquiry into the disturbances found that multiple institutional failings had contributed to the disturbances including high levels of overcrowding, poor conditions, and insufficient staff training (Woolf, 1991). The inquiry's recommendations, however, also provided further support to the removal of prisons deemed 'unsuitable for use' and underlined the need for a 'well planned programme for building new prisons' (Woolf, 1991: 442). While the Conservative government's initial response, now under the leadership of Prime Minister John Major, indicated that many of the problems identified by the inquiry would be dealt with by its ongoing building programme (Home Office, 1991), Woolf's proposals were eventually seized upon by government officials to lend support to yet another prison building campaign. In 1994, following the completion of the 'largest prison building programme since Victorian times' (House of Lords Debate, 2 February 1994), the Home Secretary, Kenneth Barker MP, announced further plans for 12 new prisons (Sim, 2009). This was despite the fact that 21 new prisons had been built since 1985, creating some 11,285 places at a cost of £1.2 billion (House of Lords Debate, 2 February 1994).

The Conservative government's commitment in 1994 to 'prison works' and New Labour's quest to be 'tough on crime' would inspire punitive penal policies for more than a decade. The election of a New Labour government in 1997 would also see modernisation agendas being rolled out across many other areas of government (Moon, 2007; Newman, 2001). Throughout this period, prison modernisation remained in use with the Prison Service (2000: 29) continuing to highlight the 'limitations' imposed upon prisons with 'old, often inefficient, prison buildings which were not designed for the purpose they are currently being used for'. The 'managerial drive' towards efficiency and cost-effectiveness would eventually seep its way into language being used to justify and support the case for a new prison building campaign (Sim, 2009: 64). Following an inquiry by Lord Carter (2007: title) into the 'efficient' and 'sustainable use' of prison custody in 2007, plans were drawn up for the construction of three 2500 place 'Titan' prisons in England and Wales. Titan prisons, according to Carter (2007: 2), offered a solution to an 'inefficient and decrepit' prison system which could be 'tackled by modernising the estate' (Carter, 2007: 2). These plans, however, were eventually scuppered with the policy widely viewed as the 'first high-profile casualty' of the Labour government's proposals to introduce major cuts in public spending following the economic recession in 2008 (Travis, 2009: paragraph 4).

Towards 'future-proof' prisons?

Only four years after Lord Carter's proposals had been side-lined, the Ministry of Justice (2013) unveiled plans for its latest prison building campaign in 2013. Announced as part of the Conservative-Liberal Democrat Coalition Government's commitment to 'modernise' the prison estate, the government unveiled proposals for a new 2000 capacity 'super' prison to provide thousands of additional prison places and to 'reduce the cost' of

imprisonment to the taxpayer. The government's first 'super' prison, HMP Berwyn, was opened in north Wales in 2017 and was accompanied by plans to close older prisons as part of the Ministry of Justice's (2013) 'new for old' strategy.⁴ In the years that have followed, the Ministry (2015: title) has made a series of further announcements about its 'prison building revolution'. In its 2016 *Prison Safety and Reform White Paper*, the government pledged to build 10,000 new prison places to help deliver a 'more effective' modernised system with 'fit for purpose accommodation' (Ministry of Justice, 2016: 11). The following year the then Justice Secretary, Liz Truss MP, underlined the government's commitment to providing 'modern establishments fit for the twenty-first century' with plans drawn up for an additional 5000 'modern' prison places (Ministry of Justice, 2017: paragraph 3).

The 2021 *Prisons Strategy White Paper* provides the most recent iteration of government's strategy and commitment to building a 'modern, decent and efficient estate' (Ministry of Justice, 2021a: 14). While underlining its aims to 'modernise the way prisons look and feel', the strategy, which contains 23 separate references to modern or modernisation, includes details of the Ministry of Justice's (2021a: 14) *Four New Prisons Programme*, the first of which, HMP Five Wells, opened in February 2022.⁵ The latest in a long-line of attempts to 'modernise' the prison system, the current policy has promised that the (latest) 'next generation' of new prisons will not only be 'fit-for-purpose' but 'green' (Ministry of Justice, 2021b), 'smart' (Ministry of Justice, 2022a) and even 'future-proofed' (Ministry of Justice, 2021a: 8).

Despite being an ever-present feature within debates on penal policy since the 1950s, there has been minimal attention directed towards the specific claims behind the prison modernisation agenda. Indeed, even as modernisation is once again rolled out to legitimate the 'biggest prison building programme in over a century' (HM Treasury, 2021: 51), little is known about the extent to which that new or 'modern' prison places can actually deliver a 'humane', 'just', and 'effective' system.

'A pre-requisite of progress?' Modern prisons in England and Wales

The Conservative Government's latest prison building plans have taken the notion that new and efficient prison buildings offer a route to progress, to new heights. Central to the Ministry of Justice's (2022c: 9–14) policy is that 'modern' prisons will help to 'boost rehabilitation and reduce reoffending', and that the alignment of new prison design elements will 'significantly improve levels of safety', while offering prisoners 'the best chance to be rehabilitated and turn their lives around'. Despite such assured claims about the benefits associated with 'modern' prisons, however, the Ministry of Justice's agenda is hampered by two fundamental problems: an unconvincing evidence base *and* arguments which indisputably serve to contradict the government's claims.

The case for modernisation: 'Far more effective' prisons?

The Ministry of Justice's (2022c:2) *Four New Prisons Programme* is steeped in the language of modernisation.⁶ Based on what it describes as a 'rigorous analysis of the

evidence', the policy is undermined by the fact that the Ministry itself does not produce any evidence on the comparative performance of 'modern' prisons. Despite its many publications and quarterly data releases, the Ministry of Justice offer no analysis or breakdown of prison performance based on the age of the establishment. The Ministry's quarterly *Safety in Custody Statistics*, for example, categorise self-harm data by sex, age, time in custody, sentence status, ethnicity, nationality, and location, but provide no analysis of the trends *between* prisons based on their age. Likewise, data on deaths in custody include a breakdown by sex, method, time in custody, sentence status, and offence type, but offer no analysis or comparison based on the relative age of prison establishments. The same applies to the Ministry of Justice's quarterly *Proven Reoffending Statistics* which offer no disaggregation based on the age of prison establishments. Most significantly of all, however, is that HM Prison and Probation Service's own *Annual Prison Performance Ratings* once again offer no analysis or breakdown of prison performance based on age. Here, comparisons are made simply based on prison function and the region in which prisons are located.

The obvious discrepancy between the unequivocal claims being made by the Ministry of Justice with respect to 'modern' prisons on the one hand, and the lack of available evidence on the other, is compounded further by the fact that the Ministry has not carried out any research to explore the relationship between prison age and performance. When asked to publish 'the results of any research or analysis that the Ministry of Justice/HM Prison and Probation Service has carried out to compare the performance of older versus newer/modern' prison establishments', the Ministry of Justice (2022b) confirmed that 'no such research or analysis into the performance metrics of prison establishments which account for the age of those establishments has been undertaken'.

In the absence of its own analysis and research, the government has relied upon secondary evidence to support its case. When setting out plans for prison reform in 2016, the then UK Prime Minister, David Cameron, called upon research by the centre-right Policy Exchange think tank to reinforce the government's claim that 'modern' prisons 'can be *far more* effective at rehabilitating offenders' in England and Wales [emphasis added] (Cameron, 2016: paragraph 6). The Policy Exchange's findings included the suggestion that, 'for the first time', its analysis had proved that the 'key determinant of the decency, safety and effectiveness' of a prison is its age, not its size (Lockyer and Chambers, 2013: 6). This conclusion was drawn from a comparison of the Prison Ratings System (PRS) data for large local prisons with 'old' buildings and large local prisons with 'new' buildings, with the analysis uncovering that newer prisons are 'more likely' to be in the highest performing band (Lockyer and Chambers, 2013: 23).⁷

The extent to which the analysis carried out by the Policy Exchange can be used to underpin or support such conclusions, however, is subject to a high degree of uncertainty. Although newer prisons scored higher on the overall PRS rating, our own analysis of the average score reveals only marginal differences between 'new' (3.4) and 'old' (3.1) prisons. The scores on reducing reoffending were narrower still, with the Policy Exchange noting that the differences between the two groups were 'very small, with newer prisons marginally better' (3.2 for 'new' and 3.1 for 'old') (Lockyer and Chambers, 2013: 23).

Further concerns can also be raised by the fact that the Policy Exchange's analysis revealed that, in *some* cases, 'new' prisons fared worse than 'old' prisons in all areas including respect, decency, reducing re-offending and safety. Based on a sample of just seven 'new' and 'old' prisons, the narrow gap between performance scores not only undermines the significance of the relationship between age and performance, but also raises concerns over how substantive or meaningful these differences might be in practice. For instance, what does a difference of 0.3 in overall performance mean? What, if anything, does a slightly higher average score on safety performance (0.8) look like? Perhaps most importantly of all, how can the conclusions reached by the Policy Exchange using these performance data be used to 'evidence' the Prime Minister's claim that modern prisons are 'far more effective' than older prisons (Cameron, 2016: paragraph 6)?

Recent academic research has also done little to buttress the claims behind modernisation, including studies which have contributed to a growing body of research on prison building and design. Qualitative studies on prison architecture, space, and environment, for example, have explored the notion that 'modern' prison builds can contribute to more positive outcomes for prisoners. This includes the suggestion that newer building designs can help to 'create healthy prisons' that support 'positive staff-prisoner relationships', foster 'feelings of decency, safety, trust, compassion and respect', while working to 'encourage the flourishing of potential, as opposed to the breaking of spirits' (Jewkes, 2018: 334). Studies have also argued that 'modern' prisons which embrace contemporary architectural design can play a key role in 'lessening the pains of imprisonment' and can support prisoner rehabilitation (Hancock and Jewkes, 2011: 627). These benefits, it has been argued, can be extended to the system as a whole as steps taken to design prisons that 'support rehabilitation and desistance' can change societal attitudes towards prisoners and become a 'vital component in achieving radical justice reform including de-carceration' (Jewkes, 2018: 334).

However, while recent studies on prison architecture, design and carceral geography have carved open a space within debates on punishment and penal policy (Moran, 2015; Moran et al., 2018), it cannot be said that this body of research has produced a substantive evidence base to support the claims behind the government's modernisation agenda. While offering rather tentative conclusions that new prison designs 'may' or 'might' help to improve outcomes for prisoners, academics have also explicitly acknowledged the limitations associated with their findings. As outlined within Jewkes et al.'s. (2020: 395) work on therapeutic prison landscapes: 'It would be a stretch to say that our findings support the proposition that by being rehabilitative, in the sense of healing, well-being and growth, blue spaces [bodies of water] can also be rehabilitative in the sense of resettlement and desistance from crime'.

The notion that newer prisons or those with rehabilitative regimes can shelter prisoners from the 'pains of imprisonment' faced by those held in older or 'non-rehabilitative' spaces is further undermined by evidence produced elsewhere. In a recent study at Halden prison in Norway, lionised by some for its 'humane' environment and emphasis on personal growth, prisoners 'dismissed the idea that these elements could motivate them or contribute positively to their wellbeing' (Abdel-Salam and Kilmer, 2023: 13).

The research found that prisoners held in a ‘humane prison environment’ still encountered the pains inflicted by the deprivation of liberty, autonomy, and relationships, and that such an environment therefore failed in its efforts to ‘fully eliminate’ the ‘painful aspects’ of imprisonment (Abdel-Salam and Kilmer, 2023: 14). In some cases, Abdel-Salam and Kilmer (2023: 14) discovered that the environmental emphasis on ‘normality’ within what ostensibly remains a prison ‘potentially exacerbates’ the pains associated with this identity conflict.

While there may undoubtedly be opportunities to provide newer or more up-to-date prison environments, the available evidence shows no proven or measurable link between these environments and improved outcomes for prisoners. Indeed, as far back as the prison modernisation narrative stretches, legitimate concerns have been raised around the assumption that older prisons are unequivocally linked to poorer performance compared to newer ones. The 1979 May inquiry report, for example, concluded that ‘worst does not necessarily equate with Victorian’ with the inquiry even arguing that some of the more ‘modern’ establishments built since 1945 ‘seemed doomed to be pinch-penny slums’ (May Mr Justice, 1979: 124). The suggestion that newer prison designs may even exacerbate the problems facing prisoners, also points towards the existence of a second problem for modernisation: namely, evidence directly contradicting the claim that ‘modern’ prisons are ‘far more effective’ than older prisons.

‘Modern’ prisons and the wider penal climate

The claim that new prisons are ‘far more effective’ than older prisons is undermined by the fact that ‘modern’ establishments are afflicted by the many problems facing the rest of the prison estate. Indeed, irrespective of their new facilities or regimes, evidence shows that ‘modern’ prisons are not immune from the pressures or difficulties confronting older prisons. As argued by Scott (2018), no matter how humanitarian the aims or regime, prison conditions are heavily determined by the penal climate of a given nation or penal system as a whole. Amidst a prison overcrowding ‘crisis’ in the early 1970s and concerns over prison conditions, Sparks (1971: 96–7) concluded that ‘even a brand-new local prison would be little better than the existing ones’ if forced to operate above its operational capacity (Sparks, 1971: 96–97). Similarly, after prison ‘riots’/disturbances had engulfed the prison estate in England and Wales in 1990, attention immediately turned to the conditions and problems facing older prisons. However, the disturbances at HMP Glen Parva, a prison of relatively recent vintage, did little to support the view that the problems were simply down to the age of the establishment.⁸

The susceptibility of ‘modern’ prisons to the problems felt right across the prison estate is also clearly evidenced when looking at the performance of England and Wales’ newest prisons.⁹ At HMP Isis in London, which opened in 2010, HM Inspectorate of Prisons (HMIP) (2022a: 5) recently discovered that levels of violence at the prison were ‘too high’ and that work to prepare prisoners for release was ‘not reliable, timely or effective’. At a time when most prisons are suffering from staff shortages (Prison Reform Trust, 2022), HMIP (2022a:13) concluded that resettlement work had deteriorated since its last inspection with the work being done by offender management

units ‘affected by staff vacancies and absences’. At HMP Thameside, which opened in 2011, a key concern raised by HMIP (2022b:13) following their latest visit was the poor standard of conditions including an ‘unwelcoming reception area’ which was ‘bare, grubby and austere’. Amidst a rising number of remand prisoners, combined with changes to the configuration of probation services in England and Wales, inspectors also found that prisoners on remand were not receiving adequate resettlement support with many prisoners ‘feeling anxious and concerned’ about their accommodation status after release (HMIP, 2022b: 15).

HMP Oakwood in the West Midlands was opened in 2012 and immediately ran into difficulties. Sold as a ‘trailblazer’ and a potential model for future prisons, Oakwood was soon branded ‘the worst-run prison in Britain’ following a highly critical report from HMIP in 2013 (Gentleman, 2016: paragraph 3). Although improvements have been noted in recent years, HMIP’s (2021: 13) most recent inspection raised concerns over staff use of force, inadequate provisions to prepare risk management plans for those considered ‘high risk’, and ‘poor’ provision for Foreign National Prisoners. Reflecting some of the wider pressures being felt across the prison estate, HMIP (2021: 13) also noted that contact with prison offender managers was ‘too infrequent’ and that ‘caseloads were too high which affected prison and probation offender managers’ ability to complete assessments and have meaningful contact with prisoners’.

Lastly, and perhaps the most important example of all, is HMP Berwyn in north Wales. Widely celebrated for promising to deliver a regime centred upon rehabilitation and purposeful activity (Prescott, 2021), Berwyn was tipped by senior prison officials to become ‘the flagship for the rest of the country [and] England to emulate’ (O’Connor and O’Murchu, 2019: paragraph 11). Since opening in 2017, however, the performance of Berwyn has been anything other than ‘flagship’. While official data have revealed widespread problems at the prison (Jones, 2020), HMIP’s (2022c: 5) most recent inspection discovered that rates of violence and self-harm remained ‘too high’ and that ‘key work’ was not used to support at risk prisoners. Despite being promoted as a ‘modern’ prison with a rehabilitative ethos and culture, the prison was described as ‘not sufficiently good’ in the areas of ‘purposeful activity’ and ‘rehabilitation and release planning’ (HMIP, 2022c: 5). Once again, at a time when staff vacancies have become perceived as a system-wide problem, inspectors found that a ‘staff shortage’ at Berwyn was affecting the prison’s ability to ‘deliver a fully functioning rehabilitative regime’ (HMIP, 2022c: 5).

Prisons blighted by self-harm, violence, poor conditions, inadequate and ineffective resettlement support, and systematic failures in providing a duty of care to its most vulnerable, the performance of England and Wales’ newest prisons brings into sharp focus the limitations and inherent contradictions at the heart of the government’s modernisation agenda. Given the UK government’s failure to analyse performance by age or even conduct its own research into any possible correlation, it appears that even those behind the modernisation narrative are unconvinced that prison age is *the* significant factor in determining prison performance. What remains unclear, however, is why modernisation, against this backdrop, continues to be offered as a solution to the problems facing the prison estate. To explain this, we must seek to understand modernisation

not as a means to delivering improved prison performance, but as a mechanism for securing legitimacy and support for the construction of new prisons.

Modernisation as a strategy for legitimating new prisons

Modernisation has most commonly been conceptualised and used by UK social scientists over the past two decades to understand key political developments and major government initiatives. These discussions have largely focussed on the New Labour Government reforms introduced in 1997, including its embrace of the 'Third Way' and all the attendant nostrums of New Public Management (Gould, 1998; Newman, 2001; Senior et al., 2007). Academic accounts, including those produced by criminologists, have also offered a robust challenge to the 'ambiguities and contradictions' associated with the concept (Raine, 2001: 106). A strategy for securing public approval for widespread reforms, modernisation is best characterised as a 'method of governance' through which successive governments have sought to achieve certain political ambitions and aims (Senior et al., 2007: 16).

The government's use of prison modernisation over the last decade can be theorised and understood along similar lines. Rather than a policy designed to enhance prison performance based on robust evidence and rigorous analysis, modernisation has become a convenient buzzword or slogan deployed by Ministers and officials as a strategy to secure public and political approval for what might ordinarily be considered controversial plans to pursue the 'biggest prison building programme in over a century' (HM Treasury, 2021: 51). These plans, however, have generated little political controversy.¹⁰ When compared with Lord Carter's 'Titan' prison proposals in 2007, which were met with immediate and widespread condemnation (Prison Reform Trust, 2008), the government's current plans have failed to yield anywhere near the same level of resistance. This despite the fact many of the criticisms levied against 'Titan' prisons, including the claim that there was 'little or no evidence to support' the policy (Prison Reform Trust, 2008: 1), also apply now. These differences, we argue, are because the explicit use of the modernisation narrative has shielded the government's plans from critique. This can be explained by two separate but related features.

Firstly, prison modernisation has proven particularly *seductive* to successive governments, their justice ministers, and officials. Central to its success is that the promise of new 'decent', 'safe', 'cost-effective' and 'fit-for-purpose' prisons has co-opted and absorbed many of the arguments and likely critiques from all slides of the political spectrum. For those wedded to the mantra that 'prison works', for example, the promise of thousands of additional prison places has been welcomed. While some fiscal conservatives might ordinarily have held strong reservations about the decision to invest substantial sums of public money on a major prison building programme, the claim that 'modern' prisons will provide cheaper prison places that significantly reduce government expenditure on prisons has appeased many of these concerns (Ministry of Justice, 2013).

On the other end of the spectrum, the modernisation narrative has co-opted and absorbed the arguments of those with credible concerns about prison conditions and

who remain committed to penal reform. Here, the promise to deliver new prison places that enhance safety, promote rehabilitation, and reduce re-offending has proven difficult for reformers to argue against. Many of the sentiments contained within the government's plans, for example, chime with those of liberal reformers and campaigners, including academics who have stressed the virtuous potential of the prison and the need to limit the pain and suffering endured by prisoners (Scott, 2018). This same argument also applies to the position taken by the official opposition in Westminster who have seen their own promises and pledges reflected in the language of the modernisation narrative. The UK Labour Party's (2015) election manifesto, for example, underlined its commitment to prisons that 'both punish and rehabilitate people' as well as 'reforming prisoners and reducing their re-offending' (UK Labour, 2015: 52).

An essential element of modernisation is that it has also proven a convincing strategy *within* government. At a time of major cuts in government spending, the Ministry of Justice's modernisation agenda has been remarkably successful in securing capital funding from HM Treasury over the last decade (HM Treasury, 2015, 2018, 2021). Given that the withdrawal of funding has previously thwarted prison building campaigns in England and Wales (e.g., Home Office, 1974; Travis, 2009), the modernisation strategy used since 2013 has been successful in securing and maintaining the support of Treasury officials. It is perhaps unsurprising to find that modernisation is also used by a range of other Whitehall departments to help legitimate their own reform programmes (e.g., UK Cabinet Office, 2021; UK Department of Health and Social Care, 2021; UK Department for Work and Pensions, 2021).

The success of the prison modernisation narrative also lies in its *elusiveness*. Characterised by the permanence of change, each version of the 'modern' prison has swiftly been replaced by a 'new' iteration before any meaningful analysis or critique can be offered. By continually focusing upon the future, modernisation represents an unfinished project which serves to overlook the penal realities of the past and offers only a selective and partial account of the penal harms of the present. No sooner had the problems and stark failings at HMP Oakwood become clear, than the Ministry of Justice had shifted its focus onto its next 'flagship' new design at HMP Berwyn. As the many problems associated with Berwyn are now laid bare, HMP Five Wells is the latest prison to be rolled out filled with the promises offered by new or 'modern' prison places. As argued by Moon (2007: 6) when writing about New Labour's use of modernisation, 'the only uniting factor is belief in change – [modernisation is] a mechanism, not an end'.

The language of relentless modernisation has served to continually erase the failures of the 'modern' prison. It is these amorphous, elusive and 'slippery qualities' that have allowed modernisation to successfully negate the failures associated with its newest prisons and safeguarded the government's prison building programme from meaningful critique (Raine, 2001: 106). In projecting penal hopes onto a place that does not actually exist, modernisation can be understood as a form of penal utopianism.¹¹ Indeed, at a time when the 'mythology of the utopian prison' has 'gained renewed energy' in recent years, modernisation has become an authoritative and trusted cheerleader for the notion that [new] 'prisons can work' (Scott, 2018: 23).

Rather than new ideas and ways of engaging with troubled and vulnerable people, the ‘modern’ prison narrative is simply about new architecture, designs, and buildings. Above all, since its veritable birth in the 1959 *Penal Practice in a Changing Society* White Paper to the current *Four New Prisons Programme*, the arguments set out here show that modernisation is about the endurance, persistence, and expansion of the prison estate. Despite being bound up with notions of innovation, change and fresh thinking, the modernisation agenda merely casts a cloak over continuity.

Conclusion

It seems incongruous that the specific claims behind the prison modernisation narrative, an ever present feature within debates on penal policy throughout the last century, have been absent from academic analyses of punishment and penal policy. Focussing upon the belief that ‘modern’ prisons offer a more ‘humane’, ‘decent’ and ‘effective’ prison system, this article offers a critical and original analysis of the claims that lie behind prison modernisation. By closely examining the concept, we find that the logic employed within the modernisation agenda since the 1950s – that ‘new’ or ‘modern’ prison places will considerably enhance safety levels, while offering prisoners ‘the best chance to be rehabilitated and turn their lives around’ (Ministry of Justice, 2022c: 9) – is simply a matter of unevidenced blind faith. Rather than a policy designed to enhance prison performance based on robust evidence and rigorous analysis, modernisation is a seductive and elusive strategy that has played a majorly significant role in securing support for new prison buildings and penal expansionism.

The analysis offered here has several important implications for wider debates on penal policy and practice. In challenging the claims behind the ‘modernisation’ agenda, the article offers a more critical starting point for future analyses. At a time when the UK Conservative Government is using modernisation to gather support and secure approval for the next phase of prison development (Ministry of Justice, 2022c), the research should encourage and embolden academics, policy makers, practitioners and politicians in England and Wales, as well as those in jurisdictions where modernisation is also being used to legitimate prison expansion, to engage more critically with the claims behind the government’s prison modernisation policy. Given the Ministry of Justice’s (2023) sobering projection of prison numbers in excess of 106,000 by 2027, our analysis underlines the urgent need for a discussion on the future direction of penal policy.

Our analysis can also inform academic studies and debates on punishment and imprisonment. While research agendas over the last decade have contributed to a growing body of work on prison architecture, design and space, the article offers a stark warning of the dangers associated with the utopian prison. As conceded by Jewkes and Moran (2015: 462) when urging caution about the paradox of the ‘green’ prison, in pursuing these agendas – as with the pursuit of modern designs and spaces – ‘it may well be the penal complex, rather than the environment, which is being sustained’. By exposing and dissecting these claims, the article can help to encourage greater intellectual engagement with the claims behind utopian penal agendas.


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Notes

1. The Ministry of Justice's (2021a) *Prisons Strategy* White Paper (which contains 23 separate references to 'modern' or 'modernisation') includes repeated commitments to 'delivering an effective prison system'. In total, the word 'effective' features on 19 occasions in the White Paper.
2. The stated principles to which the Home Office (1959a) were now committed included regimes centred on treatment, training, education, and better aftercare.
3. The disturbances at HMP Manchester were the longest in UK penal history and sparked riots in twenty-five other prisons, including Glen Parva, Dartmoor, Cardiff, Bristol and Pucklechurch'.
4. The Coalition Government's 'super' prison plans included a commitment to providing 'cost-effective' prison places that will 'reduce the cost of prison to taxpayers by more than £500m' within the current Spending Review period (Ministry of Justice, 2013: paragraph 12).
5. The other three prisons will be located in Lancashire (Chorley), Leicestershire (Glen Parva) and on a site next to HMP Full Sutton in East Yorkshire.
6. The Ministry of Justice's (2022c) *Proof of Evidence* was submitted in support of a new prison in north-west England as part of its Four New Prisons Programme. The 19 page document includes eight separate references to 'modern' including 'modern, fit for purpose prisons' (1), 'modern prison regimes' (3), 'modern prisons' (3), 'new, modern, purpose built' (1).
7. The Prison Ratings System (PRS) was established in 2009 to provide a single performance measurement framework for public and private sector prisons using four domains focused on aspects of prison performance: public protection; decency; reducing reoffending; and resource management and operational effectiveness. The PRS was replaced in 2017/18 by the Annual Prison Performance Ratings.
8. HMP Glen Parva in Leicestershire was constructed in the early 1970s and opened in 1974.
9. HMP Five Wells is the newest prison in England and Wales but has yet to reach full operational capacity.
10. Scott and Codd (2010: 6) argue that a 'controversy' about prisons in the UK would be (a) a topical and emotive issue that is likely to have been highlighted in the media and by penal campaigners; (b) will have contested interpretations in either the penal field or public debate, and (c) if a critical interpretation gains sway, questions may be asked of the legitimacy of the given prison daily routines, policies or other practices.
11. Penal utopianism refers to the discourses 'propagated in official and academic penological literature' which continue to cast prisons as places of reform, safety, salvation, and humanitarianism, despite overwhelming evidence to the contrary (Scott, 2018:22).

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