

Last Wednesday the Minister for Justice, Mr Brian Lenihan and the redoubtable social reformer Fr Peter McVerry, who was a member of the Whitaker Committee, launched an important book *The Whitaker Committee Report 20 Years On: Lessons Learned or Lessons Forgotten?* This has just been published by the Irish Penal Reform Trust and the Kathleen Howard Foundation. Dr T. K. Whitaker, widely credited with playing a central role in laying the foundations of Ireland's current economic success and the Chairman of the inquiry into the penal system that is now known by his name, was present and had contributed a preface to the book. Despite this and Fr McVerry's impassioned, trenchantly critical speech, the launch and the book gained very little media attention.

*The Irish Times* published a short article on Thursday focused entirely on the Minister's speech. This article did not just ignore the penal reform message behind the event and book but undermined it with a headline quoting the Minister as finding opposition to the new prison at Thornton Hall "inexplicable," as if "building new prisons must be intrinsically bad." The Minister made the now familiar, but ultimately misleading, observation that the detention rate in Ireland is actually relatively low and almost half that in the U.K. - at a time when the number of criminogenic, young males here is growing considerably.

This is the kind of political spin and one-sided reporting which help create an unfortunate impression that penal reformers are nothing but inveterate whingers, who are endlessly critical and negative. The reformers may be right to criticize the decrepit, inadequate, Victorian prisons with their overcrowded, unsanitary and inhumane conditions, but they prove their silliness and irrelevance when they criticize an obviously well-meaning government for setting out to improve the lot of prisoners by building Thornton Hall, which is designed to provide far better, modern facilities.

A more balanced view was readily available to both the Minister and *The Irish Times*. As Claire Hamilton, Chairperson of the IPRT, pointed out the crucial issue is how many people we imprison for the particular level of crime we have. In fact our crime rate is far lower than that in the U.K. despite the increasing demographic of young men. This means we actually detain many more people in prison per 1,000 crimes than they do in the U.K.

Because the Irish system makes an extraordinarily high use of short and very short sentences, when we look at the numbers sent to, rather than detained in, prison per 1,000 crimes, we find that they are several times higher than equivalent rates in the U.K. and one of the highest in Europe. Basically this means we are sending many minor offenders to prison, who elsewhere are typically dealt with by fines or community-based sanctions like probation or community service. This was a key issue for the Whitaker Report. In his preface to the new book, Dr Whitaker says "far too many people were - and still are - imprisoned for short periods of time for minor offences, not involving violence." He concludes that this is an unwarranted expense and that nothing much has changed over the 22 years, "apart from some overdue improvements in prison conditions".

Again, no penal reformer is criticizing the government for replacing appallingly inadequate prisons with modern prisons and decent facilities. This is obviously essential work, but this fact should not be used to close off all criticism of the size and

location of Thornton Hall. As the book makes clear people are criticizing Thornton Hall because it will be too large and too isolated to facilitate a positive regime. It will deepen the punitive depth of imprisonment and increase the alienation and hardening of prisoners. People are also dismayed because the plan is utterly wasteful, involving as it does the demolition of the Training Unit and the Dochas Centre (the Women's Prison), two modern facilities, which are currently working well - in large part because of their convenient situation on the Mountjoy site.

The growing indifference to questions of penal reform in the media and amongst the population is disheartening and has serious implications for the survival of decent civic values in Ireland. When it was published in 1985, the Whitaker Report was warmly welcomed because it held out the prospect of significant progress for a prison system which had been long-neglected and was generally recognized as physically dilapidated and poorly organized and run.

In 1985, the Irish public and media were still sensitive to events such as a prison suicide and had enough sense of collective ownership of and responsibility for the prison system to care about the quality of treatment meted out to prisoners. In recent years, partly driven by the fear of crime and hatred of criminals whipped up by a frenzied tabloid media, these feelings seem to have been replaced by a sense of self-righteous anger about criminals and a sense that they all deserve whatever comes to them. For example, the Irish public has witnessed the appalling occurrence of several murders and numerous knife attacks within the prisons, apparently without recognizing or being concerned that this is a dreadful indictment of the system.

Certainly, the quality of crime, especially violent crime, in Ireland has deteriorated since 1985 and there are now many serious, violent criminals, who fully deserve long sentences of imprisonment. But the vast majority sent to prison and the majority of those in prison at any one time are not in this category. Very many prisoners are petty offenders who in one way or another have got a very short straw in life.

How a society treats its prisoners is still a key litmus test of the quality of its civilization. This is not just a matter of having a modicum of compassion for the unfortunates who have fallen foul of the law, but also a matter of a principled determination to treat all prisoners properly - even the brutal ones, who fully deserve punishment. This involves providing decent living conditions and the opportunity to live a reasonably purposeful life within the prison walls, a life which will possibly lead at some time in the future to a more constructive reconnection with society. In his speech, Fr McVerry reminded us that that one of the main findings of the Whitaker Committee was that the Irish prison system lacked a suitable guiding vision. He pointed out that now when it was even more necessary this vision was still very much lacking. Of course, part of the problem is that, because of the hysteria about being tough on crime, the ordinary citizen no longer cares enough to exert pressure on politicians to ensure that the prison system reflects the best of humane Irish values.

The new Minister, Brian Lenihan, has, as Minister for Children, had excellent, relevant experience in overseeing the development of a much more constructive and potentially more effective youth justice system, which prioritises preventative measures and downplays detention as a punishment. Given this reforming, progressive background, there must be real hope that he will throw away the Departmental script

on prisons, face up to the system's flaws and problems and start the job of remodeling it on the basis of a truly principled vision.

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