

## Distorting Institutions

### *Structuring the Moral Dialogue*

As social scientists, we inevitably imagine our subjects before we enter the field, and these projections are sometimes confirmed, sometimes replaced, and sometimes distorted by the real people we find lurking behind them (C. Russell 1999). The reading I completed before starting fieldwork in Stafford led me to expect to meet many people who either falsely maintained innocence for their convictions or who told stories about their offenses which were incomplete or misrepresentative. Estimates vary, but existing research suggests that around a third of men convicted of sex offenses insist that they were wrongly convicted (Hood et al. 2002; Kennedy and Grubin 1992), and these claims are more common among men convicted of sex offenses than they are for those convicted of most other crimes (R. Mann 2016). Forensic psychologists have found that people convicted of sex offenses excuse, minimize, and neutralize their offending, and they describe these as “cognitive distortions,” twisted thought patterns which they think enable (re)offending.<sup>1</sup> Similarly, feminist researchers have shown that people who rape are particularly likely to have inaccurate and stereotyped views about rape and rape victims (Johnson and Beech 2017). These findings have led many people conducting research with men convicted of sex offenses to imagine a duplicitous and misogynistic subject, and to conduct their research accordingly. Methodological texts caution interviewers against contaminating their research findings with their subject’s views, overwriting the victim’s version of events, or engaging in “passive collusion” (Digard 2010, 215) by accidentally reinforcing or confirming their subject’s cognitively and morally distorted thoughts. Instead, even qualitative scholars encourage new researchers to cultivate a distance from their objects of study.<sup>2</sup>

Even before starting fieldwork, I was uncomfortable with the epistemological scaffolding which underlay these recommendations. Like many criminologists,

I have an instinctive desire to probe official narratives (Becker 1967), and my research orientation is appreciative (Matza 1969). I have always sought to describe the world as it looks to my research participants, and narrative criminology (Fleetwood et al. 2019) has encouraged me to understand the stories people tell as constitutive of that world, and not as something which blocks us from understanding it. I was therefore uncomfortable with assuming that any distance between the prisoners' stories of their offense and that officially validated by their conviction was a product of the prisoners' dishonesty or psychological and moral faults. I also questioned whether it was appropriate to prejudge research strategies based on their feared effects on research participants' worldviews, as I had reservations about evaluating empirical research through a therapeutic or disciplinary framework. Finally, I had read research challenging the straightforward assumption that denial and offense neutralizations are dangerous. Some researchers argue that false claims of innocence can serve useful functions for people by helping them maintain relationships with friends and family (Lord and Willmot 2004) and stay safe in prisons in which identification as a "sex offender" could lead to violence (Vaughn and Sapp 1989). Claims of innocence, neutralizations, and excuses can also help people stave off feelings of shame and stigmatization which might otherwise overwhelm them and even hinder their prospects for desistance (Blagden et al. 2011; Maruna and Mann 2006).<sup>3</sup>

Nevertheless, when I started fieldwork, I was still nervous of either being duped by participants, writing over their victims, or reinforcing misogyny. Many of these swirling worries centered on how I would respond to the claims of innocence I expected to hear, and I decided to pursue a strategy of professional impartiality. I hoped to avoid forming a view about people's guilt or moral responsibility, and certainly never to give it away. I planned to ask questions neutrally—"As someone who says they're not guilty, why do you do the things the prison wants you to do?"—and to speak in ways which would neither risk me supporting distorted thinking nor disrespecting the story of the victim. In practice, it was difficult to maintain this objectivity while also developing the relationships on which good interviewing and ethnography depend. I felt that sounding suspicious created distance between me and my research participants, and on the rare occasions that I was directly asked if I believed in someone's guilt, my attempts to wriggle out of answering were justifiably criticized for sounding "robotic." I also began to realize that most prisoners cared more about what other people thought than they did about what I thought, and that many would read something into my response almost irrespective of what I said. I started to align my questions with what prisoners said about their situation, asking things like, "As an innocent man, why do you do the things the prison wants you to do?" Although I continued to avoid articulating a view about people's guilt, I worried less about performing perfect impartiality when prisoners told their stories.

In so doing, I hoped to encourage prisoners to tell me as much as they wanted about what they had done and what they had been convicted of, and I decided to

use the way they told these stories as data (Sandberg 2010). I knew that whether interview participants were consciously telling the truth or not, there was undoubtedly a gap between these stories and what, if anything, they had done. This is always the case with stories—the richness and complexity of experience can never be perfectly remembered or represented in language, and the demands of narratives and the expectations of real and imagined audiences further twist the stories we tell—and is particularly the case in stories about extreme, traumatizing, and taboo experiences. But I became interested in how the penal context deepened these gaps. Whereas existing analyses of the narratives of people convicted of sex offenses have tended to explain them psychologically and individually, I wanted to understand how they had been distorted—taken away from what was historically true—by the institution. I tried to look for patterns in people’s stories to see where the penal context might be shaping them. Did prisoners describe moments where their stories had shifted, or where they had told different stories to different audiences, or felt that someone was trying to shape how they talked about their convictions? Were they setting their stories against official narratives or stereotypes, and how did they use their stories to counter these alternative truths? How did they interpret each other’s stories, and what made them more likely to trust each other? What did these tensions say about how their stories had been shaped by their imprisonment?

By asking these questions, I identified three institutional mechanisms which distorted prisoners’ stories: the legal system, the “sex offender” stain, and the rehabilitative regime. All prisoners in Stafford had been admitted there after passing through a legal system which imposed denunciatory convictions on them, but which operated in such a byzantine way that its outputs were difficult to believe and easy to challenge. These convictions exposed them to the stinging “sex offender” label, which threatened their social identity so thoroughly that it encouraged prisoners to resist it while simultaneously enabling this resistance through its own extreme characterological implications. They were then subjected to a rehabilitative regime which rewarded them for telling their stories in an institutionally approved way, but which as a result allowed these stories to be interpreted as the shallow product of incentivization. Taken together, these factors had three distorting effects on the moral dialogue which existed in the prison. They encouraged prisoners to tell stories that were not true, whether by falsely claiming innocence to avoid being found guilty in court and to evade stain in prison and afterward, or by falsely claiming guilt to progress through the system as smoothly as possible. They also facilitated the telling of untruths by allowing prisoners to tell different stories to different audiences and to explain this by saying they were being pragmatic. Finally, these distortions were so thick that they sowed confusion and mistrust, eroding the ability of others in the prison to confidently trust either the stories they were told by prisoners or those implied by their convictions.

I was never able to determine precisely how these institutional distortions altered individual people’s narratives, and I had moments of frustration, both

personal and intellectual, about whether I was being told the truth. I didn't want to feel lied to or like I was on the "wrong side," and I still feel that knowing the "true story" of prisoners' offenses would have allowed a deeper understanding of the prison's morally communicative effects. One of this book's central goals is to explain how imprisonment in Stafford shaped how people thought about what they had done, and doing this would undoubtedly have been easier if I knew whether individual people were lying, misremembering, or being as honest as they could be. But the difficulty of the intellectual task says something about the gap between the ideal of moral communication and how it happens in practice. Normative penal theorists talk about moral communication as though there is, or should be, a straightforward relationship between the offense that someone has committed and their punishment. Imprisonment should be imposed in response to a criminal act which has certainly been committed and should be taken by the person who committed it, by the victim, and by the rest of the community as a sign that it was wrong and that it mattered. However, the message which imprisonment in Stafford expressed was so deeply distorted that it was hard to decipher what it meant, or even to make clear judgments about what people in the prison had done. As this chapter will argue, this lack of clarity simultaneously deepened prisoners' shame and offered them the opportunity to escape it. The resulting moral dialogue was simultaneously condemnatory and confusing, and left prisoners, prison officers, and researchers unsure of where they stood.

### THE LEGAL FRAMEWORK

It's not just the prison, it's the whole judicial system. (Shezad)

The legal system is the mechanism by which people are determined to be guilty of a sex offense and sentenced to imprisonment, and it was thus the main process by which people were selected for admission into Stafford. Although there was significant variation in how the men in Stafford talked about their experiences of the legal system, the overall picture which they painted was of an arbitrary and prejudiced collection of organizations, all of which were driven by their own internal logics rather than by an attempt to discover truth or promote ethical behavior. The system was experienced as an unpredictable and uncontrollable juggernaut, one which ate up the intimate details of people's lives and spat them out as verdicts of guilty and not guilty. This picture was painted in the most bitterly painstaking detail by those who had pleaded not guilty and who still steadfastly maintained that they were innocent, but it was gestured at, albeit with greater levels of resignation or understanding by those who said that they were guilty and deserved to be punished. Prisoners described the police as overly credulous to victims and as preoccupied by chasing convictions; the CPS as vindictive; the trial as chaotic, competitive, and alienating; the lawyers, including their own, as biased, lazy, and mercenary; and the judges as driven by their hatred of "sex offenders." They felt that none of

the main players were there to find out or to describe the “truth,” and that the trial deliberately sought to strip away context and history.<sup>4</sup> They maintained that the official account which this process produced, and which was encapsulated in the guilty or not guilty verdicts, failed to represent what had really happened—or at least what they told me had happened.<sup>5</sup>

Feminist studies of the legal response to sexual violence have similarly argued that these processes are uninterested in the pursuit of truth, although for different reasons to those articulated by prisoners in Stafford. These studies have convincingly argued that rape myths (Burt 1980)—such as the belief that people cannot be raped by current or former partners, that rape requires physical resistance, that false accusations are common, or that those who commit rape are identifiably different from those who do not—shape policing and prosecutorial practice all the way through the system (Hohl and Stanko 2015; Y. Russell 2016). These studies have shown that participants in adversarial court systems like those in England and Wales rely on and repeat these myths, with the effect that rapes which meet certain characteristics are more likely to result in a conviction (Adler 1987; E. Daly 2022; Lees 1993; Temkin, Gray, and Barrett 2018). What is not discussed within this literature, though, is whether the authoritative repetition of these myths by lawyers and judges affects the way people convicted of sexual violence think about and make sense of their crimes. It was certainly the case that many prisoners in Stafford repeated false views about the nature of sexual violence, views which may have been validated by their experiences of the legal system. The shadow of the legal system had other effects on the moral conversation which took place inside the prison. It promoted binary understandings of guilt and innocence, extended the meaning of criminal labels beyond prisoners’ familiarity, and produced verdicts which had such a seemingly arbitrary relationship to what had happened that they generated a widespread sense of injustice.<sup>6</sup> In so doing, the legal system focused prisoners’ attentions on how they had been blamed, rather than on what they had done, shaming them in a way which fostered self-preoccupation and stasis rather than reflection and transformation. It is also possible that, in some cases, it facilitated miscarriages of justice, and that some prisoners had been unjustly convicted.

The charging process was a major object of confusion and critique. Charging someone with a criminal offense is an act of denunciation—it applies a discrediting label to an alleged act—and in a few rare cases, the light which this process had cast on prisoners’ past behavior had prompted them to think differently about what they had done. More often, though, prisoners resented the crudeness of criminal charges. Even when they acknowledged that they had done wrong, charging them necessarily entailed cutting and twisting a complex real-life event so that it fit into simplified legal categories. Prisoners often insisted that their charges were not specific enough to be meaningful and that they implied that offenses were more serious than they were. This criticism was particularly common among those convicted of rape, who often had a limited understanding of what rape is and who

relied on and reproduced myths when they discussed their offending. John, for example, recounted arguing with his cellmate about his cellmate's offense:

[He says,] "It was sex. Because we'd had sex before, it doesn't matter." "Of course it matters," I said, "You raped her!" "Nah, never!" He can't get rape into his head.

*So it's almost like he doesn't understand what it is.*

He doesn't. "I've had sex with a woman." I've said, "You raped her!" "She never said no." "It don't matter, there's two of you raped her!" Two grown men. It gets me mad.

Older men were particularly likely to repeat these myths. They had often been convicted of offenses committed decades earlier, and resented being criminally convicted of behavior which they said was normal when they engaged in it.

Ahmed's story exemplifies both the potential and the danger of charging people with capaciously defined crimes. He was the only prisoner I interviewed who had started his sentence believing that he was innocent and who had decided, over time, that he was guilty—legally, at least. He was convicted of the rape and false imprisonment of a number of sex workers, and said that he had done so while under the influence of drugs to punish them for stealing from him. In his trial, he had pleaded not guilty, insisting that he had believed that he was innocent as he "didn't understand that a prostitute could say no." At the same time, he indicated that he had felt ambivalent about his responsibility, but was reluctant to admit to having committed a shaming offense in front of his family:

*Did you expect to be found guilty?*

I had a feeling. I was, like, in two minds, I was saying, "Guilty, not guilty." I was telling the barrister, "I think I'm gonna get guilty." She says, "Why do you think that? Did you do it?" Because I had a distorted view, my views were, like, distorted, I was like, "No, no." I should have been more brave. And I was thinking about my family as well. My mum was there, my sisters were there all through the trial, and . . . I was thinking, if I say, "Guilty," how are they going to see me?

Over the course of his sentence, and following his completion of treatment programs, he had come to understand that what he had done was accurately defined as rape. He now said that he regretted not having "spoken the truth" in his trial by trying to "accept it and explain it":

[In the trial] I said I was involved but I didn't do it as they say, you see what I mean? But now I would want to say, "Yes, that may have happened, but I believed, yes, this is what my beliefs was at this time, this is how I was seeing things, this is how I was feeling at that time as well, because of the pain, because of what they were doing to me." You see what I mean?

On the one hand, it's possible to argue that Ahmed's story offers an example of a successful denunciation. Over the course of his sentence, his understanding of his prior behavior began to align with legal and feminist conceptions of sexual violence as he came to realize that he had committed rape and that it was wrong.

For Ahmed, punishment did provide a moral education by forcing him to think differently about his behavior. On the other hand, this changed interpretation was largely technical. His focus was still on his own experiences, and the moral education did not appear to have generated deep feelings of guilt about what he had done. It also only happened once psychological treatment provided him with a different framework for understanding it than had been available in the trial, when his main goal had been to argue against the CPS story. At that stage, the denunciatory power of his charges had been so strong that it distracted him from thinking about his responsibility and failed to make him recognize the wrongness of the act.

In many cases, prisoners' failure to recognize that their behavior fell into the discrediting category encapsulated in the criminal charge had discouraged them from pleading guilty during their trial and continued to push them to insist on their legal and moral innocence during their sentence. Even those who had pleaded guilty insisted throughout their sentence that there was a gulf between what they had done and what their charges implied they had done. In charging people with specific crimes, the state had spoken in a language which was technical yet discrediting, and which some men in Stafford struggled to connect to their experience or to what they saw as the "real world meaning" (William) of these terms. In interviews I asked men what they were convicted of, and they often replied in words whose breeziness belied the severity of the crime, and which in many cases indicated that they struggled to remember precisely what they had been charged with. When I asked Jake, who had just recounted his offense with dismay and self-disgust, what he was convicted of, he replied, "Rape and . . . what was the other one? Oh, indecent assault." At worst, the technocratic language used in charges meant that prisoners struggled to understand what they had been charged with. Greg, for instance, a young man who appeared to have learning difficulties, said that he had pleaded guilty to sixteen internet-related charges, even though he didn't know what they all meant.

Many men said they had initially faced more, fewer, or different charges than those which they eventually faced in court. This instability and insecurity lent a game-like quality to the adversarial legal process. Ian said that he was in his early twenties when he was interviewed by the police and accused of having sexually assaulted a child when he was a teenager. He said that he was later accused of raping the same child and on the day of his trial his lawyer persuaded him to plead guilty to sexual assault so that he was not tried for rape.<sup>7</sup> Similarly, Tony said that when he was first interviewed by the police, he was accused of sexual assault, and had told the police that he could not have sexually assaulted his victim as they had consensual sex a few days later. After three days in a cell, the police interviewed him again and said that the sex was rape. When we spoke, Tony told me that he had decided to plead guilty to the sexual assault charge to get the rape charge and another sexual assault charge "thrown away," and he used a card game metaphor to describe himself as having "played a hand." In both cases, the main players in

the legal process were pursuing goals other than the truth: the CPS wanted to get a conviction, and Tony and Ian wanted to spend as little time as possible in prison. In the end, both Tony and Ian pleaded guilty to charges which reflected neither the allegations made by the victims nor what they themselves said had happened, and it is highly unlikely that the official story which emerged from this compromise came close to whatever the truth was.

The policy of reducing the sentences of those who pleaded guilty early was also likely to distort the official story. There may be pragmatic reasons to encourage guilty pleas—to save money, to facilitate efficiency, and to save victims from having to testify (Nobles and Schiff 2019)—but it distracted the main players from the pursuit of veracity. Of the forty-two prisoners interviewed, twenty-eight had pleaded guilty to some or all of the charges against them, but nine of these (a quarter of all those who pleaded guilty) said that they were motivated primarily by getting a shorter sentence and didn't really believe that they were guilty. Some said they had changed their plea on the day of the trial and described themselves as having been pushed to do so by their lawyers. Frank, for instance, was convicted of raping a fifteen-year-old girl. He claimed that he did not know her age but admitted that it was wrong to have sex with her—"She was younger than what I thought she was, but this is the person that was pouring me Jack Daniels and rum and cokes"—but he contested the charge of rape, saying that she was a willing participant.<sup>8</sup> Nevertheless, he said that he pleaded guilty to get a shorter sentence:

Right on the day of my trial, half an hour before I was up, I changed my plea from not guilty to guilty. The reason I did that was because they were threatening me to two or three years longer if I got found guilty. [ . . . ] So I call it self-preservation. I'll take the lesser sentence now. If I'm going to get a sentence, I may as well take the least sentence. So I changed my plea from not guilty to guilty because . . . I'm not saying what happened didn't happen, but what I'm saying is it didn't happen the way it's come out.

It is impossible to tell whether men like Frank authentically believed in their innocence. Many prisoners in Stafford were cynical when their peers claimed to have pleaded guilty for instrumental reasons and suggested that they were lying to make themselves feel good. James said that he admonished people who said they had pleaded guilty strategically, telling them, "You do not go guilty just because a barrister tells you to—it's your life!" Whether people believed in their innocence or not, the introduction of incentives into a process which is supposed to enable the production and discovery of truth damaged the credibility of its outputs by either encouraging people to plead guilty falsely or by providing them with a way to challenge their own professed guilt later.

People who had pleaded not guilty and been taken to trial also felt that the process had produced corrupted stories, and prisoners (and some staff) maintained that the alleged poverty of evidentiary standards during the trial meant that wrongful convictions were likely. It was extremely common for prisoners to

say that they or their peers had been convicted based on little or no evidence or solely on “hearsay” evidence, by which they meant an account by a victim which was not supported by third-party corroborations, CCTV, or physical evidence. In part, these claims resulted from their (reasonable) failure to understand the complex rules concerning the admissibility of different forms of evidence, and in particular from a misunderstanding of what hearsay is.<sup>9</sup> However, many critiques of the admissibility of different forms of evidence demonstrated mistrust in the accounts of women and repeated rape myths which are sometimes used in court (Temkin, Gray, and Barrett 2018). It was common for prisoners—and sometimes prison officers—to say that it was easy for women to “cry rape,” and many men said in interviews that they had been convicted because their victim had lied. Many of their more specific critiques of evidentiary standards directly targeted feminist reforms which had aimed to make convictions more likely. Several prisoners on different wings stated that it was only possible for men to be convicted on hearsay because Section 23 of the Criminal Justice Act had been removed, which “opened the door for anyone to say anything happened in 1921,” in the words of a man I met on the wing. Sometimes they specifically named the 1993 Criminal Justice Act, and sometimes the 2003 act of the same name, but it is likely that they were referring to Section 32 of the 1994 Criminal Justice and Public Order Act, which removed the requirement that judges warn juries against convicting when there is no corroborating evidence, making it easier for men to be convicted when the only witness is the complainant (McGlynn 2010).

A specific critique of the legal system was made by the small number of men who said that they could not remember the events surrounding their offense. Zac said that when he was twenty-one, he had left a party drunk and had woken up in a police cell, where he was told he had tried to sexually attack someone while he was on his way home. He said that he had never contested his guilt but that he still could not remember what had happened. He described himself as deeply confused and alienated by the legal process: the CPS had been unsure what to charge him with, initially selecting sexual assault and then charging him with attempted rape, and he had eventually pleaded guilty on the advice of his lawyer. The process felt careless and left him with a lot of unanswered questions:

I never went in front of them and said, “I’m innocent, I’m innocent,” I just told them the truth from my side. But I guess with the legal aid solicitors, all they wanted, to be fair, was to make a quick buck, the police just wanted to make a quick arrest. I wouldn’t reprimand anyone, especially the police, because everyone had to do their job, but a lot of things didn’t get looked at on my side, to be fair, the case was never looked at properly. [ . . . ] I was willing to accept it, whatever the case, you know. Look, at the end of the day, it doesn’t matter for me, I have to . . . how can I say? I have to accept whatever the situation is but it’s kind of hard sometimes, working with it, because you never know. That’s how it felt, to be fair, they never told me the whole truth, they never said the whole truth to me.

Zac's situation, while not quite unique, was extreme. In most cases, the core of prisoners' criticisms was that the legal system promoted stories which contradicted what they insisted was the truth. Zac's criticism was that he still didn't know the truth.

Given the picture they painted of the legal system, it is unsurprising that men in Stafford expressed strong doubts about the fairness of the convictions it produced. It is perhaps more surprising that even those who said that they were wrongly convicted struggled to shake off the traces of their faith in the legal bureaucracy. These traces were most visible in prisoners' moral attitudes toward their peers, and they were often profoundly confused about how to think about the people they lived among. Shezad said that he didn't realize how flawed the system was until he was found guilty of sexually assaulting his wife's sister, who was a child. However, despite his overarching cynicism about the accuracy of the legal process, a small amount of trust in the system remained, and exposed him to a morally confusing situation:

When I was outside, I always believed, you know, the justice system is fantastic in this country and the police, whenever they catch somebody, they know what they're doing, and a conviction, [that means] of course he has done it, that's why he was convicted. I was one of those people and I regret that, now I regret it, I feel sad because I've judged so many people in my life, when I've seen somebody in the media and all that. Because I went through it, it's like jumping in the water to find out how deep it is, and it's deep, very deep. So now, in that respect, I don't trust the system. I know [ . . . ] there are flaws in employment laws and employability and all that, even. You don't expect that to be in the justice system, especially the criminal justice system and police system. You expect them to be absolute, so when you go through that conviction, it brings doubts in your head. You don't trust what you hear. You don't trust the system on its own, and then in prison, there are other people that have done it, so you're confused in that side as well. How they might have done it, they might not have done it. Before, if he's a criminal, the general understanding is as well, "Oh, he's a criminal, he went to the prison, of course he's a criminal, what are you talking about? He's done it!" Now there's a chance he might not. That's the difference. I need to make a decision. It's completely changed things.

Shezad was here describing a deep feeling of confusion about what criminal convictions mean. Gone was his earlier clarity and belief that they represented an absolute and perfect marker of immorality, but he also struggled to believe that convictions meant nothing. Unable to trust in the capacity of the legal system to convict people correctly, but also unable to ignore what the conviction and sentence said about the people they lived among, Shezad and many other prisoners were left puzzled by the moral status of their peers and felt compelled to make their own decisions. Their lack of faith in the ability of the legal system to produce truth, together with their inability to completely discount the verdicts which it generated, would influence their social relationships with other prisoners as well as their orientations toward their own sentence.

## THE “SEX OFFENDER” STAIN

Having heard what half of the prisoners, some of the prisoners are saying, when they are wandering about, I don't want [my family] to mix with those, be party to that at all. It's horrible, disgusting. It seems to seep under your skin more while you are in here and you just become . . . You know when you get muddy and you just can't seem to get rid of the stain on you? It's like that, it seeps into you and it gets worse the longer you are in here. It's just quite horrible. So I never want to expose them to that. *Okay. With the things you hear them say, what sort of things do you mean?*

General comments related to . . . There were comments in the workshop when I worked there. When I first started, you had to wrap the plug around the tailboard and that was it and then the boards were being thrown back. “You can't have it as tight as that, you need it as tight as a five-year-old.” And that's not the comments you should be saying in here. It's horrible. But they kept repeating the same comments over and over again and laughing and joking about it and it's not funny. It's probably why most of them are in here in the first place, with comments like that. (Louis)

Shame was difficult to avoid in Stafford. While rarely discussed by name, its effects were present every time someone insisted that they were not a proper “sex offender,” every time they angrily ranted about the judgmentalism of staff, every time they whisperingly discussed disturbing rumors about their peers, and every time they nervously tried to imagine a postprison future. The men in Stafford varied in a great many ways—they had different histories, families, and demographic characteristics, they were convicted of different offenses, they were serving different sentences, and they approached these sentences in different ways—but they were united by the social identity they had been assigned and by the fact that they were forced to live with others who had been assigned it. Following their convictions, they had all become “sex offenders,” and they shared the stain which came with this unwanted label.

The meaning of a sex offense conviction has been frequently discussed by scholars of punishment, and it is usually metaphorically described as a stigma (K. Hudson 2005; Ricciardelli and Moir 2013; Tewksbury 2012). Stigmas were most influentially conceptualized by Erving Goffman, ([1963] 1990), who described them as an undesirable piece of information which interferes in people's social identity and comes to dominate their personal relationships. This description certainly applied to the experiences of men in Stafford. Their conviction for a sex offense had become the principal factor governing their identity in prison, and they feared that it would continue to shape their lives for years after their release. However, a more illustrative metaphor to describe the experience of being assigned the “sex offender” social identity is a stain.<sup>10</sup> A stain is something which seeps into your whole being, which sets you apart, and which pollutes you. Like stigmata, stains are indelible and communicative. They are impossible to escape, and they say something about who you are. But unlike stigmas, stains are inherently physical and disgusting. They seep and spread, oozing through and past

the boundaries of the body and attaching themselves to anyone or anything that touches them, accumulating in layers on people who have already been marked. As the quotation which opens this section highlights, stains contaminate, and this means that people are judged, and may judge themselves, by the company they keep. This oozing quality means that stains always speak imprecisely, and this imprecision is central to their communicative failings. Whereas penal theorists argue that criminal labels are supposed “to make moral sense of the social world” (Wilson 2007, 162) by meaningfully categorizing behavior—for example, by stating clearly that all nonconsensual sex is rape, and that rape is wrong—stains blur the distinctions between different types of behavior and different types of people. People in Stafford may have been convicted of different offenses, but the moral differences between their convictions and the acts which led to them were hard to view through the polluting miasma of the “sex offender” stain.

Focusing on the bodily components of stain draws attention to its tendency to produce disgust, a visceral emotion which speaks to our fear of contamination and our desire to draw moral markers (Nussbaum 2004). When asked how they felt about being assigned the “sex offender” label, a great many men used deeply physical language which indicated disgust and pollution. Jake said that the term was a “bottom-of-the-pit word” and Noah, who was serving a sentence for a nonsexual offense, said that he felt “dirty” whenever he heard Stafford described as a “sex offender” prison. Tommy, who was in a similar position, said, “I’ve always looked down on sex offenders and thought ‘Dirty so-and-so.’ I don’t know. Now I’m with them. It’s mad.” Phil described it as “an obscene, vile word”: “It makes me feel sick that I’m labeled like that, it really does make me feel ill.” When asked why they had such a visceral response, prisoners often directly referred to the generalizing nature of the label. Rather than referring specifically to what they had done, or at least what they had been criminally convicted of doing, the term gestured toward a range of other acts and interests. In particular, prisoners complained that to be labeled a “sex offender” indicated that they had a sexual interest in children and were a “pedophile.” Such a sexual interest was seen to be deeply unacceptable, and to move people outside of the category of humanity:

*Do you think being described as a sex offender is different to being described as a criminal? It has different connotations, or different effects?*

I think it’s stronger. It’s stronger. It’s more . . . more disgusting.

*Do you think people see it as more disgusting, or it is more disgusting?*

It is more disgusting and people should see it as more disgusting. Because it comes in various categories, and some are quite horrendous, see what I mean? But you all put it under the same umbrella. (Ahmed)

Similarly, I asked Phil why he felt the term was so obscene and vile, and he replied, “Just the connotations, what it means, messing with kids, raping women, whatever it is. Sex offender covers such a broad subject. A burglar goes in a house and steals property. A sex offender could be almost . . . it’s massive. It’s just such a vile crime.”

The oozing quality of stains means that they can affix themselves to environments as well as to people, and these stained environments can further dirty those who interact with them. This polluting feedback loop was at work in Stafford. Almost everyone who was imprisoned there was convicted of a sex offense, and so being there was taken to mean something about your conviction. In the eyes of the public, as Steven put it, “if you’re a Stafford inmate then you’re a pedophile, by definition.” The prison certainly had a bad reputation in the town it stood in the center of. Members of the public occasionally shouted abuse at family members queueing to visit their loved ones, at officers leaving work, or even just at the men they imagined behind the prison’s imposing walls. Prisoners were very aware of the low regard in which the establishment was held, and on several occasions (wrongly) insisted that abusive phrases like “pedo palace” and “monster mansion” were spray painted on the exterior walls. The prevalence of these myths indicated the strength of prisoners’ anxiety about their status. Several people told me that they were worried that they might face physical or verbal abuse as they walked to the train station on the day they were released. Other men feared that they might be harassed if they were transferred to other prisons and people there found out that they had been in Stafford (through reading the address on old letters, for instance, or by letting something slip).<sup>11</sup>

Being labeled as a “sex offender” is powerfully expressive and semantically imprecise. Sexual morality in the Global North is in flux. Attitudes to and practices of sex have undergone huge changes over the past two centuries, particularly since the 1960s, but lingering ideas of impurity and sin are still associated with sex. Sexual autonomy is increasingly valued, with the result that many previously deviant acts—notably sex outside marriage and same-sex encounters—have moved into the mainstream while others have been criminalized. Whereas once only a narrow range of acts which broke well-established patriarchal rules were recognized as sexual violence (and even then were seen primarily as a crime of property), the growing attention paid to the subjective experience of sexual relationships and the extent to which they meet ideals of consent means that growing numbers of acts now fall into that category (Boutellier 2019). Despite the fluidity of the rules governing sexual practices, many people still believe how we have sex is indicative of our sexuality, and that sexuality is fixed and determines our identity. This belief, which developed in the eighteenth and nineteenth centuries, led to the establishment of new sexual categories like the heterosexual and the homosexual (Foucault 1998), but also the pedophile, the rapist, and the sex offender.<sup>12</sup> Once one has been placed in these categories, one is assumed to be inherently devious and permanently dangerous (McAlinden 2007a), despite evidence suggesting that only 20 percent of people convicted of sex offenses are reconvicted of sex offenses in the following twenty years (Lussier and Healey 2009), and despite the fact that people can be placed in these categories for very different acts.<sup>13</sup>

Being stained as a “sex offender” may not have sent a very clear message about what prisoners had done, but it had a clear and material effect on their lives and those of their families. The hyperpresence of their stained identities, and the fact that their convictions haunted the wings with such persistence, resulted from the decision of prison authorities in England and Wales to hold men convicted of sex offenses separately from other prisoners—whether in separate prisons like Stafford, or in VPUs within “mainstream” prisons. This decision reinforced the widespread belief among those who live and work in prisons that “sex offenders” are an essentialized category of person (de Vel-Palumbo, Howarth, and Brewer 2019) which is not only distinct from the “law-abiding majority” but also from other people convicted of breaking the law.<sup>14</sup> It also made prisoners deeply conscious of, and profoundly vulnerable to, the stains of the men they lived among, a subject which shall be discussed in more detail in chapter 7.

Social pressure and state policies also meant that prisoners’ stain seeped onto their families and friends.<sup>15</sup> Many prisoners said that their families had experienced some of the social effects of being stained, suffering “dirty looks” (Kieran) or cruel comments from people in their communities. Others more abstractly considered themselves to be a corrupting influence on their families. Shezad said that he hated visits from his brother and sister, as he feared that seeing him depressed them:

I know I like to see them and all that, see them happy, and especially my sister was very upset and all that, but how do I see myself now? If I’m even released, I’m still tagged as a very horrible individual and I’m just bringing them down rather than anything else. To me, they’re doing this, they could be with their kids, they could be having fun, what’s the point in coming to see me? I’m in here, I’m not going anywhere.

More concretely, Shezad was highly conscious that contact with his family exposed them to the tentacles of state regulation. Like other men who were convicted of offenses against children or who were deemed to pose a risk to children, he had been forbidden to have contact with his young daughter when he was imprisoned until the risks had been assessed by the prison, children’s services, and probation. He said that facing these assessments had been too much for his wife and had contributed to their decision to divorce, a decision which he accepted as he said it would allow his daughter to have a life free from his corrupting reputation: “For her to have a normal life, I have to sacrifice being a father.” Other men were less willing to end their relationships. Phil had been waiting for thirteen months to be assessed for contact with his young son. In the meantime, he was not even allowed to speak to him on the phone: “But when me and the wife are speaking on the phone, I can often hear him in the background saying, ‘I love you Daddy, I miss you Daddy,’ and the wife often turns around and says, ‘Daddy loves you too’ but I’m not allowed to say it because that’s contact.”

Prisoners feared that their stain would mark their future as well as their present, and here their stain was once more shaped by the interaction between legal

and social processes.<sup>16</sup> David Garland argues that the punishment of people convicted of sex offenses, particularly child sex offenses, relies on “a criminology of the other” (2001, 136), which he describes as “a politicised discourse of the collective unconscious” which “trades in images, archetypes, and anxieties” (135) of a deviant pedophile who threatens the most innocent and vulnerable among us. What is so frightening about the pedophile is his invisibility—his ability to hide in plain sight—and so once his actions have revealed his inherent deviousness, the state must render this deviousness visible through criminalization, stigmatization, and registration. This instinct lies at the core of modern thinking about risk: if we can only gather and systematize enough knowledge about a problem, then maybe it won’t hurt us. When risk thinking meets a moral framework which views those who commit sexual violence as monstrous objects of disgust, it results in a “punitive panopticism” (Wacquant 2009, 225) which shames people as it supervises them. The result is the growth of a state regulatory apparatus which in England and Wales includes mass imprisonment, tight and restrictive license conditions, and placement on the Sex Offenders’ Register, all strategies which work to emphasize and reify the moral difference between people convicted of sex offenses and the rest of society. In so doing, the state enhances its own legitimacy by claiming the ability to soothe the fears it has helped to create.<sup>17</sup>

Prisoners in Stafford feared that they would be marked by their offenses forever: they would be permanently googleable, and therefore no one would ever give them a job or start a romantic relationship with them. They were also highly conscious that they would be restricted by tight license conditions, the breach of which could lead to recall to custody; these conditions would be determined by their restrictions and assessed level of risk, and may well include bans on contact with children, the requirement to disclose convictions to new romantic partners, or an inability to access the internet. They also knew that they would be required to sign the Sex Offender’s Register soon after their release, in some cases for life.<sup>18</sup> Although they rarely knew the details of the restrictions to which they would be subjected, rumors about likely restrictions were widespread, and prisoners panicked about what they might mean for their futures and for their social identities. Two areas of particular concern were the Register, which, while not publicly available in England and Wales, was considered deeply stigmatizing, and the impact of the conviction on new romantic relationships. Michael, an elderly man serving a sentence which he strongly contested, admitted that he didn’t know “very much about the practical elements” of being released on license, but he was “very bothered” by it and by the Register: “It’s the same stigma that’s attached to you forever and a day.” George, on the other hand, was optimistic about many areas of his future, but not about his romantic prospects:

If I ever do meet somebody, and you know you have an instant click with somebody or something, if they’ve got children, I know I can’t do that, because obviously being convicted of a sex offense, you’ve got social services getting involved [ . . . ], and I

don't want to put that on someone I've just met! So if I click with you and then I find out you've got two children, I've got to then leave it and walk away! So for the rest of my life, I'm gonna be wary of who I meet. So what type of life can I have?

Prisoners rarely thought that it was wrong, in principle, for the state to involve itself in the intimate details of people's lives if doing so would help keep potential victims safe. They did not object to the punitive panopticon in principle. What they resented was the state intervening in *their* lives, because while other people might pose a risk, they rarely believed that *they* did. George put this clearly: "I understand that you've got security and that of the public and all that, but you've got to remember that people do change and are trying to start their lives again, but they always have the perception that you're doing something wrong, constantly." Future restrictions were painful because of what they symbolized about who you were, and about the future you would be able to build, and prisoners in Stafford believed that the state would work in conjunction with processes of social exclusion to subject them to a permanent stain.

That said, while the stain of prisoners' convictions was projected into the future, it rarely sank beneath the skin. Prisoners talked at length about how the label had affected their relationships in prison and might continue to affect them after their release, but very few had absorbed the term or identified with the category (see also Tewksbury 2012), and the force of their expressions of disgust indicated their unwillingness to be a "sex offender." This unwillingness resulted from three qualities of the staining label: its arbitrariness, its generalizing nature, and its disproportionality. First, prisoners were not labeled "sex offenders" as a direct and immediate result of their own actions, but because a complex and, they argued, unreliable legal process had produced a particular type of conviction. This process provided enough distance between their actions (if they were guilty) and the conviction for the "sex offender" identity to be similarly placed at a distance. The few who accepted the "sex offender" identity only did so because they saw it as a legal artefact. Harry admitted to being a "sex offender," but only in the most technical sense:

*How do you feel about being described as a sex offender?*

I'm a sex offender.

*You accept it?*

Yeah. It's what I am.

*Does it bother you?*

No. It depends how you're looking at that word "sex offender." Some people look at it as "sex offender" is "nonce" [person convicted of offenses against children]. If you ask someone, "What does a 'sex offender' mean to you?" "He's a nonce." But if you ask someone in this prison, they'll just say, "I committed an offense under the Sexual Offences Act." So I am a sex offender, same as a burglar, same as a murderer.

Many men repeatedly insisted that they did not deserve the label as they were not guilty, or because, despite being in Stafford, they had not been convicted of a sex offense (these claims were often misleading, as shall be discussed in chapter 4).

As the metaphor implies, the label was simply something that had been applied to them externally and which did not speak to who they knew themselves truly to be.

Second, many prisoners sought to escape the expansive implications of the “sex offender” label by distinguishing themselves from others bearing the same stain. In some cases, prisoners did this based on their appearances. Tony said that it was painful to be placed in the same category as people he described as “noncey-looking”: “You see someone who’s really weird to look at and you just think, ‘On paper I’m the same as that’ and you just think, ‘Fuck.’ You know, ‘In the eyes of the world that could be me and I could be that, and we’re interchangeable.’” Nevertheless, he was conscious that, as a young, well-groomed, and confident person who did not resemble a stereotypical “sex offender,” he had been treated differently throughout his sentence. He told one story about walking with another prisoner past a group of men when Stafford had still held “mainstream” prisoners, and avoiding the abuse which had been directed at his companion:

There was me and just one old guy who looked the part, the cartoon super nonce, and the wing we walked past was mains then, and as we walked past . . . I had quite a nice gray coat on, and he had a shitty red T-shirt, and we both walked past a gang of mains and as we got about five meters from them, all the mains shouted, “You in the red T-shirt! You fucking nonce!” like that, and I remember laughing, thinking, “Am I alright? Am I okay? I’m clearly going to the same wing he is, am I not? This coat must be alright then. I must have done my hair alright today.” But I was okay because I could have easily been someone you’d have been having a beer with.

In other cases, prisoners’ attempts to distinguish themselves from the mass of “sex offenders” were more directly based on the differences between offenses. There was a clear moral hierarchy in the prison, and prisoners (and staff) thought that offenses which were committed against children were worse than those committed against adults, and those committed against strangers were worse than those committed against girlfriends or wives. As Vince outlined, prisoners drew on these distinctions to highlight that they themselves were not really a “sex offender,” or at least that other people were worse:

People have different levels of what a sex offender is and whether it’s to make them feel better or less worse about what they’ve done, but there’s like a scale, a sliding scale, and obviously people who offend against children, that’s, like, the bottom. That’s the worst. Whereas somebody who has just, like, raped his wife, that ain’t too bad.

Similarly, Ian suggested that the breadth of the “sex offender” category increased its staining power as it carried connotations of monstrosity. But the generalizing nature of the label was also the source of its denunciatory weakness:

People do paint us all with the same brush. We’re all said that we’re all monsters, people think that because we’re sex offenders, we’re all balaclava’d up with a knife in a bush, that’s what they think that we are, which is far from the case. It’s never like

that. It's really wrong of people to think that. I had a different perspective before I came to prison. I thought, sex offenders and pedophiles, I had a really bad thing with them, you don't want to associate yourself with them, but since I've come here and I've looked around and like, fair enough, there are some people here who should be here, but [there are] some people that shouldn't be here, and you think, they've been given the short straw.

*Shouldn't be here because of what they've done, or because of the type of person they are?*

Shouldn't be here because the system's done them wrong. Certain prisoners that shouldn't be here because the system is just . . . Basically because somebody did a crime, or did so many crimes, [that person being] Jimmy Savile, that now everybody gets consequences for it.<sup>19</sup> For any little tiny bit of whatever they'd send them to prison. Even people that haven't done it are getting falsely accused and they've been sent to prison for it.

Rather than focusing prisoners' attention on what they had done, or making them realize through comparison that their offenses were as bad as those committed by other people, the breadth of the label instead pushed prisoners to focus on what they had not done and therefore who they were not.

Third, and as the quotation from Ian indicates, prisoners often thought that the scale of the punishment and the connotations of the stain were disproportionate to the severity of the offense. It is a central tenet of communicative and retributive justifications of punishment that the sanction should balance the crime in order to stop punished people from being distracted from their guilt by their suffering. Prisoners in Stafford, however, felt that the staining label added an additional quantum of punishment, and it pushed them to experience themselves as victims of the state (Tewksbury 2012). They were highly conscious of the effect that their stained identities would have on their futures, and as Frank described, they considered this unending punishment to be excessive:

It's like relationships and everything. As far as I'm concerned, I made a mistake. One mistake. If it had been repetitive and always happened or whatever, I could understand the severity of what they're trying to do. But no. It's like I've said before, you've got different types of people in here and they all require different needs. Some people haven't got a chance, as in they can't look after themselves, they've not got anything about them as such, and you've got other people that—like myself, if you like—made the mistake, and if I could change it all, but I can't, so I've got to live with it. But I don't see that you have to be penalized for the rest of your life for that one mistake.

Similarly, Keith thought that the staining label was unjust:

I did sex offend and I've never denied it and I fully accept responsibility and all that comes with it, but I'm no longer a sex offender. But I am in the eyes of society and I always will be. So I think "sex offender" is a bit unfair but there's not much you can do about it really.

Taken together, it is clear that the stain which affixed itself to Stafford and to its prisoners may have drawn attention to the nature of prisoners' convictions, but this attention did not necessarily contribute to, and arguably hindered, meaningful reflections about the offense. Imprisonment in Stafford was simply too staining, and prisoners did anything they could to escape.

#### THE REHABILITATIVE REGIME

When I got in here, with probation, I said, "Look, I'm innocent, I am innocent," and she said, "I go by what the courts say," and I've had to accept that. (Phil)<sup>20</sup>

The trial system combined with the stain of the "sex offender" label to promote a binary and oppositional way of thinking about offense stories—either you were guilty or you were innocent, either your victim was lying or you were a bad person—but a few prisoners said that there was more room for nuanced and complex stories of responsibility and moral identity once they entered the prison. Ahmed's story of moral education illustrated this, as did Zac's insistence that his probation officer helped him make sense of his conviction: "She looked out for me and tried to make sense of both sides." These experiences gesture toward the possibility of more destaining spaces existing in prisons, in ways which mirror the recommendations of some moral communication theorists. Antony Duff (2001), a penal theorist who holds out hope for punishment's morally communicative capacities, has proposed that it is in relationships with staff members like probation officers that the moral message can be refined. Certainly, people in prison have the opportunity to develop relationships with staff members which allow more information to be shared than is possible in the context of a trial, potentially enabling them to tell stories about themselves and their pasts which are both more satisfying and (perhaps) more reflective of the truth than those which led to their imprisonment. The closeness of these relationships could—again in theory—allow prison officers, psychologists, program facilitators, and probation officers to communicate more effectively and productively with prisoners than CPS lawyers or judges were able to, perhaps persuading them to think differently about their offending, or enabling them to discuss what they had done or process feelings of shame and guilt. The practice in Stafford was far from this ideal, however. These relationships were formed in a context which had already been distorted by the legal system and stained by the "sex offender" label. The moral division of labor described in chapter 2 meant that prison officers did not consider discussions about the offense to be their responsibility, and the specialist staff who did discuss offending with prisoners did so in a way which was driven by its own disfiguring rehabilitative logics. As a result, how prisoners thought and talked about their offenses became a direct target of penal power, twisting their reflections into a site of either compliance, resistance, or friction (Rubin 2015).

Modern penalty is often described as managerialist and bureaucratic rather than moralistic or reformative, as preoccupied by meeting targets and delivering services rather than by responding to moral wrongs or curing psychological and social ills. Malcolm Feeley and Jonathan Simon (1992) argued that the Global North has seen the emergence of a morally neutral “new penology” in which the justice system no longer seeks to punish or cure bad or broken individuals, and instead focuses on managing actuarially defined “dangerous” categories of people.<sup>21</sup> The discourse of danger was certainly powerful in Stafford, and risk judgments had a large influence on life there. In theory, the allocation of rehabilitative treatment and prisoners’ living conditions in prison and postrelease were determined by the outputs of structured risk assessments, all of which were nominally based on scientific knowledge.<sup>22</sup> Prisoners’ conditions in prison, and in some cases their chances of release, were linked to whether they were seen to be working to reduce this level of risk.<sup>23</sup> As a result, they were strongly incentivized to engage in what Jason Warr has called “narrative labour”: to share the prison’s interpretation of them as dangerous and fit into the mold of change it provided them by casting “themselves as the penitent” (2020, 36), and thus lower their risk level.

In theory, the rehabilitative regime in Stafford, like in other English and Welsh prisons, was oriented to manage future dangerousness rather than to redress past wrongdoing.<sup>24</sup> In practice, the two are hard to disentangle. First, prisoners’ convictions have been found to be statistically correlated to their future reoffending, and convictions were therefore one of the inputs into risk assessments. Second, and more importantly to our purposes, the stories which prisoners told about their offenses, and the extent to which they accepted guilt, shaped the way risk was assessed and treatment was distributed. This practice was propelled by the belief that taking full responsibility for past offending would help prevent future occurrences. Despite the lack of evidence that excuses or denial cause criminal or sexually deviant behavior, much offender treatment in the past thirty years has sought to correct the “cognitive distortions” which these excuses and justifications allegedly represent and to persuade prisoners to come out of “denial” and to accept their guilt (Maruna and Copes 2005; Maruna and Mann 2006). Much of the work which took place in the Sex Offender Treatment Programme (SOTP), the main offending-behavior program available in Stafford at the time of the fieldwork, centered on identifying and correcting such distortions. These programs took place in groups of about ten or twelve prisoners. For the first half of the course, participants took it in turn to discuss their offending, while others in the group corrected any excuses or justifications. In the second half, prisoners drew up a list of their potential triggers and risk factors and developed relapse prevention plans to stop them from slipping into their old ways. Given the centrality of the offense to the content of the program, only people who accepted at least some guilt for their offense were able to participate in the SOTP.

The rehabilitative regime in Stafford thus sought to educate prisoners not just that they had done wrong, but that they were fully and autonomously responsible for their offenses. Their main tool was material incentivization.<sup>25</sup> Some of this incentivization worked through the Incentives and Earned Privileges (IEP) scheme. The IEP scheme is intended to promote good behavior by assigning each prisoner a status—basic, standard, or enhanced—depending on their levels of compliance. Having a higher status should result in improved material conditions, such as the capacity to earn more money or to arrange more social visits. In 2014, controversial changes to the IEP scheme limited the discretion granted to different prisons, and among other things, meant that only people who were meeting the demands of their sentence plans and giving something back to the prison (by serving as a mentor or a wing representative, for instance) could achieve the highest status. People who maintained that they were innocent, and who were thus unable to complete treatment programs and meet the terms of their sentence plans, were no longer able to access the associated material rewards. However, the IEP scheme was not the only form of inducement available. If prisoners were considered not to be addressing their offending behavior, they might be unable to get the “highest trust” jobs in the prison, and I interviewed two men who had lost their jobs because of maintaining innocence.<sup>26</sup> Completing the required treatment programs and thereby reducing your risk level was also widely believed to be necessary for prisoners on indeterminate sentences (at least 9 percent of Stafford’s population)<sup>27</sup> to be granted parole, and to keep postrelease license conditions as loose as possible.<sup>28</sup> Prisoners therefore faced a strong incentive to participate in treatment and to say that they were guilty, irrespective of whether they believed it.<sup>29</sup>

It is common for prisons to try to shape how people behave, but by seeking to regulate how prisoners talked about their offenses, Stafford strove to expand its zone of influence. Some men, like Tony, ceded the territory to the prison. Having pleaded guilty for pragmatic reasons during his trial, he said that his hardheadedness continued to drive him in the prison, and he told members of prison staff that he admitted guilt so as not to risk losing his enhanced status or his highly trusted job:

It was a hard decision and it’s really hard on a day-to-day basis, “Yes I’m guilty, no I’m not maintaining innocence.” I don’t need you to believe me, I don’t need anyone to believe me, because I know what’s happened. But no, I’m not officially maintaining innocence.

*But you kind of are, you’re not in the technical way but you are kind of internally, morally?*

To friends, to family, yeah. To you, because this can’t affect the outcomes. But if I were to admit that I was maintaining innocence in here, my status would change dramatically.

Others more actively resisted the prison's attempts to interpret and intervene in their public statements about their convictions. James steadfastly maintained that he was innocent even though his relationship with his probation officer had become extremely hostile as a result:

I've got a probation manager who's a bit of a—pardon my language—but dickhead. I do not like the bloke. He's above himself [ . . . ]. He thinks he knows better than everybody else, he thinks he knows about the facts of life and in fact he knows bugger all. I just don't like working with him. He says I'm "in denial." Hang on a minute, I'm far from in denial, mate! I'm innocent! I know I am because nothing on my body, not one part of my body, touched that lass and I told him that and he doesn't like it because I won't conform to what he wants.

This battle between prisoners and prison staff was sometimes complicated by the legacy of the trial and the official narrative which it had produced.<sup>30</sup> Vince had pleaded guilty to robbing and raping an acquaintance while he was drunk. In his sentencing hearing, the CPS lawyer had said that he had planned the offense and deliberately got drunk to help him build up courage, and the risk assessments which had been written by his probation officer all repeated this interpretation. Vince said that he disagreed with this version of the story but had been reluctant to challenge this narrative in court, where the victim was present.<sup>31</sup> He insisted in our interview that the attack had been an extremely poor decision that he had made impulsively, and said that he had frequent arguments with his probation officer as a result:

It's like, pseudo psychology. Do people do that? Like, "Oh, I need to get brave now to go rape." It's absolute bullshit. And that is the stuff they're coming up with and how can you argue with them sort of arguments when they don't make sense? And what you're saying is, "It was spur of the moment, didn't really listen to what, you know, my victim, I was thinking of my own needs, [ . . . ] didn't have any inhibitions because of the drink, sort of thing." I dunno, maybe it's catch-22. Whatever you do, you always come out wrong because either you're minimizing it, "This just happened," or . . . It's like they're just waiting for you to fuck up. Every time you speak, it's like they're waiting for you to say the wrong word. And she puts in the wrong stuff, she never puts in like, "Fair play, he really recognizes, like, what he's done." She never puts none of that in there.

Men like Vince and James critiqued the ability and right of their probation officers, and by extension the prison, to claim interpretive power over their stories. Both men mocked the psychological knowledge which their probation officers claimed and insisted that truth was on their side. Even Tony only allowed penal power to shape what he said to officials about his offense, and it didn't stop him from asserting his innocence to his friends and family (and to me). In all these cases, the prison was only able to mold what people said publicly, and its system of incentivization struggled to operate on the private sphere.

The fact that offense discussions were at the core of the prison's rehabilitative strategy discouraged many men in Stafford from participating in the limited amount of treatment that was available. Less than a quarter of the men I interviewed had participated in either a SOTP or a Thinking Skills Programme (a treatment program which was not specific to sexual offenses, and which was available to people who maintained innocence). Ethnographic research of treatment courses for sexual offending has argued that, by asking people to repeatedly tell their offense narratives and by pushing them to develop "relapse prevention" plans, such courses construct men convicted of sex offenses into "sex offenders," people defined by and autonomously responsible for their crimes who must constantly work to stop themselves from slipping into their old transgressive ways (Fox 1999; K. Hudson 2005; Lacombe 2008; Waldram 2012). But irrespective of the content of the courses, prisoners in Stafford said that even participating in them was stigmatizing. It was only possible to take part if you admitted guilt, and prisoners described treatment programs as only necessary if there was something wrong with you. James continued to resist his probation officer's attempt to persuade him to consider taking part in the SOTP: "If I had to do that program, that would mean that I would be admitting to something that I haven't done, and I see that as a fruitless exercise anyway, when I don't think like a person that is a sex offender." Tony was relieved that he had been assessed as posing too low a risk of reoffending for him to be suitable for courses: "I didn't feel I need any treatment. I don't feel I need anyone to help me to think."

This was not the only reason Tony didn't want to participate in the SOTP. Like many other men, he said he simply did not want to spend extended periods of time discussing offenses with other prisoners.<sup>32</sup> To do so would potentially be extremely upsetting and could make social life on the wing harder as he would have to face people knowing what they had done. Worse, he feared that he might somehow be corrupted through this knowledge, and this belief had been reinforced by what he had been told by a programs worker:

In reality, I didn't want to do them. I've got no will to sit in a room with people who aren't friends listening to things that have happened to them throughout their lives and things that they've done potentially to children. I don't want to hear about it in a direct sense. I don't want to face that person all the time. I don't wanna know! Not for me to judge, but I don't want to sit there and listen to that, and the programs [worker] came to see me when they told me I was too low risk, and they told me, "If you did it, not that you can, but if you did, it would potentially just fuck you up."

*Did they say that?*

That is a quote. That is an exact quote. Not I've changed it a bit, that is exactly what they said. "Potentially sitting in a room with those people could just fuck you up." Great. I don't believe I need any help with anything. I'd rather be left alone to be fair. I would have done it if I had to.

By centering much of its rehabilitative work around the offense, Stafford, like other prisons in England and Wales, not only incentivized conscious dishonesty and ensured people who steadfastly maintained innocence were unable to participate in treatment courses, it also heightened the discomfort which prisoners already felt about living among people convicted of sex offenses. The environment was already stained, and programs both added and drew attention to this stain.

There is, however, a coda to this story. A couple of years after I completed field-work in Stafford, a large-scale evaluation of the SOTP was published which found that not only did it fail to reduce reoffending, but that those who completed the SOTP were slightly more likely to reoffend than those who did not (Mews, Di Bella, and Purver 2017).<sup>33</sup> The report suggested several possible reasons for this increase, including that discussing offenses in a group may, counterproductively, make offenses seem “normal” or even allow treatment participants to share information about offending (how to access websites displaying illegal images, for instance). These possible explanations—none of which have been empirically tested and which are therefore merely hypotheses—nevertheless echoed many of the critiques made by prisoners in Stafford and indicated that part of the problem with the program design was that offenses and offense narratives were so central to it. As a result of the publication of this report, the SOTP was replaced by new treatment programs which do not require prisoners to discuss their offenses and which people who maintain that they are innocent can attend. The effect which these changes will have on the rehabilitative regime remains to be seen.

### CONCLUSION: DISTRACTIONS AND DISTORTIONS

Early advocates of the penitentiary hoped that isolation would reform prisoners by leaving them with nothing to do but talk to God and delve into their consciences. Modern prisons, however, provide numerous means of and motives for distraction. Prisoners in Stafford had been funneled through a seemingly arbitrary legal system, stained by their resulting social identity, and now faced multiple obstacles which had been placed by the bureaucratizing rehabilitative regime. They had been subjected to a form of moral communication which produced a deeply painful and damaging form of shame, and which fashioned stories which were difficult to read. This lack of clarity created difficulties for prison staff and prisoners who were forced to interact with people whose stories and histories confused them and about whom they struggled to make judgments.

Facing a permanent threat to their position in the moral community, provided with the alibi of an unjust legal system, and offered rehabilitative opportunities which encouraged them to follow certain narrative scripts, it is unsurprising that many men in Stafford avoided attending to their consciences. While many faced their feelings of guilt and sought to transform themselves, others sought relief in denial and excuse-making, and some may have been justified in their insistence

that they were not guilty. In fact, so confusing was the environment that it was impossible—for prisoners, prison officers, and researchers—to disentangle who was telling the truth about their innocence and who was denying as a way of rejecting shame. Like a smudged manuscript, the institution was stained in a way which made it difficult to decipher. Nevertheless, in the following two chapters, I will delineate how these different men made sense of their convictions and did their time in the tangled web of motivations and opportunities provided by the prison. The next chapter focuses on what the prison communicated to those who, on the whole, thought they were guilty, and the subsequent one focuses on those who more straightforwardly insisted that they were innocent.