

Maintaining Innocence

Contesting Guilt and Challenging Imprisonment

William, a White man in his early fifties, was serving a fifteen-year sentence for the sexual abuse and rape of his stepdaughter. At the time I interviewed him, he was a *repentant prisoner* and an evangelist for the SOTP who told me he often interrupted other men to tell them their behavior or conversations were sexually inappropriate. He had not always been so dedicated to self-transformation, however. During the eleven months he had spent on bail awaiting his trial he was, in his words, “in denial.” Despite acknowledging to himself and to his family that he had committed his offense, he told the police and his lawyers that he was innocent:

I knew I was lying. I knew. It was done for many reasons. One, so I could see the children, explain to the children. I told them everything. I didn't lie to them. I told my mother, my father. I tried to sort my finances as best I could. Tried to reason with my wife because obviously she's another victim.

During this period, he had considered suicide, describing himself as “ashamed, remorseful, disgusted,” but, like Emmett, who was described in the previous chapter, he was saved by the intervention of a family member and decided to dedicate his life to making amends. At the moment his suicidal thoughts were strongest, his daughter arrived on his doorstep, and he realized the further harm he would do by dying:

It were bizarre, as if she knew, we were that close, you see, and it just knocked me for six. I thought, what are you doing? You are leaving all your crap at your children's doorstep. You've got to stand up and man up and deal with it and put this really disgusting thing I've done and everything, chaos I've caused, I've got to be the one to go out there and put it right and the only way I can do that is by going to prison, correcting my pattern of thought, and getting myself up, mobile, and moving forward again.

When the case finally went to trial, he decided to plead guilty, even to charges which he contested. He was charged with the rape of a child under the age of

thirteen, but despite insisting in the interview that he had only started to abuse his stepdaughter after she turned thirteen, he had pleaded guilty.¹ His reasons for doing so were twofold: first, to protect both his victim and his heavily pregnant daughter from testifying, and second, to receive a slightly shortened sentence. Within the prison, he insisted that he was still pleased he had made this decision, but he nevertheless repeatedly reminded me that he contested one of the charges.

Maintaining innocence is often described as though it is an absolute, something which exists in binary opposition to accepting guilt. But just as the previous chapter showed that there are different ways of acknowledging that one has committed a crime, William's story demonstrates that there are also different ways of insisting that one has not. While he was on bail, William knowingly deceived people about his crime, and research on others who have moved from "denial" to acceptance supports the idea that some people convicted of sex offenses consciously lie about their guilt in the hope that doing so might protect them from shame and keep them safe (Ware and Blagden 2020). Not all claims of innocence are this unequivocal, however. Even after William pleaded guilty, he still insisted that there was a gap between what he had been convicted of and what he had done, and certainly some psychologists would place his claims into the category of "offense denial."² By doing so, they would be operating on the assumption that the distance between his story and his conviction existed because his story was wrong and not because his conviction was, although it is possible that his claims of partial innocence were more accurate than his claims of complete innocence had been. Even if William was not telling the truth, however, he was not necessarily being deliberately deceptive. Since Freud, psychologists and psychoanalysts have argued that the inability to remember or accept certain truths might be a product of unconscious processes of denial, and it is possible that William's insistence that his offending had started later than his victim had said resulted from an inability to accept or even remember what he had done. Whatever the reason for his insistence that he was innocent of that one charge, it was clear that he accepted a significant amount of legal and moral responsibility, and he did not consider himself to be illegitimately imprisoned.

In the previous chapter, I presented the first half of a typology demonstrating that how prisoners in Stafford thought about their convictions and their offenses affected how they did their time. I argued that even when prisoners did not contest the most fundamental claim the prison made about them—that they were guilty of a sex offense—they still challenged the implication that they deserved to be stained as "sex offenders." Some prisoners—those I deemed *repentant* and *redeemed prisoners*—did so by trying to transform themselves so that they were more than "sex offenders"; others—*fatalists* and *negotiators*—claimed that the label was either inaccurate or merely technical. In this chapter I present the second half of this typology, and focus on people who categorically insisted that they were innocent. These men, who made up around a third of my interview sample, were steadfast in their insistence that they should not be in prison at all, let alone in a prison which

communicated the stigmatizing moral message which Stafford did. The morally inflected nature of their imprisonment shaped the way they responded to penal power, just as it had for prisoners who maintained guilt. As I argue in this chapter, the fact that Stafford claimed authority over prisoners' moral identities pushed those who maintained innocence to challenge the way their sentence was carried out and to resist the realities of life in a prison in which they insisted they did not deserve to be.

Through this description, I hope to make clear that if we want to evaluate the legitimacy of imprisonment, we must also consider the legitimacy of convictions and sentencing. This seemingly straightforward point has often been neglected by prison sociologists, who have conducted most of their research with "mainstream" male prisoners, a group who are less likely to maintain innocence than most prisoners convicted of sex offenses are (R. Mann 2016). This empirical difference has allowed prison sociologists to claim that most prisoners consider the fact of their imprisonment to be legitimate, even if they question the legitimacy of their treatment inside prisons (Crewe 2009; Sparks, Bottoms, and Hay 1996; Sykes [1958] 2007).³ These sociologists thus imply that prisoners' judgments about the justice of their situation rely on the same distinction between the allocation and delivery of punishment which the idea of morally communicative institutions calls into question. In Stafford, however, the two assessments of legitimacy were less obviously distinct, and prisoners who steadfastly maintained that they were innocent often challenged or questioned the way the prison used power over them.

Without knowing whether prisoners were really innocent, or really believed themselves to be innocent, the direction of this relationship is unclear. It is not possible to know whether being in prison unfairly led prisoners to think the way the prison worked was unfair, or vice versa. What is clear, though, is that the form these claims of innocence took was shaped by the context in which they were made. Imprisonment in Stafford was morally communicative—being there said something to prisoners about who they were and what they had done—and the prison's stain combined with its attempts to discipline prisoners' sexual identities to repeatedly focus prisoners' attention on why they were there. In so doing, the prison pushed them to insist on their innocence over and over again. Irrespective of the veracity of these claims, Stafford was not simply the site in which prisoners expressed their claims of innocence, it also helped to create them.

ACTIVISTS

Activists constituted just a tenth of the interview sample.⁴ In almost all cases they had been convicted of the rape of an adult woman and steadfastly maintained their innocence, attributing their incarceration to false allegations and unjust systems.⁵ They took pride in their refusal to submit to power, and were almost ideological in their rejection of the legitimacy of their conviction and of the prison.⁶ They deliberately nurtured the anger which they felt at their situation, and got through

their sentence by intentionally challenging penal power. None had active appeals, but they all said that they intended to appeal and spent a lot of time rereading their paperwork and thinking about the injustice they had been subjected to. Rather than bringing them to despair, these rituals, they said, helped them manage psychologically by giving them both hope and the energy to cope with their imprisonment (see also Wright, Crewe, and Hulley 2017). The frustration they felt about their convictions often blended into broader cynicism about the legal system, and they resisted the fact that they were in prison as well as the power of the prison in which they were held. They had prior personal and familial experience of criminalization and of the drugs trade, and most of the prisoners in this group were either Black or from other minority backgrounds, which may have contributed to the active mistrust which they placed in state actors. Irrespective, their preexisting familiarity with the legal system meant that they did not express any shame at their imprisonment, but they were nonetheless devastated by the fact that it was for a sex offense. Whereas their previous convictions had been consistent with how they saw themselves—as honorable criminals, as strong men, as rebels—being convicted of and imprisoned for a staining sex offense called into question their masculinity and their morality (Sim 1994; Thurston 1996).

Terry, a Black man in his early fifties, had spent much of his life involved in the drugs trade, and had served several prison sentences for offenses related to drugs and violence. When I initially approached him for an interview, he said no and offered no explanation. Months later, however, he said that his cellmate had vouched for my trustworthiness and he was willing to speak to me, although he insisted that the interview take place on a weekday: “The weekend’s my time.” He was currently serving an IPP sentence (see chapter 2, note 39) for raping his girlfriend, a charge which he unequivocally rejected, complaining that only ten of the twelve jurors had believed that he was guilty: “In this day and age, how can ten people think you’re guilty and two don’t?”⁷ He had appealed his conviction toward the beginning of his sentence, and his appeal had been rejected by the Criminal Cases Review Commission as it did not have a legal basis.⁸ Nevertheless, he insisted that the matter was not settled: “I still don’t agree it was right, and until they can prove to me it was right, it wasn’t right. End of story. I ain’t gonna take their answers.” He hoped to prove his innocence upon his release, and in the meantime, he deliberately kept his memory of the injustice alive, engaging in a practice of embitterment which mirrored *repentant prisoners’* ritualistic acts of contrition:

I just laugh at it now. I read my depositions [depositions, or trial paperwork] and the more I read it, the more discrepancies I see and the more I laugh at it.

How often do you read them?

I’ve read my depositions so many times over the years, it’s like I know them inside out.

Doesn’t it drive you a bit crazy?

No, because it just shows me how corrupt the system is.

Terry reacted to the alleged illegitimacy of his situation with defiance. He had served significantly longer than the tariff of his IPP sentence, which he attributed to his ineligibility to do the SOTP as he was maintaining his innocence. He refused either to lie about his offense—“They can keep me as long as they want, I ain’t gonna change”—or to “crack” under the pressure:

If they took it [the SOTP] off my sentence plan, I’d go home tomorrow, but they won’t. It’s part of the system, playing their games. Trying to see when you’re gonna crack or when you’re gonna flip out. And if you can play the game, play the game. It’s a game, at the end of the day! [. . .] Some guys can play, some guys can’t. I’ve seen loads of IPPs mess up. [. . .] I’ve seen a lot of them make a right mess of their lives. I’m not going down that road.

Terry reconstituted surviving his sentence into an act of resistance. By claiming that the system wanted to break him, he invested his insistence on coping with political meaning. In his refusal to be beaten, Terry was demonstrating control over the situation and over himself:

Jail is what you make it. You want to make it hard, spend your time down the block [in segregation], running around doing this, that, and the other, go for it. I don’t plan on doing it that way. The easier I do my bird [sentence], the better it is for me, at the end of the day. I can sit back and kick back, put my DVD player on and watch what I want with nobody bothering me. It’s up to you how you want to live. If you want to be an idiot, be an idiot. I’m not an idiot.

It is a common trope among prisoners that people are responsible for how they do their time, but Terry’s approach was marked by its agentic language, desire for isolation, and contempt for other prisoners, all of which were typical among *activists*.

In almost all cases, *activists* claimed to have had consensual sex with their accusers, who were often ex-girlfriends. They spoke of their accusers with bitterness and contempt, saying that they would struggle to trust women in the future: “That’s gonna be a task for me, because I’m always going to be thinking, ‘Is this a setup? Is this a trick again?’” (Cain). This bitterness radiated outward, and *activists* maintained that both their accusers and the legal system were financially motivated, often making incorrect claims about compensation for victims or payment-by-results schemes for police officers or prosecutors.⁹ Terry insisted that the woman he had been convicted of raping was paid a thousand pounds for each year he spent in prison, although this is not how compensation for victims of serious crime is calculated:¹⁰

When I first went to prison, right, I spoke to the OMU [Offender Management Unit officer] there and she turned round and said to me, “Do you know for every year you got, she got a grand?” I said, “Behave yourself!” She said, “No, the law now, for every year you get, she gets a grand. So she done herself a good five grand there.” She says, “The longer you stay in here, the more she’ll get.” I said, “Behave yourself.” She said,

“It’s the law.” And I said, “Well best of luck to her.” And I said, “If that’s what it was all about, let her carry on.”

Cain maintained that the police were financially rewarded when they secured convictions, and that sex offense convictions were among the cheapest to procure:

If somebody gets battered severely, they have to pay money to look for the person. If somebody gets murdered, they have to pay for that, to get the person. A man comes in on a sex offense, no, you don’t have to do nothing. You don’t have to put out no money out there. Don’t have to even get forensics. You don’t even have to pay forensics. So, that’s where the money is for them. And it’s a big lie, yes.

They thereby presented their convictions as symptomatic of wider corruption and injustice, politicizing their own allegedly illegitimate positions within the system.¹¹

Activists repeatedly challenged the legitimacy of their situation and of the legal system, but they were unable to change the basic fact of their imprisonment. Despite priding themselves on their masculinity and control, this was one area in which they were helpless: “I feel like I’ve let myself down, even though I haven’t done nothing. There’s nothing I can do to help myself out of the situation” (Cain). Faced with this specter of powerlessness, *activists* deliberately maintained a feeling of anger at their situation; as shame researchers have argued, unacknowledged or disintegrative shame can produce feelings of rage and anger as shamed people displace the threat to their sense of self and condemn those who have dishonored them (Ahmed 2001).¹² James recalled the advice he had given to a friend who had been struggling to adjust to his sentence:

I says, “Listen, the way I get through my time is I keep myself angry.” He’s like, “You what?” I went, “It’s true. I’m not a very angry person but the rage I’ve got inside of me, that’s what keeps me going.” I says, “The rage I’ve got against the bloody police and the courts and that for finding me guilty of something I didn’t do.” And he says, “Oh well, whatever works for you!” And I says, “Well that does work for me.” But then you’ve got, on top of that, losing my kids and losing my ex-partner at the same time, and it’s like all that’s worked up into what?

And how does that rage help you keep going?

Well let’s put it this way. I’ve got my fight back. I lost my fight, that’s one thing I did lose. It wasn’t when I came into prison, it was when I lost my ex and my kids, because I still had my fight. It was losing them, that was it. I lost everything. And then all of a sudden I found this, like, I just wanted to smash something up! And I thought, “I’m going to use that!” [. . .] It gives me the energy that I need.

Activists devoted significant time and energy to reading paperwork from their trial and considering their legal positions, even though none of them were currently appealing or had concrete plans to appeal. Focusing on this apparent injustice had become a clear coping strategy independent of its likelihood of concretely affecting their position.

Activists expressed no desire to maintain connections, or to reconcile, with those whom they perceived to be the law-abiding majority. Their politicized anger was consistent with their earlier involvement in the drugs trade and their histories of opposition to the state and to the legal system. They felt no shame at having broken the law, and in Braithwaite's (1989) terms, they were members of a deviant subculture which reinforced their belief that lawbreaking was not immoral. They did, however, feel profound shame at having been convicted of a sexual offense, a form of offending which was deeply stigmatized within the communities of which they were members:

Do you think you've changed the way you see yourself on this sentence? In Stafford?

Offense-wise, yeah. That's . . . never mind knocked me down a few steps, it's knocked me right down. See, my family's grew up around crime. Not no crime like this. So yeah, it's put a bit of a downer on me. Knocked my confidence a little bit, do you know what I mean? (Kieran)

Activists described their previous offending as consistent with their dominant and sexually normative masculine identities, but their current convictions challenged these identities and disqualified them from their lifestyles. Terry insisted that his current conviction was totally "out of character," and said that, on hearing of his conviction, his mother had said, "If they told me you'd shot and killed somebody or gone and robbed a bank or something, I could have believed that, but for you to do something like this, that isn't you." *Activists* described themselves as "pissed" (Terry) by their subjection to the staining "sex offender" label, which excluded them from both mainstream and prison society: "We're scum of all scum, ain't we, sex offenders. That's what we're looked at as" (Kieran). The displacement they felt because of their current situation was exacerbated by their earlier experiences of prison: *activists* had spent their previous sentences on "mainstream" wings, where they had witnessed and sometimes participated in the abuse of people convicted of sex offenses, and they now occupied a fallen position within the prisoner hierarchy. Some *activists* repeatedly and explicitly challenged implicit or explicit stigmatization from officers, Offender Managers, and other prisoners:

If someone says to me I'm a sex offender, I say to them point blank, "Listen, I'm not a sex offender, I didn't do what I was accused of or found guilty of, and one day I will prove that." It's just depending on when, that's what it comes down to, it's when I will prove it. (James)

Higher status *activists*, on the other hand, responded by contemptuously ignoring the label: "You think what you want to think. As long as I know I ain't done it, do you know what I mean. Everyone's entitled to have a mind of their own" (Terry).

The cynicism which *activists* felt about the legal system was targeted at the courts, the police, and the prison. They considered the whole system to be corrupt, and they asserted their agency by refusing to submit to it. Like *negotiators*, they

often used metaphors about “playing the game” to describe the way they behaved within the prison, but *activists* used these metaphors to describe a competition with the system rather than getting by within a system of arbitrary rules.¹³ In some cases, their acts of opposition responded to the prison’s rehabilitative demands: *activists* were steadfast in their refusal to do the SOTP, for instance, and James recounted volubly resisting when officers confiscated photographs of his children because of the risk he was assessed of posing to people under sixteen. *Activists* also challenged and resented the more day-to-day power which operated on the wing. Just as they coped with their convictions by denying them, they also responded to imprisonment with resistance, although this rarely took dramatic forms. Kieran wrote frequent complaint forms as a way of expressing his frustration with what he saw as a fundamentally unjust system. He knew that doing so aggravated members of staff, and so he was careful to remain technically within the rules:

One of the managers come a few months ago and tried to label me as a prolific complainer. [He said,] “I’m checking up as to what the PSI [Prison Service Instruction] says about prolific complainers.”¹⁴ Now what he doesn’t know is I’ve done the information digging for him. A prolific complainer can put one complaint in every day, so I put it to him, I said, “If you label me as a prolific complainer, I’ll put one complaint in every day.”¹⁵ And I says, “And I’ll make sure that one complaint contains ten complaints.” I’ll play him at his own game. It’s the only way you can beat them, ain’t it.

Terry similarly tried to resist staff power without making things harder for himself. He thought that staff were trying to break him, and he thus defiantly insisted on getting on with even the most difficult prison officers, reconstituting his compliance into a form of resistance: “I get on with them for the simple reason, when they do things, I let it go over my head. That gets to them more than it gets to me.”

However, despite their history of opposition to the police and to the prison system, they believed that people who sexually offend should be harshly punished and tightly regulated. This was not to say that they assigned any legitimacy to their own position in the prison. They thought it was wrong that they were in Stafford, and wrong that, as innocent people, they were subjected to state punishment: “We haven’t done nothing wrong, so why should we be made to do the same as people who have pleaded guilty, who have admitted their offense?” (Kieran). However, they dedicated lengthy portions of the interview to their disgust and hatred of people who sexually offend, and they stated that they approved of the Sex Offenders’ Register and restrictive license conditions for people convicted of sex offenses:

I don’t blame them for what they’re thinking. I don’t blame them, these Registers. Don’t blame the way they’ve got it so strict. I don’t blame them. So, for people to like moan about it, what the fuck they expect? What they expect, man? What they expect? [. . .] It is pissing, it is frustrating, but you have to think to yourself. You have to sit there and sit and actually think, “Yo, what if somebody had done that to my sisters, like? He needs to be on a fucking watch. He needs to, innit. He needs to go on

a watch. He needs to go on all these fucking . . .” I don’t care. Because I don’t want this happening again, you get me? So, really, I can’t blame them, but it’s horrible being an innocent person and have to go through that, so I can understand why people are actually moaning about it. Because me personally, it’s a hard thing for me. It’s a hard thing. I reckon that it’s going to ruin me. (Cain)

As far as *activists* were concerned, it was right to punish and discipline true “sex offenders,” but it was wrong that they themselves were punished and disciplined. They resented having been drawn into a staining web, but they thought it was right that this web existed.

THE RESIGNED

Resigned prisoners, who represented almost a quarter of the sample, maintained their innocence, but differed from *activists* in that they tried to come to terms with their situation. They had been convicted of a range of crimes, most of which were contact offenses against children and related to events decades earlier. In almost all cases, they insisted that these charges resulted from false allegations and that they had never had any sexual contact with the people accusing them, and most *resigned prisoners* had pleaded not guilty during the trial. Their arrest and imprisonment had interrupted lives which they had seen as perfectly normal and law-abiding, and they said this was their first time in prison. *Resigned prisoners* were often in their forties or above, and prior to their arrest they had lived with their families and been in secure and meaningful employment. Following their convictions, most had retained the support and trust of their families, with whom they hoped to be reunited on release. In the meantime, their focus was on surviving their sentence, the impact of which they hoped to minimize: “It’s a part of my life that I’ve got to get through to get to where I want to get to” (Ricky). They claimed integrity in their refusal to admit to something they said they did not do, and they did not comply with elements of their sentence plan which relied on an admission of guilt. In their day-to-day interactions, however, they attempted to acquiesce to their convictions and imprisonment, insisting that this made their situation easier to tolerate. They thus demonstrated what Schinkel (2014a, 72, emphasis in original) calls “*coping-acceptance*”: they considered their situation to be unjust, but they tolerated it to make life easier. Nonetheless, some *resigned prisoners* found their situation easier to come to terms with than others. For all of them, coping-acceptance was a condition to be continually worked at rather than a state they had achieved, and the moralized nature of power, and the prison’s attempts to regulate prisoners’ offense narratives and sexualities, made it harder for them to submit completely.

Shezad’s experience was typical of *resigned prisoners*. He was a Muslim who had been born in the Indian subcontinent, and he was in his early thirties. He had been

proud of his family and his career in business before his imprisonment, but he was now serving a seven-year sentence for six nonpenetrative charges of sexual assault of a child, following what he insisted were the false accusations of his underage sister-in-law. He said his ex-wife believed that he was innocent, but the stress and disruption of his arrest and subsequent conviction had led to their divorce, and he had no contact with his daughter. I first met him when he approached me on the wing to complain (justifiably) about the wording of a demographic survey titled “The Social Experiences of Sex Offenders in Prison” which I had given out at the beginning of the project: “It says at the top ‘sex offenders,’ and some people in here, they’re not ‘in denial,’ they’re maintaining innocence.” I apologized and we discussed the problems with the label, and after a series of conversations on the wing, he let me interview him. At this stage, he had only been in prison for a few months. He was struggling emotionally, and was highly conscious of the stigmatizing power of his conviction:

I see myself as nobody. All my life, I’ve been somebody, I would say, but I can’t see any point in that because I’m a criminal. It doesn’t matter what I think of myself, but that’s my title. Criminal XYZ. A criminal and a sex offender for life. “He’s dangerous to that, he’s dangerous to vulnerable people,” because I am a sex offender. I know I am not. I know that. I’ve never been, but it doesn’t matter.

He was in the early stage of his sentence, and was undergoing a process of self-mortification (Goffman 1961): his social identity had been destroyed by his conviction and his imprisonment, and his insistence that he was not guilty was not enough to resist the character which had been ascribed to him.

A few months later, however, as the shock of his incarceration wore off, he approached me on the wing to tell me how his attitude had changed as he adapted to his situation:

At the start, you see things from the outside, as a free person now in prison. I had a good credit rating, good car insurance, you think about those things that matter. And you think about how your life was successful and all the things you’ve lost. And then you come to prison, criminal record, especially as a sex offender for life, you’ve lost everything. It’s worse than being six feet under. And now, especially after talking to you, I stop thinking about what I had and what I have now. I’m in prison and I have to build my life now. It’s a sort of acceptance, coming to terms with it. I have low moments when I think about what I’ve lost, especially my daughter, but not all the time.

This was acceptance borne out of the need to cope in the prison. Shezad had redirected his attention from what he had lost and toward how he needed to live. He remained extremely sensitive to misuses of power in the prison, and he never fully trusted me or my work, although he insisted it was nothing personal. I was a “professional” connected to an “institution,” and I thus represented “the system,” and there was an inherent inequality to our relationship. “You asked me all those questions, you know everything about me, but I don’t know anything about you,”

he told me once. As the fieldwork period progressed, he became increasingly involved in the prison's social world, spending time in public areas during association periods, and he signed up for education courses within the prison. Although he never considered his situation to be legitimate, he recognized that it was real, and he tried to get by as well as possible.

This is what distinguished *resigned prisoners* from *activists*: *resigned prisoners* focused their energies on coping with the sentence rather than challenging their conviction. They were nevertheless steadfast in their maintenance of innocence. In interviews, they were consistent in their use of language—referring to the “accuser” and the “allegations” and never “the victim” or “the offense”—and they sometimes described the person whom they had been convicted of assaulting with contempt (Ievins 2019). They often expressed strong feelings of skepticism in the legal system and in women, and several *resigned prisoners* refused to let me record their interviews, fearing that I might not use the recordings in responsible ways.¹⁶ Another did not let me interview him in private, saying that he feared that, as a woman, I might make a false accusation against him if there were no witnesses.

Some had chosen not to appeal their convictions, saying that to do so would be too expensive and difficult. Others had active appeals, but were aware that these were unlikely to succeed, and that they therefore needed to find meaning in other parts of their lives. Ricky asserted that “if there’s an endgame, and it comes out guilty, I’ve still got my family, I’ve still got something to live for.” Many *resigned prisoners* had dropped their appeals because they considered them to be hopeless. Victor reluctantly decided to stop pursuing his during my fieldwork period, as legal fees had got him and his wife thousands of pounds in debt: “You can try to fight and chase parked cars for the rest of your life or you can put it to bed.” George had spent the first eighteen months of his sentence fighting his appeal, and he had found the experience profoundly stressful and upsetting:

The first eighteen months of being inside, I was appealing and going through the appeal courts, and I had all my statements, and I was highlighting every night and writing, and it absolutely nearly killed me. [. . .] I went through that for a year and a half, trying to fight it, and I lost my appeal because I didn’t have enough evidence. So it got to the point where I said either I carry on with this even though it’s wrecking my head or I just draw a line.

And was it wrecking your head because you were just thinking about it all the time?

Yeah, it’s just constantly in your head, thinking, “How can I prove my innocence?” and them saying no. [. . .] I’m past it now. It took me a year and a half to accept that it’s not gonna work. There’s no point in moping around and I’ve just got to get my head around it and that’s what I’ve done. I’ve had to, otherwise you crack up and you just can’t cope through what I was doing. I did four and a half, didn’t I, and there was no way I could have done four and a half years being angry at the world.¹⁷

Despite no longer fighting his case, George had not given up hope that one day his innocence would be proven: “I know that one day those girls are gonna admit that

I didn't do it and it will all come out. Maybe it might be in thirty years' time, but I know that day will come." It was this targeting of the gaze away from the injustice of their current situation which united *resigned prisoners*:

This is where you come if it becomes pear-shaped and you've just got to tough it out. Everybody has their own ways of doing that. My way is keep busy. Even when you're in your cell, write letters, read, drawings, whatever. You've got to accept the fact that this is it. And yes, sometimes you think it's a bad dream and you're going to wake up out of it, but I would have woken up before now, and you just hope that you can see it out and look after yourself so you've got some sort of life out there when you get back and get out. (Kevin)

It was in these small daily actions—keeping busy and mentally occupied—that *resigned prisoners* tried to accept their situation. It was not that they forgot the apparent injustice, nor that they never talked about it, it was simply that their coping strategies were centered on trying not to think about it.

Resigned prisoners were highly sensitive to the effects of the “sex offender” label, which they often described in physical terms. Phil said that being described as a sex offender “sickens me,” and Ricky felt “disgusted” at being subjected to it. Much of their frustration derived from their sense that the label overwrote other aspects of their identity. Michael, a former academic, put this simply when I opened the interview by asking him to tell me a little bit about who he was and where he was from: “Who I am? Who I was is more like it really.” Despite their dislike of it, *resigned prisoners* rarely challenged uses of the term, insisting that to do so would be counterproductive: “What do I do? Do I erupt and be violent? Where's that gonna get me? It's not gonna help me go home, is it. And that's my end goal” (George). Instead, they managed their stigma by appealing to their knowledge that they had not committed their offense, and fought to hold on to this knowledge in the face of the false judgments of wider society and the potential judgments of other prisoners in Stafford:

How does your conviction make you feel about who you are?

In a way it doesn't bother us because I know that I didn't do it. So in a way I just think I don't care. But then you've got to think . . . That's how I think about it to myself, but then what another person thinks about us, about my crime . . . They could be thinking, “Wow, you're a really bad person,” but in a way I know I'm a good person because I know I didn't do it. They can't see my life, and I can't see theirs. It's a hard one, isn't it? In a way, I think they don't know what I've done, so in a way it's basically down to myself. Yeah, I don't feel bad about it, but I wouldn't like to be called it either. (Ian)

I know it never happened, it's up to them to think what they want. In my mind, I know. (Martin)

Despite their submission to the fact of the sentence, *resigned prisoners* defiantly held on to their claims of innocence. They said that this knowledge was internal and could therefore survive independently of external ratification, allowing them

to maintain a positive image of themselves despite the judgment they faced. It was as though they tried to split the person they knew themselves to be from the person described by the label. Phil tried to cope with the hurt he felt when described as a “sex offender” by thinking, “They’re not calling me that, they’re calling somebody else it.”

When it came to obeying day-to-day rules, *resigned prisoners* were generally highly compliant. They distinguished between institutions which allocate punishment, like the courts, and those which deliver it, like prisons, and they tried to stop their belief that the former were illegitimate from infecting their engagement with the latter. When they challenged the legitimacy of the prison itself—Michael, for instance, described officers in Stafford as “contemptible”—this tended to result from the perceived overuse of power rather than a rejection of its actual usage. Their motivations for this compliance were partly pragmatic—“If you want to get on, that’s the way to do it” (Gordon)—and partly normative. Prior to their arrest, *resigned prisoners* had seen themselves as law-abiding citizens, people who believed that order and authority benefited society, and to some extent these beliefs were carried over into the prison:

Why do you do the things the prison wants you to do?

It’s what I’ve done all my life. You’ve got to get up and go to work in the morning, ain’t you, you’ve got to stick to or almost stick to the speed limit, you’ve got to pay your car insurance, there’s just things you’ve got to do in life and it’s the same here. I mean obviously here there’s the side where there is punishments for not doing as you’re told and they’re a lot swifter to come than they would be outside, but I think the main reason is that’s what you do. Life is about obeying rules. You hear people say rules are there to be broken but really they’re not. Rules are there for a reason and usually the reason is to help society run a little bit smoother, and it’s just the same in here. (Phil)

Resigned prisoners complied because they believed that doing so said a lot about who they were: just as they had been good people outside, they were good prisoners in Stafford, with several of *the resigned* saying that they hoped that they exemplified the “model prisoner” (Kevin).¹⁸

But while they were compliant when it came to rules about daily life on the wings, they were consistent in their refusal to admit guilt and therefore often unable to follow their sentence plans. They generally had smooth if distant interactions with prison officers, but their relationships with Offender Supervisors and Offender Managers were more strained. It was as though they perceived two different and, ideally, distinct forms of power operating within the prison. The first, which they accepted as legitimate, regulated quotidian life, and concerned itself with work, mealtimes, daily behavior, and association. The second, to which they felt unable to submit, governed offending behavior, offense acceptance, and sexuality (Ievins 2022). These two forms of power often blended, particularly as prisoners’ IEP statuses were linked to compliance with sentence plans, a source of

real frustration for *resigned prisoners* who were often unable to achieve enhanced status as they couldn't participate in SOTP courses. Victor complained that he was unable to prove that he was no longer a risk as maintaining his innocence meant he could not comply with his sentence plan; this was particularly exasperating as he insisted that he had never been a risk in the first place:

I understand the needs for what they do, linking privilege with addressing your offending behavior and whatever they take you as, I understand the need for all that, but what happens if you slip between the cracks? What happens if you are the ones who slip between the cracks?

And how does that make you feel, as one of the ones that slips between the cracks?

I just hope that I can prove them wrong. I think they treat you badly but I think that's understandable, but you just imagine that over time you're proving them . . . but how do you prove a negative? You just do what you do and get on with it and don't do what you're not supposed to be doing. Period. [. . .] When I look at the risk factors, there's nothing I can do except not be [laughs], except not offend.

Unlike prisoners who admitted their guilt, Victor felt that there was nothing positive to be gained from his experience in the prison, and that he had nothing to work toward. He tried to adapt to the demands of the institution, but many of its imperatives, specifically those relating to offending behavior, clashed with his insistence on his innocence and blocked him from complying in the way that he wanted to.

The blending of the two forms of power made it difficult in practice for *resigned prisoners* to distinguish between the legitimacy of their convictions and the legitimacy of the prison. As shown above, Phil considered that the day-to-day rules within Stafford helped everyone who lived and worked within it, but his insistence on his innocence had resulted in him having to fight to maintain his enhanced status and struggling to be assessed as suitable for his desired employment. Nonetheless, he was reluctant to admit to the offense:

What stops me from just saying it, although it could make my life inside and outside prison a lot easier—I didn't do it. I didn't do it. And I cannot—I can't think of a word so I'll use "confess," I don't mean "confess"—I cannot confess to something I have not done. I mean, some of the lads have said to me, "Why are you doing this? You'll just make your life so much easier if you go, 'Yeah, I'm a dirty bastard, I did it.'" [. . .] But I can't. I just can't. I can't. I can't. I didn't do it and as much as they're gonna punish me for it, I can't say I did it because it never happened.

Phil claimed integrity in his refusal to lie, and it was implicit within this refusal that the institution that was asking him to was morally flawed. Phil said that, prior to his imprisonment, he had had faith in the legal system, but this had dissipated following his arrest and conviction:

Before I had this experience, I tell you what, once I was in town, me and the wife, and a couple of lads started—I don't know what happened before—but they started

grabbing hold of this copper, throwing him on the floor, hitting him. Like a bloody idiot, I ran over to help him and managed to get one of them off and then the copper got up and got the other one, he arrested him and the other one got away. He thanked me and all that for it. And to be honest, if I saw that on the street now, I'd probably give the lads a hand! I've got no faith, I've got no confidence in the system. Now I can feel myself tightening up, I just think it's absolute crap, Alice, I honestly do. I don't think the system as a whole improves when you come to jail. I asked my probation officer, because she was going on about me maintaining my innocence, basically that I'm stupid [. . .], and I said, "Can you not even acknowledge that there is a percentage of people in prison that are innocent?" and she wouldn't even do that, she wouldn't even acknowledge that. That is their attitude: you're convicted, that's it. And it's bloody wrong. It's wrong. I'm no fan of this system. Always have been and now, like I say, I wouldn't go out and break the law but I've got no respect for it either. None.

Although Phil and other *resigned prisoners* said that they wanted to forget the injustice of their situation, the way power operated within the prison made this impossible. The prison did not disentangle its operations from issues of guilt and innocence, and this rendered day-to-day life in the prison a constant reminder of their criminal convictions and of the injustice which *resigned prisoners* claimed such convictions represented.

CONCLUSION: THE PERSISTENCE OF INNOCENCE

People who maintain that they are innocent are the fly in the ointment of moral communication theories of punishment. Such theories are written for ideal worlds in which laws align perfectly with norms, in which the innocent are never convicted, and in which the outcomes of trials echo historical reality. In the real world of Stafford, however, there were a great many flies. It is impossible to know if *activists* and *resigned prisoners* were truly wrongly convicted. It is also impossible to know if they genuinely believed they were wrongly convicted—if they had no memory of the offense or misunderstood the nature of sexual violence. It is also entirely feasible that they were consciously lying when they said they were innocent. Whichever is true, they consistently insisted that they were not guilty, and this insistence existed in the foreground of their daily experience and shaped their day-to-day orientations toward their sentences.

For prisoners in Stafford, the maintenance of innocence was not a condition or a belief, it was a lifestyle, one which required a deliberate rejection of a version of reality which was constantly reinforced by the prison and which was expressed in their relationships with various powerholders. Their claims of innocence had such determinative power because they were held in a morally communicative institution, one which told prisoners that they were a particular type of person. Such institutions feel different depending on whether the moral identity which

they assign to the people they hold fits with the one people claim for themselves, and the two groups described in this chapter experienced their imprisonment as an affront to their sense of self but responded to this situation differently. *Activists* threw themselves into strenuous assertions of innocence. The anger which they felt energized them and contributed to their consciously articulated opposition to the prison and to the criminal justice state which it represented. For *resigned prisoners*, however, the fact that they held on to their claims of innocence was an unfortunate consequence of penal power. They tried to submit themselves to their situation and not to dwell on its apparent injustice, but the prison's regulation of the stories which they told about their offenses made such strategic forgetting impossible. *Resigned prisoners* tried to treat Stafford as an institution which delivered punishment and did not allocate it, but Stafford pushed them to engage with it as a morally communicative institution.

In theory, prisons are not supposed to treat people differently if they say that they are innocent. Prison officers in Stafford repeatedly insisted that they deliberately avoided looking into the circumstances of prisoners' convictions, fearing that if they believed in someone's innocence, they would treat them more leniently, or that they might treat those convicted of particularly serious crimes more harshly. They thought their responsibility was to deliver the punishment which had been allocated by a judge, and to leave questions of innocence and guilt in the past. As this chapter and the previous chapter have shown, however, this distinction is impossible to maintain. To put it simply, the experience of imprisonment is different depending on how you feel about what you have been convicted of. Prisoners carried their beliefs about their innocence and guilt into the prison, and their adaptations to their sentences were intimately connected to them. In some ways, this is unsurprising, even natural. People are interpretive creatures, and it makes sense that prisoners would feel differently about their imprisonment based on whether (and how) they accepted it as deserved. But as this chapter has shown, innocence was something which was maintained by Stafford as an institution, as well as by prisoners as individuals. The next chapter builds on this argument and describes the moralized nature of power in Stafford.