

Chapter Seventeen: Prison Education – a Northern European wicked policy problem?

Gerry Czerniawski

Abstract

‘Wicked policy problems’ are defined as complex, not fully understood by policy makers, highly resistant to change and seemingly immune to any evidence likely to bring about change for the better. Policy, in the case of prison education, is not necessarily driven by what works and is often not evidenced-based. It is increasingly positioned by political expediency and the signalling of politicians’ ‘toughness on crime’. In this chapter I look at three distinctly different prison education systems in Northern Europe; in England, Germany and Norway. I examine the extent to which discourses associated with both the marketisation of education and penal populism have influenced the construction and facilitation of prison education in all three countries. Finally, I argue that, to varying degrees, the reconstruction of prison ‘education’ into low-cost job skills training contributes to the domination of policies that speak more to public moral panic and the need to cut the economic costs of welfare than to the rehabilitation of prisoners.

1 Introduction

Prison is, of course, a punishment for committing an offence. But little evidence exists that incarceration of prisoners affects the level of crime. On the contrary, the prison population has, since the year 2000, grown by 24 % with an estimated official figure of 10.74 million people incarcerated worldwide (Munoz 2009; Walmesley, 2018), with unofficial figures significantly higher. Many scholars argue that rates of imprisonment vary dependent upon the level of societal trust, the extent of social welfare and the type of economic structure (Coyle, 2016; Hughes, 2012). In addition, a growing body of evidence also suggests that prison education can play a role in reducing recidivism (MoJ, 2018; Prison Reform Trust, 2018). Findings from one of the largest ever meta-analyses of prison education studies carried out in

America (Davis *et al.*, 2013) have shown that inmates who participated in prison education programmes had a 43 percent lower chance of returning to prison than those who did not. However for policy makers, caught between conflicting discourses around a need to combat recidivism and a need, in the eyes of the public, for incarceration, prison education is what has been termed, a ‘wicked policy problem’ (Allen, 2004). Such problems are complex, not fully understood by policy makers, highly resistant to change and seemingly immune to any evidence that is likely to bring about institutional reconstruction. While evidence indicates that education in prison can reduce recidivism many politicians struggle to find a policy solution to the rise in prison populations.

In this chapter I explore this policy problem by looking more closely at the provision of prison education in three northern European countries: Norway, Germany and England. After examining what makes wicked policies ‘wicked’, I look at why making a distinction between ‘education’ and ‘training’ is important in understanding the efficacy of prison education programmes. After introducing the three national contexts, the chapter discusses their contextual specificities and their implications for policy makers when considering the impact prison education can have on genuine prisoner rehabilitation.

2 A wicked policy problem

Policy makers consider many factors when reviewing the extent to which prison education can or should play a major part in the rehabilitation of prisoners. Not least is the extent to which the prison system at national level is conceived as a tool for rehabilitation, retribution, punishment, incapacitation and/or deterrence. Other factors include available expenditure; the quality of prison leadership, staff development and resources; trends within adult education; and the attitudes, values and beliefs held by key stakeholders in education, including the wider teaching and teacher educator professions. All of the above will be shaped by wider social, political and economic factors that stretch beyond the criminal justice system.

Policy makers also have to be aware of, and confront, barriers to prison education that many prisoners experience. Two broad categories of barriers have been identified in a pan-European survey (Hawley *et al.*, 2012) of coordinators of prison education in 35 countries. First, *dispositional barriers* experienced by prisoners that include the effects of a disadvantaged childhood, previous educational failure and low self-esteem, of drug and

alcohol abuse, and communication, learning and mental-health conditions (Munoz 2009: 11). Second, *institutional* barriers including: the interruption of learning caused by movement of prisoners from one prison to another due to overcrowding; lack of information on what educational opportunities may be available and how these might be accessed; limited availability of places for learners (e.g. in classroom space or ratio of learners to teachers); a limited curriculum offer of education and training in terms of both the level and content, and a shortage of human and material teaching and learning resources (e.g. appropriately qualified staff and computer facilities).

Finally, with the resurgence of national populism and the far-right, policy makers also have to confront the fact that fear of crime and the ‘penal populism’ it generates can push major political parties to wish to be seen to be ‘tough on crime’ by following potentially repressive policy solutions that threaten the rehabilitative potential of the prison system. This can leave prison education in danger of being depicted as permissive and counter-productive ‘do-gooding’. Indeed, the United Nations General Assembly has noted that:

The all too ready willingness of politicians to reflect these fears in penal policy has led to a reluctance to embed prisoners’ rights to education and to develop models of education and delivery consistent with the full development of the human personality (Munoz, 2009: 11)

Tabloid media demonizing law-breakers as violent, parasitic and even ‘sub-human’, can exacerbate these competing expectations and the dilemmas associated with them. While the British media’s long-standing capacity to foment fears about criminals, crime and disorder has, historically, been particularly vitriolic (Philo, 1990) The Berlin Christmas market attack in 2016 by Anis Amri and the Norwegian terrorist attacks in 2017 by Anders Breivik have added momentum internationally to a tabloid frenzy on the public perception of prisoners. Within such climates of fear it is easy for policy makers, academics and practitioners to forget the transformatory effect education can have on those behind bars.

3 ‘Training’ and ‘education’ are not the same things

As an educationalist I am mindful of a distinction often made within my own academic field between the words ‘training’ and ‘education’. The former is generally (and often crudely) associated with learning how to do something and how to develop skills associated with that particular learning context (e.g. cutting hair, repairing boilers, amputating limbs). The latter

often embraces wider, more nuanced processes of systematic learning associated with judgment, reasoning, critical reflection and personal transformation. Both terms are often conflated, despite the fact that many forms of professional learning (e.g. those of teachers, doctors, social workers) comprise both elements. However prison education is at its most effective in combating recidivism when conceived and championed as ‘education’ in its broadest transformatory sense and least effective when narrowly and instrumentally constructed as ‘training’ for employability (Coates 2016). This is not to undermine the importance of employability for prisoners but to recognise there is more to employability than functional ‘skills’ – more to prison education than the goal of fostering employability.

This distinction is important when acknowledging that prisoners are a particularly vulnerable group of potential learners. Taking England as an example, compared to the general population, prisoners are “13 times as likely to have been in care as a child, 13 times as likely to be unemployed, 10 times as likely to have been a regular truant, [and] 2.5 times as likely to have had a family member convicted of a criminal offence” (Bracken 2011: 7). While not ignoring the damage criminal acts inflict on their victims, these figures give some indication of the, often tragic, situations that prisoners themselves have experienced prior to their initial incarceration. Sadly however, Hughes (2012) reminds us that the history of education in prisons is one of fluctuation rather than a linear tale of gradual expansion:

The nature, level and goals of the education provided at any given time or locale are subject to the influences of prevailing views on the causes of crime as well as attitudes regarding the desirability and viability of rehabilitation of offenders as a goal of the penal system (Hughes, 2012: 4)

While many politicians face a balancing act: bringing about positive societal change against success at the ballot box; attempts at reforming education in prisons are likely to be viewed by many voters as controversial. Nevertheless, educational reform in prisons is an imperative, both categorical and moral.

4 Prisoners have a right to education

Whilst many international organisations promote the right to education as a universal entitlement; within the context of prison education, this right is contested, far from absolute, and subject to limitation. With less than 25% of prisoners (Hawley, Murphy, and Souto-Otero

2013, 13) receiving some sort of formalised education or training in so many European countries, it is hard to realise in practice prisoners' rights to formalised education. The Council of Europe in its *European Prison Rules* states that:

...every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations (2006: 18).

This right is enshrined in the UN General Assembly policy documentation that 'all prisoners should have the right to take part in cultural activities and education aimed at the full development of the human personality' (UN 2009, 9). Significant legislation from the European Union exists to ensure that this right includes the marginalised, dispossessed and incarcerated, the latter representing approximately 640,000 of the Union's population (Hawley, Murphy, and Souto-Otero 2013, 12). Article 2 of the First Protocol to the European Convention on Human Rights decrees that 'no person shall be denied the right to education' (Council of Europe, 1950). Similarly, Article 14 of the Charter of Fundamental Rights of the European Union states that 'Everyone has the right to education and to have access to vocational and continuing training' (European Council 2000: C364/11).

However, despite all this policy rhetoric of the rights to an education, the Equality and Human Rights Commission has been critical of the way in which this right has been expressed:

... this [right] is expressed in negative rather than positive terms, reflecting the comparatively weak protection it provides. It requires every signatory to guarantee that individuals can take advantage of existing educational institutions, but it does not guarantee an education of a particular kind or quality, or that the education will be provided by a particular institution. (Human Rights Review 2012, 425)

In considering the 'kind or quality' of education referred to above, three broad typologies of educational provision in prisons have been identified (Costelloe and Warner 2014; European Council 2011):

1. Education drawn from a broad mainstream school-curriculum and developed to meet the needs of adult learners in a prison context;
2. Vocational training targeting basic skills for employability;

3. Offence-focused programmes providing courses influenced directly by the prison context (e.g. anger management courses).

While acknowledging the fuzziness between these distinctions, these typologies serve as useful heuristic devices in attempting to understand differences in educational provision in prisons in the three countries that this chapter explores.

Three national contexts

The extent to which prison education (in its broadest sense) is enacted within any national criminal justice system is dependent on its positioning as one of many vehicles of social welfare. The three countries discussed in this chapter exemplify many aspects of Esping-Anderson and Myles's (2009) three welfare state types: namely, Norway's social democratic approach to welfare policy; Germany's relatively conservative and corporatist approaches; and those adopted in the more free-market, liberal regimes characterised as typical of the English welfare state. Different forms of societal trust are associated with each of these different welfare regimes, said to range from relatively high degrees in Nordic social democracies such as Finland, Norway and Sweden (Stephens et al. 2004), to extremely low in the more free-market, liberal democracies such as England and the United States (Elliot 2004; Patulny 2004). I draw a further distinction in this chapter between the Nordic and Anglophone clusters of countries (Pratt and Erikson 2012). The former adheres to what has become known as *Nordic exceptionalism*, with prisons in this region widely celebrated for more humane, welfare-orientated approaches to prison welfare, including educational provision. The Anglophone cluster is associated with prison cultures deemed to be more punitive, more retributational – more austere. Starting with Norway, this section looks more closely at the positioning of prison education within these three criminal justice systems.

Norway

At just 20%, Norway has one of the lowest recidivism rates in the world (World Prison Brief 2018). In a country with a population of 5.32 million there are approximately 3,373 prisoners in the country's 38 correctional facilities. Norway's prison population rate (per 100,000 of the national population) is 63, one of the lowest worldwide. Just under a third (30.9 %) of inmates are foreign nationals (foreign nationals represent 16.8 % of the national population). The percentage of women incarcerated has remained relatively stable in recent years,

constituting 6 % of the total inmate population in 2018. 0.2 % of Norwegian prisoners are under the age of 18. Most Norwegian prisons are relatively small institutions 50 to 100 occupants. The combination of a small population living within a large, geographically challenging environment, plus ministerial policy that ensures that most prisoners serve their sentence close to where they live, accounts in part, for the relatively large number of prisons with small prison populations. The maximum time a prisoner can spend in a Norwegian prison is 21 years, although prisoners can be released having served two-thirds of their sentence. In addition to its 38 prisons, Norway also boasts 17 probation offices, responsible for overseeing conditions of release, community sanctions and electronic monitoring.

The Ministry of Justice and Public Security is responsible for overseeing policy in related to correctional institutions, including educational programmes, with its administration coming under the Norwegian Correctional Service (NCS). The task of the NCS is to ensure:

Proper execution of remand and prison sentences, with due regard to the security of all citizens and attempts to prevent recidivism by enabling the offenders, through their own initiatives, to change their criminal behaviour [Kriminalomsorgen 2018]

Prison education in Norway is viewed as a significant tool of behaviour change. All activities within the NCS attempt to align with the values of openness, respect, professionalism and commitment (Kriminalomsorgen 2018). In many cases, these attempts are successful, with scholars arguing that with Norway's relatively small population, practitioners and politicians can relatively easily be inculcated with similar public service values (Stephens 2004; Czerniawski 2011). These values, they claim, reflect in part Norway's social democratic political system and its particular form of Lutheranism (a form of protestant Christianity). However while official expectations regarding appropriate values can often equate to state mandated ideals of employees, this may not affect what prison practitioners and inmates actually do in situ. Nevertheless in the eyes of Norwegian courts, the sentenced offender "has all the same rights as all others who live in Norway" (Kriminalomsogan 2018). The punishment element within a prison sentence is primarily focused on restriction of prisoners' liberty whilst they retain full-citizenship rights. This emphasis on the rights of prisoners is one significant when considering the status that education has in the rehabilitation process.

Broadly speaking, prisons in Norway import public services, including education, from outside the prison. Under Section 4 of the *Execution of Sentences Act* (MoJ 2017) this administrative cooperation model accounts for why educational authorities in civilian society

take responsibility for education and training in Norwegian prisons. As and where possible, education in Norwegian prisons teaches mainstream school-curriculum subjects while also ensuring that there is a sufficient range of vocational education and training available to enhance employability when prisoners are released. Qualified teachers are contracted from local schools and colleges to teach in prisons, although they may not necessarily have received specific training to prepare them for the prison environment. This means that qualified teachers act as bridges between the communities of practice in schools and prisons. Prison officers receive three years' training, including curriculum elements from sociology, psychology, law and social work. As acknowledged citizens, and accepting the constraints of prison architecture and security, Norwegian prisoners have access to mainstream curricula. In what Manger et al. (2018) refer to as "being offered a second chance" (5) prison learners have the opportunity to revisit and complete their primary, lower secondary and upper secondary school education. They can also opt for general or vocational studies. All Norwegian prisons offer education up to upper-secondary level and in some cases Higher Education although there are not necessarily qualified teachers to teach at this higher level.

Germany

At the time of writing, Germany's population of 83.07 million includes a prison population of 62,902 (World Prison Brief 2018). The country's prison population rate (per 100,000 of the National Population) is 76, one of the lowest in Western Europe. 31.3% of prisoners are classified as foreign nationals (who make up 22.5% of the national population) and female prisoners make up 5.8% of the prison population. The German criminal justice system has evolved to ensure that those under the age of 20 who have committed an offence have the right to support and education under the protection of youth welfare agencies. This means it is not easy for anyone under this age to enter the prison system in the same way that it often is in other countries. Once a prison sentence has begun, education and/or vocational training are considered a high priority for all prisoners. Just over two-thirds of those in German prisons are involved in some sort of education or training programme: a figure considerably higher than the European average of twenty-five percent (Prison Reform Trust, 2018).

Germany's federal structure means that individual state Ministries of Justice take localised responsibility for overseeing policy and administration in the country's 183 prisons. According to the German Prison Act of 1976 the objectives of its execution state that:

By serving his [sic] prison sentence the prisoner shall be enabled in future to lead a life in social responsibility without committing criminal offences (objective of treatment). The execution of the prison sentence shall also serve to protect the general public from further criminal offences (Bundesministerium der Justiz und für Verbraucherschutz, 2013)

According to the Prison Act, three overarching principals underpin the German prison regime:

1. Life in penal institutions should be approximated as far as possible to general living conditions.
2. Any detrimental effects of imprisonment shall be counteracted.
3. Imprisonment shall be so designed as to help the prisoner to reintegrate into life at liberty [Federal Law Gazette 1976: 11]

While German prisons have no private or federal prison model as such, Harding (2001) has described many German prisons as ‘semi-private’. Many of its custodial functions remain with the state while support services including education are, in many cases, through tendered contracts. While many aspects of academic education in prisons are provided by local schools and colleges, vocational education in German prisons is subject to competitive tendering. In contrast to Norway, where education in its broadest sense is sewn into the fabric of the custodial sentence, in German prisons, that thread is one wrapped around vocational training. According to the Prison Act the aim of “further training shall be to furnish the prisoner with skill and knowledge to make him [sic] capable of earning a livelihood after his release, or to preserve or promote such skill and knowledge” (ibid, 23). While the word ‘training’ appears thirty-four times within the Prison Act, the word ‘education’ appears just four times. Taught subjects vary from prison to prison and from state to state, but they tend to broadly come under the vocational training banner and include construction, metalwork, painting and decorating, woodwork, carpentry, hairdressing and electronics. Depending on the nature of the sentence, modern apprenticeships are offered as well as some higher-level distance learning courses.

England

England is unique, in Europe, for two reasons: first its prison system is widely recognised as being the most privatised in Europe (Howard League for Penal Affairs, 2013; Prison Reform Trust, 2018); second, along with Scotland and Wales, it boasts the highest rates of

imprisonment in Western Europe with 139 prisoners per 100,000 of the national population (World Prison Brief Data, 2018; Aebi et al., 2018). With a population of 59.29 million, English and Welsh prisons currently host 82,384 prisoners. This prison population is made up of 4.6% female prisoners, 11% foreign nationals (foreign nationals make up 19.5% of the population in England and Wales) with 0.8 percent of this population under the age of 18.

Overseen by the Ministry of Justice, prison administration in 118 prisons in England and Wales is facilitated by Her Majesty's Prison and Probation Service (HMPPS). In his speech to the Royal Society of Arts, in 2018, the Justice Secretary David Gauke said that the purpose of prison is three fold:

First, protection of the public – prison protects the public from the most dangerous and violent individuals. Second, punishment – prison deprives offenders of their liberty and certain freedoms enjoyed by the rest of society and acts as a deterrent. It is not the only sanction available, but it is an important one. And third, rehabilitation – prison provides offenders with the opportunity to reflect on, and take responsibility for, their crimes and prepare them for a law-abiding life when they are released [Ministry of Justice, 2018]

In the same speech, education in prisons is constructed and positioned primarily as a tool for future employment:

We will shortly be launching our Education and Employment Strategy that will set out our approach to helping offenders get the skills they need to find a job and avoid the activities that landed them in prison in the first place [Ministry of Justice, 2018]

Education policy in England and Wales is characterised by both endogenous and exogenous forms of privatisation (Ball, 2004). The former, associated with the importation of ideas and practices from the private sector (e.g. performance-related pay and short-term contracts), the latter involving opening up public services to the competitive participation of the private sector. Education contracts are awarded to Further Education (FE) colleges and private organisations through three-yearly competitive tendering. Educational providers competitively bid to manage educational departments in prisons, with, in many cases, changes in the management and employment conditions for teachers and with what has been acknowledged as a lack of continuity, consistency and quality in educational provision for prisoners (Champion 2017). Drawing on their survey Rogers *et al.*, (2014) data found that nearly two-thirds (62%) of prison educators in their study criticised competitive tendering for prison contracts and the fact that funding is dependant on prisoners' results. They argued that

a payment-by-results model “rewards providers who maximise revenue by providing short, low level courses that typically secure high success and completion rates” (ibid. 39). According to the government’s website, education courses in prison:

are normally available to help prisoners get new skills, e.g. learning to read and write use computers and do basic maths...most courses lead to qualifications that are recognized by employers outside prison (<https://www.gov.uk/life-in-prison/education-and-work-in-prison>).

The positioning and portrayal of prison education is one of skills-based and employment-based functionality. While provision varies, most prisons have the potential to offer courses that cover social and life skills (e.g. cooking, woodwork, citizenship), academic courses (e.g. GCSEs in English and Maths), creative classes (e.g. art, music); business and IT training; and vocational skills training (e.g. plastering, hairdressing). However, this potential is contingent on a number of factors including the availability of sufficient human and material resources (e.g. enough staff to teach; sufficient numbers of prison guards to accompany prisoners to education wings; sufficient classroom space and equipment). The government’s 2016 review of education in prison carried out by Dame Sally Coates (Coates, 2016) promised much in a vision embracing engagement, progression, technology and an holistic whole prison approach to education. A number of improvements have taken place in respect to prison education as a result of this review. These include an increase in prison/university partnerships in educational provision; new funding opportunities that broaden the definition of what education is worthwhile while also reducing the emphasis on what some have described as a ‘results driven mentality’ (Champion, 2017). However, while the review promised much in terms of the transformation of prisoner learning, events associated with “Brexit” and increasing levels of mortality and violence in English prisons have dominated policy makers’ concerns to the detriment of the review’s potential outcomes. In a report recently published by the Council of Europe, serious concerns were raised over the lack of safety for inmates and staff in prisons in England. Causes include increasing levels of prison violence, poor governance and chronic overcrowding (Council of Europe 2017).

5 Discussion

It has been argued elsewhere (Czerniawski, 2011) that cultural specificities exist that can account for the variety of ways policies are interpreted and implemented at national, regional

and local levels. Nevertheless, there is much to learn from countries where prison education, in its broadest sense, is strongly supported. In increasingly globalised times, debates on and about the efficacy of prison education in the rehabilitative process need international perspectives. Obtaining accurate comparative figures for reoffending rates in different countries is befuddled with difficulty not least because of the different ways recidivism is defined in different countries. With this in mind, the reoffending rates of 48 percent in England and Wales (Prison Reform Trust 2018), 38 % in Germany and 20 percent in Norway are figures that must be treated with caution (Albrect and Jehle 2014). But they are figures that give some indication, perhaps, of knowledge, best practice and wisdom that exists elsewhere. Earlier in this chapter I stated that prison education is at its most effective in combating recidivism when conceived and championed as ‘education’ in its broadest transformatory sense and least effective when narrowly and instrumentally constructed as ‘training’ for employability. In the short-term the former invariably costs more financially than the latter but in the medium and long term the costs of recidivism extend beyond simply the economic.

Nearly three decades ago Telhaug (1992) identified a common tendency prevailing during the 1980s in Norway, Germany and the UK (despite their differences in history, culture and political systems) in which a policy-shift in public service provision moved from an emphasis on the individual and society to that of the economy. By this he meant that values about social justice and personal development had been displaced by the values of competition, quality and productivity. The economic mantra of ‘efficiency and effectiveness’ and its accompanying emphasis on the significance of the individual are, for some, at odds with those values traditionally associated with the defining and underpinning values of social welfare provision: namely trust, equity and care. Despite various attempts, the neo-liberal project has, as yet, failed to take control of the Norwegian prison system. To what extent this is down to the values associated with social democracy, religion and so on. is hard to determine. But the welfare state, in a Keynesian sense, is standing steadfast against a prevailing European Neo-liberal wind. Norwegian prisons, while hardly immediate family, nevertheless remain valued cousins within the family of Norwegian welfare state institutions. As Ugelvik succinctly puts this:

The ideals of rehabilitation and re-socialisation in prison fit hand in glove with the ambitious and generous welfare state system of care/control that developed in the years following the Second World War (Ugelvik 2016: 398)

In the Norwegian case a duality exists in which values at local and national level coalesce around ideas of citizenship and human rights. Earlier I stated that qualified teachers act locally as bridges between the communities of practice in schools and prisons. Costelloe and Warner (2014) argue that in Norway the person in prison is constructed primarily as a *citizen* including one in which they have a right to education. This enacted right to education, is one that is reinforced by values focused at local and national levels around the rehabilitative role that prisons can and must play before prisoners are released back into the community. Because of this structurally embedded system of linkages within and beyond the prison in relation to medical, educational and social services, those held in Norwegian prisons are not socially isolated during and after their sentences to the same extent as prisoners in most other countries. Education in Norwegian prisons is associated with the cognitive, social and emotional development of the prisoner and this may be due, in part, to the fact that this reflects very much the values of professional teachers who come from an overwhelmingly comprehensive system. But it also reflects an overwhelming and structurally embedded belief in the transformative power of education as a rehabilitative tool.

Earlier in this chapter we saw that the German prison system, like its Norwegian counterpart is organised around the central tenets of resocialisation and rehabilitation. On my many trips to German prisons I am still impressed at the access that German prisoners have to teachers, psychologists, social workers and social therapists. In part, this is because as I stated earlier, the country's prison population rate is one of the lowest rates in Western Europe – at just under half the rate of that in England. Prisons within the German criminal justice system are just one of a variety of mechanisms for punishing offenders. 80 percent of those convicted of crimes in Germany receive sentences as fines based on the offence and the offender's ability to pay (Turner and Travis, 2015). This is particularly significant considering that staffing ratios in German prisons mean there are more opportunities for education and training activities and sufficient prison staff available to escort prisoners from one part of the building to another to access those services. In line with the general status afforded to vocational training in the country as a whole, all prison officers undergo two years of training as part of their role. While vocational training in German prisons is very much focused on its potential

to generate employability, the quality of its facilitation is enhanced significantly by the quality of both the human and material resources that are prioritised in its provision.

Not driven by what works and not evidenced-based, prison education policy in England and Wales is at its most ‘wicked’. Political expediency and the signalling of politicians’ ‘toughness on crime’ in different ways, at different times, position the form it takes. That form resonates with elements in the media that construct prison as a site of punishment rather than a place for reform. Discourses associated with rehabilitation exist, however incapacitation and retribution are the de facto discursive constructions that policy makers enact. While the right to education for prisoners cannot be disputed in the English and Welsh context, this right exists within a discursive construction of the prisoner in which they are positioned as an *offender*. Such a positioning means that prison education is narrowly conceived in terms of its employability potential – with a particularly narrow understanding of what employability might comprise. A point enforced by Downes stating that “the goal of employment subordinates other legitimate goals of lifelong learning, such as active citizenship, social cohesion and personal fulfillment” (Downs, 2014: 202).

This situation is exacerbated further by the perceived cost of prison education provision to the taxpayer. A neo-liberal policy approach of competitive tendering has aimed to reduce these costs to the state whilst indirectly reneging on the responsibility to deal with this provision more fully in the ways suggested by European legislation. The reconstruction of prison ‘education’ into low-cost, job skills training has contributed to the domination of policies that speak more to public moral panic and the need to cut economic costs than to the rehabilitation of prisoners. But this reconstruction has not been successful. The Prison Reform Trust (2018) has signalled a deterioration in prisoner performance. With competing government departmental interests in the provision of education in prisons, it is difficult to see how this policy environment can effectively provide long-term, high-quality education that prisoners not only need but are entitled to. In his third annual report as HM Chief Inspector of Prisons for England and Wales, Peter Clarke stated that:

Violence, drugs, suicide and self-harm, squalor and poor access to education are again prominent themes. Another recurrent theme is the disappointing failure of many prisons to act on our previous recommendations – which are intended to help save lives, keep prisoners safe, ensure they are treated respectfully and to give a chance of returning to the community less likely to reoffend (Clarke, 2018: 7)

In concluding this discussion, I wish to return to Costeloe and Warner's (2014) typologies of educational provision, mentioned earlier. In both the Norwegian and German contexts, human and material resources are provided and developed to facilitate education, training and offence-focused programmes albeit to varying degrees. The availability of these resources exists because in both locations, there is recognition of the right all prisoners have to a broad curriculum and the role that prisons can play in the rehabilitation process. In both cases the criminal justice system uses prison as a last resort in dealing with those convicted of crimes. This has an inevitable knock-on effect on the availability of resources for those employed and incarcerated in prisons. While in both countries the systems are far from perfect, they nevertheless outperform England on all the indicators I have highlighted, including prison population and recidivism rates. In contrast to the broad vocational training opportunities that exist for prisoners in German prisons, vocational training, in its narrowest sense, typifies prison education in England despite recent attempts to broaden the curriculum. In the main, Prison education in England targets basic employability skills and is facilitated by a demotivated workforce in fear of the consequences of performance-related pay and short-term contracts. This may not necessarily be the best way to deal with this particular "wicked policy problem" – a problem exacerbated in the English context, by the more punitive, retributive and austere nature of its provision.

6 Concluding thoughts

There is, I am sure, something quite seductive for many politicians and their policy makers about the notion of a free market economy, competition and meritocracy and its potential application to criminal justice, prisons and prison education. This notion enables, in part, the belief that the harder one works the more one is paid and the more successful one becomes. It can lead many to believe that privatisation and competition have the ability to save money and transform public perceptions of public sector workers (including those employed in prisons) as unproductive and unwilling to change. But for many sociologists of education, this logic is immediately open to challenge when looking at prison learners and how they are affected by the marketisation of education; the instrumental repositioning of education as training for employment; and competitive policies on public sector work. The churning out of low-level qualifications, hastily facilitated by external providers, can certainly provide sufficient evidence to win future educational contracts with prisons. But they can do little to

repair the damage done by the many dispositional and institutional barriers prisoners will have encountered and which I have described. Low levels of qualifications have also been identified by the European Commission as having negative effects on prisoners employment prospects upon release, one of the key factors influencing whether or not ex-prisoners re-offend (Hawley et al. 2013).

Those working in increasingly beleaguered prison institutions need, not just to be able to draw, when needed, on the knowledge and best practice generated in different communities of practice but the enthusiasm, hope, creativity and wisdom that exists elsewhere. In this chapter, I have drawn attention to a disjuncture that exists between the discourses and legislation surrounding the rights of all prisoners to education in Europe, the mediation of those rights by policy makers and what is happening on the ground in many prisons. Whilst a rhetoric of inclusion, entitlements and a rights-based approach towards the provision of education and training in the prison services of Europe exists; in practice, often other more dominant policies can undercut and marginalise these more humane approaches.

Paradoxically, or perhaps not, the criminal justice model least based on marketised goals of effectiveness, namely Norway's, is the most effective and efficient of the three nations I consider in this chapter. I do not attempt to put rose-tinted perspectives on the prison systems and educational provision in Norway and Germany. There are many documented systemic failings in both countries that this chapter has been unable to explore. However I do highlight for those looking at prison education in England that it really does not have to be this way.

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Gerry Czerniawski taught humanities, business studies and sociology in schools and colleges in London before gradually moving into teaching in higher education within the political sciences and education at The Open University, the University of Northampton, London Metropolitan University and London University's Institute of Education. In 2006 he joined the University of East London where he is currently Professor of Education. He has been humanities programme leader for secondary initial teacher education and currently runs the doctoral programmes in education. Gerry holds a National Teaching Fellowship from the Higher Education Academy and is a trustee and council member of the British Educational Research Association (BERA). He is the Lead Editor of The BERA Blog, Chair of the British Curriculum Forum and a Principal Fellow of the Higher Education Academy.