

Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited

European Journal of Criminology
8(6) 484–499

© The Author(s) 2011

Reprints and permission: [sagepub.
co.uk/journalsPermissions.nav](http://sagepub.co.uk/journalsPermissions.nav)

DOI: 10.1177/1477370811413807

euc.sagepub.com



Alison Liebling

University of Cambridge, UK

Abstract

The purpose of this paper is to provide a framework for thinking about the work of prison officers. It is a well-known maxim that relationships are ‘at the heart’ of prison life (Home Office, 1984). In this paper, I develop and illustrate this proposition, arguing that the moral quality of prison life is *enacted* and *embodied* by the attitudes and conduct of prison officers. There are important distinctions to be made in their work: between ‘good’ and ‘right’ relationships; ‘tragic’ and ‘cynical’ perspectives; ‘reassurance’ and ‘relational’ safety; and ‘good’ and ‘bad’ confidence. These distinctions are largely unseen but are decisive in shaping the prison’s moral and social climate. The best prison officer work can be described using these kinds of distinctions.

Keywords

justice, power, prison officers, staff–prisoner relationships

Introduction

An ex-Principal Officer, now a ‘developing manager’ out of uniform, recently said to the managers around him that they needed more time to deliberate on their working habits: a bit of ‘space for reflection’. As Norris and Norris argued on behalf of police officers:

[T]he development of good policing is a personal achievement on the part of police officers and can only be systematically developed if the organisation creates the ‘ethical space’ to allow officers to critically reflect on practice. (Norris and Norris, 1993: 205)

Corresponding author:

Professor Alison Liebling, Professor of Criminology and Criminal Justice, Institute of Criminology, University of Cambridge, Sidgwick Avenue, Cambridge CB3 9DA, UK.

Email: a115@cam.ac.uk

This is an important statement. Prison work is all about the use of power and authority, deployed through human relationships. The stakes are high: the difference between good and bad practice can have life-threatening consequences. Power structures and interactions – moral arrangements and climates – *produce emotions* in ways that are patterned and observable (Barbalet, 1998; Liebling et al., 2005). What is distinctive about the work of prison officers is, first, the centrality of often enduring relationships to their work and, second, the harmonizing of welfare and discipline, or care and power. Prison officers negotiate their authority on a day-to-day basis with a sceptical and complex audience, through interaction and in a context in which enforcing all the rules ‘by the book’ would be impossible. This is an extremely tricky and inherently unstable business.

This paper attempts a framework for thinking about the work of prison officers and, in particular, their relationships with prisoners: it revisits a well-cited excerpt from the Control Review Committee, attempting to get closer to its real meaning and significance:

At the end of the day, nothing else that we can say will be as important as the general proposition that *relations between staff and prisoners are at the heart of the whole prison system* and that control and security flow from getting that relationship right. Prisons cannot be run by coercion: they depend on staff having a firm, confident and humane approach that enables them to maintain close contact with prisoners without abrasive confrontation. (Home Office, 1984: para. 16)

It is often said that relationships are ‘at the heart’ of prison life. Here I develop and illustrate this proposition, arguing that the moral quality of prison life is *enacted* and *embodied* by the attitudes and conduct of prison officers. There are important distinctions to be made in their work: for example, between ‘good’ and ‘right’ relationships; ‘tragic’ and ‘cynical’ perspectives; ‘reassurance’ and ‘relational’ safety; and ‘good’ and ‘bad’ confidence. These distinctions are largely unseen but decisive in shaping the prison’s moral and social climate. Policy-makers, critics and analysts of the prison often throw words at officers – such as justice, relationships, safety or risk – but they rarely reflect on or share with staff the intended meaning of these complex terms. Failure to reflect on these conceptual understandings brings about serious organizational and operational risks, as well as threats to justice. Clarity about the concepts of authority and legitimacy helps to articulate what it is that makes prison officer work distinctive and highly skilled.

Authority, legitimacy and the prison officer

Richard Sennett proposes that authority – or the use of power – is a serious business (1980: 142). One of the essential commitments prison officers make when they enter prison work is to the exercise of authority. Its use is not always obvious: it is not just at the point of disciplinary action that power is used, but prior to this, in preparations to use or avoid disciplinary procedures, or in everyday interactions. Sennett describes authority as ‘a bond between people who are unequal’ (1980: 10). This concept of the bond is important: it is ‘ambiguous’ and ‘constantly shifting’ (1980: 11), but is a bond or relationship nevertheless. Authority shown by a parent, and by others, is ‘a way of expressing

care' (1980: 15). Figures of authority 'do not arouse much enthusiasm' (1980: 16), but when authority is used by the competent, and in the service of some higher ideal, it is more acceptable. So what is this 'higher ideal' in relation to prison officers? Is it justice, or safety, or rehabilitation, or public protection? What happens when the higher ideal shifts? What criteria are used when we describe the use of authority as competent? These are difficult questions and there are no easy answers. Authority is not 'a thing' but 'an interpretative process': something that is continually sought, interrupted, disrupted and sought again (Sennett, 1980: 19). This account of the dialogic nature of authority resonates with my observations of prison life and with some recent theoretical work by Bottoms and Tankebe on legitimacy, on which more below. There are many 'wrong' uses of authority; most sociological accounts of it focus on its over-use or its translation into dominance. Its under-use, or laxity, matters too. Better uses of authority are, Sennett argues, disrupted and responsive rather than dominant or fixed. It is possible to fuse care, or love, and power, and then it has what he calls 'humane value', but this has its dangers, including the false and self-interested premises of paternalism (Sennett, 1980: 82). Good uses of authority allow for a 'reflection' – a critical response because the 'chain of command' and 'the democratic ideal' are necessarily in tension (1980: 179). Some sociologists define authority as 'the legitimate use of power'.¹

Legitimacy means authority used rightfully, or 'power exercised in accordance with established rules' and values (Bottoms and Tankebe, under review). Legitimacy tends to be treated in the literature as procedural justice plus respect, but in the prisons context there is more to it than this. There is a growing body of empirical research on the relevance of legitimacy in policing and a small handful of studies exploring its role in prisons and, more recently, in the probation context. In a recent theoretical contribution by Bottoms and Tankebe, the authors argue, following Weber, that power-holders do not 'sit back and wait' for the subjects of power to obey them. In addition to any material, emotional or religious motives those subjected to power may have for obedience, power-holders *make claims* to legitimacy: that is, they attempt to 'establish and cultivate' legitimacy on an ongoing basis (Bottoms and Tankebe, under review). These claims solicit a response, which may influence the form or basis for the next claim. In other words, legitimacy is not a fixed phenomenon but constitutes 'a perpetual discussion', a continuing dialogue between those who hold power and the recipients. The acceptability of the power-holder's claim requires appropriate attitudes as well as conduct on the part of the power-holder.

Others have described the dynamic nature of legitimacy. McNeill and Robinson (2011, in press) have described it as 'liquid' and unstable, suggesting that the recipients of sanctions are evaluating in a cumulative way their treatment by those in authority or the validity of their claims. This concept of legitimacy as 'dialogic', dynamic or conditional, makes clearer the relevance of staff-prisoner relationships to prison life. If we examine these relationships closely, what is going on much of the time is an attempt by prison staff to 'bend fractious hearts and minds towards allegiance' (Parkin, 1982, cited in Bottoms and Tankebe, under review). Where power is accepted as more rather than less legitimate, certain things will follow. Obedience is more likely to be enduring rather than grudging, information will flow more readily between the power-holders and their subjects, trust will develop, and well-being will be higher. We have a growing body of

evidence to support this proposition (see, for example, Liebling, assisted by Arnold, 2004; Liebling et al., 2005; Sparks and Bottoms, 2008; Sparks et al., 1996).

Prisons differ in the degree to which they are regarded as legitimate by prisoners. Amartya Sen (2009) argues that, instead of devising perfectionist models of justice, we should be seeking to clarify how different realizations of justice might be compared and evaluated, exploring how far away from, or close to, justice particular practices, institutions and individual lives are in order to find realizable ways of reducing injustice where we find it. So, instead of trying to find and describe 'a legitimate prison', we might investigate differences between them and ask questions about why one prison is regarded as so much more legitimate than another. We know that these differences are primarily located in the nature of the relationships between staff and prisoners, but it is the particular mixture of power and relationships that makes their work hard to describe and conceptualize. Power flows through recurrent interactions, so it either flows fairly, respectfully and reasonably effectively, or it cannot really be said to flow at all. Some scholars have described a model of governing prisons that governs around relationships (DiIulio, 1987). This simply cannot be done, since (as Bottoms and Tankebe argue) every use of power has an audience. The notion of governing around relationships is based on a false premise. It simply means the audience is not *recognized* (see Honneth, 1995; Van den Brink and Owen, 2007).²

One consequence that flows from this analysis is the need to consider the perspectives of the power-holders as well as the perspectives of those on the receiving end in any analysis of the legitimacy of a prison (Bottoms and Tankebe, under review). This leads to some interesting and neglected questions: How do prison officers regard their own power? How confident are they in making claims about which kinds of power they have at their disposal? What do they see as the source of their legitimacy – security, public protection or the meeting of standards of justice? There may be competing routes prioritized by different audiences.³ How do prison officers regard those they imprison? A recent randomized experiment found that (young) prisoners serving six-month sentences perceived a 'second-generation boot camp' (that is, a demanding but highly human service-oriented, rehabilitative one) as more legitimate than a traditional prison, because they felt that the staff cared genuinely about their welfare and improvement. Positive experiences, such as academic learning and the completion of difficult tasks, outweighed negative experiences, and participation in drug treatment, education or cognitive skills training was universal (Franke et al., 2010: 100). The most important issue, the authors report, was 'staff treatment' (2010: 101). While prisoners performed push-ups, one of the standard punishments available to instructors, the instructors explained, 'Remember, I am doing this to make you a better father, a better employee, and a better person. If I don't instil self-discipline in you, then I will have failed you – and I am not going to fail you' (2010: 100). I am not recommending this model, and the contrast with the matched prison was stark, but the important point is that motivation and orientation among staff influence the meaning and experience of punishment. Increased interior legitimacy, or the feeling that they had gained something from their time in prison, raised the score of items relating to more 'exterior' matters, such as the perceived legitimacy of their sentence length and of criminal justice more generally (2010: 104–10).⁴ Making demands and

enforcing rules constitute part of the legitimate use of authority. When advocating the significance of staff–prisoner relationships, I am not proposing a model of under-enforcement.

So, what is distinctive about prison officer work is that it is based on, or requires, a sophisticated, dynamic and often subtle use of power, through enduring and challenging relationships, which has effects on the recipients. This is highly skilled work. Competence in this area – in the use of authority – contributes most to prisoner perceptions of the quality of life in, or moral performance of, a prison. It is important to acknowledge the dynamic nature of this process, or the ‘audience-response’ link described above. There is much to say about both the claimant and the respondent in this ongoing process. I suggest that, to capture this notion, we add the concept of ‘dynamic authority’ to the commonly used term ‘dynamic security’. I have argued that officer decision-making is ‘low-visibility work’ – but this is in relation to their senior managers. It is ‘high visibility’ in relation to its key audience. Prison officers do not have the luxury of an impersonal bureaucracy through which to transmit their power. They do it face to face.⁵

Using this framework can help to characterize the best kinds of prison officer work. Some important distinctions matter, for example. For the purposes of this article, I shall consider five:

1. law in practice vs. law in the books
2. good vs. right relationships
3. tragedy vs. cynicism
4. reassurance vs. relational safety; and
5. good vs. bad confidence

Law in practice vs. law in the books

The use of discretion is an inevitable part of the work of prison officers (Liebling and Price, 2001; Liebling et al., 1999). As in policing, prison officers enforce their authority rather than ‘the rules’. They often understand that ‘the decent thing’ is to under-enforce the law selectively, in order that the smooth flow of prison life can continue, as Sykes (1958) suggested. Officers make choices, use judgements, sometimes to achieve justice, where the rules don’t work, and sometimes to assert their authority. This under-use of the full powers at their disposal – or peacekeeping labour – often constitutes the best aspect of their work. It is a refined skill.

Dixon (1997) outlined three theoretical approaches to law: the legalistic, the culturalist and the structural. The *legalistic* approach takes the laws, or formal policies and rules, as the key determinant of action: the rules drive behaviour. This is largely how policy-makers view prison life. Conservative critics of prisons (such as Woodcock or Learmont; see Home Office, 1994, 1995) have this sociologically impoverished view of prison life. ‘What the prison service should be doing’, Learmont argued, following a series of high-profile escapes from two maximum security prisons, is ‘following its own rules’.⁶ One of the most heartfelt complaints by prison staff about ‘people from Headquarters’ is that they believe that prison officers know and follow all the rules and, these days, they audit them on that basis. But prison life is sociologically more complex.

Dixon's second theoretical approach to the law is *culturalist*. In this account, rules are a resource to achieve a primary aim which in policing, and also to a large extent in prisons, is order. Order might be achieved by methods other than law enforcement; and there may exist many different conceptions of order to which the rule resources are applied. Dixon suggests that, in practice, the rules are rather abstract. No one 'on the ground' sees them. Not a single officer in an evaluation of the policy of Incentives and Earned Privileges had read or seen the relevant policy instruction (Liebling, 2008). The rules are, in any case, a conception or resource for achieving other ends, such as order. Where there are rules, there is discretion: rules are blunt instruments and so involve interpretation. They meet working norms and broader cultural norms. Officers are engaged not in 'enforcing the law' but in 'handling the situation'. This is where relationships come in. Officers' definitions of situations, their interpretations of events and the evaluations that underpin their decision-making are embedded in their relationships with prisoners. They are shaped by officers' understandings of offending behaviour, their relationships with senior managers, the taken-for-granted ways of seeing in particular establishments and official statements of purpose and direction.

Dixon criticizes the culturalist approach for failing to take seriously the significance of legal rules: the naive sociologist is tempted to overlook the rules altogether. The *structuralist* approach acknowledges both the limits and the possibilities of rules but also takes account of situational factors in shaping practice. Different types of practices may be more or less amenable to legal regulation.

Dixon argues that what we need is an account of 'the officer' in action. David Price and I attempted to do something approaching this during an observational and interview-based study of staff-prisoner relationships in Whitemoor prison in 1998 (see Liebling and Price, 2001). The study was intended to allow us to develop precisely this 'sense of practice' (Bottoms, personal communication, 2008), following some intriguing findings about differences in approaches to power on different wings in a previous study. We concluded that there are two competing models of prison officer work. These were not mutually exclusive but represent 'ideal types': the 'rule-following' or 'compliance model' favoured by risk-averse officials or those who make and manage policy [Model A]; and the 'negotiation model' actually delivered by most prison staff [Model B], except in exceptional cases such as in the then operating Special Security Units. There are dangers in both approaches. Each model has different implications for our vision of how prisons work, how staff should be selected, trained and managed, the types of relationships prison officers develop with prisoners and how order and security are obtained. Each model (or 'ideal type') can make competing claims for legitimacy. Our observations suggested that, whereas prisons are designed and managed, and prison policies conceived and evaluated, under the assumptions of Model A, in practice much of what goes on in prison operates under Model B. Little guidance or reflection takes place on how to bridge this gap or how to live with it. It was significant that our earliest close observations of prison officers at work took place in a relatively 'professional' prison striving to overcome a catastrophic escape, where departures from the rules were generally for rather than against legitimacy. The point is that a gap exists between 'rules' and 'practice'. It is in this gap that both the best and the worst aspects of prison officer work can be found. We argued that the under-use of direct power to achieve objectives, the

tactics of talk and the art of peacekeeping were overlooked and central features of the best of prison work. The use of language rather than action was central to the effective use of authority. Officers operate with different values and ideas about prisoners shaping their conduct, and so it is important to unearth these values and explore what might be shaping them.

Awareness of this distinction between stated rules and practice alerts us to the complexity of prison officer work. Staff may tell outsiders that ‘we lock up prisoners who don’t go to work’, but our observations suggested that exceptions are continually made (‘well, this lad has been with us a while, we can trust him’). Officers were often unaware of how many of these kinds of decisions they made on a single shift: they were made at the level of ‘practical consciousness’, drawing on ‘tacit knowledge’ or refined experience not always amenable to direct discursive expression (Giddens, 1984). Decisions were embedded in relationships.

Good vs. right relationships

There are two distinctions in this paper where the use of a simple research question in one project led towards a more complex understanding of the issue at hand in the next. The first of these was the question ‘How would you rate staff–prisoner relationships on this wing?’ The question was asked during the ‘before’ stages of an evaluation of Incentives and Earned Privileges (IEP). The answers ranged from ‘very good’ to ‘very poor’, as shown in Table 1.

The problem was, we realized, when we compared these survey results with our observational and interview data, that the term ‘good’ could mean ‘we never see a prison officer’. E wing was not rated especially negatively by prisoners on staff–prisoner relationships. It was clear to us, however, that staff–prisoner relationships on E wing were not ‘right’. Staff clustered in offices, kept a distance from prisoners and resorted to formal use of the most restricted level of privileges (‘basic’) more frequently than staff on other wings. E wing went on to have a major disturbance just after we conducted our ‘before’ study, largely, we reflected afterwards, because staff (by introducing the new policy of earned privileges somewhat formally and harshly) were using new powers of the wrong kind. They moved, in the words of one senior manager, from ‘stand back’ to ‘jump forward’. Distance was seen as advantageous to some

Table 1. ‘How would you rate staff–prisoner relationships on this wing?’: HMP Full Sutton (percent)

	Wing						Segregated
	A	B ^a	C	D	E	F	
Very/fairly good	44	25	41	53	47	–	–
OK	39	19	24	32	29	43	33
Very/fairly poor	17	50	35	16	24	57	67

Note: ^aOne missing case (who responded ‘don’t know’).

prisoners at the time – but our post hoc analysis showed that on other wings, where staff relationships with prisoners were more involved, staff managed to cajole prisoners into accepting the legitimacy of their newly established power because they used it more carefully. In practice, staff used these new formal powers of ‘resort to basic’ considerably less on wings where they could use the informal ‘tactics of talk’ instead (see Liebling, 2000).

Staff–prisoner relationships can be too close or too informal, lacking boundaries and professional distance. Official concerns about ‘conditioning’, romantic liaisons, corruption and laxity in security procedures reflect this possibility. So the question of what a good or ‘right’ – staff–prisoner relationship is requires careful analysis. Relationships at the prison above were ‘too close’ on C wing (staff were campaigning not to introduce new restrictions to prisoners’ living conditions and had been persuaded by powerful prisoners not to patrol certain areas of the wing) and ‘too distant’ on E wing. The term ‘good’, then, is misleading and insufficient as a response category. In our first attempt to explore staff–prisoner relationships, the results suggested that ‘distance’ and lack of organization among or intrusion by staff may be positively evaluated by some prisoners, for obvious reasons. Other prisoners found lack of staff oversight threatening and dangerous. ‘Right’ relationships sat somewhere between formality and informality, closeness and distance, policing-by-consent and imposing order. They were respectful, but incorporated a ‘quiet flow of power’. This distinction is significant but is rarely considered, so that false assumptions are held by critics and some practitioners about less power being ‘good’ or more legitimate and more power being ‘bad’ and less legitimate. This is far from being the case. Authority, used appropriately, has a moral value, as Sennett suggested. In the words of some defenders of ‘peacekeeping criminology’, there is a difference between ‘a theory of the moral’ and ‘a theory of being nice’ (see Thomas et al., 2003; and Liebling, assisted by Arnold, 2004: ch. 9). Niceness and blind faith in social harmony or the avoidance of conflicts, and naïvety, can lead to chaos. It is possible to move beyond the ‘punitive–permissive continuum’ and to think instead in terms of ‘supportive limit setting’ and the importance of security values as well as harmony values (Wachtel and McCold, 2001). Morality is about ‘more than face-to-face personal relations’ (Emmett, 1966). The best officers are prepared to use their authority, but are good at using it.

I turn next to the distinction between a ‘tragic’ and a ‘cynical’ perspective, following Muir’s (1977) study of the intellectual and moral development of police officers under training.

Tragedy vs. cynicism

A policeman becomes a good policeman to the extent that he develops two virtues. Intellectually, he has to grasp the nature of human suffering. Morally, he has to resolve the contradiction of achieving just ends with coercive means. A patrolman who develops this tragic sense and moral equanimity tends to grow in the job, increasing in confidence, skill, sensitivity and awareness. . . Whether or not he develops these two virtues depends on the choices he makes among alternative means of defending himself against recurrent threats. (Muir, 1977: 3–4)

Muir suggested in his study of 28 police recruits under development that two aspects of character shape conduct: a police officer's attitude towards the use of coercion and towards the human condition. The 'tragic sense' or outlook is a sense of the complexity of the moral universe. Working out what is right and wrong, who is good and bad, is difficult. Human behaviour is not always predictable. The term 'tragic' denotes the imperfect and un-resolvable nature of human life and the importance of being able to acknowledge this. Garland used it of the prison: a 'tragic institution', implying constant conflict, tension and compromise (Garland, 1990: 285). The tragic perspective includes an understanding of 'the paradox of coercive power': possessing power renders a person vulnerable – it 'attracts the practice of coercion against him' – and to use power can sometimes weaken it. The possession of authority can paradoxically place limits on one's freedom to respond to the practices of others. Its possessor 'works within a much smaller range of choices than do his illegitimate and nonofficial adversaries' (Garland, 1990: 45). If these problems can be understood, intellectually and emotionally, then the officer can 'avoid moral breakdown' or the temptation to resort to 'the habits of avoidance, brutality or favouritism' – which themselves lead to 'moral disorientation' – in his/her work.

Officers could have either a 'tragic' view of the world – 'one that sees individuals as essentially alike' – or a 'cynical' view that regards human beings as falling into two camps – the good and the bad. The tragic view sees common ground between human beings and the context in which human choices are made.⁷

Muir argued that three interrelated elements of the police officers' working personality – 'their intellectual outlook on the world, their emotional feelings about power and their self-imposed moral definitions of success' (1977: 14–15) – shaped decision-making. Policemen face danger routinely in their work and develop different defences or ways of approaching danger. These different styles are multidimensional and can be characterized as: the enforcer, the reciprocator, the avoider and the professional (see Table 2). The enforcer and the avoider are both 'cynical' and adopt a dualistic view of human nature, but they have distinct approaches to coercion. The enforcer embraces it; the avoider feels conflicted about it. The reciprocator and the professional share a tragic view of human nature, empathizing with human frailty, but the reciprocator is conflicted about coercion whereas the professional has integrated or accepted it. The professional is morally reconciled to the use of coercion yet at the same time can reflect empathetically on the condition of mankind.

Table 2. A typology of officer working personalities

	Enforcer	Reciprocator	Avoider	Professional
Perspective	Cynical	Tragic	Cynical	Tragic
Morality of coercion	Integrated	Conflicted	Conflicted	Integrated
Passion	Yes	No	No	Yes
Perspective	No	Yes	No	Yes
Definition and standards of success	Perfectionist	Interactive	Easy life	Not exacting (realistic)

A mature person who uses coercive power anticipates its effects and can combine a willingness to use it with 'perspective'. As Weber argues:

He who lets himself in for politics, that is, for power and force as means, contracts with diabolical powers and for his action it is *not* true that good can follow only from good and evil only from evil, but that often the opposite is true. Anyone who fails to see this is, indeed, a political infant. (Weber, in Gerth and Wright Mills, 1946: 123)

This is the 'ethical paradox of coercion': there is a psychology and ethics to the use of force. This is what makes prison officer work so skilled and complex. Officers must use authority but feel uncomfortable about it, or know it for what it is.

I draw on Muir's analysis to turn to the distinction between two types of safety: 'reassurance' safety, a defensive and security-oriented model, and 'relational' safety, a more dynamic and interactive model.

'Reassurance' safety vs. 'relational' safety

Existing studies show that, as in policing, the 'working personality' of the prison officer is pragmatic, sometimes cynical, alert to danger and cohesive. There is a powerful allegiance to the peer group, linked to the risk of danger, which in turn is linked to the possession of authority (Liebling and Price, 2001; Reiner, 1992; Waddington, 1999). Safety, then, is a significant preoccupation among prison officers.

In an evaluation of an attempt to improve the culture of 10 'high suicide risk' local prisons among the 12 prisons in the study, there was a wide range of scores on the dimension 'safety' as evaluated by staff. The dimension consisted of items about feeling safe from assaults by prisoners and working in an environment that felt controlled, disciplined and free of tension.⁸

On the individual item 'I feel safe in my working environment', responses ranged from 24 percent of staff who agreed/strongly agreed with the statement at Manchester to 83 percent at Swansea in 2002, and from 28 percent at Wandsworth to 83 percent at Eastwood Park in 2004. Prison work involved different levels of safety and unsafety and this could change over time.

Two distinct visions of, or preoccupations with, safety were evident from our analysis, and these distinctive characterizations formed part of the culture in each establishment. The differences are sketched somewhat tentatively in Table 3. The two models corresponded with prisoners' descriptions of the form that safety took in each prison. Three approaches are outlined: 'reassurance safety', 'relational safety' and a 'disregard for safety' (the last was detected in subsequent research,⁹ see column three). The distinction is somewhat similar to Sparks et al.'s distinction between a 'situational' and a 'social' model of order in Albany and Long Lartin prisons, respectively (Sparks et al., 1996). The aim here is to think specifically about officers' orientation to safety.

Reassurance safety is a kind of defensive strategy based on maintaining distance and control, whereas relational safety resembles a more dynamic, interactive and confident model of authority. Model A represents 'discipline' and Model B represents 'authority'. The models correspond broadly with the 'security' vs. 'harmony' distinction outlined in

Table 3. Officer orientations towards safety

A. Reassurance safety [Cynical]	B. Relational safety [Tragic]	C. Disregard for safety
Suspicion: prisoners as manipulative; self-harm as a threat to authority	Approachability; accessibility; (some) trust	Avoidance or indifference
Vigilant (distant) observation	Interactive observation	Non-observation
Resorts to force	Intervenes verbally in fights and disputes	Does not see incidents
Reactive	Proactive	Non-active
Controlled/restricted unlock	Unlock a priority	Flexibility
Assistance limited	Practical help offered	'Sloping shoulders'
Maintaining 'edge', aggression, control	Humour, banter, talk	Naïveté, unclear boundaries
Yearning for (more) discipline; swift resort to disciplinary procedures	Informal resolution of conflicts; comfortable with amount of power	Resignation
IEP as punishment and control	IEP as primarily reward and progression	IEP not used
Specialists as 'risk'	Specialists as 'support'	
Police 'access' to civilians, resources (and prisoners)	Facilitate access to civilians, resources (and prisoners)	
Resist implementation of new initiatives	Less resistance to implementation of new initiatives (conditional)	

Prisons and their Moral Performance (Liebling, assisted by Arnold, 2004), with Model A representing a security orientation.¹⁰ Model B represents a reconciliation between security and harmony. We can see correspondence with the cynical, dualistic, 'us–them' approach to prison work described above, in which danger becomes the 'determinant of [the officer's] personal philosophy' (Muir, 1977: 182), and the 'tragic' perspective, whereby empathy and a sense of perspective are maintained. The tragic perspective 'presuppose[s] that all individuals possessed simultaneously qualities of civility and rebellion' (1977: 182).

These differences in models of safety could be found at wing level in establishments, so prisoners described quite different experiences on different wings:

'On here, they don't do that kind of thing' [that is, 'show compassion' or 'help you to sort your problems out']. (Prisoner, in Liebling et al., 2005)

Prisoners appreciated the more 'traditional-professional' ('old school', see Tait, 2008, and this volume) officers who did not rely on their coercive authority to get prisoners to do what they wanted, but who were comfortable in their relationships with prisoners and with their own authority and so commanded respect. Power flowed more unobtrusively and effectively on these wings or in these kinds of establishments.¹¹

Staff approaches to us as researchers reflected their basic orientation towards safety: so some would obstruct access, others would facilitate it but talk us through the precautions to take, and, under Model C, staff would show indifference to our presence. Figures in the staff survey supported these models, so that, in prisons operating under Model A (and C), staff were nervous about the apparent lack of power they had, whereas staff operating under Model B were more comfortable. Staff in Model A establishments wielded considerable power and yet wanted more, whereas staff in Model B establishments used (and felt the need for) less. Confidence shaped officers' model of safety and their perception of risk and danger (see Liebling, 2007).

Factors that affected feelings of safety included relationships with prisoners; having good security procedures and effective drug control (short of alienating prisoners); and supportive relationships with managers, especially in dealing with disruptive prisoners. Staff who worked on smaller wings or units with good visibility, who worked with more static populations or who had previous experience with more volatile populations felt safer in their current work environment. Confidence mattered. However, we discovered that there were two types of confidence. I consider this distinction below.

Good vs. bad confidence

The second example of an over-simplified question in our research to date on prison officers was a question tested in a study of two secure training centres (STCs) and two young offender institutions (YOIs), one of each of which was undergoing a 'transformational' staff training programme (Lanskey et al., 2009). We asked the young people in all four centres, as part of a more general survey of the quality of life in each centre, how confident they thought staff were. Their answers are shown in Table 4.

Our observations and interviews with staff and young people in each centre suggested that staff in at least one of the STCs felt 'out of their depth' when faced with challenging behaviour, that they over-used restraint procedures, and that they were inconsistent and poorly trained in the use of authority. Staff in YOI 1 were rated as overbearing and unfair by most of the young people we surveyed. The best practice was found in STC 2 – and this is reflected to some extent in the higher agreement with the item 'Staff seem confident in here'. But the differences were not as clear in the survey as we would have expected.

We concluded that there were two types of staff confidence: *bad* confidence (a kind of indifference to the effects of their power) and *good* confidence (a feeling of comfort, assurance and flexibility in their approach to young people). This might be the difference between over-confidence – intimidation or a kind of bluntness – and having a

Table 4. Agreement with the item 'Staff seem confident in here' (percent)

	STC 1	STC 2	YOI 1	YOI 2
Strongly agree/agree	61	79	61	56
Neither agree nor disagree	20	21	22	33
Strongly disagree/disagree	20	–	17	11

positive, unfearful approach to their population; we had observed this distinction in other establishments. It could be regarded as the difference between being *authoritarian* and being *authoritative*. It is an important distinction we are making efforts to capture more carefully in subsequent questions to prisoners about their experiences of prison staff.

Conclusion

The dynamics described above shape the prison experience for prisoners, so that higher or lower levels of frustration, pain, well-being or sense of purpose are explained, to a significant extent, by officer positions along a more or less legitimate axis. This axis is relational or dialogic. As human beings we need moral recognition (Liebling, 2005):

A social and political theory that works from such atomistic premises [that human beings are selfish and individual creatures – Hobbes] cannot account for human beings' constitutive dependency on non-instrumental social relations for many aspects of their identities and agency that touch upon their integrity as *moral subjects and agents*. Human beings' moral subjectivity and agency stands in need of the recognitive relations of care, respect, and esteem with others in all phases and spheres of life. (Van den Brink and Owen, 2007: 3)

This is the other side of the claim–response dialogue: more is going on both in the powerholder *and* in the respondent than we typically realize; respondents or recipients of power are shaped or constituted by its use.

The Control Review Committee (Home Office, 1984) argued that staff–prisoner relationships lie at the heart of prison life. We would argue that 'staff professionalism' or 'legitimate practices' lie at the heart of prison life, and that this is about more than relationships. Being a good prison officer involves being good at *not* using force, but still getting things done, and being *prepared* to use the various power bases officers can draw on when necessary. It means being capable of using legitimate authority and being in control under conditions that make the 'fragile' authority of rulers (Sennett, 1980: 141) especially so. Certain forms of power may have shifted outwards (see Crewe, 2009), but prison officers are still 'figures with power' – the moral power of regard and recognition, and the instrumental powers of access, distribution and force. Staff said in group discussions that they were 'losing confidence' in some areas of their work. There are new and pressing problems of cultural and religious differences in evaluations of justice that are testing prison services and their staff in new ways. Officers and senior managers seem to be less certain than they were about what is 'virtuous and humane' (Smith, [1759] 2006). The role of 'talk', time and relational work in making authority legible and legitimate is under-conceptualized and undervalued in prison life (but see McNeill et al., 2005).

The 'professional prison officer' should be supported and trained in what McEvoy and Mika have called 'justice literacy' (1998),¹² or, in this context, 'authority' and 'recognition' literacy. No one ever gets the use of authority right. It can only be better or worse, and should therefore be subjected to ongoing scrutiny and reflection.

Notes

Grateful thanks are due to Tony Bottoms, Jonathan Steinberg, Justice Tankebe, Ben Crewe, Susie Hulley, Helen Arnold and Sarah Tait for discussions on many relevant matters. I also wish to thank the many prison officers and prisoners who have shared their thoughts on this subject with me over many years.

1. Others define legitimacy as ‘justified authority’ (Bas van der Vossen, 2008).
2. Honneth uses the term to indicate the granting of status: respect, esteem and love. ‘The non-recognition or misrecognition of ethical subjects along any of these axes . . . is experienced as a harm or injustice that . . . will motivate a struggle for recognition’ (van den Brink and Owen, 2007: 1). A new generation of senior managers might have become ‘post-social’, but my argument is that prison officers cannot be.
3. Herbert argues in relation to the police that ‘there exists no simple path toward police legitimacy. Indeed, practice legitimated by one mode may frustrate practice condoned by another’ (Herbert, 2006: 497). He suggests that a ‘fairness-only’ pursuit of legitimacy may be incomplete (2006: 484) and that those using power in the public interest may be held to account on other grounds, such as safety and public protection.
4. ‘[A]spects of confinement such as treatment by staff, quality of programming, and interactions with other inmates . . . were what caused prisoners to develop respect, faith and confidence in the justice system’ (Franke et al., 2010: 110).
5. The more visible it is, in a setting such as the prison, the more pressing is the requirement to make it ‘legible’ (Sennett, 1980: 181).
6. Woodcock argued while in his role as Chief Inspector of Constabulary that ‘the criminal justice system both tolerates, and at times even requires, police malpractice’ (Woodcock, 1992, in Norris and Norris, 1993: 217).
7. The cynic believes that suffering is always a matter of personal choice (Muir, 1977: 175) and an outcome of lack of self-discipline or a personal flaw. It is a one-dimensional and dualistic vision of human nature. It is defensive and insulates its possessor from moral conflict (1977: 176). The tragic perspective, by contrast, sees suffering as inevitable and potentially educational. All people ‘constantly waver between submitting to and defying their fates’ (1977: 178). The tragic perspective acknowledged ‘a more complex causal pattern at work in human affairs than cynics perceived’ (1977: 179).
8. The dimension ‘safety’ emerged from a factor analysis and included the items: ‘The general atmosphere in this prison is tense’; ‘This prison is poor at delivering good order and discipline’; ‘This is a well-controlled prison’; ‘Security in this prison is good’; ‘Assaults by prisoners on staff are rare in this prison’; and ‘I feel safe in my working environment’.
9. On public–private sector comparisons, see Crewe et al. (under review).
10. Braithwaite argues in her studies of political values in the general population that two relatively independent value orientations – security and harmony – tend to be prioritized by different individuals, with security favoured by conservatives and harmony favoured by liberals. According to Braithwaite, each value orientation implies a conception of the ‘other’ (for example, as a competitor or as an equal, worthy of respect). In general, harmony values are ‘other oriented’ and security values are ‘self-protective’. Braithwaite found that two additional types of people – dualists and moral relativists – favoured *both* as ideals or goals, in the case of dualists, or had a weaker commitment to either, in the case of moral relativists. Dualists have balanced values and must engage in more complex moral reasoning in order to ‘solve the value balance dilemma’ (Braithwaite, 1998: 227, and 1994). Prisoners are moral dualists in their evaluations of the legitimacy of prison regimes. Prisons tend to prioritize or oscillate between one and the other (Liebling, assisted by Arnold, 2004).

11. There were other kinds of 'old school' officers who did not exercise their power and authority so legitimately. See further Tait (2008) and this volume.
12. This entails 'a deliberate engagement with all manner of assumptions about the nature of divisions, and their structural relationship to the state, in the societies where we live and work' (McEvoy and Mika, 1998: 2). The term indicates 'learning' – organized deliberation about the term's meaning and application.

References

- Barbalet JM (1998) *Emotion, Social Theory and Social Structure: a Macrosociological Approach*. Cambridge: Cambridge University Press.
- Bottoms AE and Tankebe J (under review) Legitimacy and criminal justice: a dialogic approach.
- Braithwaite V (1994) Beyond Rokeach's equality-freedom model: Two-dimensional values in a one-dimensional world. *Journal of Social Issues* 50(4): 67–94.
- Braithwaite V (1998) The value balance of political evaluations. *British Journal of Psychology* 89: 223–247.
- Crewe B (2009) *The Prisoner Society*. Oxford: Oxford University Press.
- Crewe B, Lieblich A, Hulley S and McLean C (under review) Prisoner quality of life in public and private sector prisons.
- Dilulio J (1987) *Governing Prisons: a Comparative Study of Correctional Management*. New York: Free Press.
- Dixon D (1997) *Law in Policing: Legal Regulation and Police Practices*. Clarendon Studies in Criminology. Oxford: Oxford University Press.
- Emmett D (1966) *Rules, Roles and Relations*. London: Macmillan.
- Franke D, Bierie D and MacKenzie DL (2010) Legitimacy in corrections: a randomized experiment comparing a boot camp with a prison. *Criminology and Public Policy* 9(1): 89–117.
- Garland D (1990) *Punishment and Modern Society*. Oxford: Clarendon Press.
- Gerth HH and Wright Mills C (1946) *From Max Weber: Essays in Sociology*. New York: Oxford University Press.
- Giddens A (1984) *The Constitution of Society*. Cambridge: Polity Press.
- Herbert S (2006) Tangled up in blue: Conflicting paths to police legitimacy. *Theoretical Criminology* 10(4): 481–504.
- Home Office (1984) *Managing the Long-Term Prison System*. The Report of the Control Review Committee, Cmd. 3175. London: HMSO.
- Home Office (1994) *Report of an Enquiry into the Escape of Six Prisoners from the Special Security Unit at Whitemoor Prison, Cambridgeshire on Friday 9th September 1994 by Sir John Woodcock*. London: HMSO.
- Home Office (1995) *Review of Prison Service Security in England and Wales and the Escape from Parkhurst Prison on Tuesday 3rd January 1995 – The Learmont Report*. London: HMSO.
- Honneth A (1995) *The Struggle for Recognition: the Moral Grammar of Social Conflicts*. Cambridge: Polity Press.
- Lansky C, Lieblich A, Harvey J and Drake D (2009) *Opportunities for Staff in Two Secure Settings to Reduce Re-Offending Rates of Young Offenders*. Report submitted to the KPMG Foundation.
- Lieblich A (2000) Prison officers, policing and the use of discretion. *Theoretical Criminology* 4(3): 333–357.
- Lieblich A (2005) The late modern prison and the question of values. *Current Issues in Criminal Justice* 16(2): 202–219.

- Liebling A (2007) Why prison staff culture matters. In: Byrne JM, Hummer D and Taxman FS (eds) *The Culture of Prison Violence*. New York: Pearson, 105–122.
- Liebling A (2008) Incentives and Earned Privileges revisited: Fairness, discretion, and the quality of prison life. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 9: 25–41.
- Liebling A assisted by Arnold H (2004) *Prisons and Their Moral Performance: a Study of Values, Quality and Prison Life*. Oxford: Clarendon Press.
- Liebling A and Price D (2001) *The Prison Officer*. Leyhill: Prison Service and Waterside Press.
- Liebling A, Elliott C and Price D (1999) Appreciative inquiry and relationships in prison. *Punishment and Society* 1(1): 71–98.
- Liebling A, Durie L, Stiles A and Tait S (2005) Revisiting prison suicide: the role of fairness and distress. In: Liebling A and Maruna S (eds) *The Effects of Imprisonment*. Cullompton: Willan, 209–231.
- McEvoy K and Mika H (1998) Justice literacy in divided societies. *Contemporary Justice Review* 1(2–3): 323–346.
- McNeill F and Robinson G (in press, 2011) Liquid legitimacy and community sanctions. In: Crawford A and Hucklesby A (eds) *Legitimacy and Compliance in Criminal Justice*. Cullompton: Willan.
- McNeill F, Batchelor S, Burnett R and Knox J (2005) *21st Century Social Work: Reducing Re-offending: Key Practice Skills*. Edinburgh: Scottish Executive: Social Work Inspection Agency. See website: <http://www.scotland.gov.uk/Resource/Doc/37432/0011296.pdf>
- Muir WK (1977) *Police: Streetcorner Politicians*. Chicago: University of Chicago Press.
- Norris C and Norris N (1993) Defining good policing: the instrumental and moral in approaches to good practice and competence. *Policing and Society* 3: 205–221.
- Reiner R (1992) Police research in the United Kingdom. In: Morris N and Tonry M (eds) *Modern Policing*. Chicago: University of Chicago Press.
- Sen A (2009) *The Idea of Justice*. Cambridge, MA: Belknap Press.
- Sennett R (1980) *Authority*. New York: Alfred A. Knopf publishing.
- Smith A ([1759] 2006) *The Theory of Moral Sentiments*. New York: Dover Philosophical Classics Series.
- Sparks R and Bottoms AE (2008) Legitimacy and imprisonment revisited: Some notes on the problem of order ten years after. In: Byrne JM, Hummer D and Taxman FS (eds) *The Culture of Prison Violence*. Boston: Allyn & Bacon, 91–104.
- Sparks R, Hay W and Bottoms AE (1996) *Prisons and the Problem of Order*. Oxford: Clarendon Press.
- Sykes G (1958) *The Society of Captives*. Princeton, NJ: Princeton University Press.
- Tait S (2008) Care and the prison officer: Beyond ‘turnkeys’ and ‘carebears’. *Prison Service Journal* 180: 3–11.
- Thomas J, Capps J, Carr J, Evans T, Lewin-Gladney W, Jacobson D, Maier C, Moran S and Thompson S (2003) Critiquing the critics of peacemaking criminology: Some rather ambivalent reflections on the theory of ‘being nice’. In: McEvoy K and Newburn T (eds) *Criminology, Conflict Resolution and Restorative Justice*. Hampshire: Palgrave Macmillan, 101–30.
- Van den Brink B and Owen D (2007) *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory*. Cambridge: Cambridge University Press.
- Van der Vossen B (2008) On legitimacy and authority: a response to Krehoff. *Res Publica* 14: 299–302.
- Wachtel T and McCold P (2001) Restorative justice in everyday life. In: Strang H and Braithwaite J (eds) *Restorative Justice and Civil Society*. Cambridge: Cambridge University Press, 114–129.
- Waddington PAJ (1999) *Policing Citizens: Authority and Rights*. London: UCL Press.