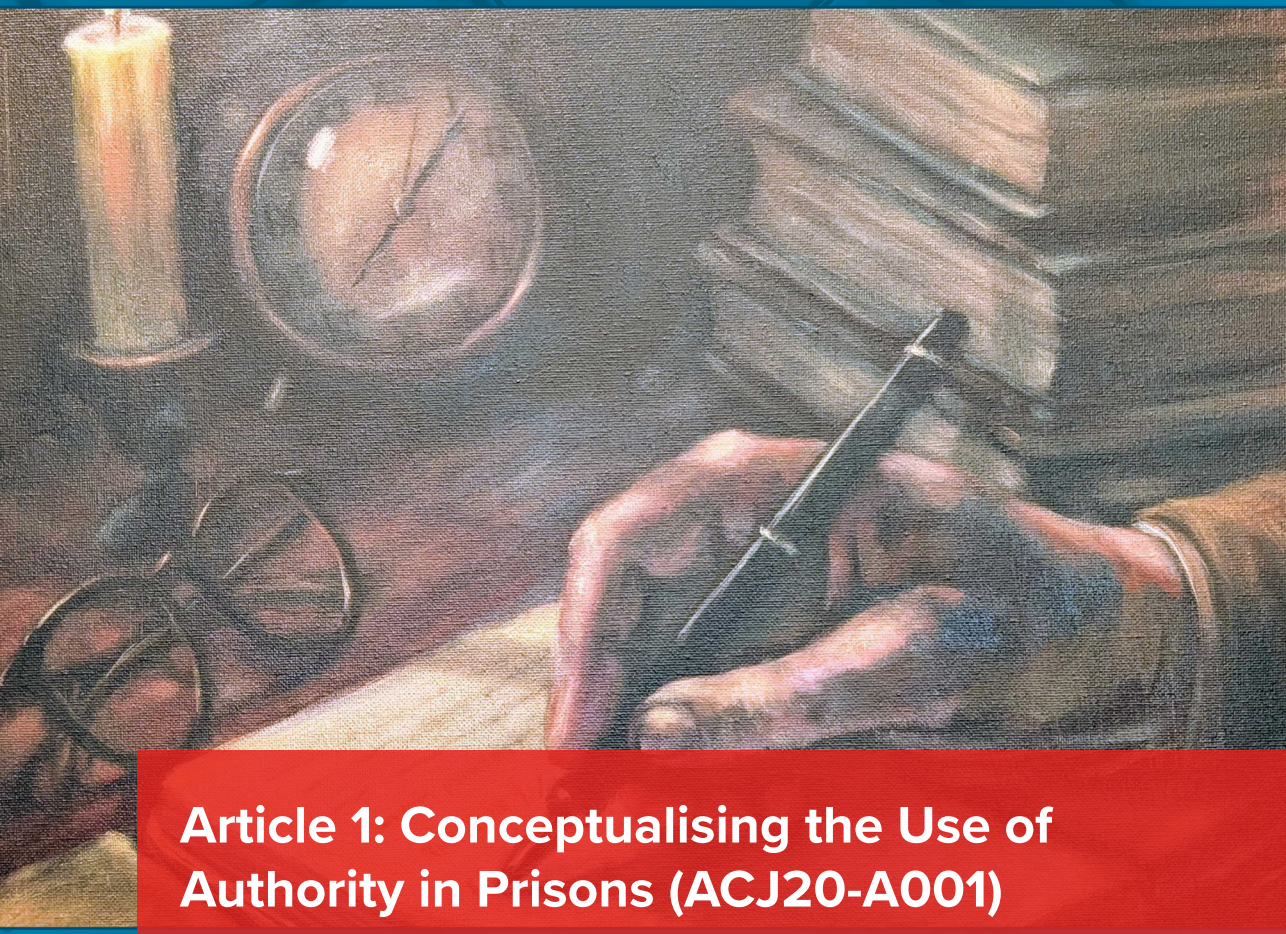
ADVANCING CORRECTIONS
Journal of the International Corrections and Prisons Association



Article 1: Conceptualising the Use of Authority in Prisons (ACJ20-A001)

ICPA
International Corrections & Prisons Association

Scholarly Reflections on Core Considerations for Correctional Practice

Edition #20 - 2026

www.icpa.org

CONCEPTUALISING THE USE OF AUTHORITY IN PRISONS

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Abstract

The use of authority is at the heart of prison life and quality, yet little research has explored the different ways in which authority can be deployed in prisons. Based on two axes, 'heavy-light', and 'absent-present', this article offers a conceptual framework for understanding this matter, broadening the definition of 'respect' in prison contexts and emphasising the importance of staff professionalism in determining prison quality and legitimacy.

Keywords: prisons; authority; staff professionalism; heavy/light; absent/present

Introduction

Around fifteen years ago, my colleagues Alison Liebling, Susie Hulley, Clare McLean and I undertook a comparative study of public and private sector prisons in the England & Wales prison system (for further details, see Crewe, Liebling & Hulley 2011; Crewe, Liebling & Hulley 2014). The key moment in our analysis came out of an informal team discussion about the different 'feel' of prisons within the two sectors. We asked ourselves: 'If you were deposited, blindfolded, in any of the seven institutions in our study, would you know, once the blindfold was removed, whether the prison was publicly or privately managed?' All of us felt we would, very quickly, because of a certain 'lightness' in the social and material climate of private sector prisons, by which we meant something literal – brighter, more open units – but also more relational: a sense of a less oppressive nature of staff-prisoner relationships in privately run institutions.

As well as undertaking interviews with staff and prisoners, we administered Measuring the Quality of Prison Life surveys (see Liebling & Arnold 2004) to both groups in seven prisons overall. Of the five private prisons in the study, two were evaluated particularly positively by prisoners, but two were rated very poorly. Our puzzle, then, was how all of the private establishments were characterized by 'lightness', but there was very considerable variation in quality between them. In what follows, I seek to explain these findings, and, in doing so, set out a framework for conceptualizing the use of authority in prisons with practical implications for practitioners, not least in providing a framework to help them visualize different models of authority and understand their different effects.

Literature review

It is now something of a truism that staff-prisoner relationships sit at the heart of prison life. A wide range of studies have described and demonstrated how the nature of imprisonment is shaped to a very significant degree by how prison officers exercise their power, use their discretion, and engage with the people they oversee. As Alison Liebling has shown, whether a prison officer greets a prisoner with courtesy, or is willing to give him or her a pillow when asked to do so, can be an act of existential significance (Liebling 2011; Liebling & Arnold 2004). The broader cultures among prison officers vary considerably, even within prison systems and among prisons with the same function.

A key text here is Sparks, Bottoms, and Hey's (1996) *Prisons and the Problem of Order*. Based on an analysis of two high-security prisons in England & Wales, Sparks et al. (1996) described two different models of order, rooted in differences in staff cultures and practices. HMP Long Lartin operated a relatively relaxed and open regime, and granted prisoners more autonomy, which produced an environment where some prisoners felt unsafe. HMP Albany was more rigid and controlled, which generated some resentment and aggravation, that was offset to some degree by how HMP Albany delivered a fairly stable and consistent regime. Each prison, then, could claim to be legitimate on different grounds.

Part of the value of Sparks et al.'s (1996) account was how they fleshed out two quite different ways prison officers could achieve order, one via a more social or relational model, and another more rule-governed and 'situational' model. Little other work has engaged in a similar attempt to conceptualize how prisons differ in their use of authority, and why such differences matter (though see Kruttschnitt & Gartner 2005 for a similar kind of analysis of two prisons holding women in California).

Light-heavy, absent-present

If prisons that were 'light' could vary so much in quality, what determined whether they were good or bad? In all of the private establishments in our study, prisoners tended to describe custodial officers as generally 'nice people'. Often contrasting them with officers in the public sector, they said private sector staff were less likely to look down on them or to deliberately make their lives harder. Public sector staff had a more cynical and punitive orientation, more often used disparaging language, and were less likely to agree (in our staff survey) most prisoners were 'decent people' or could be rehabilitated.

Yet in the four-site comparison at the core of our study, prisoners in the public sector prisons reported more favorably on most aspects of staff-prisoner relationships, including matters such as fairness and respect. Although private sector staff were regarded as friendly and courteous, prisoners complained they lacked important forms of knowledge and jailcraft. They were decent and compassionate, and tried their hardest, but they could be 'ineffective' (i.e., unable to answer prisoners' questions or resolve their complaints). This was less the result of a willingness to be helpful and more a lack of professional competence and confidence. Put another way, 'lightness' – if defined as a positive orientation towards people in prison – was necessary but insufficient.

Likewise, certain forms of 'lightness' could be detrimental to prisoner safety and wellbeing. In the public sector prisons in our study, prisoners often commented officers could be a bit ''heavy' and overbearing in how they used their authority (e.g., 'There are some officers that throw their weight around because they're in a uniform'; 'it's a bullying culture'). However, they tended to feel confident, in the event of violent incidents on the living units, officers would deal with the situation quickly and effectively. Furthermore, although the over-use of authority could be antagonizing and provocative, prisoners appreciated an environment that, through 'supportive limit-setting' (Wachtel & McCold, 2001), protected them from their own weakness of will (i.e. with regard to drugs and violence). They 'knew where they stood', and they were generally confident officers could use their authority if needed. As one prisoner explained, 'they are not too quick to use their authority, but they will: there is no lack of authority within the staff body'.

By contrast, in some of the private prisons, prisoners described an under-regulated environment where they could feel highly unsafe. To some degree, this was because officers were naïve, permissive, or trying too hard to be friendly:

> They don't want to upset anybody, which is in my book all wrong, because *they're* supposed to be the ones in power.

> It's all first names and they're trying to be your friend and they're chatting [...] I think there's a lot of confusion for inmates. A lot of them think they can get away with a bit more because they're more friendly, the staff, so [prisoners are] not as well behaved, it is a bit confusing.

In other respects, they described a lack of professional capacity or 'jailcraft', often linked to levels of staff experience. Many officers were slightly nervous about using their authority, or had not been in the job for long enough to use it with a sufficient level of skill and confidence. One consequence was that they could be very inconsistent in how they exercised their power:

> Sometimes they're strict on things they shouldn't be and slack for things they should be stricter on.

> A lot of the staff are very young. Their inexperience shows, just in their social skills, the way they communicate with inmates: either not enough or coming at you too hard. [...] Not enough authority to be accepted and then overboard with aggression.

As the quotations illustrate, prisoners did not want officers to be unduly lenient, (i.e. to overlook rule infractions), to establish loose or inconsistent boundaries, or to fail to occupy their role as power-holders. Certainly, they did not want to be in a situation where deficits in authority might be filled by their peers:

> It is mayhem sometimes. [. . .] They have not got a lot of control. Certain wings, the officers are not running the wings, the lads are. [. . .] It's not good is it? There is no authority really.

Moreover, under-policed and unpredictable environments exposed them to various forms of risk, through the power ceded to other prisoners or by enabling behaviors prisoners wanted to avoid but could be easily drawn into:

> There's no structure. There's no rules. It's a free-for-all and staff barely exist. [...] I'm involved in more criminal activity in here than I was on the out. That's not good, is it? I don't think that's what prison should be for.

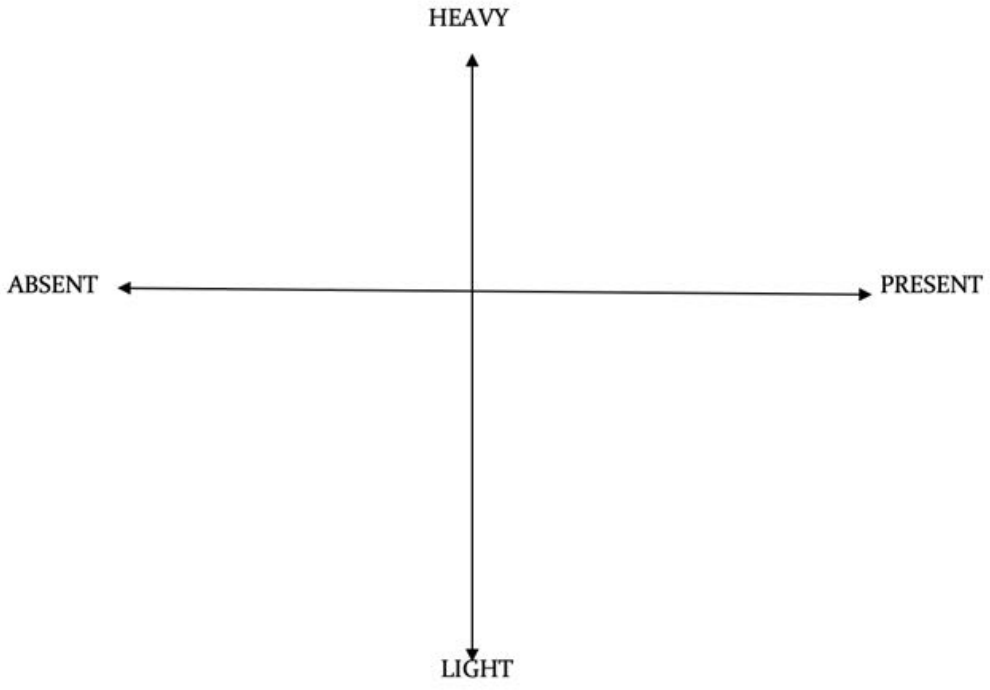

Figure 1: Heavy-light, absent-present

Our conclusion was lightness as well as heaviness could be undesirable: 'light' can mean relaxed, friendly, and co-operative, but can also mean deficient or inadequate. To distinguish between these different modes, and to describe which forms were more or less legitimate, we combined an axis running from 'heavy' to 'light' with another running from 'absent' to 'present' (see Figure 1).

Absence and presence refer to the availability and visibility of prison staff, particularly uniformed staff, the depth and quality of their engagement with prisoners, their willingness and ability to supervise and police prisoner activity, their competence in using authority, and the degree they recognize and address prisoners as moral agents.

When we undertook our study, we felt confident in placing most public sector prisons in England & Wales in the 'heavy-present' quadrant, and most private sector prisons in the 'light-absent' quadrant. According to our analysis undertaken since that time (see Crewe & Liebling 2023), prisoners generally prefer to be in 'heavy-present' prisons than 'light-absent' prisons. However, the preference depends on where exactly in each quadrant a prison sits. Those we would place closer to the corners are much less legitimate than those closer to the axes, and are damaging in different ways (i.e., very light-absent prisons have environments that feel highly insecure and dangerous, while those that are very heavy-present feel highly inhumane and oppressive).

The two remaining quadrants represent contrasting cases of institutional legitimacy. 'Heavy-absent' prisons – exemplified by the super-max – are especially illegitimate because they rely on extreme forms of situational control, without the humanity or relational security provided by staff-prisoner engagement. The environment is highly controlled, and the absence of meaningful interaction (anchored in a perception that prisoners are irredeemably immoral objects) leaves prisoners entombed in a state of relational deprivation and existential distress. Alternatively, in less severe cases (see Liebling, Arnold & Straub 2012), within a highly restrictive context, staff-prisoner relationships are distant and mistrustful, and the withdrawal of staff leaves space for exploitation and predation among prisoners. The oppressiveness of weight is combined with the insecurity of absence.

In contrast, 'light-present' represent the most legitimate quadrant in our conceptual framework. In such institutions, prison officers are vigilant and willing to use their authority, but do so judiciously. Power flows unobtrusively, through 'knowing your prisoners', and care and control are fused through relationships of quiet authority, in which prisoners are 'recognized' as complex and worthy moral beings. Such prisons tend to be small and generously-staffed with a clear purpose or philosophy that draws prisoners and staff into a shared sense of mission. But they are rare.

Implications for practice

Although our original analysis was based on a study of public and private sector prisons, our work has broad applicability for thinking about the different ways prison staff authority can be used and experienced. It also helps us understand, and draw out the implications of, what subsequently happened to prisons in England & Wales. Here, a substantial cut in resources resulted in many experienced uniformed staff members taking up offers of early retirement, and in staffing levels generally falling. As a result, public sector prisons are increasingly 'light', leading to higher levels of violence both between prisoners and against staff, and to an ongoing spiral of staff turnover, as recently recruited officers leave the job at almost the rate they are being recruited into it, reflecting an

international challenge for prison service provision.

An additional number of lessons follow. First, good outcomes cannot be assumed based on attitudes alone. That is, it is possible for prison staff to have benign intentions, but for naivety or deficiencies in knowledge, competence and confidence to prevent positive attitudes from being converted into positive prison climates. Recruiting prison officers based on their humane or rehabilitative orientations is therefore risky if this is not accompanied by suitable training and mentoring in the effective use of authority. High levels of professionalism can insulate prisoners from negative attitudes held by uniformed staff, at least to some extent.

Second, prisoners value friendliness and 'niceness', but not if these aspects of conduct are perceived to be phony or based on fear, or if they come at the expense of a willingness to impose boundaries and exert authority where appropriate. 'Respect' is defined as courtesy (being spoken to nicely, or called by one's preferred name) *and* having one's emotional, practical, and interpersonal needs taken seriously (Sennett 1993), both by uniformed staff and the wider institutional bureaucracy (Hulley, Liebling & Crewe 2012).

Third, the effective use of authority is related to levels of experience. Beyond a certain point, officers can become jaded and cynical, while some officers who appear a little unsympathetic to prisoners are doing important work in maintaining a smooth-running regime, or in providing forms of care 'on the sly', through boundary-setting, watchfulness, a supportive arm around the shoulder, and the kind of consistent regime delivery that can meet needs and provide ontological security. This kind of 'traditional-professional' culture is adjacent to much more damaging forms of cynicism and resistance, and has much more positive effects. Meanwhile, officers who are new to the job can struggle to deploy their power in appropriate ways, and need time on the job to learn 'jailcraft.'

Aside from these more practical implications, the conceptual framework used here offers a way for prison practitioners to think about the nature of their system or institution, and how it would need to change to meet standards of legitimacy. In my experience of teaching senior prison personnel over many years, this contribution – a kind of mental map, or a basis for reflection – has been more productive than any other policy recommendation I have made.

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Ben Crewe is Professor of Penology & Criminal Justice at the Institute of Criminology, University of Cambridge. His recent research has focused on prisoners serving life-sentences, deep confinement, and the nature of imprisonment in England & Wales compared to Norway.