Cormac Behan

"We Are All Convicted Criminals"? Prisoners, Protest and Penal Politics in the Republic of Ireland

Abstract

This article examines protests by "ordinary" prisoners in the Republic of Ireland, which began in the 1970s. Whereas "political" prisoners have attracted significant academic and popular attention, little historical research exists about organizations that represented "ordinary" prisoners, such as the Prisoners Union. Yet "ordinary" prisoners demonstrated that they too had the capacity to organize. Though their protests took similar forms, the state adopted a markedly different approach when dealing with the two groups of prisoners. Despite appalling prison conditions, governments rejected the Prisoners Union's claim to represent "ordinary" prisoners and resisted its demands for penal reform. In contrast, after more prolonged protests, and despite assertions that the paramilitary organizations to which "political" prisoners belonged posed an existential threat to the state, the government neutralized their protests by accepting their representation, improving their conditions, and effectively recognizing them as a special category of prisoner.

Introduction

After a disturbance in Mountjoy Prison on the night of 18–19 May 1972, the Minister for Justice, Desmond O'Malley, declared that "it had never been accepted in the history of the State, that there was any such thing as a political prisoner. The people who described themselves as such, were either charged with, or convicted of ordinary criminal offences."[1] Just over a year later, after a series of disturbances by "ordinary" prisoners led by the Prisoners Union, a new government declared that "there is no prisoners' union" and that it was "not prepared to give any recognition to a small group of prisoners who, acting in concert in intimidating other prisoners, are attempting to disrupt the prison system."[2] Reflecting protest movements outside, Irish prisoners were organizing.[3] Initially, governments rejected the demands of both "ordinary" and "political" prisoners.[4] However, as the protests persisted, this response was to change.

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The movements for social, economic, and political transformation that emerged in the 1960s and 1970s inspired the proliferation of prisoners' rights organizations throughout the United States and Europe. The re-emergence of physical force movements demanding an end to British rule in Northern Ireland gave prisoner protest in the Republic of Ireland an added dimension. It led to a sharp increase in the number of politically aligned prisoners in the Republic of Ireland. Considering the reason for their imprisonment, it was almost inevitable that they would reject the label of "criminal" and assert their right to be treated as political prisoners or prisoners of war. In contrast, ordinary prisoners, represented in the Prisoners Union, were concerned less about their status and more about their conditions of confinement and opportunities for re-integration after release. Although inspired by protest movements beyond the prison walls, especially in Northern Ireland and the United States, most ordinary prisoners came to prison alienated and nonpolitical. Protests for improvements in penal conditions and penal reform politicized them, and some continued the struggle for prisoners' rights and social reform after they left prison.

This article re-examines prisoner protest in the Republic of Ireland in the 1970s. While much has been written about resistance by those imprisoned for politically motivated activities, especially in Northern Ireland, there has been relatively little examination of protests by ordinary prisoners.[5] Research on the prison system during this period has primarily concentrated on penal policy and its implementation.[6] This article draws on first-hand narratives from prisoners and their supporters, accounts of conditions in Irish prisons, and contemporaneous reports of protests.[7] It establishes that ordinary prisoners participated in protests to a much greater extent than has been previously considered. Even though modern Irish history "is replete with prison protest and hunger strikes,"[8] before the 1970s ordinary prisoners were, for the most part, not active participants. However, in that decade, ordinary prisoners found their collective voice, organizing to campaign for better conditions inside while trying to gain support for penal reform outside. Furthermore, this research reveals that while both groups of prisoners used the same methods of protest, governments responded quite differently. After more prolonged protests, and despite assertions that the paramilitary organizations to which political prisoners belonged posed an existential threat to the state, the government neutralized their protests by accepting their representation, improving their conditions, and effectively recognizing them as a special category of prisoner. In contrast, governments and prison authorities pressed the Prisoners Union into submission and, despite appalling conditions in Irish prisons, refused to concede to their demands for penal reform.

This article begins by briefly examining modes of prisoner resistance and the rise of prisoners' right movements internationally in the 1960s and 1970s. The unique position of prisoners and former prisoners in Irish political life provided an additional element to these protests on the island of Ireland. The article continues by sketching out the domestic political and penal environment in which the protests occurred. After the start of the conflict in Northern Ireland in the late 1960s, there was a sharp rise in the number of prisoners seeking political status in the Republic of Ireland, and the next section examines their actions. It then outlines the emergence of the Prisoners Union and its ally outside, the Prisoners Rights Organisation. The final section considers the increase in protests that took place in the 1970s, attributing it in part to events outside

prison walls and in part to copycat actions by ordinary prisoners inspired by the successful protests of politically aligned prisoners. In particular, it examines how and why the two groups of protestors were dealt with differently by governments and prison authorities: by effectively co-opting politically aligned prisoners into prison governance, even as they coerced ordinary prisoners into submission.

Prisoner Resistance and Prisoners' Rights Movements

Ever since prisons have existed, prisoners have challenged their confinement. Prisoners have protested against the conditions under which they were held and resisted the disciplinary limitations inherent in the denial of liberty. Protests have manifested themselves in many forms: violent and peaceful, legal and illegal, individual and collectivist. As long as individuals have been held against their will and their freedom restricted, they have attempted to circumvent the rules, regulations, and standardization characteristic of daily life in prison. Prisoners have resisted the coercive environment of the prison through a variety of different forms. Some prisoners resist through riotous behavior;[9] others through legal activism, the "peaceful equivalent of a riot";[10] and still others through education, an "intelligent riot."[11]

The movements for social, economic, and political change that emerged in the 1960s and 1970s demanded an end to economic inequality, the elimination of racism, championed women's rights, supported liberation movements in Asia and Africa, and advocated for an end to imperialist wars throughout the world.[12] This momentum for change included prisoners. As protest movements were taking to the streets outside, increasingly prisoners were protesting. The rise in prisoners' rights movements in the United States was "part of a larger mosaic of social change."[13] Draft resisters and civil rights activists who ended up in prison were highly politicized, and on release, they publicly criticized prison conditions.[14] The Black Muslims (Nation of Islam) were among the first to confront and challenge prison authorities through strikes and lawsuits. They demanded the right to religious liberty, with requests to hold religious meetings, purchase the Koran, build a mosque, and receive visits from Muslims outside.[15] The Black Panther Party's confrontational approach with law and order agencies led to many of its members ending up in prison.[16] Unlike the Black Muslims, they primarily confronted the apparatus of state rather than seeking to use it to advance their cause. Another manifestation of militancy inside prisons in this period was the labor unions that began to spring up all over the United States.[17] The most widely known protest by prisoners in US history was at Attica Prison in New York, which has entered into the annals of the prisoners' rights movements internationally. Soon after its conclusion, Attica "became a household word and a part of our popular culture."[18]

Throughout Europe, prisoners were challenging their conditions of confinement and challenging prison authorities. Prisoner movements sprung up in the Nordic countries: KRUM was established in Sweden, KRIM in Denmark, KROM in Norway, and KRIM in Finland. Considering their rather more liberal and progressive social, economic, political, and penal systems during this period, it is perhaps no surprise that prisoner representative organizations in these countries were given a less hostile reception than in the United States.[19] It seemed

that prison authorities and penal policy makers welcomed the opportunity to hear the concerns of prisoners about their conditions of confinement.

The early 1970s saw the rise of various prisoners' rights organizations in the United Kingdom. In May 1972, PROP—the Union for the Preservation of the Rights of Prisoners—was launched to "represent prisoners, ex-prisoners and their relatives and to strive for the reform of Britain's penal system."[20] It hoped to act for prisoners in their dealings with prison officers and governors and to operate as a trade union for prisoners, with a wider objective to "democratize and prize open the prison system."[21] It welcomed sympathizers as associate members, but full membership was only open to prisoners and ex-prisoners. The PROP developed a *Charter of Prisoners Rights* that included the right to form representative associations with recognition for elected leaders, to vote in local and national elections, to join a trade union, to take legal proceedings without Home Office permission, and to communicate freely with the press and public.[22] As its demand to act as a representative body for prisoners was rejected by the Home Office, PROP activism fizzled out. The "heady days of 1972," when there had been over 130 demonstrations in forty-one prisons, were over by the mid-1970s.[23]

Penal Environment in the Republic of Ireland

There was an added dimension to prisoner protest in the Republic of Ireland. Many political leaders who had spent time in prison as a result of their struggle against colonial rule went on to play a prominent role in Irish life. Prison protests and amnesty campaigns occasionally gained widespread public support. In the period after the 1916 Easter Rising, the Irish National Aid Association and Volunteer Dependents Fund (INAAVDF) gave financial and practical support to prisoners, ex-prisoners, and their dependents and made "a significant contribution to the transformation of public opinion."[24] According to Nic Dháibhéid, the INAAVDF was "among the most effective instances of political welfarism in twentieth-century Ireland."[25] In May 1917, Joe McGuinness won a by-election while in prison for his involvement in the 1916 Easter Rising. His election slogan was unambiguous: "Put him in to get him out: Joe McGuinness, the man in jail for Ireland."[26] In 1917, W. T. Cosgrave, future President of the Executive Council (Prime Minister) was elected to the Westminster Parliament shortly after his release from prison. His campaign poster read, "We got him out to put him in" and encouraged the electorate to "Vote for Cosgrave – A Felon of our Land." [27] A majority of those elected and likely to attend the first Dáil (Irish parliament) in 1919 are recorded labeled as "fé ghlas ag Gallaibh" (imprisoned by foreigners).[28]

When the Free State (which later became the Republic of Ireland) was established in 1922, penal innovation was not high on the political agenda. Despite the fact that many parliamentarians had spent time in Irish and British penal institutions, they showed little interest in improving conditions, modernizing the prison estate, or reforming the penal system. Until the 1960s, the majority of government ministers with responsibility for prisons had served time in prison.[29] Nevertheless, most of these former prisoners, while taking pride in their penal experience, were quick to put their prison past behind them. In rejecting the criminalization of their cause, and particularly to distance their

activities from the deeds of other prisoners, the released politicians sought to distinguish their imprisonment from that of "ordinary" prisoners.[30] The limited finances of the new state, the range of other coercive institutions available, and the low numbers imprisoned contributed to the neglect of prison matters. Between 1926 and 1971, there were less than one thousand prisoners annually. In 1951, the daily average number of prisoners was 488, with an imprisonment rate of 16.5 per 100,000. By 1971, this had risen to just 926 prisoners, with an imprisonment rate of 31.1 per 100,000.[31]

Despite prison conditions being widely criticized as poor and inadequate, successive governments demonstrated little interest in modernizing the penal estate. Periodically, penal reform was discussed, but this rarely led to more than muted debate among those already involved in prison reform or human and civil rights organizations. During the inquest for IRA leader Seán McCaughey, who died on hunger strike in 1946, conditions for politically aligned prisoners were so bad in Portlaoise Prison, and punishment so severe, that the prison doctor admitted to McCaughey's lawyer, Seán MacBride, that if he had a dog, he would not have been kept in the conditions in which McCaughey had been held.[32] Shortly after, the Labour Party conducted an inquiry into conditions in the prison. It noted the "depressing effect of the prison's dress" and "the aimless parading of men in single file around the prison building," combined with "the unrelieved monotony of the food" for the general prison population. It described the particularly harsh environment for politically aligned prisoners. They refused to wear prison clothes and were therefore deprived of outdoor exercise, family visits and letters, and were not permitted to attend Mass.[33]

After his incarceration for two years on a fraud charge, former TD (Teachta Dála – Member of Parliament) Peadar Cowan published a memoir of his time in Mountjoy Prison, which was over one hundred years old. He criticized the lack of sanitary facilities, prison clothes, monotonous prison work, poor diet, and the antiquated prison rules.[34] Ten years later, Labour Party TD, Noel Browne, condemned the lack of penal reform by successive ministers with responsibility for prisons, "men who for very good reason had spent a long time in jail and [. . .] who must have known what the inside of a jail was like as few of us do." Nevertheless, "few of them applied their own personal inside knowledge [. . .] Few of them took the opportunity to introduce changes which were needed."[35]

The fallout from the critique of the rehabilitative and welfarist penal philosophy after the 1974 publication of Robert Martinson's *What Works?* led to the undermining of confidence in rehabilitation, especially in the United Kingdom and the United States.[36] In contrast, the 1970s had begun with great hopes for progress and modernization in Irish penal policy, and "as the belief in rehabilitation waned elsewhere, it began to be formally embraced in a modest way by the Irish Department of Justice."[37] The Prisons Act 1970 set out for the first time that one of the primary aims of imprisonment was rehabilitation, which was "a momentous change in Irish prison policy."[38] However, political and penal priorities were soon to change as the conflict in Northern Ireland impacted on Irish life, especially in the area of criminal justice. Even though Official and Provisional IRA activity occurred primarily in Northern Ireland, an increasing number of IRA members were being imprisoned in the Republic of Ireland for politically motivated activities.[39] As to whether the reformist agenda would have become reality remains a moot point. With the deteriorating security

situation outside and increasing disturbances in Irish prisons, progress on penal issues soon faltered.

As the 1970s began, conditions in Irish prisons were grim. The vast majority of prisoners had no in-cell sanitation and had to "slop out." Prisoners spent over fifteen hours in their cells, and there were limited productive out-of-cell activities. While some traditional prison industries existed, these were "menial" and unlikely to "assist the prisoner's chances of employment on release." The educational facilities were minimal, usually offering only literacy, with the exception of St. Patrick's Institution (for juveniles), which had a range of high school subjects.[40] Some indication of life in Portlaoise Prison was given in this account of the laundry:

> All prison underwear, socks and shirts together with sheets and pillowslips are laundered in the prison, on a fortnightly basis. In the laundry there is a large boiler in which the clothes are steeped in boiling water.
>
> The "stew" of underwear, much of which is extremely soiled after two weeks wear, is stirred by prisoners using long sticks.
>
> After steeping, the underwear is fished out of the pot with the sticks and thrown onto tables. There is a shortage of scrubbing brushes and soap. Clothes are then put into a drying press before being returned to prisoners.
>
> Convict prisoners have their number on their underwear. They get back regular clothes. Prisoners serving sentences of imprisonment (up to two years) have no guarantee that they will be returned their previous underwear. They get the same size.[41]

The conditions in the only dedicated female prison were "degrading and inhuman," according to a female prisoner. "Although the women's wing [of Mountjoy Prison] can hold thirty prisoners it has only one toilet. Beside this toilet there is a small sink which has no hot water, no towel and no soap. There are no showers and only two baths. Normally baths can only be taken on a Saturday afternoon."[42] When newspaper journalists were invited into the prisons in the early 1980s, one reported how those sent to Mountjoy Prison are "robbed of their dignity, they enjoy no privacy and they are subjected to a petty authoritarian regime which hasn't changed essentially for over a century." About half of the adult male prison population were housed there, and the journalist concluded that, "for the most part, in spite of a lot of well-intentioned tinkering with the prison system, it remains degrading and oppressive and, most of all, extremely unlikely to effect any change in its prisoners, whom it is piously expected to rehabilitate into responsible, socially aware citizens."[43] The conditions in which prisoners had to live were exacerbated by over-crowding. Living in these conditions contributed to high levels of self-harm and suicide. Between 1975 and 1990, there were twenty-three suicides and ten deaths from drug overdoses or natural causes. The suicide rate was double that of England and Wales and 85 per cent higher than in Scotland. By the early 1990s, there was an average of four suicides per year. In 1992 alone, prison officer intervention saved the lives of thirty-four prisoners who attempted suicide.[44]

Notwithstanding these conditions, the government rejected criticism of the penal system. During a heated debate in the Dáil in 1972, the Minister for Justice, Desmond O'Malley, denied that there was "public disquiet" about conditions in Portlaoise Prison. He further stated that "the conditions in the prisons can be better than those that some of the prisoners have come from outside."[45] Notwithstanding these assertions, improvements in prison conditions and penal reform were long overdue, a fact acknowledged by O'Malley's successor as Minister for Justice, Patrick Cooney. Soon after he became Minister in 1973, he announced the establishment of a "corrective unit," the construction of a new women's prison, the appointment of a new director of work and director of education, and the employment of at least ten extra welfare officers.[46] While recognizing the need for reform, however, he rejected criticism of Irish prisons. "Not only did they compare favorably with the best in Europe, but they were in accord with and in many respects, exceeded the standards set down by the Council of Europe."[47]

Prisoner Protest: I

When those convicted for politically motivated activities began to protest, it was not the appalling conditions in Irish prisons that primarily concerned them. These prisoners were engaged in resistance as part of a wider conflict in Irish society: the physical force campaign that re-emerged in the late 1960s to challenge British rule in Northern Ireland. This led to an increase in the number of prisoners convicted for politically motivated activities, and as they were sentenced, they protested in pursuit of their demand to be treated as political prisoners or prisoners of war. As with their comrades imprisoned for resistance struggles and movements for national liberation internationally, these prisoners saw their incarceration and struggle for political status as part of wider social and political battles.[48] Similar to previous periods of conflict, imprisonment became "war by other means."[49] Prisons became contested spaces as struggles outside permeated the prison walls. Soon, the protests inside had an impact on politics outside prison too.

The first major outbreak of disturbances led by politically aligned prisoners began in Mountjoy Prison in May 1972 with a number of prison officers being held hostage. The prisoners were protesting the government's refusal to grant political status, which would enable them "to wear their own clothes, abstain from penal labor and not be put with prisoners serving criminal sentences."[50] Taking the government and prison authorities by surprise, the disturbance ended when officials threatened to bring the army into the prison. Many of those involved were subsequently moved to the Curragh Military Detention Camp, after the government introduced specific legislation to allow military detention for those deemed civilian prisoners.[51] In September 1973, politically aligned prisoners who had been moved to Portlaoise Prison refused to do prison work. After further disturbances and a hunger strike in Mountjoy ended, both sides claimed victory. These prisoners would not have to do "prison work," and they claimed to have achieved segregation and free association.[52] After further disturbances and a successful escape from the Curragh Military Camp, all male IRA prisoners were moved to Portlaoise Prison in 1973. This prison would remain a high-

security facility housing politically aligned prisoners for the duration of the conflict.[53]

The 1970s were tense times in Portlaoise Prison, with soldiers protecting the perimeter and gardaí (police) stationed on the landings to assist prison officers.[54] Disturbances by prisoners claiming political status continued sporadically. Publicly, the government maintained that politically aligned prisoners would not receive special treatment and refused to recognize them as political prisoners. Successive administrations trod a very fine line, not wishing to be seen to concede any ground, while desperate to avoid similar protests that began in prisons in Northern Ireland with the end of special category status in 1976. Soon after their arrival in Portlaoise Prison, politically aligned prisoners were separated onto different landings according to their paramilitary affiliation, and each had its own command structure.[55] By 1980, out of an average daily population nationally of approximately twelve hundred,[56] there were 171 prisoners in Portlaoise Prison: 106 belonged to the Provisional IRA, twenty-three were described as Official IRA and IRSP [politically aligned with the Irish National Liberation Army], and forty-two were classified as "non-aligned."[57]

Prisoner Protest: II

It was not concerns about their status that led ordinary prisoners to protest. Rather, it was discontent at the conditions of confinement, the standard of food, and the lack of recreational facilities that prompted two sit-down protests led by ordinary prisoners in Portlaoise Prison over successive days in November 1972.[58] Claiming the backing of ninety out of a total of 135 prisoners, the Portlaoise Prisoners Committee was established to represent their grievances to the prison governor and the Visiting Committee.[59] The prison authorities and Visiting Committee reacted sharply to this show of ill discipline. The Minister for Justice, Desmond O'Malley, argued that this was no mere complaint about the conditions in which prisoners were held but "an organized effort by certain people completely to disrupt our prison administration." He informed the Dáil that "the governor and the staff and the visiting committee would be failing in their duty if they did not do everything possible to stop them." The Visiting Committee responded by imposing dietary punishment and loss of remission and privileges for ninety prisoners.[60]

Undeterred, these prisoners eventually proposed the formation of the Portlaoise Prisoners Union (PPU) because they felt "that the work done inside the prison was on a par with the work done on the outside."[61] Their demands, smuggled out and signed by 112 prisoners, included one third remission (under the 1947 Prison Rules, male prisoners were eligible for one quarter and female prisoners one third reduction of their sentence), a new parole board with an elected union member, improved visiting conditions, and educational facilities for all prisoners with special emphasis for those with literacy difficulties. The PPU wanted a skilled trades program to be introduced and the current wage level of 10p a day to be increased to £10 a week. They demanded an end to censorship of mail, books, and newspapers and the immediate abolition of dietary punishment. Finally, the Portlaoise Prisoners Union, indicating their attitude towards the Visiting Committee, which still had the power to punish, demanded that the "present biased, sadistic and hypocritical Visiting Committee, to be

instantly dissolved and replaced by a Committee of sociologists, social workers, law students and trade union representatives, plus an elected PPU member to ensure fair play."[62] The union claimed to have met with "100% success among the prisoners" and asserted: "We now seek recognition of the PPU by Trade Unions and the Minister for Justice." However, they warned: "In the event of the Government refusing to implement the P.P.U. demands we will have no option but to continue our peaceful campaign."[63]

The Portlaoise Prisoners Union spread, eventually calling itself the Prisoners Union. After the initial surge of activity, sporadic demonstrations occurred throughout the 1970s, usually sit-down strikes, refusal to attend work, and periodically, hunger strikes. In May 1973, seventy-nine prisoners refused to work, leading prison authorities to call in An Garda Síochána. When the men returned to work, the prison authorities pointed out that "appropriate disciplinary measures will be taken in due course."[64] In February 1975, ten "non-political" prisoners in the Curragh Military Detention Camp began a hunger strike for improved visiting conditions, better food, and enhanced parole, along with an end to harassment by the soldiers who guarded them.[65] In 1977, members of the Prisoners Union went on a hunger strike to protest against the continuing deterioration in prison conditions and the erosion of their rights.[66]

Prisoner activists usually rely on outside supporters to organize and coordinate activities with other prison populations or litigate on their behalf. In the statement announcing the establishment of the Portlaoise Prisoners Union, the leaders acknowledged that: "Confined as it is within the formidable barriers of prison walls there is little such a Union can do except organize the prisoners into a unified body."[67] Therefore, on release from Portlaoise Prison, a number of former prisoners continued the campaign for improved prison conditions. An ad hoc Committee for Prison Reform called a public meeting to generate public support "to preserve, protect and extend the rights of prisoners, and seek the implementation of the 11 demands of the Portlaoise Prisoners Union."[68] At this meeting, the Prisoners Rights Organisation (PRO) was established. The PRO offered practical assistance outside and campaigned for prisoners' rights and penal reform. The organization hoped to generate support for the prisoners' cause by exposing the reality of prison life through publications such as the *Jail Journal*. The PRO specifically represented the interests of what they termed "social" or "ordinary" prisoners because, they argued, "no group outside spoke out on their behalf."[69] Ordinary prisoners were "the people who have lived on the margins of society on the outside and are now forgotten on the inside."[70] Besides, those convicted for politically motivated activities were aligned with political parties—Official and Provisional Sinn Fein, who had established their own organizations outside prison: the Relatives Action Committee for Provisional IRA prisoners and Saoirse for Official IRA prisoners.[71]

Despite dreadful prison conditions and support for the union among prisoners (although it is difficult to determine the exact level of support, since prisoners' leaders possibly exaggerated, while the government likely downplayed it), prison governors, visiting committees, and ministers for justice refused to recognize ordinary prisoners' right to representation. For what prisoners termed their "peaceful campaign," they were punished, put into segregation and had their diet reduced.[72] Members of the PU were transferred to the military detention camp at the Curragh, which, according to the PRO, made the Republic of

Ireland "the only state in Western Europe whose military warders have custody of civilian prisoners."[73] By the late 1970s, most politically aligned male prisoners were in Portlaoise Prison and military custody was being used, according to Gerry Collins, the Minister for Justice, for "persons who promote or actively engage in seriously disruptive activity in the civil prisons."[74] Despite repeated calls for its closure, even by its own visiting committee, ordinary prisoners remained in the Curragh Military Detention Camp, which was staffed by soldiers untrained for the task until its closure in 1983. By 1980, twenty-six prisoners were being held under military detention. The commandant who ran the Curragh Military Camp told a visiting journalist that they held "a few loosely attached to various political groups [. . .] a small anarchist element and the rest, you might say, are loosely banded as Prisoners Rights Organisation."[75] According to the Department of Justice, military detention played "an instrumental part in maintaining prison discipline and control" in Mountjoy Prison, as disturbances were "caused by a few troublemakers who are able to manipulate less articulate prisoners."[76]

A Tale of Two Responses

Prisoner protest in whatever form and wherever it comes from disrupts social order and creates immediate challenges for prison officers and governors. As the search for social order is constant and one of the central tasks of any prison administrator,[77] it is understandable that prison authorities would try to eradicate dissent. However, the "problem of order is multi-faceted" and "any account that relies on a singular solution to the neglect of others will neglect the ways in which force, manipulation, ritual and legitimation combine to give rise to distinctive patterns of domination, compliance and resistance."[78] How individuals alone or collectively resist in prison and the subsequent outcome depends not only on characteristics of prisoners and/or the reasons for their incarceration but the reaction of the prison regime and prevailing penal politics. Agency and structure are intertwined and influence prisoner behavior, individually and collectively.[79]

To demonize protestors and undermine the legitimacy of their cause, government ministers and the media regularly characterized protests—especially by ordinary prisoners—as riots, the actions of a group of nihilists. Nevertheless, following E. P. Thompson, we should be cautious about using the term "riot" too loosely.[80] Many disturbances did not begin as riots, but any form of dissent or refusal to follow instructions was considered a threat to order by prison authorities and usually degenerated into confrontation. Civil disobedience and peaceful protest were inimical to social order and smooth running of a prison.

The government's response to disturbances in the prisons came amid a deteriorating security situation outside. There was an increase in bombings, deaths, kidnappings, and riots by paramilitary organizations, some of whose members ended up in Portlaoise Prison.[81] Senior ministers, then and since, have argued that there was a threat to the state, with one minister recalling that he was in agreement with the Taoiseach (Prime Minister) and his deputy that the Provisional IRA "was the greatest and most abiding threat."[82] While recent scholarship has argued that "there was no immediate security threat from either wing of the IRA that was likely to destabilize the State or its democratic

institutions," an analysis presented to a new government in 1973 by the Commissioner of An Garda Síochána and the Army Chief of Staff put forward some potential "worrying scenarios" that could confront the state.[83] A siege mentality developed with the main political parties adopting a tough law and order stance and "preoccupation with threats to the state that meant the decade witnessed a harshness that undermined justice."[84] The security situation prompted the government to re-introduce trials for politically aligned accused in front of a nonjury Special Criminal Court in 1972. Following the killing of the British ambassador to Ireland, Christopher Ewart Biggs, outside his residence in 1976, and an explosion in the vicinity of the Special Criminal Court, the government declared a state of emergency which granted An Garda Síochána extra powers.[85]

These were tense times in Irish prisons. One prison officer recounted how staff feared for their personal safety as "the IRA could get you, either inside or when you got out."[86] A Chief Officer at Portlaoise Prison was shot in the early 1980s and eventually died. After denying it for many years, the Provisional IRA conceded their role in the shooting, although they argued it was "not authorized by the IRA leadership." Admitting responsibility, they claimed that the "brutal prison regime" in Portlaoise was "the context in which IRA volunteers" shot the prison officer.[87] Later, non–politically aligned prisoners from the self-styled Prisoners Revenge Group (which had no links to PU or PRO) were responsible for threats and physical attacks on prison officers.[88] So concerned had the government become that in 1976, it sought to amend the 1947 Prisons Rules to allow the Minister for Justice to prevent anyone entering prison, even a prisoner's legal adviser "in the interests of the security of a prison or of the State."[89]

The prison population was not a homogenous group. Even some of the politically aligned groups were openly hostile to each other, adding to the tension in the prisons. Historically, prisoners convicted of politically motivated activities have sought political status and separation from others in the penal system. However, reflecting the split militarily and ideologically outside, differences emerged in attitudes towards ordinary prisoners. Provisional IRA prisoners were very keen to distinguish themselves from ordinary prisoners and at times engaged in what they described as "militant action" to pursue their demands, including the "removal of non-Republican prisoners [. . .] from the Provisional section" of Portlaoise Prison.[90] By contrast, the Official IRA, nominally on ceasefire since 1972, sought to distance itself from the tactics of the Provisional IRA and their campaign for political status. The Official IRA and Official Sinn Fein were identified as potentially more dangerous in influencing social and political discontent, including among prisoners. A report submitted to the government argued that this was because they had "a much higher level of intelligence and of intellectual direction of their activities than do other existing subversive groups."[91] Declaring their left wing credentials, Official IRA prisoners refused to demand separation from other prisoners, arguing that "ordinary prisoners are unconscious political prisoners."[92] The creation of the Prisoners Union was applauded by Saoirse, the support group for Official IRA prisoners, which "welcomed the unity of both political and non-political prisoners."[93]

Ordinary prisoners initially engaged in supportive activity with politically aligned prisoners. The first signature on the statement by 159 prisoners supporting the hunger strike in Mountjoy Prison by IRA prisoners in October 1973 was

Pat Beirnes, chairman of the ad hoc committee of Prisoners Union. It wanted to "acknowledge and sympathize with the peaceful efforts of the Provisional I.R.A. to achieve political status and improve conditions."[94] But to avoid any confusion, Máirín de Burca of the Prisoners Rights Organisation pointed out that the organisation was not involved in the hunger strike: "We seek not the recognition of special status for an elitist group but the immediate implementation, for all prisoners, of a Charter of Prisoners' Rights." She urged "all prisoners to join with us in our basic demands on behalf of all prisoners."[95] In 1975, during another hunger strike carried out by IRA prisoners, the Prisoners Rights Organization admitted that it "refrained from commenting on prisoners incarcerated for political crimes, [as] it was concerned with the conditions of all prisoners,"[96] but later it threatened legal action to have the "privileges" of the politically aligned extended to all prisoners.[97]

Differences among prisoners allowed governments an opportunity to develop distinct approaches to deal with disturbances in the prisons. The penal environment changed for politically aligned prisoners for a number of reasons, both political and penal. In April 1977 with the health of some prisoners deteriorating rapidly, a forty-seven-day hunger strike ended without the government conceding political prisoner status but agreeing to facilitate "minor changes to the administration of [Portlaoise] prison."[98] On coming to power in the summer 1977, Fianna Fáil, self-styled as "the Republican Party," represented itself as more resolute in support of a united Ireland than the previous government,[99] a goal advocated by politically aligned prisoners. The new Minister for Justice, Gerry Collins, indicated a moderating of the state's attitude toward prisoners demanding political status. Later, he would refuse to meet or allow his officials to engage with a commission of inquiry that was organized by the Prisoners Rights Organization (PRO) because he did not wish "to be put in a position of appearing to give some form of official approval for an exercise prompted by the organization."[100] However, the new minister set a more conciliatory tone in dealing with politically aligned prisoners by claiming that he "differed from his predecessor" on prisoners' rights.[101] He was willing to allow improved visiting conditions in Portlaoise Prison if it did not interfere with security. He would facilitate politicians and the media visiting prisons.[102] He had no objection to the proposed wedding of two politically aligned prisoners, Rose Dugdale and Eddie Gallagher, in Limerick Prison, the first time in the history of the state that two serving prisoners had been allowed to marry. The PRO had demanded that prisoners should have a right to marry, one of the many demands the government ignored. [103] The government continued to try to defuse tension, indicating that politically aligned prisoners did not have to do normal prison work, and they were to be allowed greater freedom of association and other privileges not accorded to ordinary prisoners.[104] Within two years, Fianna Fáil was led by Charles Haughey, who strongly identified with the unity of the island. He was also a pragmatist, and in search of power, he was willing to compromise.[105]

This was the beginning of the end game for protest in prisons in Northern Ireland, which eventually culminated in the death of ten hunger strikers in Long Kesh Prison. While Haughey's government claimed it was trying to assist in the resolution of the conflict in the prisons in Northern Ireland,[106] it was desperate to avoid any copycat actions in Portlaoise or Limerick Prisons.

Equivocation in dealing with politically aligned prisoners avoided outright confrontation.

Outside the prisons, gardaí involved in fighting the IRA believed that "the last thing their political superiors wanted was to tip the IRA into outright confrontation with the state."[107] Conway concluded that: "Politically [. . .] there was an unwillingness, or at least a reluctance to police the IRA too heavily."[108] There may also have been an undeclared recognition from some parts of the political establishment and among the general public that politically aligned prisoners were indeed different and should be treated so. During a hunger strike by IRA prisoners in 1973, with one of the protestors becoming weaker, the government "let it be known [. . .] that it appreciates the emotional as well as the political, backgrounds of the Provisionals." They were "aware of the trauma that has led men to take up arms and the public ambivalence to their actions." However, the government argued that it would lead, not follow public opinion, despite being "fully aware of the deep psychological effect which their suffering and death of a hunger striker can have on the people."[109] While public support dissipated and political ambivalence dissolved as the conflict intensified and became a "Long War,"[110] there was still enough popular support to rattle political leaders. In June 1981, one month after the death of Bobby Sands, who had earlier been elected as a member of the Westminster Parliament, Long Kesh hunger strikers, Paddy Agnew and Kieran Doherty were elected to the Dáil. [111]

Inside the prisons, the Department of Justice acknowledged that the majority of the Portlaoise Prison population was "unique in that it is capable of acting cohesively in an organized, disruptive and violent manner."[112] With a prolonged period of protest by politically aligned prisoners, who had the political, financial, and fellow prisoner support to sustain a determined campaign, the response to political prisoners was modified.

As the government was publicly refusing to accord political status, the governor of Portlaoise Prison admitted to a visiting journalist that he regularly met the Officer Commanding (O/C) of different politically aligned factions.[113] Prisoners only communicated with the prison authorities through their O/C, and prison officers of ordinary rank "were forbidden from interacting" with politically aligned prisoners.[114] A senior official in the prison service conceded that while politically aligned prisoners continually sought some type of special category status similar to that which had existed in the Northern Ireland prior to 1976, "informally that was the regime that operated."[115] Rumors of an understanding between the government and prisoners were given credence when a government-commissioned report noted that "non-subversive" prisoners were transferred to Portlaoise to do "prison chores," including "of a domestic kind in the subversives' cell area." For this, the "non-subversive" prisoners received extra remission and more liberal conditions.[116] After a media tour of Portlaoise ended, one newspaper editorialized that even though "government and civil servants will deny it [. . .] it is clear that some understanding, some *modus vivendi*, has been worked out" between prisoners and the authorities.[117] The Republic of Ireland's highest profile governor, John Lonergan, who spent a period as the governor of Portlaoise Prison in the late 1980s, recounted how he held meetings regularly with the O/C of Provisional IRA prisoners and

their spokesmen with a written agenda communicated to him in advance. Lonergan concluded:

> Though governments in the 1970s and '80s stuck to the line about refusing to give subversive prisoners political status, they did grant them certain privileges that other prisoners did not, and still don't receive [. . .] I can vouch that every single extra privilege they received was approved from on high at ministerial and sometimes at cabinet level [. . .] There was no question that it was a two-tier system.[118]

The hierarchical structure of politically aligned prisoners became advantageous to prison administrators due to their capacity to exercise self-policing and exert control and discipline over their own group. Their military discipline helped maintain social order in Portlaoise Prison. The organizational structures of different politically aligned groups were utilized by both sides because "such a power structure may be as well directed to the maintenance of group order as the disruption of it."[119] In return for providing stability and accord, prisoners from different factions in Portlaoise had their own landings, O/Cs, more out of cell time, separate recreation facilities and wider educational opportunities, better food and access to the governor. Instead of individual and collective disturbances, there were now agreed avenues to deal with grievances. Similar to other instances in which the power dynamic between the keeper and the kept was diffused, it was not "entirely voluntary in nature and therefore rather precarious [but] as long as it works for both groups, the accompanying set of behavioral guidelines help to keep the peace in the prison."[120] This arrangement demonstrated the "defects of total power," a case of the "corruption of authority" when the captors enter into a mutually beneficial relationship with their captives.[121] While conditions were undoubtedly harsh for all, political prisoners did not suffer the same dull compulsion of the prison routine as ordinary prisoners. Their "pains of imprisonment"[122] were lessened in such an environment. While still rejecting the criminalization of their cause, politically aligned prisoners seemed to accept imprisonment as part of the conflict and during the 1980s "concerns around 'subversive' prisoners faded from view somewhat."[123] One of the main reasons was that when the early period of conflict in the prisons abated, politically aligned prisoners were co-opted into the governance of the prison. Looking over its shoulder to prison protest in Northern Ireland and considering the security situation outside the prisons, the government preferred compromise to confrontation.

No such accommodation was reached with ordinary prisoners. The 1970s and 1980s were a time of economic difficulties in the Republic of Ireland, and there was little political will to improve prison conditions or consider allocation of substantial resources to modernize the penal estate. Among ordinary prisoners, protests were primarily for improvements in penal conditions and the right to representation, but as the majority of prisoners came from urban areas of acute deprivation, the PU and PRO were more critical of the wider social and economic system. The Prisoners Rights Organization criticized the criminal justice system, which allowed "the most respected and what are generally acknowledged as the most moral people steal every day [. . .] The law protects them." They concluded: "The only solution is to change the social and economic conditions of society."[124] In one of its first public pronouncements, the Prisoners Union declared: "We are all convicted criminals and have never maintained to be anything else. But while here we have all vowed to convict and expose the

un-convicted criminals who are responsible for having the prison system the way it is."[125] As many of the PU's members and supporters came from working-class backgrounds, they sought recognition and support from trade unions. Similar to prisoners involved in protests in other jurisdictions, many entered prison alienated and apolitical and became politicized by the protests inside. The Prisoners Union program echoed the demands for social and political change in the *Bill of Rights of the Convicted Class* of the United Prisoners Union, established in California in 1970, and PROP's *Charter of Rights*.[126]

The government was swift and resolute in dealing with the demands for representation from ordinary prisoners. "I want to assure you," Patrick Cooney, informed the Prison Officers Association, "that as long as I am Minister for Justice, these people will not be given any recognition of any kind [. . .] It is therefore important that concerned and well-meaning people interested in the plight of prisoners generally and their rehabilitation would not provide a platform for these men whose objectives are entirely destructive."[127] While recognition of the Prisoners Union and/or the Prisoners Rights Organisation might have led to protests from prison officers, the government was determined to wipe out dissent by ordinary prisoners and undermine the legitimacy of their allies. The government tried to limit the influence of the PU and PRO by banning the PRO's organ, the *Jail Journal*, from entering prisons although this did not prevent the PRO from collecting and disseminating information to the world outside. Articles for the *Jail Journal* about life inside were smuggled out to bypass the censor's office, and some copies were secreted back into prisons. At times, the government tried to prevent members of the PRO from visiting prisoners because it believed they would provoke unrest. Allegations that members of the PRO were harassed by gardaí appeared regularly in the *Jail Journal*.[128]

Successive governments were keen to undermine ordinary prisoners' right to representation by associating the PU and the PRO in popular imagination with Official IRA prisoners and Official Sinn Féin. The Prisoners Rights Organisation rejected from the outset that they were "a front for Sinn Fein," claiming to be non-political and welcoming "members from any part[y] or none, if they are ready to work for prisoners' rights."[129] While there were a number of prisoners claiming political status in Portlaoise Prison when the Prisoners Union was established, the emerging movement stressed that the original members "were in no way involved with any political prisoners," and in contrast to some of those who claimed political prisoner status, they stated explicitly that the "aim of the Union [is] to promote better conditions for all prisoners."[130]

Prison administrators backed by government ministers rejected any attempt to allow the Prisoners Union or former prisoners grouped around the Prisoners Right Organisation to influence or potentially participate in the governance of the institution or to contribute to penal policy. A serving governor later recalled that these prisoners "set about bringing down the prison system [. . .] and generally causing as much resistance as possible."[131] Punishment by isolation and detention under military supervision in the Curragh was the system's response. Prison officers also distinguished between those they could co-opt and those who needed to be coerced. "The IRA had its own internal discipline, and, as a result, they behaved as ordered by their leader," recounted a serving prison officer. "While we appreciated the organized way the IRA went about their business inside, other prisoners didn't organize because we didn't let them. Neither did

they have a shared ideology like the IRA and an organisation to back it up."[132] Members of the Prisoners Union were more collectivist, less cohesive, and not as disciplined as politically aligned prisoners. They had neither the hierarchal structure nor the organizational discipline. Many were affiliated with, rather than members of, the Prisoners Union, and others used it as flag of convenience to raise grievances. They had no utility to the prison authorities as a policing mechanism. Not only would the government and prison authorities refuse to meet, or accept the representative nature of the Prisoners Union, visiting committees rejected their right to representation. In her analysis of penal policy in the Republic of Ireland, Mary Rogan concluded that prisoner protests during this period, "served to prompt suspicion, fear and hostility rather than co-operation, understanding and sympathy among policy-makers."[133] Rather than trying to engage with or accommodate the concerns of ordinary prisoners, the government undermined the legitimacy of the Prisoners Union and pounded them into submission.

The Prisoners Union was a short-lived attempt at prisoner representation and had fizzled out by the end of the 1980s. According to its ally, the PRO, by punishing, isolating, and transferring prisoners to military detention, the government succeeded in breaking the Prisoners Union.[134] There were other reasons for its decline. As the leaders were released, it was difficult to continue organizing. Resilience can be difficult to maintain in any social movement,[135] and preserving momentum in the face of adversity and struggle is particularly challenging, especially among confined populations. In contrast to politically aligned prisoners, members and supporters of the Prisoners Union did not have a tradition of political activity and organizing capacity outside. Most ordinary prisoners came from working-class, urban areas, especially in Dublin, with little tradition of political or civic engagement. In contrast to the politically aligned prisoners, they had little, if any, leadership capital.[136] Bosworth and Carrabine argue that prisoners who engage in resistance "draw upon their lived experiences outside the prison walls."[137] Members and supporters of the Prisoners Union had few resources developed through experience in civil and political organizing to draw upon. Prior to the establishment of the PRO and even after its inception, the PU did not have financial or organized political support outside, unlike politically aligned prisoners. Another reason for its demise was that heroin had begun to permeate the walls of the prisons after making its way into the working-class communities of Dublin in the late 1970s and early '80s.[138] This created a very different penal environment, which undermined potential solidarity among ordinary prisoners.

Even after pressing the Prisoners Union into submission, successive governments refused to improve conditions for ordinary prisoners. While both prison authorities and government ministers were undoubtedly preoccupied with disturbances in prisons to the detriment of penal reform, even when relative calm had descended on the prisons, successive governments consistently rejected calls from various quarters for an investigation into the penal system. The Prisoners Rights Organisation believed that the lack of information about the reality of life inside prison was giving the public a skewed understanding of the institution. To try to prize open the closed world of Irish prisons, the PRO repeatedly called for the establishment of an official enquiry into the penal system, which had never happened in the history of the state. In 1979, the Prisoners Rights

Organization convened a conference under the joint chairmanship of renowned criminologist Louk Hulsman. The subsequent *Report of the Commission of Enquiry into the Penal System* (1982) by Seán MacBride, concluded that the prison system was "demoralized and outmoded."[139] It called for the application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955) in the Prison Rules and argued that prisoners should have legal advice available in the preparation of internal disciplinary cases. The commission endorsed a prisoner's right to form associations and unions and to exercise their franchise in local and national elections. The government was unreceptive towards this commission and refused to participate in its deliberations.[140] Ordinary prisoners, their representatives, and supporters outside were unwelcome in discussions on improving prison life or on wider issues of penal reform.

The Prisoners Rights Organisation was not alone in calling on the government to investigate and reform the penal system. But even the power and authority of the Catholic Church could not sway the government. Since the foundation of the State, the Catholic Church had taken a keen interest in influencing social policies, and despite its suite of coercive institutions, from reformatory and industrial schools to Magdalene Homes and Mother and Baby Homes,[141] it took only sporadic interest in prison conditions. Due to the "alarming complaints issuing from the prisons," the Prisoners Rights Organization reminded the Catholic Archbishop of Dublin, Dermot Ryan, of his right under the 1947 Prison Rules to enter prisons for an unannounced inspection. The PRO expressed frustration at his refusal to visit Mountjoy Prison, even though he "had a special duty to satisfy himself of this deprived section of his flock," as "nearly all of the prisoners were of the Catholic persuasion." [142] In response to Pope John Paul II's visit to the Republic of Ireland in 1979, where he exhorted Catholic Bishops to consider the plight of prisoners, the Council for Social Welfare (CSW), a committee of the Irish Catholic Bishops Conference published *The Prison System*.[143] It made some general comments about prisoners' rights, which echoed the concerns of the Prisoners Union and the Prisoners Rights Organization. It criticized the complaints procedure, noting that prisoners had little faith in the impartiality of the visiting committees. As its members were political appointees, prisoners believed this made them ineffectual. If a prisoner was "put on report," the disciplinary case, was heard by the governor and the power dynamic was on the side of the officer, as prisoners had no one to assist them in their defense. The CSW was critical of the legislation establishing the Office of the Ombudsman, which specifically excluded prisoners from its remit.[144]

The government belatedly responded to calls for an investigation with the appointment of a Committee of Inquiry into the Penal System in 1984 under the chairmanship of well-respected retired civil servant T. K. Whitaker. The subsequent report was a wide-ranging account of conditions in Irish prisons, which they found were "outdated, gloomy, [and] depressing."[145] Many people end up in prison, it argued, because they have acted irresponsibly and they then find themselves "steeped in a prison culture that allows little individual responsibility and yet without such responsibility, rehabilitation and personal development are impossible."[146] Some recommendations echoed the demands of the Prisoners Union and the Prisoners Rights Organization: remission should be increased to one third for all prisoners and there should be a Care Resources

Committee to prepare for the after-care of prisoners coming toward release. Steps should be taken to increase confidence in the visiting committees, including changes in the method of appointment, and an inspector of prisons should be appointed. Prisoners should be allowed access to the ombudsman.[147] Even though this was a government-appointed inquiry, the findings fell on deaf ears. The expectation that penal reform would follow this report was not realized. Twenty years later, one member of the Whitaker Committee raged that: "Since the publication of the Whitaker Report, no lessons had been forgotten—because none were learned [. . .] Then, as now, prison policy is morally bankrupt."[148]

Conclusion

The examination of prisoner protest in this period, and in particular the juxtaposition of the protests by politically aligned and ordinary prisoners, reveals a number of significant features. The reasons for the rise in protest and disturbances in Irish prisons in the 1970s differed for ordinary and politically aligned prisoners, although both occurred in the context of the political and social conditions outside. The response from successive governments to protests by politically aligned prisoners demonstrated a Janus-faced approach: in public they denounced their actions and rejected their demands; in private they treated them differently, quietly recognizing them as a special category of prisoner. After a period of intense and deep conflict, prison authorities used the hierarchical organization of politically aligned prisoners to help maintain social order.

The Prisoners Union and, later, the Prisoners Rights Organisation displayed a concern with penal conditions in general, not just for one section of the prison population. Unlike politically aligned prisoners, ordinary prisoners had no collective access to prison management and the only avenue of redress was through the visiting committees in which they had little confidence. The Prisoners Union and the Prisoners Rights Organization complained that governments rejected their right to organize and showed no hesitation in belittling their concerns. Without the political or paramilitary support outside, they were easier to defeat. The histories of the Prisoners Union and the Prisoners Rights Organization have been overshadowed by the story of prisoners campaigning for political status. However, in this period, ordinary prisoners demonstrated they had a capacity to organize, which had rarely been achieved beforehand and has not been attempted since. Their efforts add to our understanding of prisoners, protest movements, and penal politics in the Republic of Ireland.

Endnotes

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1. Desmond O'Malley, cited in *Irish Independent*, May 20, 1972.

2. Gareth FitzGerald, Dáil Debates, 1973, Vol. 266, Q.3.

3. Numerous left wing and social movements emerged during this period, including the Women's Liberation Movement, the Irish Voice on Vietnam, the Irish Anti-Apartheid Movement, the Dublin Housing Action Committee, and the Irish Council for Civil Liberties. The decade began with the leader of the Labour Party emphasising its left-wing credentials with the declaration that the "seventies will be socialist." For a list of left-wing groups and social movements, see "Political and Pressure Groups," *Magill Magazine*, 2 October, 1977.

4. In this paper, a distinction is made between "ordinary" and "political" prisoners as they are self-described. The term politically aligned is used for those who refer to themselves as "Political Prisoners" or "Prisoners of War". Although not politically aligned, many ordinary prisoners became politicized inside and by not limiting the definition of political prisoners to one group, this recognizes that an act of defiance in prison can be political. However, the phrase political prisoner is undoubtedly contested. William Murphy asks: "What is a political prisoner? It is a question for which there is no single answer. All breaking of the law could be construed as a form of resistance to power and therefore political, but this is not a practical working definition [. . .] Nonetheless, and despite the objections of the state, the label of 'political prisoner'—if not always a developed concept or status in law—has persisted throughout the nineteenth and twentieth centuries," *Political Imprisonment and the Irish, 1912–1921* (Oxford, 2014), 4–5. According to Kieran McEvoy, Kirsten McConnachie, and Ruth Jamieson, "The notion of a 'political' crime or a 'political prisoner' speaks directly to the fiercely contested political and ideological terrain between those involved in purported 'political' actions and the state which imprisons them," "Political imprisonment and the 'War on terror,'" in Yvonne Jewkes, ed., *Handbook on Prisons* (London, 2007), 293. Padraic Kenney argues that the "boundaries of the categories of 'criminal' and 'political' can be difficult to draw. By locking up political opponents states usually (though not always) classify their actions as crimes. Some prisoner advocates, in turn, advance the view that all who are incarcerated are either engaged in or are victims of politics." "'I felt a kind of pleasure in seeing them treat us brutally.' The Emergence of the Political Prisoner, 1865–1910," *Comparative Studies in Society and History* 54, 4 (2012): 869–70. See also Brian Campbell, Laurence McKeown, and Felim O'Hagan, *Nor Meekly Serve My Time: The H-Block Struggle 1976–1981* (Belfast, 1994) and C. P. Walker, "Irish Republican Prisoners – Political Detainees, Prisoners of War or Common Criminals," *The Irish Jurist* 19 (1984): 199–225.

5. See Seán McConville, *Irish Political Prisoners, 1848–1922: Theatres of War* (London, 2003), Seán McConville, *Irish Political Prisoners 1920–1962: Pilgrimage of Desolation* (London, 2013), Kieran McEvoy, *Paramilitary Imprisonment in Northern Ireland: Resistance, Management and Release* (Oxford, 2001), Cormac Behan, *Citizen Convicts: Prisoners, Politics and the Vote* (Manchester, 2014), Chapter 3; David Beresford, *Ten Men Dead: The Story of the 1981 Hunger Strike* (Dublin, 1987); William Murphy, *Political Imprisonment and the Irish, 1912–1921* (Oxford, 2014); and Uinseann Mac Eoin, *The IRA in the Twilight Years 1923–1948* (Dublin, 1997).

6. See Shane Kilcommins, Ian O'Donnell, Eoin O'Sullivan, and Barry Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Dublin, 2004) and Mary Rogan, *Prison Policy in Ireland: Politics, Penal-welfarism and Political Imprisonment* (London, 2011).

7. One of the primary sources for this paper is the *Jail Journal*. Published by the Prisoners Right Organisation, which was aligned with the Prisoners Union, it was a small A5 format consisting of twelve pages. Despite its title, it was printed outside the prison, with many articles by prisoners and ex-prisoners. The *Jail Journal* was necessary, because

"newspaper exposure of the prison lacked one important thing: an expression of prisoners' point of view" (*Jail Journal* 1, no. 2). Even when journalists were invited to visit prisons on media tours, they were not allowed to speak to prisoners (*Irish Times* November 19, 1980). In early editions of the *Jail Journal*, no dates are given for each issue, nor any page number or author/s of articles. While the latter may be understandable if it was written by a prisoner, especially if it was secretly passed out of the prison, it makes identifying authors nearly impossible. In subsequent references to this source, the edition and any other information that distinguishes authors will be given. It is possible to discern an approximate date of publication because of reference to contemporaneous events in articles. Later editions of the *Jail Journal* contain dates and page numbers and these have been included. As to the regularity of publication, one account suggests that the *Jail Journal* came out every couple of months and "built up a regular circulation of the low thousands by members selling it at pubs and demonstrations." Garda Research Institute, *Making Policing History: Studies of Garda Violence and Resources for Police Reform* (Dublin, 2004), 64. There are approximately thirty copies of the *Jail Journal* available in the National Library of Ireland (www.nli.ie). Other publications by the Prisoners Rights Organization are also available in the NLI.

8. David Doyle, "Republicans, Martyrology, and the Death Penalty in Britain and Ireland, 1939–1990," *Journal of British Studies* 54 (2015): 705.

9. See Bert Useem and Jeff Goldstone, "Social Order and Its Breakdown: Riot and Reform in U.S. Prisons," *American Sociological Review*, 67 (2002): 499–525.

10. James Jacobs, "The Prisoners' Rights Movement and Its Impacts, 1960–1980," *Crime and Justice* 2 (1980): 459.

11. Howard Davidson, "Possibilities for Critical Pedagogy in a 'Total Institution': An Introduction to Critical Perspectives on Prison Education," in Howard Davidson, ed., *Schooling in a "Total Institution"* (Michigan, 1995), 9. More generally, see Stan Cohen and Laurie Taylor, *Psychological Survival: The Experience of Long-Term Imprisonment* (London, 1972); Mike Fitzgerald, *Prisoners in Revolt* (London, 1977); Marie Gottschalk, "The Politics of the Carceral State: Yesterday, Today and Tomorrow" in David Scott, ed., *Why Prison?* (Cambridge, 2015); Joe Sim, "'We Are Not Animals. We Are Human Beings': Prisons, Politics and Protest in England and Wales," *Social Justice* 18, 3 (1991): 107–29; Aryeh Neier, "Confining Dissent: The Political Prison," in Norval Morris and David Rothman, eds., *The Oxford History of the Prison* (Oxford, 1995).

12. See Arthur Marwick, *The Sixties: Cultural Revolution in Britain, France, Italy, and the United States, c.1958–c.1974* (London, 2012) and Mark Kurlansky, *1968: The Year That Rocked the World* (London, 2005).

13. Jacobs, "Prisoners Rights Movement": 432.

14. Fitzgerald, *Prisoners in Revolt*, 217.

15. John Pallas and Bob Barber, "From Riot to Revolution," *Issues in Criminology* 7, no. 2 (1972): 3.

16. Mumia Abu-Jamal, *We Want Freedom: A Life in the Black Panther Party* (Boston, 2008) and Angela Davis, "Political Prisoners, Prisons and Black Liberation" in *If they Come in the Morning . . . Voices of Resistance* (Verso, 2016 [1971]).

17. Sarah Singleton, "Unionising America's Prisons—Arbitration and State Use." *Indiana Law Journal* 48 (1973): 493–502; Ronald Huff, "Unionization Behind the Walls," *Criminology* 112, 2 (1974): 175–93; Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford, 1994).

18. Vicky Munro-Bjorklund, "Popular Cultural Images of Criminals and Prisoners Since Attica," *Social Justice* 18, 3 (1991): 55. See Attica: 1971–1991: A Commemorative Issue, *Social Justice*, 18 (1991) and Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and its Legacy* (New York, 2016).

19. David Ward, "Inmates Rights and Prison Reform in Sweden and Denmark," *Journal of Criminal Law, Criminology and Police Science* 63 (1972): 241 and Thomas Mathiesen, "About KROM—Past, Present and Future." Available at: http://krom.no/hva-er-krom/ (accessed 15 December, 2016).

20. PROP Declaration, cited in Muther Grumble (1973). Available at: http://www.muthergrumble.co.uk/issue10/mg1004.htm (accessed 12 November, 2016). See also Mick Ryan and Joe Sim, "Campaigning For and Campaigning Against Prisons: Excavating and Reaffirming the Case for Prison Abolition," in Yvonne Jewkes ed., *Handbook on Prisons* (Cullompton, 2007).

21. Mick Ryan, *The Acceptable Pressure Group* (Farnborough, 1978), 113.

22. PROP, *Charter of Rights*.

23. Ryan, *Acceptable Pressure Group*: 112–13.

24. Caoimhe Nic Dháibhéid, "The Irish National Aid Association and the Radicalisation of Public Opinion in Ireland 1916–1918," *The Historical Journal* 55 (2012): 706.

25. Ibid., 729.

26. McConville, *Irish Political Prisoners, 1848–1922*, 608.

27. Barry Flynn, *Pawns in the Game: Irish Hunger Strikes 1912–1981* (Dublin, 2011), 76.

28. Roll of the Meeting of First Dáil, 21 January, 1919. Available at: http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1919012100005?opendocument (accessed 9 November, 2016). See also Murphy, *Political Imprisonment*, Appendix A.4: Sinn Fein Candidates in English Prisons at the time of the 1918 General Election: 268.

29. Kilcummins et al., *Crime, Punishment:* 88–89.

30. Cormac Behan, "'The Benefit of Personal Experience and Personal Study': Prisoners and the Politics of Enfranchisement," *The Prison Journal* 91, 1: 8–12.

31. Eoin O'Sullivan and Ian O'Donnell, *Coercive Confinement in Ireland: Patients, Prisoners and Penitents* (Manchester, 2012), 5–6.

32. See Behan, *Citizen Convicts*, 72.

33. Labour Party, *Prisons and Prisoners in Ireland: Report on Certain Aspects of Prison Conditions in Portlaoighse Convict Prison*. Cited in O'Sullivan and O'Donnell, *Coercive Confinement*, 141–49.

34. Peadar Cowan, *Dungeons Deep: A Monograph on Prisons, Borstals, Reformatories and Industrial Schools in the Republic of Ireland, and Some Reflections on Crime and Punishment and Matters Relating Thereto* (Dublin, 1960).

35. Dáil Debates, 1970, Vol. 247, cols. 121–2.

36. Robert Martinson, "'What Works? Questions and Answers about Prison Reform," *The Public Interest* 35 (1974): 22–54. See David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: 2001).

37. Kilcommins et al., *Crime, Punishment*, 53.

38. Rogan, *Prison Policy:* 132.

39. The Irish Republican Army split at a Convention in 1969. The Official IRA adopted a more left wing platform and the leadership of Official SInn Fein contemplated taking their seats in the Northern Ireland and Republic of Ireland parliaments. The Official IRA was ostensibly on ceasefire from 1972 (See Brian Hanley and Scott Millar, *The Lost Revolution: The Story of the Official IRA and the Workers' Party* [Dublin, 2010]). The Provisional IRA continued with an abstentionist position and used military means to pursue their aims until a ceasefire in 1997 (See Richard English, *Armed Struggle: The History of the IRA* [London, 2003]). See Aogán Mulcahy, "The Impact of the Northern 'Troubles' on Criminal Justice in the Irish Republic," in Paul O"Mahony, ed., *Criminal Justice in Ireland* (Dublin, 2002), 290 and Vicky Conway, *Policing Twentieth Century Ireland: A History of An Garda Síochána* (Oxford, 2014), Chapters 5 and 6.

40. Prison Study Group, *An Examination of the Irish Penal System* (Dublin, 1973): 89–90. In 1973, the Prison Study Group reported on each prison in the Republic of Ireland, including their history, conditions, size, population, and administration. The following institutions were examined: Mountjoy Prison (male and female), Limerick Prison, Portlaoise Prison, St Patrick's Institution (juvenile prison), Shanganagh Castle (open prison), and the Central Mental Hospital. By the mid-1970s, nearly all politically aligned prisoners were held in Portlaoise and Limerick Prisons. See also Rogan, *Prison Policy*: 60–66.

41. Prison Study Group, *Examination*: 59–60.

42. *Jail Journal* 1, no. 12.

43. Pat Brennan, "Inside Mountjoy," *Magill Magazine* (January 1981).

44. Mike Tomlinson, "Imprisoned Ireland," in Vincent Ruggiero, Mick Ryan and Joe Sim, eds. *Western European Penal Systems* (London, 1995), 211.

45. Dáil Debates, 1972, Vol. 264, col. 969–74.

46. *Irish Press*, October 27, 1973.

47. Patrick Cooney, cited in *Irish Independent*, October 27, 1973.

48. See for example, Nasser H. Aruri, "Resistance and Repression: Political Prisoners in Israeli Occupied Territories," *Journal of Palestine Studies* 7, no. 4 (1978), 48–66; Fran Buntman, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge, 2003); and Alison Hogg, "Directing Dissent: Governing Political Dissidence in Spanish Prisons," *Onati Socio-Legal Series* 2, no. 2 (2012): 1–27.

49. McConville, *Political Prisoners 1848–1922*: 509.

50. Ruairí Ó Brádaigh, President of Provisional Sinn Fein, cited in *Irish Times*, May 19, 1972.

51. *Irish Times*, May 19, 1972.

52. *Irish Times*, October 5, 1973.

53. Conor Brady, *The Guarding of Ireland: The Garda Síochána and the Irish State 1960–2014* (Dublin, 2014): 69.

54. Vicky Conway, *Policing Twentieth Century Ireland*: 121.

55. Brady, *The Guarding of Ireland:* 68.

56. Rogan, *Prison Policy*: 157.

57. *Irish Times*, November 19, 1980.

58. *Irish Press,* November 15, 1972.

59. *Jail Journal* 1, no. 1. Each prison had a visiting committee consisting of a group of lay people who observed and reported on the prison. Prisoners were ostensibly allowed to convey any complaints about the staff and conditions to this committee.

60. Dáil Debates, 1972, Vol. 264, col. 973 and Dáil Debates, 1972, Vol. 264, col. 969.

61. *Jail Journal* 1, no. 1.

62. *Irish Times*, May 15, 1973 and *Jail Journal* 1, no. 1.

63. *Jail Journal* 1, no. 1.

64. *Irish Times*, May 24, 1973.

65. *Irish Times*, February 24, 1975.

66. *Jail Journal* 1, no. 12.

67. *Jail Journal* 1, no. 1.

68. John Kearns, cited in *Irish Press*, July 7, 1973.

69. *Jail Journal* 1, no. 1.

70. *Irish Times*, October 13, 1979.

71. See "Political and Pressure Groups," *Magill Magazine*, October 2, 1977.

72. *Jail Journal*, Vols. 1–3.

73. Prisoners Rights Organisation, *Why are Civilian Prisoners in the Curragh Military Prison?* (n.d., n.p.).

74. Seanad Debates, 1980, Vol. 94, col. 240.

75. Cited in *Irish Times*, November 19, 1980.

76. Cited in Brennan, "Inside Mountjoy."

77. Richard Sparks, Anthony Bottoms and William Hay, *Prisons and the Problem of Order* (Oxford, 1996).

78. Eamon Carrabine, "Prison Riots, Social Order and the Problem of Legitimacy," *British Journal of Criminology* 45, no. 3 (2005): 906.

79. Ashley Rubin, "Resistance as Agency? Incorporating the Structural Determinants of Prisoner Behaviour," British Journal of Criminology 57, no.3 (2017): 644–663.

80. E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971): 76–136. See also Joshua Clover, *Riot, Strike, Riot: The New Era of Uprisings* (London, 2016), Chapter 1. For the PRO's position, see Máirín de Burca (P.R.O. of the Prisoners Rights Organisation) to the *Irish Independent* (October 4, 1973): "Mr. Cooney is well aware that members of our organisation both inside and outside the prisons have never used or threatened to use violence against prison officers to achieve their demands. He nonetheless allows the confusion to remain in the public mind and indeed actively encourages it by his silence."

81. Conway, *Policing Twentieth Century Ireland*, 99.

82. Conor Cruise O'Brien, *Memoir: My Life and Themes* (Dublin, 2000), 354. See also Desmond O'Malley, *Conduct Unbecoming: A Memoir* (Dublin, 2014), 78.

83. Brady, *Guarding of Ireland*, 64. See also Mulcahy, "Impact of the Northern 'Troubles'": 281.

84. Ferriter, *Ambiguous Republic*: 327.

85. Conway, *Policing Twentieth Century Ireland*, 101. See also Fergal Davis, *The History and Development of the Special Criminal Court, 1922–2005* (Dublin, 2007).

86. Philip Bray, *Inside Man: Life as an Irish Prison Officer* (Dublin, 2008), 122.

87. Provisional IRA statement, cited in *Irish Independent*, August 10, 2013.

88. *Irish Times*, January 14, 1985 and *Irish Times*, December 11, 1986.

89. S.I. No. 30/1976: Rules for the Government of Prisons, 1976.

90. Ruairí Ó Brádaigh, President of Provisional Sinn Fein, cited in *Irish Times*, January 8, 1975.

91. Inquiry into State Security 1974. Cited in Brady, *The Guarding of Ireland:* 71.

92. Cited in Hanley and Millar, *The Lost Revolution*, 211.

93. *Irish Times*, February 13, 1973.

94. Cited in *Irish Times,* October 3, 1973.

95. Letters to the Editor, *Irish Independent,* October 4, 1973.

96. *Irish Times*, October 29, 1975.

97. *Irish Times*, July 12, 1982.

98. *Sunday Independent*, April 24, 1977.

99. See Catherine O'Donnell, *Fianna Fail, Irish Republicanism and the Northern Ireland Troubles, 1968–2005*. (Dublin, 2007).

100. Minister for Justice, Gerry Collins, cited in Seán MacBride (1982), *Report of the Commission of Enquiry into the Penal System* (Dublin, 1982), 108.

101. Cited in *Irish Times,* August 18, 1977.

102. *Irish Times,* August 18, 1977.

103. *Irish Times*, January 25, 1978. See *Jail Journal* 1, no.1.

104. *Irish Times*, July 12, 1982.

105. One example of Haughey's ability to compromise was demonstrated during the negotiations between Tony Gregory and the candidates for Taoiseach [Prime Minister] that led to the formation of a government in 1982. The issue of a disproportionate number of inner city residents being imprisoned was raised. Gregory proposed that the government should arrange a meeting with the Prisoners Rights Organization, to be chaired by Seán MacBride. Gene Kerrigan reported that: "[Gareth] FitzGerald and Jim Mitchell didn't see that it could be done. [Charlie] Haughey baulked—there might be industrial action by prison warders if the PRO were involved. But he'd talk to McBride. Haughey was seen to be trying." This government fell apart after only ten months, and I have not been able to uncover any evidence that Haughey, his ministers, or government officials met with the Prisoners' Rights Organisation. See Gene Kerrigan, "How Haughey came to terms with the Gregory team," *Magill Magazine*, March 1, 1982.

106. Denis O'Hearn, *Nothing but an Unfinished Song: Bobby Sands, The Irish Hunger Striker who ignited a Generation* (New York, 2006), 364–69 and Flynn, *Pawns in the Game*, Chapter 11.

107. Interview with former Special Detective Unit officers. Cited in Brady, *Guarding of Ireland:* 72.

108. Conway, *Policing Twentieth Century Ireland*, 124.

109. *Irish Times*, December 3, 1973.

110. Peter Taylor, *Provos: The IRA and Sinn Féin* (London: 1988), 213–14.

111. *Cork Examiner,* June 13, 1981.

112. Department of Justice, *Annual Report on Prisons* (Dublin, 1979): 8.

113. *Irish Times*, November 19, 1980.

114. Seán Wynne "Education and Security—When the Twain Do Meet," *Journal of Correctional Education* 52 (2001): 39.

115. Cited in Mulcahy, "Impact of the Northern 'Troubles'": 291.

116. T.K. Whitaker, *Report of the Committee of Inquiry into the Penal System* (Dublin, 1985), 261.

117. *Irish Times*, November 19, 1980.

118. John Lonergan, *The Governor: The Life and Times of the Man Who Ran Mountjoy* (Dublin, 2010), 118–19.

119. M. Findlay, "'Criminalisation' and the Detention of 'Political Prisoners'—An Irish Perspective," *Contemporary Crises* 9: 13.

120. Arjen Boin and William Rattray "Understanding Prison Riots: Towards a Threshold Theory," *Punishment and Society* 6 (2006): 49.

121. Gresham Sykes, "The Corruption of Authority and Rehabilitation," *Social Forces* 34 (1965): 257–62.

122. Gresham Sykes, *The Society of Captives* (Princeton, 1958): Chapter 4.

123. Rogan, *Prison Policy,* 155

124. *Jail Journal* 1, no. 1.

125. *Irish Times*, May 15, 1973.

126. United Prisoners Union, Bill of Rights of the Convicted Class (1970). Available at: https://archive.org/stream/UnitedPrisonersUnionBillOfRights/UPU_djvu.txt (accessed 18 November 2016) and PROP Charter of Rights, *Muther Grumble*. See Joy James, *America's Political Prisoners Write on Life, Liberation, and Rebellion* (Maryland, 2003); Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford, 1994); and Mike Fitzgerald, *Prisoners in Revolt* (London, 1977).

127. Cited in *Irish Times*, May 26, 1973. As prisoners were organizing themselves, prison officers had only recently organized more professionally, with the appointment of a full-time general secretary in 1973 (See http://www.poa.ie/about-us/history-of-the-poa).

128. *Jail Journal* 1, no. 2. For examples of allegations of gardai harrassment, see *Jail Journal* 2, no. 6.

129. *Jail Journal* 1, no. 2. As with many left-wing and social movements, members of the PRO (and possibly the PU) were affiliated with other organizations and some were members of political parties. Máirín de Burca who was PRO for the Prisoners Rights Organisation was the Joint General Secretary of Official Sinn Fein in the 1970s and active in the Dublin Housing Action Committee and Irish Voice on Vietnam. Patrick McCartan, an activist in the PRO, later became a TD for the Workers Party (successor to Official Sinn Fein) and subsequently a judge of the Circuit Court. The most

long-standing officer of the PRO was Joe Costello, who later went on to be a Labour Party senator and TD.

130. *Jail Journal* 1, no. 1.

131. John Lonergan, *The Governor*, 62.

132. Bray, *Inside Man*, 121–22.

133. Rogan, *Prison Policy*, 145.

134. *Jail Journal* 1, no. 3, May 1983, 1.

135. Hank Johnston, *What is a Social Movement?* (London, 2014).

136. Denis O'Hearn, "Repression and Solidary Cultures of Resistance: Irish Political Prisoners on Protest," *American Journal of Sociology* 115, no. 2 (2009): 491–526.

137. Mary Bosworth and Eamon Carrabine, "Reassessing Resistance: Race, Gender and Sexuality in Prisons," *Punishment and Society* 3 (2001): 501–15.

138. See Paul O'Mahony, *Crime and Punishment in Ireland* (Dublin, 1993); Paul O'Mahony, *Mountjoy Prisoners: A Sociological and Criminological Profile* (Dublin, 1997); and Andre Lyder, *Pushers Out: The Inside Story of Dublin's Anti-Drugs Movement* (Bloomington, 2003).

139. MacBride, *Report of the Commission*, 29.

140. Ibid., 93 and 108.

141. Kilcommins et al., *Crime, Punishment*, 78. See also O'Sullivan and O'Donnell, *Coercive Confinement*.

142. *Jail Journal* 1, no.11.

143. John Paul II, "Holy Mass at the Shrine of Our Lady of Knock: Homily of the Holy Father John Paul II," 30 September 1979. Available at: http://w2.vatican.va/content/john-paul-ii/en/homilies/1979/documents/hf_jp-ii_hom_19790930_irlanda-knock.html (accessed 17 December 2016).

144. Council for Social Welfare, *The Prison System* (Dublin, 1983), 48–49.

145. Whitaker, *Report*: 90. The Committee of Inquiry into the Penal System [Whitaker Committee] was the first official inquiry into the penal system in the history of the state. Although successive governments ignored many of its recommendations, it became a benchmark that penal reformers constantly referred to over the next thirty years. Ian O'Donnell argued in 2008 that the report's recommendations remain as "persuasive today as when they were first made," "Stagnation and Change in Irish Penal Policy," *Howard Journal of Criminal Justice* 47, no. 2 (2008): 126.

146. Whitaker, *Report*: 91.

147. Ibid., 71.

148. Peter McVerry, *The Whitaker Committee Report 20 Years on: Lessons Learned or Lessons Forgotten* (Dublin, 2007), 19.