

‘Still Entitled to Our Say’: Prisoners’ Perspectives on Politics

CORMAC BEHAN

Political Education Teacher in Irish Prisons

Abstract: In May 2007, Irish prisoners voted for the first time as a result of legislation which allowed them to cast their franchise. This article outlines the first experience of voting for Irish prisoners and sets out their views on voting, politics, politicians and civic engagement. Despite optimism that enfranchisement would encourage prisoners to vote, the low turnout suggests a population for whom special measures are needed if they are to embrace the franchise. As the Conservative-Liberal Democrat government considers its response to the Hirst judgment on the enfranchisement of prisoners, the experience of Ireland might help inform UK policy makers in their deliberations.

Keywords: penology; enfranchisement; civic engagement

In 2006, the Irish government introduced legislation to allow prisoners to vote by postal ballot. This article examines the first experience of voting in 2007 by Ireland’s captive citizens. It is based on surveys in three Irish prisons and interviews with 50 adult male prisoners in Dublin, Ireland. Interviewees had the opportunity to discuss the experience of enfranchisement, and these narratives are used rather than the raw statistical data usually associated with opinion polls and electoral surveys. Healy (2009, p.180) pointed out that the ‘voices’ of prisoners ‘are rarely heard’ in public policy, especially criminal justice, debates and for this reason, this article uses prisoners’ voices to examine the experience of enfranchisement. All names used are pseudonyms.

Ewald and Rottinghaus (2009, pp.18–9), in the first book on international developments in prisoner enfranchisement, argued that despite a number of publications and advocacy reports, the ‘study of disenfranchisement law in the international context remains far short’ of the goal of a comprehensive comparative analysis. While the research is still in its infancy, there is a lack of data on basic topics such as how many prisoners vote. They concluded:

And in almost all cases, we still do not have even rudimentary histories of prisoner voting policies, despite the fact that close study of almost any country reveals that the rules have changed, sometimes quite profoundly. (p.18)

As the UK government considers legislation to deal with the *Hirst* judgment¹ on prisoner enfranchisement (Porter 2010), this article considers what happened when the Irish government changed the rules and enfranchised

prisoners. Lord McNally, Liberal Democrat justice minister doubted prisoner enfranchisement 'has support in the editorial columns of the *Daily Express* or the *Daily Mail*'. Nevertheless, he believed, 'in the broader general public there is a willingness to consider the experience of other countries both in terms of rehabilitation of prisoners and the kind of punishment meted to them' (Hansard, House of Lords, 9 June 2010, vol. 719, col. 643).

The experience of the UK's nearest neighbour might be a good place to begin. The Irish situation differed from that in the UK as there was no legislation on the statute books which barred prisoners from voting; however, there was no provision in place to facilitate them in exercising their franchise. In contrast to the UK government's proposals to legislate for a limited franchise, the Irish legislation allowed all prisoners to vote. It was a relatively small piece of electoral law, passed without the controversy it has caused in other jurisdictions, with little or no opposition inside, or outside, parliament.

'It was a Historic Thing to Do'

For those included in the franchise, it is difficult to imagine the immense impact that the denial of the right to vote – the cornerstone of citizenship – has on some individuals, and conversely, the profound effect that the restoration of the franchise can have on them. For Deirdre Cruz (cited in Brennan Center for Justice 2009, p.6), an ex-prisoner from California, who voted in her first presidential election in November 2008, it was an intense, emotional experience. She explained that after filling in her postal ballot:

I closed the envelope, removed the edges, and I flattened it very gently with a prayer for social and spiritual change in the world. As I ran my hands over the envelope, I truly felt the energy and weight of the small line of choice I made inside. I felt chills ...

My vote is equal to everyone else's and it connected me to the rest of the United States ... Voting isn't entirely about the candidate who wins; it's about the inspiration and hope people feel when they have a voice they can use to bring real change.

Interviewees in Ireland were asked what the opportunity to vote meant to them. Some agreed with Cruz: they were participating in a momentous event. Rory had served ten years of a life sentence. He had missed the opportunity to vote: 'When I was convicted, I lost that right ... It was a historic thing to do ... I had a chance, a choice and I wanted to vote once in my life'. Having completed one-third of his 15-year sentence, Cian 'couldn't believe it. I thought it was great, the first time in history that prisoners had the right to vote. And I am actually inside it, in that history'. Killian, who was serving four years, was aware of the historic nature of voting because he was 'a history student. And I know how difficult it is to get the vote. I am also inclined to believe that if a person doesn't vote, they don't have a right to criticize'. He drew lessons from Ireland's past:

I believe it is good that Irish prisoners are allowed to vote. As a person who never missed an opportunity to exercise my franchise, I would have felt very powerless if this right had been denied to me.

However, this brings to mind the time when so many people were excluded from voting on the grounds of property, education, etc. There were 'pocket boroughs' in Ireland where very few voters elected not just one MP, but two. These were elected by virtue of the local 'bigwig' directing his tenants towards a certain candidate and woe betide them if they disobeyed.

Uggen and Manza (2004) found that the opportunity to vote was the most powerful symbol of stakeholding in a democratic polity:

To the extent that felons begin to vote and participate as citizens in their communities, it seems likely that many will bring their behavior into line with the expectations of the citizen role, avoiding further contact with the criminal justice system. (pp.214–15)

Recognising the importance of voting to embracing citizenship, Aidan, who was serving a life sentence, suggested that: 'not being allowed to vote brought you down. You weren't a citizen'. He believed that the right to vote: 'helps me to respect myself. Being a voter means being respected in society'. Matthew had served over ten years out of his life sentence and admitted that at previous elections, he did: 'feel a little left out ... If you couldn't vote, it felt like you weren't important. If you couldn't take part, it took something out of it. If you felt you couldn't participate, you would be less interested'.

Oisín, serving life believed voting would influence government policy: 'I'm in prison. Prisoners, in my experience are always talking about rights and privileges and prison being unfair. If they vote, they can obtain some power and that will eventually influence their environment'. He was aware of the importance of participation in the electoral process. Giving prisoners the opportunity to vote was a two-way dynamic; it was a positive sign from the government and was also indicative of change, albeit a subtle one, in the attitude of the prisoner:

If a person wants to change things, he has to vote. Enough votes can make a difference. If enough prisoners vote, it can make a difference. At the start it mightn't, but gradually.

It would probably give them a sense of self-worth and usefulness. Prisoners can be very angry with authority. It's a start, showing the prisoner that the government don't hate you. There is a sense of hatred of authority from prisoners. It's the beginning, where the system is embracing the prisoner, instead of judging.

Ross, who was serving nine years, was cynical about the utility of giving prisoners the right to vote. However, he conceded:

The only difference it would make would be to make prisoners aware that there is some little they can do if they are unhappy with the government. The main good that can come out of giving prisoners this right is that it may make the government more aware of the existence of prisoners.

A belief that there are duties and responsibilities that accompany the rights of citizenship was also important, as many interviewees believed they had a civic duty to vote. Dick Roche TD (Teachta Dála – Member of the Dáil: Lower House of Parliament), Minister for the Environment, Heritage and

Local Government who was responsible for the introduction of the legislation argued that: 'Once we have created this right, we should encourage prisoners to see it as part of their duty as citizens to exercise that right' (Select Committee on Local Government, 2 November 2006). 'It is a very important part of our civic duty to influence things', suggested Adam who was coming to the end of his five-year sentence. Hugh concurred. He had spent over ten years in prison and during that time: 'thought we had a right to vote. It was a duty to do so'.

Bernard, who was one-third through his nine-year sentence believed so strongly that voting was an 'obligation' to vote that he 'would make it compulsory'. This was because: 'coming from the North ... we believe in voting. It will make a difference, having tried everything else. Bobby Sands [Republican Hunger Striker who was elected a Westminster MP] showed us that anyway'. Gavin, who was serving life, argued that voting mattered: 'Because it was new for prisoners. I value it, even though I am a prisoner and will be for some time to come, I think my vote counts'. Liam, who was serving two years, voted because it 'is a very important part of our civic duty to influence things. If we don't put in our own little impact, we can't be blaming other people if things go wrong afterwards'.

'They are Still Citizens, Aren't They?'

During the parliamentary debates on enfranchisement, both government and opposition politicians argued that to enfranchise prisoners would encourage them to behave responsibly, adopt a pro-social role and appreciate the implications of citizenship (Behan and O'Donnell 2008). Daniel agreed. Serving life, he believed that having the right to vote will give prisoners 'a sense of responsibility [that] they are doing something in the formation of the government. It will also give them back a bit of dignity'. Fionn, who had already spent eleven years in prison, believed it was essential for prisoners to vote: 'We are governed by the same political system as anybody else. In fact we are probably ... governed by it even more. So, if there are going to be changes to the political system we should be able to influence it'.

In a study of US prisoners, parolees and probationers, Uggen, Manza and Behrens (2004, p.276) found that many felt that without the right to vote, they were 'outsiders'. As one of their participants, Rachel, suggested, it made her feel 'less than the average citizen'. Interviewees in the Irish research were asked how they felt when they had previously been denied the opportunity to vote. Did they consider this an oversight, benign neglect or something more deliberate and sinister?

Many interviewees felt that other than the denial of liberty, prisoners should retain their rights. Echoing the oft-quoted statement from English Prison Commissioner, Alexander Paterson, Luke, who was serving three years, believed: 'Prison is the punishment. You are not put in here to be punished'. He continued: 'If you take away their right to vote, you are punishing them twice'. Exercising the franchise had wider implications for Peter, who was serving 14 years:

At the end of the day . . . denying somebody the right to vote is a form of rejection from society . . . by giving a prisoner a vote gives them some sort of dignity in their lives. And it could help them change for the better as well.

Whether inside or outside, in the adoption of a citizen role, voting is not the only method of participating in political and civic society but it is indicative of further engagement (or dis-engagement). Lijphart (1997, p.10) found a 'spillover effect' from voting to participation in the workplace, churches and voluntary organisations and *vice versa*. Civic participation led to higher levels of voting which, according to Putnam (2000), is 'by a substantial margin the most common form of political activity':

Voting is an instructive proxy measure of broader social change. Compared to demographically matched non-voters, voters are more likely to be interested in politics, to give to charity, to volunteer, to serve on juries, to attend community school board meetings, to participate in public demonstrations, and to co-operate with their fellow citizens on community affairs. It is sometimes hard to tell whether voting causes community engagement or vice versa, although some recent evidence suggests that the act of voting itself encourages volunteering and other forms of good citizenship. (p.35)

Many interviewees argued that imprisonment does not, and should not, mean being cut off from society. Cathal, a lifer who had served over ten years, argued that: 'imprisonment is depriving people of their liberty, not all their rights. If you want to reintegrate people into society, the best thing is not to isolate them altogether. They are still citizens, aren't they?' Aidan, who was serving life, maintained that: 'all prisoners will return to the outside community and this helps prepare them for release. Prisoners will leave prison one day and they will be back in the community'. Citizenship confers certain rights, Charles, who was serving life, argued, that imprisonment cannot take away: 'We are all Irish citizens. We'd all like to have a say, at least a little bit of a say . . . [we] weren't born criminal, [we] weren't always criminals. [We] were good one time as well'. As Gerard, who was serving four years, pointed out, if prisoners are not allowed to vote, they will be excluded and their concerns will be neglected by politicians and society: 'Without the prisoner's vote this country would be excluding the views of a lot of people'. For Jake, serving life, to take away the right to vote from any group undermines the polity: 'There is a right that everyone has in a democracy to vote and reducing someone's right will weaken the strength of that democracy'.

There was a belief that the right to vote confers dignity, humanity and inclusion. Interviewees raised issues such as the social contract, collateral consequences of punishment, civil death, penal reform and reintegration, often used by both sides in the debates on prisoner enfranchisement. Reintegration and maintaining connections with the outside world was a prominent theme running through the interviews. Jeff Manza (2009) has argued that:

Encouraging offenders to think of themselves as full citizens with the right to participate in democracy's most important exercise – the casting of an election ballot

– underscores one of the major benefits of being a citizen. It encourages offenders to think of connections to those outside of the prison. (p.xiii)

According to Stern (2002): ‘retaining the right to participate as a citizen in the life of the community is symbolized in democratic societies by the right to vote’ (p.135). There was an overriding belief that all prisoners should retain their right to vote. Interviewees were keenly aware that the decisions to grant or deny them the franchise spoke to profound themes about how a society, through its legislators, viewed the human rights, and for some, dignity, of prisoners.

‘Prison is a Very Negative Place’

Nine out of ten Irish prisoners did not vote in the 2007 general election. In total, 451 prisoners registered and 322 voted out of approximately 3,202 eligible voters, a little over 10% of the total prison population (see Behan and O’Donnell (2008, p.28) for further analysis). This compares to a turnout of just over 67% among the registered Irish electorate (Gallagher and Marsh 2008, pp.234–5). If so many prisoners believed in enfranchisement, why was there such a low turnout? Were the reasons for non-voting similar to the electorate outside or were the conditions unique to the institution or the group? Psephologists have identified different reasons for non-voting:

In the analysis on non-voting it is also very important to distinguish between what has been described as non-voting by accident vs. non-voting by design ... or circumstantial vs. voluntary abstention. (Marsh *et al.* 2001, p.172)

There were various reasons for the high levels of non-voting and abstention rates among prisoners, both circumstantial and voluntary. Many prisoners did not theoretically abstain because they had not registered to vote. However, for the purpose of this study, abstention was taken as either non-registration or non-voting. As set out in *Figure 1*, some related to the impact of imprisonment, others were the same reasons that citizens outside prison refuse to vote. The motivation behind voluntary abstention ranged from apathy, the fact of their imprisonment, especially for those with long sentences who believed that a new government would not change penal policy, little tradition of political engagement, lack of trust in politicians and alienation from civic society. The reasons behind circumstantial abstention included refusal to register due to the possibility of media attention, being homeless prior to incarceration, refusal to use the prison as an address, lack of institutional support, prison transfers and a more complicated registration procedure (especially problematic for those with literacy difficulties). The belief that prisoners were neglected by politicians in general and parliamentary candidates in particular was a prominent theme reflected in low turnout among the prison population.

When interviewees were asked why so many prisoners did not vote, parallels were drawn with the general population, focusing on the relationship between age, education and voting behaviour. Fionn, serving life, believed that many prisoners did not vote because they had no faith in

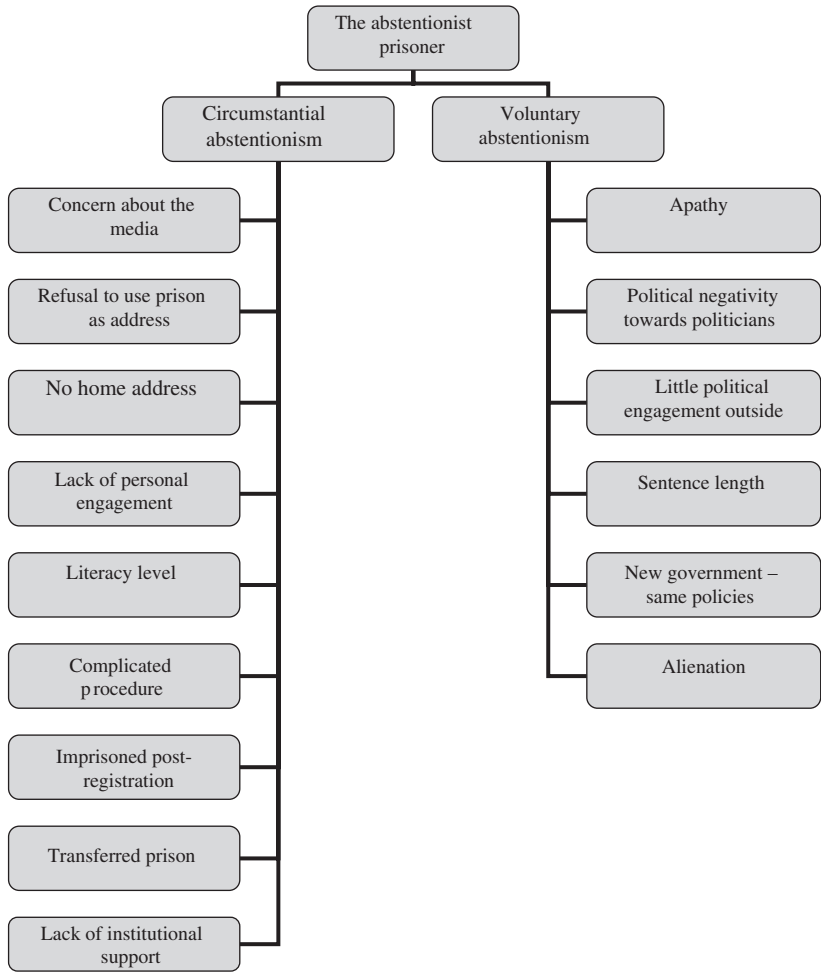


FIGURE 1
Abstentionism among Irish Prisoners

the political system, with the majority of prisoners coming from a social class with a weak tradition of voting. ‘Young prisoners would feel totally disconnected’ and ‘lack of education means they’re less likely to vote’, according to Adam who was serving five years. Breen (2010) reported that: ‘the bulk of prisoners in Irish prisons are young, male and from deprived urban areas’ (p.58). In their analysis of punishment, social deprivation and the geography of reintegration, O’Donnell *et al.* (2007) found that 1% of electoral districts accounted for nearly 24% of prisoners, but less than 5% of the population. They concluded that, in general, ‘prisoners were at least three times as likely to come from the most, as compared to the least,

deprived areas' (p.2). The educational level of citizens has an impact on interest in politics, civic engagement, registration for elections and turnout at the polls. Putnam (1995) concluded that education is 'the best individual-level predictor of political participation' (p.3). The latest research on literacy levels among Irish prisoners shows that nearly 53% are in the level 1 or pre-level 1 category (highest is 5) and that the average literacy level of the prison population is much lower than that of the general population (Morgan and Kett 2003, pp.35–6). Research indicates that active citizenship, including voting, is 'positively related to age, educational background, marital status and socio-economic status' (Taskforce on Active Citizenship 2007, p.3). This suggests that prisoners are more unlikely voters, with a knock-on effect in terms of representation. Lijphart (1997) found that:

the inequality of representation and influence are not randomly distributed but systematically biased in favour of more privileged citizens – those with higher incomes, greater wealth, and better education – and against less advantaged citizens . . . over time, the level of voting participation and class inequality are strongly and negatively linked. (p.1)

Jack, who was serving a life sentence and was not very political, decided to abstain. He believed that many prisoners did not vote, because 'prison is a very negative place'. Peter believed that prisoners feel marginalised, and the government was not doing enough for them and many believed they 'are being treated too harshly'. Aidan, who was a lifer, suggested that the reason many prisoners did not vote was because: 'maybe they were angry because they were in prison'. While believing that prisoners were sceptical, Louis, who was serving life, pointed out that: 'a lot of prisoners believe the government has them locked up'. However, 'realistically, it is not. We have ourselves locked up'. Dylan, serving seven years, was scathing of all politicians and did not vote for quite deliberate reasons. He had described himself as very political, and non-engagement while in prison was a political act: 'I felt that my vote would make no difference while in prison. I felt they [parties/politicians] didn't deserve a vote, any of them'. The government was, in enfranchising prisoners, putting on a 'show for the European Parliament, Amnesty International and other human rights groups'. As he saw it, they were only interested in being seen to promote equality, so he refused to participate in the charade.

Enda, serving six years, had 'no interest out there . . . so I'm not going to get interested because I am in prison'. Brandon, serving 14 years was similarly apathetic: 'I just had no interest at the time'. This was the case for Louis, who did not vote and had served over five years of a life sentence. He was angry at government policy towards prisoners and did not want to legitimate it by voting:

I genuinely didn't believe my vote would have made any difference . . . My attitude is that this environment doesn't allow us a proper input . . . It was a gesture to prisoners . . . I don't see what impact it would have made.

Some refused to vote because they felt the outside world had no bearing on prisoners, individually or collectively. This was, understandably, a prominent theme, with the majority of interviewees serving long sentences.

Nearly 20% (n = 9) were serving over ten years and 40% (n = 20) were serving life sentences. Many interviewees had resigned themselves to the denial of some rights, including voting during imprisonment. Sykes (1958) counted the deprivation of autonomy as one of the pains of imprisonment. Imprisonment, especially for those serving long, or life, sentences seemed to lower expectations, to create a feeling of resignation. It seemed to reduce, not just their sense of autonomy, but also responsibility. Lack of political participation and civic engagement was merely part of this experience. Killian felt that many long-term prisoners questioned the utility of voting: 'There are a lot of long term prisoners in here. I suppose they feel that it wouldn't make any difference whether they vote or not'. Describing himself as fairly political and having spent twelve years in prison, Hugh also seemed rather accepting of his position:

Did it bother you that you were not allowed to vote before the new law was introduced by the government?

I can't say that it did.

Why not?

Because you are in prison. You have this perception that you are cut off from the outside world. Therefore, a lot of your rights and privileges are taken away from you.

I say that within the present environment. It's a different society in here than it is outside. That's my perception of it. It's a totally different unreal world to what it is outside. It is an enclosed group. Only for the radio and media and visits and that, we are totally cut off from what goes on outside anyway. I think that is one of the reasons why people wouldn't vote, that lack of interest. It is an unreal world here. It is totally different than what is going on outside. It is our little community in here.

Evan, a life sentenced prisoner, believed that prisoners with long sentences were unlikely to vote because of 'the length of their sentence – politicians can do nothing for them', and furthermore, there was a 'lack of interest by politicians in prisoners'. This deeply-cynical view of politicians was compounded by their imprisonment. Jason, serving life, did not find the low turnout among prisoners surprising at all: 'I suppose it's just the mentality of prisoners. Career criminals wouldn't vote. They don't give a shit about the government'. Diarmaid, who described himself as non-political, believed that there was an element of self-interest. Prisoners 'don't care. At the end of the day, prisoners are not getting nothing out of it. If they started getting time off, they'd vote'.

There was a high level of non-voting and circumstantial abstentionism, especially among the more politically aware. Some were unwilling to register (even before consideration of voting) because of what they saw as shortcomings in the legislation and some refused to register because of their location. Cathal, who was serving life, was self-described as political, refused to register because he had been the subject of negative media attention in the past. He felt that the mere fact of registration would become known because the electoral register is publicly accessible: 'I would expect some kind of media coverage. They use everything else'. As he could not get a guarantee that his name would not appear on a public voting list, he refused to register:

'I know a few I have spoken to are of the same view as myself. We couldn't get an answer whether our names would be on the electoral register. We didn't want attention for ourselves, our families'.

This was a particular concern as some prisoners had been demonised frequently and received widespread media coverage. A number of these are household names and favourites of the tabloid press. There was a fear that if a journalist, individual or politician accessed the electoral register and was aware of the previous address of the prisoner, the mere fact of registration could be used as a media story or to gain political advantage. While the latter scenario might be unlikely, since no politician spoke out against, or used, the enactment of the legislation for political gain (Behan and O'Donnell 2008), it was another reason why some people would not register and were, therefore, due to their circumstances, ruled out from voting.

A desire to protect their privacy was an understandable concern of prisoners, of which the lawmakers who debated the legislation were mindful. There was some consideration given to whether candidates and parties would know if voters were incarcerated. All categories of postal voter are recognisable merely by the letter 'p' beside their name on the electoral register. The Minister for the Environment, Heritage and Local Government, Dick Roche TD, pointed out that: 'the address would only be known to the returning officer. It would not, for example, be subject to the Freedom of Information Act'. However, echoing prisoners' concerns about their privacy, the location of electors would be confidential for that reason and not 'made available to political parties for the purpose of a leaflet' (Select Committee on Local Government, 2 November 2006). However, each candidate's election agent is entitled to a copy of the register of electors for his or her electoral area or constituency (Whelan 2000, p.4) and, therefore, the potential remained for the fact of registration at their home address to be made public. Despite assurances from, and the good intentions of, politicians, prisoners' concerns were obviously not allayed.

The requirement to have a home address caused difficulties for some prisoners. Section 11(5) of the Electoral Act 1992 stated that a prisoner should be registered 'in the place where he would have been residing but for his having been so detained in legal custody'. Those involved in campaigning for prisoner enfranchisement argued during the passage of the bill that: 'a lack of a consistent address prior to imprisonment should not preclude prisoners from exercising their basic rights as citizens' (Hamilton and Lines 2009, p.218). There is a higher proportion of homelessness in the Irish prison than in the general population. A 2005 report on homelessness in Dublin prisons found that 54% of prisoners had been homeless at some time in their life, and 25% had been homeless on committal (Seymour and Costello 2005, p.50). The Irish Prison Service (IPS) pointed out in its 2007 annual report that the 'issue of homelessness among ex-prisoners is an ongoing problem'. During 2007, the Homeless Persons' Unit of the Health Service Executive provided in-reach community welfare service to ten prisons and 570 prisoners availed themselves of the service (Irish Prison Service (IPS) 2008, p.22). Therefore, Irish

prisoners as a group had the potential to be excluded from the electoral register in greater proportion due to their level of homelessness. Similar problems of homelessness among prisoners in the UK (Prison Reform Trust 2010, p.19) require consideration by policy makers to learn lessons from the Irish experience.

Andrew, who was serving 14 years and described himself as very political, explained that: 'they would not give me the right to vote'. I had 'applied to be added to the Register of Electors and was turned down because I no longer lived at the address that I lived before I came to jail, that I couldn't vote there'. For some life sentenced prisoners who had served a long time, the institution had become their home. Their previous residence was no longer an option, either being unwelcome at their previous address, or their family had moved on, possibly due to the crime of the prisoner.

Politicians were not unaware of the challenges posed with registration by those with no regular home prior to conviction. Sinn Féin TD, Arthur Morgan, proposed that if prisoners were not able to 'prove their previous ordinary residence to the satisfaction of the Registration Authority, arrangements shall be made ... to vote in the constituency in which they are incarcerated'. This amendment was necessary because many people in prison:

come from a homeless background or from a background where they were moving from house to house and simply did not have what would be considered a permanent residential address. I am concerned that such people are not catered for in the Bill. They would stand to lose their franchise – their right to vote – on foot of their previous circumstances. (Dáil Debates, 2006, vol. 628, col. 846)

Another legislator, Labour TD, Eamon Gilmore, suggested an alternative to overcome the requirement for an elector to have to register in the place where they lived prior to their incarceration. He proposed an amendment to delete 'place' and substitute 'constituency' in which they would have been residing had they not been imprisoned. This amendment was based on a submission that the Labour Party received from the Irish Penal Reform Trust, drawing attention to the possibility that 'many prisoners were homeless before they were committed to prison'. The rationale for the proposed change was twofold:

Firstly ... it is possible that people might not be capable of being registered if they were homeless before they were imprisoned. Second, it may not be appropriate in some cases for people to be deemed to have been resident in a place prior to their incarceration ... it would be better to give consideration to the prisoner's 'constituency' rather than to his or her place of residence. (Dáil Debates, 2006, vol. 628, cols. 848–9)

Neither amendment was accepted. When the Bill became law, the address prior to imprisonment was taken for registration purposes, to be determined by the registration authorities. The use of a home address was designed to prevent prisoners skewing the results of the poll if they are registered in the constituency of the prison. It was also argued that, as prisoners have a connection with their home constituency, they are better equipped to make informed decisions about for whom to cast their vote.

There is also a misplaced fear of prisoners acting as a voting bloc used by some politicians and anti-enfranchisement advocates who argue that if prisoners register in the constituency of the prison, they will all vote for the same pro-prisoner, anti-law candidate (for a discussion of these issues, see Ewald (2004) and Manza and Uggen (2006)).

Internationally, there are alternatives to prisoners registering at their last address. In Canada, for voting purposes, there is a number of options for 'place of ordinary residence' including place of residence before incarceration; residence of spouse or partner; the place of his or her arrest; or the last court where the elector was convicted and sentenced (Division 5 of the Canada Elections Act 2000). In Australia, eligible prisoners are registered at the address where they were last eligible to be registered (usually the last place they lived). Other alternatives include the residence where their next of kin is currently registered; or where they were born; or where they had the closest connection. In Germany, prisoners with a permanent residence in a municipality are usually placed on the electoral list there. However, prisoners without a permanent residence in a municipality are registered in the electoral area of the prison. In France, prisoners are registered according to their last area (commune) of residence. The registered address is the last home or place where he or she normally lived when not imprisoned or detained (Hong Kong Constitutional and Mainland Affairs Bureau 2009, pp.24–5; see also Ispahani 2009).

Other reasons for non-voting included confusion about the technicalities of the legislation and how to go about getting one's name on the electoral register and postal voters' list. Clarity was lacking around the procedure for registration and voting. Some participants questioned what address could be used if one had no permanent address. Dylan refused to register because he had no fixed abode outside and 'it begs the question if your address is the prison?'. Some prisoners were unaware that they had to register with their outside address, with a number suggesting that they did not want the prison address on their polling card. Due to the negativity associated with prison, Dylan, despite his interest in politics, would rather forsake his right to vote because there was 'no way' he was going to apply for inclusion on the register 'if the prison address was on my voting card'.

There were other circumstantial reasons for non-voting among prisoners. Some were not incarcerated prior to the closing date for regular or supplementary registration. And even for those who had recently been sentenced, it is, perhaps, understandable that registration was not top of their priorities in adjusting to prison life. Those on the postal list must register every year and, therefore, it is seen as another layer of red tape from a population that tends to shun bureaucracy.

The indications are that postal voting will be adopted for the enfranchisement of prisoners in the UK (Porter 2010). While postal voting is most common in European countries and those states in the US that allow prisoners to vote, exceptions include Romania, where election officials bring a 'special ballot box' to the prison. In Belgium and France, eligible prisoners vote by a form of proxy. In Luxembourg, eligible prisoners leave the prison to vote, sometimes without an escort and in

Malta, police escort eligible prisoners to their respective polling stations. In Australia, mobile voting teams visit prisons in the ten days before the election and in New Zealand, prisoners can vote by mail or when returning officers visit the prison (Ispahani 2009, pp.50–4). However, postal voting is not without complications. Some interviewees were sceptical that their ballot would be secret. The issue of censoring mail was raised and some expressed a lack of confidence that their ballot paper would be sent unopened. When the election took place in 2007, the 1947 Rules for the Government of Prisons were in operation, which stipulated that virtually all mail could be examined prior to leaving the prison. Even though only the election officer and returning officer would have details of postal voters in prison, there was fear that this could be made public. One interviewee asked: ‘So how do I know that they won’t release it [name and political preference]?’ The sense of alienation from all ‘authority’ was so strong that some prisoners refused to accept that the prison would not examine their postal voting envelope or that the returning officer would protect their privacy.

‘If We Didn’t Deserve Their Time’

A recurrent theme in the discussion about the level of abstention was that many prisoners felt that politicians had neglected them, before and during the election campaign. Interviewees responded that their lack of political knowledge, the absence of party manifestoes, election literature, and personal discussion with candidates militated against the desired outcome – meaningful political engagement – regardless of where the citizen happened to be living at election time. They felt that they now had the right to vote but did not have the same opportunity to engage in the electoral process as did citizens outside. Voters, whether prisoners or not, decide on who to vote for by participating in the election process, such as through public debates, discussions among friends/colleagues, posters and election literature. Participation in elections is not just about casting a ballot, it is making an informed choice about who should govern.

The lack of understanding of the issues and the differences between the parties and candidates meant that many felt ill-equipped to vote. ‘Some didn’t know how to vote’ and it would be beneficial if somebody took the ‘time to help them’, suggested Gerard, who was serving four years and had been politically active prior to his imprisonment. ‘I had nobody explain to me about what people were proposing’, explained Gavin, a lifer. Thomas argued that while it may not be feasible to send political literature to every individual in prison, there was no reason why party representatives could not visit the prison at regular intervals: ‘Otherwise this causes alienation, because you feel excluded. There is no reason why political parties cannot come here every five years’. Conor, who was serving life, went further. While election literature had not been available in the prison, there was no personal contact either: ‘There was not one TD who ever took the time to visit the prison’. He believed that it was essential that politicians engaged with prisoners in between elections: ‘At least once a month TDs could give a day, to come in to the prison to see what grievances prisoners have’.

‘Nobody sent us any literature’, Liam remarked. He was willing to accept that: ‘the prison authorities would be careful if you had people canvassing one way or another in the prison, there could be division in the prison, that would not be good’. However, he made some positive suggestions about how to rectify this: ‘Some posters, leaflets, maybe a panel of some kind [from political parties]’ would be helpful. Dylan was very angry: ‘I felt that if they weren’t decent enough to canvass in the prisons, send in candidates, leaflets, information, run a seminar or a talk, then they weren’t worth voting for . . . if we didn’t deserve their time’. Aidan suggested: ‘If TDs want your vote, they should come in and give a talk, with what’s on offer from each party’. But Geoff, who was serving life, echoed the opinion of the majority: there was neither political interest, nor motivation to participate in such an event. He continued:

I suppose a lot of people wouldn’t understand politics. A lot of them wouldn’t be interested in politics. If more people came in and had a talk, let them know what politics means to them, even in prison. But I don’t think that any party wants to be seen to be coming into prison and saying ‘vote for me, I’m Fianna Fáil, I’m Fine Gael, [Irish political parties] I’ll help you out’.

‘There needs to be somebody in the prison service to encourage people to vote’, argued Gerard, who was serving four years. ‘Somebody needs to be a point of contact with prisoners in informing them about elections . . . I don’t know if it’s the responsibility of the education system or the prison service’. While there might be limited electoral return for a TD to visit an institution with many voters from outside their constituency, the individual neglect of prisoners seemed to confirm the general lack of engagement from politicians.

Despite enfranchisement, prisoners believed that they had little impact on parties’ policies on what might be considered prisoner or criminal justice issues. When politicians mentioned prisoners, it was usually in an attempt to gain political advantage. ‘There are no votes in it for them’, believed Daniel, who was serving life. Thomas, who was serving over 15 years agreed and went further. The government is unconcerned about prisoners: ‘because it is not politically advantageous to be seen to be supporting the rights of prisoners’. Niall, who was serving nine years agreed: ‘It is not a vote-winning tactic to be interested in prisoners’. Louis, who was serving life, believed that politicians were penal populists:

The only time politicians mention anything to do with prisons or anything like that is when they are looking for the public’s votes . . . ‘We are going to enforce longer sentences’. They are going to do this, that and the other [to prisoners].

There was a feeling of less eligibility among interviewees. Despite enfranchisement, many still felt distanced from the electoral and political process. Many argued that it is up to candidates and parties to engage with them. This is especially true in Ireland where political scientists have identified personal access to politicians as essential in garnering votes and connecting with voters. Even though it has been argued that this constituency work breeds ‘clientelism’, ‘it provides a vital link between

citizen and state, reduces alienation and provides feedback on the effects of government policies' (Gallagher and Komito 2005, p.243). The failure of politicians to personally canvass within prison signalled to prisoners that they were not equal to citizens outside.

Politicians were aware of the challenges of trying to spread their message and to win votes among prisoners. However, during the parliamentary debate to introduce the legislation, none of the political representatives seriously suggested entering prisons to canvass. Minister Dick Roche TD, replied to a question from an opposition member with the quip: 'I presume he was not proposing cell to cell canvassing'. Election literature is sent to the address where an individual is registered and it is the responsibility of the householder to pass it on to the registered voter. Not only had no candidate visited the prisons, no interviewee who had been in prison during the election had received election literature and this was source of anger. Election literature is used to encourage party identification and canvass support leading to an increase in votes for a candidate or party. Parties and candidates spend vast sums of money, promoting their programme during election time and their election literature encourages people to vote for a particular candidate or party. Some of this funding comes from the exchequer. Under the Electoral Act 1997, Irish political parties are publicly funded, in proportion to electoral support at previous elections (Sections 16–21; Whelan 2000, p.97). In 2007, nearly €13 million were paid to political parties from exchequer funds (Standards in Public Office Commission 2008). Dáil election campaign expenses up to €8,700 are reimbursed if a candidate is elected and for defeated candidates who reach a specified proportion of the quota. During Dáil, European and presidential elections, candidates are entitled to send, free of charge, one item to each elector. This activity is similarly funded from public resources (Whelan 2000, p.108).

If the goal of legislators was to encourage active citizenship, then it seems from the interviews that more needs to be done to engage with prisoners. While it may not be feasible for candidates to campaign within prison, interviewees believed that there was little justification for no contact at all during the election. Internationally, the practice of canvassing in prison varies. In Canada, candidates are permitted, after appropriate security clearance, to canvass for votes in prison. In Australia, candidates or their agents are not allowed to canvass in person inside the penal institutions. In Belgium, candidates may send election advertisements to prisoners but no electoral display is allowed in prisons. In France, candidates or their agents are not allowed to canvass in person inside penal institutions, but prisoners are allowed to receive mail, and posters informing prisoners of their rights must be displayed inside the prison. In Germany, candidates or their agents are not allowed to canvass in person inside penal institutions. In some federal states, election-related information is made available by prison personnel (Hong Kong Constitutional and Mainland Affairs Bureau 2009, p.26).

The lack of positive interest from politicians was seen to confirm the marginality of the prisoner and the gulf between political rhetoric about

inclusion and the reality that they remained ignored and uncanvassed. This reflected a deeper mindset towards prisoners, as government and politicians have no interest in prisoners' issues because it is politically unpopular. The perception that the political establishment neglected prisoners, especially during election time, demonstrated in the lack of canvassing, election meetings and campaign literature, led many to abstain and opt out of the electoral, and ultimately the political, process.

'No Prisoners' Group was Ever Consulted'

Despite the walls that separate prisoners physically from society, those civically engaged outside made attempts to continue activity inside. Despite a mixed, though generally welcome for, enfranchisement and low level of utilisation of the vote, there was a deeply-held view from the vast majority of prisoners that incarceration should not remove rights, other than liberty. As Oran, who was serving life pointed out, even though 'we are viewed as third class citizens, [we are] still entitled to our say'.

If the objective of enfranchisement was to embrace a previously disenfranchised section of the population – prisoners – and encourage them to participate, this poses challenges for legislators, election administrators, prison officials, prisoners and wider civic society. According to the Irish government's Taskforce on Active Citizenship (2007), a healthy democracy should have citizens who are well-informed, interested and engaged, with a sense of interlinked empowerment, and confidence that they can make a difference by participating. Low levels of turnout in elections undermine active citizenship. It concluded:

There is a need to consider barriers in terms of interest, information, opportunity and capacity for civic engagement. Lack of interest may not be the barrier to greater civic engagement so much as a lack of confidence on the part of citizens that their efforts and time will have an impact, as well as practical difficulties in terms of registration and access. (p.16)

Despite enfranchisement, there remain both structural and political barriers to widespread political participation among prisoners. The findings in this research suggest that the low level of registration and voting are for a number of reasons. They reflect the age, education levels, voting traditions and social backgrounds of those incarcerated in Ireland. These are similar reasons for lack of engagement outside prison. Perhaps understandably, prisoners were not only acutely aware of the difficulties posed by embracing the right to vote, they also provided some solutions. Dylan pointed out perceptively that: 'no prisoners' group was ever consulted, prisoners' rights groups or lobby groups'. Despite being directly affected, there is no evidence of any prisoners being consulted, given advance briefings, let alone examination of the Bill. Had prisoners or ex-prisoners been consulted it may have allayed some of their concerns and overcome some of the challenges the implementation has revealed.

Prisoners did not respond in large numbers, perhaps, because they did not feel ownership of the campaign for enfranchisement. During interview,

many participants admitted that they were not initially aware of the *Hirst* judgment, or the significance of the passage of the Electoral (Amendment) Act in 2006. It did not have the same immediacy as the conditions under which they are housed or issues such as visitation rights, access to programmes and remission. More mundane day-to-day matters, understandably, seemed to concern prisoners – adapting to surroundings, coping with their sentence, daily struggle for existence, overcoming petty rules, maintaining relationships and quality of life issues. Without recognition of their rights and progress in other areas, prisoners seemed to view the motivation behind enfranchisement somewhat cynically, at odds with the reasons which politicians expressed during the enfranchisement debates.

When Irish prisoners were enfranchised, it was in the context of electoral reform. Although of major significance, it was a stand-alone piece of legislation, and not part of a penal reform or wider citizenship agenda. Prisoners were given the right to vote but nothing else changed. The right to vote is only one part in the mosaic of citizenship. Prisoners may have legal rights but the opportunity to participate remains circumscribed. Jean-Jacques Rousseau remarked that ‘citizens are not made in a day’ (cited in Honohan 2005). To ‘make’ citizens behind bars invites consideration of much wider penal reform, even a new concept of imprisonment, encouraging prisoners to take responsibility and participate in citizenship activities every day.

Irish prisoners do not have access to the Ombudsman, despite a recommendation from a government-appointed committee on the penal system over 25 years ago (Whitaker 1985). Nor is there an Ombudsman for Prisons as in other jurisdictions. There is little tradition of prisoners (other than Republicans) organising themselves; a short-lived Prisoners Rights Organisation petered out by the late-1980s and there has been little encouragement of prisoner councils as in the UK and elsewhere (Solomon and Edgar 2004). Conceding that ‘it’s a new experience, prisoners having the right to vote’, Liam thought that ‘so many knew so little about it. Many did not vote due to a lack of civic education about their right to vote, that they maintain their rights as citizens’. While political education is taught in prison schools (Irish Prison Education Service 2006), this research indicates the need for more civic education and engagement, throughout Irish society.

Interviewees believed that the participation rate would undoubtedly be improved with political engagement between prisoners, political parties and candidates. It would also indicate a concern for the interests of those behind bars. It would certainly send a message to prisoners that their vote is equal to that of citizens outside. However, this would require deeper engagement by politicians personally to achieve improvements in the participation rate, including willingness to go further than enfranchisement and actively encourage political participation among prisoners.

Widespread abstentionism reflects something much deeper than not voting. It indicates disengagement from the political system and civic society, and to overcome this requires more than just political engagement at election time. A robust and healthy democracy is built on participation

among all sections of society. As Lijphart (1997) suggested: 'unequal turnout spells unequal influence' (p.1). There is a widespread belief among the advocates of prisoner enfranchisement that allowing prisoners to vote will stimulate an informed public debate on penal reform and lead to a more humane prison environment and progressive penal system (Cheney 2008; Dhimi 2005). Fionn, who was serving life agreed: 'I'd say we would be best placed to tell politicians what parts of the prison work and what parts don't'. Richards and Jones (2004, p.224) have argued that with the restoration of voting rights to prisoners, politicians may provide increased budgets for prison educational and vocational programmes, dramatic improvement in the food service, reduction in overcrowding and increase in general funding of maintenance and repair of facilities. 'At the very least', they concluded, 'restoring voting rights to prisoners would encourage state politicians to visit prisons'.

Conclusion

When the Irish parliament legislated there was a near universal belief that enfranchising prisoners would encourage them to vote and lead to greater inclusion. However, low levels of registration and voting indicated that enfranchisement alone did not encourage wider political participation. If prisoners are given the right to vote, they should also have the opportunity to participate in elections on an equal basis to citizens outside. While this may not be an easy task for prison administrators, under the European Prison Rules (Council of Europe 2006, rule 24.11), in those countries that allow prisoners to vote, prison authorities are obliged to 'ensure that prisoners are able to participate in elections, referenda and in other aspects of public life'. A study of voting rights of prisoners for the International Foundation for Electoral Systems noted that: 'Even though several nations do allow prisoners to vote by law, practical issues of registration are often problematic and obscure these rights' (Rottinghaus 2005, p.14). It concluded:

Clarity in terms of election registration is also needed to ensure that those eligible to vote are allowed to do so without complication . . . Being eligible to vote and being allowed to vote are two very different items here . . . Clearly identifying when and where prisoners are allowed to register to vote is an important part of the citizen education process for election administrators. (Rottinghaus 2005, p.41)

The low turnout raises wider challenges about the responsibility to encourage people (whether inside or outside prison) to register and vote. The registration period is critical. Research found that even though only 14% registered, the vast majority who took the time to register, subsequently voted (Behan and O'Donnell 2008). Parkes (2003, p.102) pointed out that when prisoners are allowed to vote, there is an obligation on government, electoral and prison officials, to make this a reality, because: 'in many jurisdictions, neither prison, nor election officials take any action to facilitate prisoner voting'. She concluded that: 'without the

involvement and co-operation of public officials, the right to vote will remain illusory for many prisoners’.

This research indicates disillusionment with civic society and a deep disconnection from government, politicians and the political system in general. The lack of personalised candidate engagement discouraged a greater participation rate within prison and it seemed to reinforce the alienation felt by many prisoners. Citizenship is not just about voting; it is about participation in the electoral process in an educated and informed manner. As many of the interviewees suggested, voting gave them a sense of belonging and ownership in society but while it was now open to them to vote, they felt that there were still impediments to embracing the franchise.

Enfranchisement in Ireland went against the trend in recent years as ‘much prison policy strengthens the “criminal” as an identity rather than an incarcerated “citizen”’ (Stern 2002, p.137). However, there are still some impediments to adopting a citizen role. Lijphart (1997) pointed out that: ‘After universal suffrage, the next aim for democracy must be universal or near-universal *use* of the right to vote’ (p.10, italics in original). There is clearly some distance to be travelled if political, electoral and prison authorities wish to encourage prisoners to use the right to vote and reconnect the incarcerated to the electoral process. A more engaged prisoner population will strengthen democracy and may encourage the adoption of a citizen role, leading to a law-abiding life after imprisonment. Interviewees believed that politicians should engage both personally with prisoners and politically with their issues. As the UK government considers legislation to enfranchise prisoners, the Irish experience has indicated that there are unique issues facing prisoners who wish to participate in the franchise. Some are practical, others symbolic. However, both pose challenges for politicians, policy makers, prison administration, education-ists, prisoners and society more generally. Otherwise, the enfranchisement of prisoners becomes more symbolic than real and will not achieve the objective of inclusion in civic society.

The first election was a novel process for election officials, prison administrators and confined citizens. The lessons drawn from the experience might strengthen the procedure in future elections and referenda. They may also be used by the UK coalition government and policy makers as they prepare to enfranchise prisoners. The solution to low turnout must come from a combination of the prison service (which cannot be expected to take sole responsibility for electoral matters), electoral authorities, political parties, politicians, non-governmental organisations, education departments, the Inspector of Prisons, visiting committees, civic society and others within the wider penal sphere and electoral environment. It will also require greater engagement by prisoners with the political system. However, without the opportunity to engage in the electoral process on an equal footing with citizens outside, prisoners are given responsibility without power. Unless there is greater political and civic engagement, the near universal welcome for enfranchisement might be dissipated, and the intent of enfranchisement – inclusion – could be lost in the reality of marginalisation and possibly further exclusion.²

Notes

- 1 *Hirst v. United Kingdom*, (No.2) [GC], Application no. 74025/01 (judgment of 6 October 2005).
- 2 I would like to thank Mary Rogan and Kevin Warner for their helpful comments and suggestions on earlier drafts of this article. All errors and opinions remain my own. Much of the research for this article was undertaken while studying for a PhD as an Ad Astra Scholar at University College Dublin, Institute of Criminology. I am grateful for the support and financial assistance from University College Dublin.

References

- Behan, C. and O'Donnell, I. (2008) 'Prisoners, politics and the polls: enfranchisement and the burden of responsibility', *British Journal of Criminology*, 48, 319–36.
- Breen, J. (2010) 'Secondary effects of imprisonment: the new direction of prison research', *Irish Probation Journal*, 7, 46–64.
- Brennan Center for Justice (2009) *My First Vote*, New York: Brennan Center for Justice.
- Cheney, D. (2008) 'Prisoners as citizens in a democracy', *Howard Journal*, 47, 134–45.
- Council of Europe (2006) *European Prison Rules*, Strasbourg: Council of Europe.
- Dhami, M. (2005) 'Prisoner disenfranchisement policy: a threat to democracy?', *Analyses of Social Issues and Public Policy*, 5(1), 235–47.
- Ewald, A. (2004) 'An "agenda for demolition": the fallacy and the danger of the "subversive voting" argument for felony disenfranchisement', *Columbia Human Rights Law Review*, 36, 109–44.
- Ewald, A. and Rottinghaus, B. (Eds.) (2009) *Criminal Disenfranchisement in an International Perspective*, Cambridge: Cambridge University Press.
- Gallagher, M. and Komito, L. (2005) 'Dail deputies and their constituency work', in: J. Coakley and M. Gallagher (Eds.), *Politics in the Republic of Ireland*, Limerick: PSAI Press.
- Gallagher, M. and Marsh, M. (2008) *How Ireland Voted: The Full Story of Ireland's General Election*, London: Palgrave Macmillan.
- Hamilton, C. and Lines, R. (2009) 'The campaign for prisoner voting rights in Ireland', in: A. Ewald and B. Rottinghaus (Eds.), *Criminal Disenfranchisement in an International Perspective*, Cambridge: Cambridge University Press.
- Healy, D. (2009) 'Ethics and criminological research: charting a way forward', *Irish Probation Journal*, 6, 171–81.
- Hong Kong Constitutional and Mainland Affairs Bureau (2009) *Consultation Document on Prisoners' Voting Rights*, Hong Kong: Constitutional and Mainland Affairs Bureau.
- Honohan, I. (2005) 'Active citizenship in contemporary democracy', in: C. Harris (Ed.), *Engaging Citizens: The Case for Democratic Renewal in Ireland*, Dublin: New Island Books.
- Irish Prison Education Service (2006) *Directory of Irish Prison Education, 2006*. Available at: <http://www.pesireland.org> (accessed 1 November 2010).
- Irish Prison Service (IPS) (2008) *Annual Report 2007*, Dublin: Irish Prison Service. Available at: <http://irishprisons.ie> (accessed 1 September 2010).
- Ispahani, L. (2009) 'Voting rights and human rights: a comparative analysis of criminal disenfranchisement laws', in: A. Ewald and B. Rottinghaus (Eds.), *Criminal Disenfranchisement in an International Perspective*, Cambridge: Cambridge University Press.
- Lijphart, A. (1997) 'Unequal participation: democracy's unresolved dilemma', *American Political Science Review*, 91(1), 1–14.
- Manza, J. (2009) 'Foreword: waves of democracy and criminal disenfranchisement', in: A. Ewald and B. Rottinghaus (Eds.), *Criminal Disenfranchisement in an International Perspective*, Cambridge: Cambridge University Press.

- Manza, J. and Uggen, C. (2006) *Locked Out: Felon Disenfranchisement and American Democracy*, New York: Oxford University Press.
- Marsh, M., Sinnott, R., Garry, J. and Kennedy, F. (2001) 'The Irish National Election Study: puzzles and priorities', *Irish Political Studies*, 26(1), 161–78.
- Morgan, M. and Kett, M. (2003) *The Prison Adult Literacy Survey: Results and Implications*, Dublin: Irish Prison Service.
- O'Donnell, I., Teljeur, C., Hughes, N., Baumer, E. and Kelly, A. (2007) 'When prisoners go home: punishment, social deprivation and the geography of reintegration', *Irish Criminal Law Journal*, 17(4), 3–9.
- Parkes, D. (2003) 'Ballot boxes behind bars: towards the repeal of prisoner disenfranchisement laws', *Temple Political and Civil Rights Law Review*, 74, 71–111.
- Porter, A. (2010) 'Prisoners to get the vote for the first time', *Telegraph*, 1 November.
- Prison Reform Trust (2010) *Bromley Briefings Prison Factfile, December 2010*. Available at: <http://www.prisonreformtrust.org.uk/uploads/documents/BromleyBriefingsNov09.pdf> (accessed 1 December 2010).
- Putnam, R. (1995) 'Bowling alone: America's declining social capital', *Journal of Democracy*, 6, 65–78.
- Putnam, R. (2000) *Bowling Alone: The Collapse and Revival of American Community*, New York: Simon and Schuster.
- Richards, S. and Jones, R. (2004) 'Beating the perpetual incarceration machine: overcoming structural impediments to re-entry', in: S. Maruna and R. Immarigeon (Eds.), *After Crime and Punishment: Pathways to Offender Re-Integration*, Cullompton: Willan.
- Rottinghaus, B. (2005) *Incarceration and Enfranchisement: International Practices, Impact and Recommendations for Reform*. Available at: <http://www.felonvotingprocon.org/PDF/RottinghausDisenfranchisement.pdf> (accessed 27 August 2007).
- Seymour, M. and Costello, M. (2005) *A Study of the Number, Profile and Progression Routes of Homeless Persons Before the Courts and in Custody*, Dublin: Department of Justice, Equality and Law Reform.
- Solomon, E. and Edgar, K. (2004) *Having Their Say: The Work of Prisoner Councils*, London: Prison Reform Trust.
- Standards in Public Office Commission (2008) *Expenditure by Qualified Political Parties of Exchequer Funding Received by Them in 2007*. Available at: <http://www.sipo.gov.ie> (accessed 20 December 2009).
- Stern, V. (2002) 'Prisoners as citizens: a comparative view', *Probation Journal*, 49, 130–9.
- Sykes, G. (1958) *The Society of Captives*, Princeton, NJ.: Princeton University Press.
- Taskforce on Active Citizenship (2007) *Report of the Taskforce on Active Citizenship*, Dublin: Taskforce on Active Citizenship.
- Uggen, C. and Manza, J. (2004) 'Voting and subsequent crime and arrest: evidence from a community sample', *Columbia Human Rights Law Review*, 36(1), 193–215.
- Uggen, C., Manza, J. and Behrens, A. (2004) "'Less than the average citizen": stigma, role transition and the civic re-integration of convicted felons', in: S. Maruna and R. Immarigeon (Eds.), *After Crime and Punishment: Pathways to Offender Re-Integration*, Cullompton: Willan.
- Whelan, N. (2000) *Politics, Elections and the Law*, Dublin: Blackhall.
- Whitaker, T.K. (1985) *Report of the Committee of Inquiry into the Penal System*, Dublin: The Stationery Office.

Date submitted: December 2010

Date accepted: March 2011