

DOES MERCY HAVE A PLACE IN PRISON?

As I write these words I can state categorically that there is no mercy in any prison in England or Wales. I am not declaring that our prisons are places devoid of this particular virtue, but they are certainly currently devoid of any prisoner called 'Mercy'.

But does mercy have a place in prison? As prison staff, are we expected to dispense mercy, or even consider it?

The secular definition of mercy is "*Compassion or forgiveness shown towards someone whom it is within one's power to punish or harm*". Sending people to prison or keeping them here longer is not within the power of those of us who work here. The opportunity to dispense mercy at this level sits only with the Judiciary, who in turn are constrained by sentencing guidelines and public sensitivities. In this sense we are not able to apply mercy, and if we did, we would be undermining justice and probably not in this job for very long.

Within prison we certainly do not have the power to inflict any form of 'harm' rather to the contrary, we have an implied duty of care to those in our custody. If mercy is so closely allied to punishment, then the best opportunity to exercise it probably arises when prisoners are punished for breaking prison discipline rules; a formal process in which any finding of guilt must be proven to the criminal standard of proof. Each offence has a specified 'tariff' of punishments which the Adjudicator chooses from. Any contrition offered by the accused prisoner, as well as mitigating factors which might lessen the punishment, must be taken into consideration. At this point, whether they realize it or not, the Adjudicator is exercising mercy. But before we get carried away on a cloud of compassion there is another side to this coin. If there are aggravating factors or a complete absence of remorse from the accused prisoner, then the Adjudicator can increase the severity of the punishment. Rather than mercy, we are now in the territory of retribution.

The juxtaposition between mercy and retribution within prison is not uncommon; many of us wrestle with it on a daily basis. I have often considered inscribing Romans 12:19 on the Adjudicators desk: "*Do not take revenge, my friends, but leave room for God's wrath, for it is written: 'It is mine to avenge; I will repay,' says the Lord.*" Unfortunately we can't always wait for 'God's wrath' and so we have to resort to the Governor's wrath, which takes many forms.

St. Thomas Aquinas defined 'Effective Mercy' as what we do to relieve someone's miseries and the Adjudication example fits into this category. St. Thomas Aquinas also established 'Affective Mercy' - the pity we feel for the plight of another. Those of us who work in prisons may be seen as immune from such a 'defect', but in reality we are all susceptible to affective mercy. During our working lives we will encounter many prisoners who are in crisis. Our implied duty of care directs us to assist that prisoner but this transactional relationship does not properly reflect the actual significance of some of this care. Many Prison Officers will be driven by affective mercy to go that bit further to relieve the misery of a prisoner. I think of the Officer who worked hard to facilitate a call to Bolivia to allow a prisoner to speak to his wife, with whom there had been no communication for months. I can also recall the Officer who went to see a prisoner who had just been told his Mother had died, and stayed with him, and gave him space whilst he let out his often violent grief.

I reflect on each death in custody and see significant evidence of affective mercy, or empathy. I am always impressed when I see our staff intervening to save the life of a prisoner who has tried to kill themselves. They do so partly out of dedication and professionalism, but also because they have a desire not to see another person suffer. They intervene in this way without any consideration of the prisoner's offence or background, and often put themselves at risk to do so. The greatest manifestation of mercy in prison is seen when a prisoner dies in our custody. We all feel deep regret and we mourn, not because we had any connection to the deceased or even because we had any empathy with him whilst he was alive, but because we feel that we have failed him. It is a life wasted and this affects us all. This is affective mercy.

I am sure by now you can appreciate that prison is effectively a moral maze. Justice, contrition, retribution and redemption are all found in prison, and hopefully we also recognise the place of mercy within our complex relationships. But the starting point is always to be mindful of our own faults and weaknesses. Psalm 51:1-2 should be our daily prayer:

Have mercy on me, O God,
according to your unfailing love;
according to your great compassion
blot out my transgressions.
Wash away all my iniquity
and cleanse me from my sin.