

MADNESS AND PENAL POLITICS

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I never met a man whom jail reformed, with one possible exception. My driving instructor, who took a light-hearted delight in his ex-wife's penury, came out of a six month sentence for refusing to pay her alimony (long, long ago) without the smirk: he had been brutalised within by unamused friends of her family. Our unpopular Child Support system has an up side.

Many prisoners are mentally sick before they go to jail. According to the Australian Institute of Health and Welfare, 41% of all male and 53% of women prisoners (61% in Queensland!) had been treated for mental illness in the previous year. Anxiety disorders, including post-traumatic stress disorder, currently affect more than a third of all prisoners in NSW: another 20% have clinical depression or psychoses.

Life isn't safe inside, either. When I was Victoria's Commissioner for Equal Opportunity I found that women in prisons designed for men were much more scrutinised, criticised, charged and punished for disciplinary breaches than men, and had much more limited options for work, study and recreation. Up to 80% had been sexually abused: they were constantly strip-searched. They were much sicker than men, with less access to doctors.

These kinds of people have been sharing cells with immigration detainees like Cornelia Rau. Yet even they have 'rights' that she did not. For 800 years (Magna Carta, 1215) the Crown has undertaken to provide a fair trial before anyone is punished. For thousands of years Common Law judges have reviewed all prisoners' detention. But Rau, as an immigration detainee, did not have such rights: she could not ask for bail, visitors or a judicial review. Because she was sick she couldn't even ask for a lawyer or a psychiatrist.

There are different standards of justice for detained 'illegals' as she was supposed to be, as there are for Australians seized by US forces on foreign soil, such as Mamdhoh Habib and David Hicks.

That is because they really are 'political' prisoners. Prison policy has, in the last 30 years, become an openly political issue. Few election pronouncements are as popular as more 'tough on crime' policies. We are increasingly willing to get tougher, build more and nastier jails, and to excuse mandatory and long-term detention of detested groups. But be ware: both politicians and private detention service providers have a common interest in growing jail populations: it pays. But at what cost, and who pays?

Habib and Hicks were sent to Guantanamo Bay, an offshore US military facility, supposedly stripped of constitutional, civil, human and humanitarian law 'rights,' for questioning. Mainland USA has one of the harshest civilian penal regimes in the world outside totalitarian societies such as North Korea. There has been a seven-fold increase in the prison population in 30 years, thanks to popular, if objectively ineffective, mandatory sentencing policies. They are vote-winners in Australia too.

Within these ordinary US jails, according to a 2003 Human Rights Watch report, there has been a dramatic rise in mentally ill prisoners. Security staff have few treatment resources. They tend to dismiss symptoms, as Cornelia Rau's seem to have been, as faking or acting out: they are ignored or punished. Mentally ill prisoners are often placed in bare, high-security segregation units and deprived of nearly all human stimuli. Some mentally ill prisoners deteriorate so badly that they have to be hospitalised for acute psychiatric care. They are then returned to the same conditions.

Australia adopts many US practices.

There are no independent reports at all on the conditions in Guantanamo Bay, so I feel entitled to assume they are as bad as the civilian jails. There is no proof that Mamdhoh Habib, released without charge after 3½ years, is a

terrorist. His reticence about what he was doing in Afghanistan in 2001 is legitimate. Here, at least, he has the right to remain silent.

There is little understanding of the fact that imprisonment is designed to break down resistance, and if that makes men and women mad, quite so. We need to understand that this is what comprehensive discipline regimes and complete powerlessness does to human beings.

In one five year study of civilian prisoners in Lyon, France, for instance, it was found that: since in jail, the passage of time is meaningless, it was disorienting - 33% of prisoners couldn't concentrate: after one year, 50% of prisoners could not control their memory adequately and 40% experienced sudden 'mind voids': 75% reported dizziness, which some called 'a menacing emptiness', which was linked to self-negation, prisoners trying to make themselves invisible to avoid feeling under constant observation: prisoners' bodily functions and senses atrophied - e.g. eyesight deteriorated because of the confined space, and it took double the effort to focus: their sense of hearing was affected and they became hyper-sensitive to noise; and tactile senses tended to disappear, in apparent response to a threatening environment. Many suffered from ulcers and fatigue, and the suicide rate was six to seven times higher than the non-prison population.

This is what jails have always done. The modern subclass of immigration and 'terrorist' suspects are as completely powerless as the prisoners interned by *lettre de cachet* in the Bastille, that symbol of the people's oppression. As you read what that other untried Australian left in Cuba, David Hicks, wrote to his father last September, remember this:

'I feel as though I'm teetering on the edge of losing my sanity after such a long ordeal, the last year of it being in isolation . . . low morale and depression seems to be their (sic) preferred order of the day . . . I've reached the point where I'm highly confused and lost, overwhelmed, if you like. I suffer extreme mood swings every ½ hour . . . [T]he decisions I'm making, which are no doubt important, are often done

without thought or sometimes care . . . All decisions are made in chains, including being chained to the floor. These days, all interviews are conducted under similar conditions to interrogation. Pressure, stress and bewilderment is the result of having a day or two visit between weeks of isolation with no entertainment or daily programme. I spend an average of 350 hours by myself between brief visits. . . . My entire world has become this little room, everything beyond is no longer reality . . . I can no longer picture what exists outside of camp echo.'

Primo Levi wrote in *If This Be a Man*, how the meaningless rules and arbitrary decisions of his jailers in Auschwitz reduced him to an animal that would do anything to stay alive. What made him survive as 'man' was the gratuitous kindnesses – a scrap of bread, a message passed on, an old waistcoat – one of his guards sometimes gave him. Depression killed Levi 43 years later, on 11th April 1987, at the bottom of a Turin apartment block stairwell.

Imprisonment per se causes great psychological damage. Most convicted prisoners have mental illnesses. Political detainees have no sentence, no rights, and no hope. If Cornelia Rau had not been psychotic before she was locked up in 2004, she may have become so. If Mamdhohu Habib wasn't a religious fanatic before he was consigned to Egyptian interrogators then a Cuban gulag, he is entitled to be quite mad now. If loss of liberty does such damage to the inmates of human zoos, what is it doing to the keepers? And how many others are in there, gibbering?