The Irish on Probation in England: A Critique

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Summary: This article is a response to an unpublished 2004 report by Sam Lewis, David Lobley, Peter Raynor and David Smith entitled ‘Irish Offenders on Probation’. It argues that weak methodology and poor research practice undermined what should have been an important report with innovative propositions for probation policy and practice in England, Wales and beyond. The 2004 report directly informed two articles (Lewis et al. 2005a and 2005b), one of which, entitled ‘The Irish on Probation in England’, was published in the 2005 issue of this journal (IPJ). The authors’ critique in the IPJ article of previous research on discrimination and the Irish in Britain is also challenged here, primarily on the grounds that the 2004 report did not list or examine core texts on the criminalisation of the Irish in Britain. The authors’ understanding of Irish and Irish Traveller cultures in Britain is questioned, as is the usefulness of their engagement in a Census debate.

Keywords: Research methodology, Irish in Britain, Traveller Community.

Criminal justice and the ‘Irish’ in Britain

The psychological impact on Irish emigrants of living in a country that was (and for some is still perceived as) the repressive imperial power that racialised and constructed the Irish as a negative ‘other’ cannot be underestimated (Johnson 1998; Hickman and Walter 1997; Hickman et al. 2001; Walsh 2001). People of Irish background or heritage in Britain who wish to express an Irish identity do not tend to identify with the term English or British (unlike the common use of Irish-American in the US). Commonly, a city-based identity is used alongside the term ‘Irish’, resulting in self-identification descriptors such as Manchester Irish,

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London Irish or Birmingham Irish. This tendency is rooted in the negative Anglo-Irish colonial relationship (Johnson 1998; Walsh 2001). Sim (1991) and Hillyard (1993; 1994) have shown how negative stereotypes of the Irish have been routinely propagated by the criminal justice elements of the British state and by sections of the mass media since the Victorian era, at least, and particularly at times of Anglo-Irish political tension. Discussions of the Irish and discrimination in Britain are usually contentious and reflect the tensions between how the host state and community traditionally vacillate between considering the Irish as a security threat, an ethnic subset of Britishness and a distinct ethnic group.

In the ‘Irish Offenders on Probation’ report Lewis et al. acknowledge the high-profile miscarriages of justice visited on some Irish people in Britain in the previous thirty years but question whether anti-Irish discrimination ‘is generally true’ in the criminal justice system of England and Wales (p. 13). They claim that ‘good evidence of differential treatment [of Irish people] is hard to come by’ (p. 12). The authors’ IPJ article also states that ‘our conclusion from a review of the literature is that little is known, though much has been asserted, about Irish experiences of criminal justice in Britain’ (2005a, p. 6). But the report and the article fail to list some of the core texts on the criminalisation of the Irish community in Britain since the 1970s; for example Hillyard’s seminal empirical work in this area Suspect Community: People’s Experiences of the Prevention of Terrorism Act in Britain (1993) is not included in either bibliography. This calls into question whether sufficient and appropriate background reading was carried out by the research team. In conversation with one of the authors, Professor Smith, after his presentation at the 2006 Northwest Probation Forum Diversity Conference, I asked why Hillyard’s book was not in the report’s bibliography. His reply was that the book concerns the situation in the 1970s and 1980s and that the Irish now find themselves in a more positive climate in Britain. When I pointed out that attitudes, particularly negative stereotypical views, take much longer to change than political developments, he conceded that this was indeed possible.

Responding to a review by Steven Greer (Fortnight, January 1994) of Suspect Community that challenged the idea that the Prevention of Terrorism Act (PTA) had criminalised large sections of the Irish population in Britain, Hillyard wrote:
[Greer’s] principal argument appears to rest on the fact that people from Ireland do not constitute a monolithic, cultural or ethnic block and includes ‘defiantly “anti-Irish” supporters of Ulster loyalism’. But nowhere is it asserted [in Suspect Community] that the Irish are a monolithic grouping. On the contrary, the diversity is recognized and the study included a number of Protestants who had been arrested and detained. The notion that the Irish have become a ‘suspect community’ was based upon a mass of empirical evidence, which Greer seems to have skipped. This showed that irrespective of class, occupation or religion, one could be arrested and detained under the PTA as a direct result of some aspect of one’s ‘Irishness’. In addition, the study illustrated the way in which whole sections of the Irish community come under suspicion after an incident. For example, in 1990, a college was requested by the police to supply the names and addresses of all enrolled Irish students. Greer also takes exception to the notion that the legislation has tended to ‘criminalize’ the Irish in Britain. While this may be the view of this extraordinary legislation from among the leather-backed rows of English statute law, all the evidence from this study would suggest that the PTA has criminalized most of the 6,000 or more people who have been arrested or detained under the PTA and then released without any action being taken against them (1994, pp. 55–56, footnote 55).

‘Irish Offenders on Probation’ implies that much of the research on the Irish in the British criminal justice system has been ideologically rather than empirically driven and asserts that evidence of discrimination ‘needs to be answered empirically, not ideologically’ (2004, p. 13). This statement betrays an ill-considered arrogance that the authors’ research is ‘value-free’, with no ideological underpinnings.

My research indicates that concepts of Irishness are problematic even for those working within post-Macpherson1 British police forces in an era when policies on ethnicity and diversity are pre-eminent (see Power 2006; 2004). One police sergeant, with a London-Irish background, teaching diversity training at a major police training college made a connection between the negative stereotypes of Irish Travellers and those

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1 This 1999 British government enquiry followed the killing of Stephen Lawrence and labelled London’s Metropolitan Police Service as institutionally racist.
stereotypes that have been applied historically to the settled Irish community in Britain:

I was intrigued by the link between Irishness and Irish Travellers and some of the stereotypes that attach to Irishness . . . [An unmistakably Irish name] was enough for people to get on your case in the past. [The Southern English Metropolis – SEM] Police have about thirty thousand [officers], but of those police officers just 0.5 percent identify as white Irish. Either we are not recruiting [Irish people] or people from that background don’t identify, which is alarming given that in the SEM area there is probably a million people [with] an Irish background . . . [T]here’s no Irish police staff association . . . we have . . . Italian, Greek, Jewish, black police associations running for a long time (Power 2004, p. 80).

Similarly, the post-Macpherson attitude in a major northern English police force can be gauged from the response to a police staff seminar on Irish identity led by an experienced police diversity trainer when talking about:

. . . how some young Traveller chap came over from . . . Northern Ireland because he’d been threatened . . . and the venom that came out. [Police on diversity training said]: “But the man’s a thief . . . he shouldn’t even be in this country . . . why should he come here and get this [help].” [T]hey felt quite open to express those feelings . . . That certainly did concern me in terms of the way that [police] view Irish Travellers . . . They put a difference between Gypsies and Tinkers [sic] and said: “Even the Irish don’t like the Tinkers” (Power 2004, p. 85).

Many British-born Irish Travellers retain strong, identifiable ‘Irish’ cultural attributes including accent, large extended families and varying degrees of internal and cross-frontier nomadism. The link between Irish identity, state security, a suspect community and Irish Travellers was a recurring theme with many Irish and Irish Traveller respondents in my Room to Roam research (Power 2004). Again, crucially, relevant literature in this area was ignored and not even listed in Lewis et al.’s (1994, 1995a, 1995b) work in this area.

A high proportion of respondents in Lewis et al.’s probation research reported experiencing significant levels of prejudice from police
primarily, but also from the judiciary and prison officers. The report (Lewis et al. 2004, pp. 48–50; see also Power 2004, 2006) outlines some Irish respondents’ complaints about the police. Though primary research cited in the report shows significant levels of prejudice experienced by respondents from the police, judiciary and in prison in England, the poor quality of the methodological approach and resultant data in the primary probation research in Manchester exceptionalises the probation experiences of Irish groups in this context as being positive on the whole: ‘The PSR analysis and the data gathered from the interviewees . . . point to the same conclusion: there is no reason to believe that Irish offenders in the areas involved regularly received discriminatory or unfair treatment from probation staff. The message, then, is primarily positive’ (Lewis et al. 2004, p. 40). In contrast, during my research with the Greater Manchester Probation Service, two highly experienced probation officers discussed the racism and prejudice directed against Irish Travellers within the probation service and the fear that probation staff have of this community:

Everybody [in the probation service] knows that within the criminal justice system [Irish Travellers] do very badly . . . You look at [pre-sentence reports] and you will see short custodial sentence after short custodial sentence whereas you would not expect it [in] a white English [context]. Colleagues . . . will acknowledge that they do struggle with Travellers, how to approach them, they’re suspicious of them. They don’t know how to get over that barrier (Power 2004, p. 93).

The authors also stray into a Census debate, but whether the Irish are the largest or third largest ethnic minority in Britain is of little import (Irish Travellers are a comparatively small minority). Ultimately, the numbers game is unhelpful when trying to ascertain whether sedentary Irish or Irish Travellers are discriminated against in the British criminal justice system – no matter who plays it and for whatever ideological reasons. What is important is that where there is widespread discrimination on the grounds of ethnicity and ignorance, this must be recognised and challenged successfully through effective policies and practices by relevant bodies such as the probation service. Interestingly, the authors use the term ‘Irish’ in an ideological manner as a political and politicised cultural term and not (as I would) as a geographical descriptor
for the members of the island of Ireland’s diverse communities (including Travellers), and as a self-identifier of origin for people of Irish extraction in Britain.

**The research in Manchester and Merseyside**

The ‘Irish Offenders on Probation’ report was commissioned to look at the probationary experiences of the Irish in the counties of Merseyside and Greater Manchester in northwest England. The primary empirical research was supposed to be based proportionately on 75 interviews with Irish offenders on Community Rehabilitation Orders and on licences in these two counties, and as the report states ‘with a particular focus on the distinct needs and experiences of Irish Travellers’ (p. 3). But, the report reveals that as the fieldwork progressed it ‘became apparent that this target number was ambitious’ (p. 3). The research team renegotiated with the National Probation Service for 50 interviews and eventually conducted 48.

The research team was able to identify and interview only three respondents in Merseyside. Consequently the report does not explore or represent the probation experiences of Irish people in Merseyside in any meaningful way – a point coyly conceded by the researchers when they admit that ‘very few Irish offenders were identified there’ (Lewis *et al.* 2005b, p. 4).

In the IPJ article Lewis *et al.* admit that they ‘consistently struggled to turn potential into actual interviewees, and came to rely heavily on the enthusiasm for the research of a few probation officers’ (2005a, p. 7). As a result the bulk of interviewees came from three probation offices:

Interviewees were therefore drawn from a total of eleven offices, but it was clear to the researchers that the presence in an office of an active supporter of the research was a crucial factor in influencing the numbers of interviews from that office. The figures given in Table 2 for the Cheetham Hill and Stretford – and to some extent the Atherton – offices reflect the presence of such an enthusiast for the research (2004, p. 17).

Thirty-one out of 45 interviews completed in Greater Manchester came from these three offices, situated relatively close to the city centre.
Greater Manchester is a very large metropolitan county and Manchester city itself is surrounded by a huge suburban area with quite a few large and medium-sized towns situated near the periphery of the county. Central Manchester and the surrounding areas are very mixed ethnically, but the suburban and peripheral areas can be extremely homogenised or clearly divided along ethnic lines. The research lacked interview data from the latter areas and as such the methodology used is unrepresentative of the Greater Manchester area as a whole.

The majority of interviews that formed the empirical base of this research were carried out where probation officers were proactive, informed and positive around issues concerning the settled Irish communities generally and Irish Travellers. Yet, my research in Manchester indicates a wide variance regarding levels of positive awareness of ethnicity or related prejudice and ignorance by probation staff between some urban and suburban probation offices. This is illustrated by the following extract from a previously unpublished section of an interview with two experienced Manchester probation officers in 2003 during the Room to Roam research project; as one probation officer explains:

I’m very aware of that because the particular area [suburban Greater Manchester] that I moved to had a very stagnant group of staff, a very long-serving staff who all basically kind of moved somewhere that was very close to where they lived. The majority of staff were middleclass, very white and very English. And, you know, that’s quite unusual really because there are targets in terms of our staff . . . [and] the community that we serve . . . They can’t just sack people or move people – you have to just make gentle inroads, if you like, but very often just even one or two staff moving on and being replaced by two people who think differently, that can make a major impact on the team.

The input of proactive staff in choosing respondents may also have unwittingly contributed to the selection of unrepresentative compliant offender respondents rather than including those Irish and Irish Traveller offenders who sought help and support elsewhere, for example in the dedicated voluntary sector (see Power 2004).

The fact that the research interviews were carried out in probation offices is in itself problematic in that respondents (all offenders) may have felt pressured to be positive about their experiences due to the particular location. Why did the interviewer not take the respondents to
a neutral setting in order to allay possible fears? Should the report’s authors not have declared these methodological discrepancies and does this not significantly undermine the veracity of their primary empirical research and analysis of the Greater Manchester probation situation?

**Whatever happened to Irish Travellers’ distinct needs?**

Towards the end of the project’s empirical phase Dr Lewis contacted me by email on 5 February 2004 (copied to Raynor, Lobley and Smith) asking if I would be willing to speak to her about my knowledge of Irish Travellers (I was happy to oblige and support the research). She continued:

> We are particularly keen to ensure that the distinct needs and experiences of members of the Irish travelling community are represented in our final report, but are struggling to find enough male travellers with experience of probation to ensure this. We have considered approaching traveller organisations, but know that members of such groups are understandably wary of talking to ‘outsiders’ who have no real links with the Irish community.

Here Lewis admits that the research team never established co-operative links with local, dedicated, voluntary sector Irish and/or Irish Traveller services. This should have been a priority for a well-informed and culturally sensitive research team wishing to gain extensive access to both settled Irish and Irish Traveller prospective respondents in relation to criminal justice experiences. This probation research was carried out without developing any meaningful contacts or rapport with the communities studied. It is all too obvious that the research team had little appreciation or understanding of the social and cultural dynamics of Irish and particularly Irish Traveller ethnicity in a British context.

An experienced probation officer based in Greater Manchester believes that Irish Travellers need specialised support throughout probation and criminal justice processes due to the unique nature of their culture and associated social disadvantages (see also Pizani Williams 1998; Morran 2001; Power 2004):

> [Irish Travellers have] not been included in terms of any specialist provision . . . Probation have actually been quite supportive in
Manchester about the Irish and Travellers . . . And I think that a lot has changed, although there are still an awful lot of people . . . working in this service [who] have this notion that equality is treating everybody the same. And if you set up a good service to meet a special need they see that as a step too far (cited in Power 2003, p. 264).

The research team failed to develop or present any specific recommendations, rooted in their empirical investigations in Manchester, for improving the probation experiences of Irish people or Irish Travellers through comprehensive policy and practice initiatives – and yet entitled their contributions to the IPJ and the British-based Probation Journal ‘The Irish on Probation in England’ and ‘The Irish on Probation in the North-West of England’ respectively.

Similar research support to that afforded in Manchester was obviously not available from the Merseyside Probation Service which is all the more reason why the research team should have looked for and found alternative sources for relevant respondents there. The decision not to pursue the research in Merseyside because the local probation service failed to deliver the requisite respondents also undermined an excellent opportunity for comparative criminal justice research on the Irish communities in these adjacent counties – both of which have distinct historical and contemporary migration and settlement patterns for the various Irish communities.

**How was the report received at its launch?**

The ‘Irish Offenders on Probation’ report was launched at the Northwest Probation Forum Diversity Conference in Preston, Lancashire on 1 February 2006. Unusually for a launch of new research, the chair did not allow questions about the Irish probation report after its presentation. As a result its launch as a legitimate piece of research to probation, prison service and other delegates went unquestioned. I was a speaker at the conference and later took the opportunity to challenge the academic authors of the report about some of the fundamental omissions and flaws in their background reading and methodology. They conceded some of the points outlined above, admitting that the research was flawed in a number of crucial ways and that the results could not be generalised about the Irish experience of probation in Britain. Dr Lewis admitted
that the research was inadequate and that the report itself would not be published.

The damage had already been done, however, as the research had been presented as legitimate in a public forum without any questions or critical response from the audience. Is this really how we should engage with research in relation to policy and practice in probation? Is this now ‘what works’ in the rapidly evolving amalgamation of probation and prison services? I raised these issues and other concerns about how academic knowledge is funded, produced, shaped and disseminated in my own talk at the conference, but many of the delegates presumably accepted the ‘Irish Offenders on Probation’ report at face value as legitimate research. In this respect I sympathise particularly with the offender ‘subjects’ of this research and also with those who worked so hard in the Greater Manchester and Merseyside Probation Services to secure the funding for what they as practitioners regarded as a much-needed piece of research.

Conclusion

Much of the original research report reads like a series of excuses as to why the team’s research methodology failed in practice. The research team relied almost exclusively on the local probation services in the two counties to produce suitable Irish and Irish Traveller respondents. Staff at Irish Community Care Merseyside, who work extensively with both these communities, informed me that they had not been approached by the research team for assistance. A former Irish Community Care Manchester outreach worker told me that he had been approached by one of the team, but declined to help them as he felt that they should not be researching either the Irish or Irish Travellers as they had no knowledge about their cultures or communities. He felt from this conversation that the research team were just ‘doing’ another ‘ethnic’ group in the list of minority ethnic groups.

When I was interviewed by Dr Lewis I felt that she had little knowledge or understanding of Irish Travellers, even though this took place towards the end of the data collection period. How can academic researchers who have scant understanding of these minority ethnic cultures (particularly the nomadic aspects of Traveller culture) and who never mention an ethno-methodological approach in their report, hope
to access populations adequately (particularly highly marginalised ones like Irish Travellers), and then analyse these offender interviews in an insightful and sensitive manner?

The dearth of solid empirical knowledge displayed in the original report is echoed in the related IPJ article that offers little in terms of an insightful or definitive commentary on ‘The Irish on Probation in England’, but instead confines itself to a narrow discussion of probation in Manchester while straying into a Census debate that really belongs elsewhere. There is an undoubted need for critical and competent research in this area, however the authors’ vain wish ‘that this paper provides the beginning of a better understanding of Irish experiences of criminal justice and of what would constitute a helpful probation response to Irish clients’ (Lewis et al. 2005a, p. 6) was in reality rooted in a deficient and mediocre report based on poorly executed research that could and would have delivered so much in more competent, well-informed hands.

References