

**Suffrage for the Sentenced:**

**The Implementation of the Scottish Elections Act and Implications for Imprisoned Persons'**

**Political Engagement**

Becca S. Zimmerman

School of Social Work & Social Policy, University of Strathclyde

MPhil Social Policy

Professor Laura Piacentini, Professor Beth Weaver

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This thesis is the result of the author's original research. It has been composed by the author and has not been previously submitted for examination which has led to the award of a degree.

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**Signed:**

A handwritten signature in black ink, appearing to read 'Ruth Jones', written over a horizontal line.

**Date:**

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## Abstract

There is little research on the processes, dynamics, and effects of penal enfranchisement in UK scholarship, and given the recency of the 2020 Scottish Election (Franchise and Representation) Act's ("the Act") passage and implementation, there is yet no independent Scottish research. Further, how imprisonment and criminalisation influence the withdrawal of certain groups from political life remains virtually unstudied in Scotland. This investigation explores the significance and meaning of, and capacity for, political participation among Scotland's sentenced imprisoned population through a case study of the Act's implementation in the lead-up to the 2022 Scottish local elections. Informed by penal abolitionist theory and advocacy research (Knopp et al., 1976), the study used semi-structured individual interviews with 22 sentenced imprisoned people and a methodology incorporating thematic analysis (Braun & Clarke, 2006) and thematic narrative analysis (Riessman, 2008) to evaluate barriers to and successes in practical and substantive aspects of prison voting. Particularly, this study examines the extent to which participants were willing, able, and empowered to engage with elections and politics during, and before, their imprisonment; conceptions of prison 'citizenship'; and the significance and symbolism imprisoned people attribute to penal disenfranchisement. This dissertation advances a new theoretical framework of "pre-carceral disenfranchisement" to describe an effective deterrence from political participation among resource-deprived and over-criminalised communities, which generates substantive disenfranchisement of imprisoned people beginning before their imprisonment. Findings reveal that pre-carceral disenfranchisement emerges from the intersection of social, economic, cultural, and individual factors before penal incarceration, which individually, and with each other, breed the substantive disenfranchisement and political disengagement that functionally inhibit the political capacity of imprisoned people *before* their current imprisonment.

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## A Note on Language

Words like ‘criminal’, ‘prisoner’, ‘offender’, ‘inmate’, ‘victim’, etc. are commonly employed in the Prison Industrial Complex (PIC) and other contemporary carceral systems and carry strong, emotionally charged symbolic meanings and associations. The “Abolitionist Toolkit” published by Critical Resistance (Agid et al., 2004) unpacks some buzzwords commonly used in this dissertation. Agid et al. (2004, p. 39) explain that the word “criminal” “doesn’t just mean someone convicted of a crime, or even someone who harms others. It implies that causing harm is essentially a part of this person, maybe even the most meaningful part of their personality.” The penal abolitionists of Critical Resistance (Agid et al., 2004) also differentiate the term “prisoner” from others, such as:

inmate and criminal, because it describes people who have been put in cages. It helps us remember that people aren’t locked up for their own good or even just as a place to stay (which inmate implies), or that they can’t be separated from the harm they might/might not have caused (which is implied by criminal). The word prisoner helps us see the state as actively choosing to put people in cages, while inmate and (especially) criminal suggest that imprisonment is the only or even the best way to handle certain people. (p. 40)

However, Ellis (2007, p. 2) recommends avoiding the words “offender, felon, prisoner, inmate, and convict” instead, Ellis says, “simply refer to us as PEOPLE. People currently or formerly incarcerated, people on parole... people in prison... but PEOPLE.” Person-first language helps to destigmatize (Cox, 2020), and using phrases like “incarcerated people” and “imprisoned people” not only restates and reminds the reader of the humanity of people in prison, it also reflects the active status of their confinement.

Where disenfranchisement is applied as a penalty to some of those who are, or have been, convicted of a crime I will use “punitive disenfranchisement” and “penal disenfranchisement” to reflect the nature of this policy as an additional punishment, without using language that evokes charged generalisations about the persons applied to it. Sometimes, when quoting participants and other scholars, I include their original language.

My applications of penal abolitionist language will admittedly be flawed, and occasionally inconsistent, as I work to toe the line between directly referencing the punitive social constructions existing within the prison system and language which appropriately and honestly reflects the humanity of the people impacted by these carceral constructs. This language will be especially limited in its’ honesty and ability to align with abolitionist practices for discourse when describing and engaging with the Scottish Prison Service (SPS), Scottish Government, other stakeholders who maintain the contemporary Scottish carceral system, and the language and policies they employ in its’ operation. As Hulsman and Justino (2021) explain, “The systemical language used legitimizes the institution by which it is used... Words such as ‘crime’, ‘criminal’ and ‘criminal policy’, etcetera, belong to the criminal dialect and they reflect the ‘a



priori' of the criminal justice system." The rhetoric of carceralism is not a main focus of this dissertation. Rather, it is an important clarifying note to the reader to aid in their comprehension of this dissertation and in deconstructing preconceptions of crime, punishment, and prison.

## Introduction

“There can be little hiding from the fact that the bill will bring prisoners into our elections...As I have said, many people simply disagree with the proposal that prisoners—people who have stepped beyond the rules set by our society—should have the right to vote for the people who set those rules while they are still being punished and have yet to be rehabilitated and reintegrated into our community... Today will mark the end of a rather uncomfortable process through which convicted prisoners who are spending time in jail will be brought in as part of our democracy....”

- Jamie Halcro Johnson, Member of the Scottish Parliament (*Final Debate on the Scottish Elections (Franchise and Representation) Act 2020*, 2020).

The above comments were made in the Scottish Parliament’s final debate on the Scottish Elections (Franchise and Representation) Act 2020 (the “Elections Act” or “Act”), shortly before its passage. The Act granted imprisoned persons serving custodial sentences up to 12 months the right to vote in Scottish elections for the first time since 1870 (Johnston, 2013). The 2022 Scottish local elections presented an opportunity to observe the Act’s implementation and impact on political participation in prisons. Through a focus on the Act and (dis)enfranchisement of imprisoned people in Scotland, this MPhil investigates how, and to what extent, imprisoned people are enabled and/or constrained in exercising their rights to enfranchisement, political participation, and citizenship.

The objectives of this MPhil are multifaceted, with the methodology and fieldwork using the lead-up to the 2022 Scottish Local Government Elections to examine the Act’s implementation, significance, and implications for Scotland’s imprisoned population. In answering this question, the MPhil will explore how imprisonment influences political beliefs and engagement, and understanding of ones’ role in society among those imprisoned in Scotland. Further, this dissertation aims to situate the Act in a broader understanding of contemporary carceralism as an element of governance which functionally suppresses political engagement and citizenship. This MPhil will parlay a specific policy focus on Scottish penal disenfranchisement in the legal sense of the term (possession of voting rights) into a critical analysis of how prison restricts capacity for enfranchisement in its substantive definition (political empowerment and agency in community) to investigate the extent to which the prison inhibits functional political citizenship. Additionally, this dissertation explores and demonstrates the prison’s role in furthering disenfranchisement.

The 2022 Scottish local elections presented a unique opportunity to observe the logistical groundwork involved in the Act’s implementation and to research its impacts on political engagement among the imprisoned population. Through inductive identification and review of imprisoned persons’ attitudes, discourse, and voting behaviours, this dissertation paints a holistic picture of Scottish penal enfranchisement. Consultations (Scotland & Scottish Government, 2018), polls (Electoral Commission, 2021) and reports (The Electoral Commission,

2021b) about the Act all excluded input from, and participation of, imprisoned people, functionally erasing those imprisoned from a public debate on their entitlement to rights, political autonomy, and citizenship. Through individual interviews with imprisoned people serving custodial sentences, this dissertation provided an opportunity for imprisoned persons to reflect on their status as citizens in a custodial environment, on their voting rights and on their motivations towards, and the accessibility of, exercising those rights. Creating spaces to seek, listen to, and amplify the voices of those imprisoned aligns with penal abolitionist aims of “remedying persistent maldistribution and to centering the voices and leadership of those too often excluded” (McLeod, 2019, p. 1649).

This MPhil aims to demystify the political apparatuses which maintain Scotland’s contemporary carceral system and the political suppression of imprisoned persons it perpetuates. Unveiling the socio-political dynamics and power structures which enact penal disenfranchisement in both the legal and social sense is a penal abolitionist research challenge because carceralism is, itself, maintained, exercised, and presented to the people through political means. This dissertation, therefore, functions as “advocacy research” (Knopp et al., 1976, p. 187) in that the study’s focus and presentation works towards decarceralisation and the disentangling of power distributions prop up contemporary carceralism.

Identifying suppressive mechanisms and barriers to the political/civic engagement and empowerment for those imprisoned is crucial to dismantling the political contrivances sustaining carceralism. With this in mind, this dissertation also proposes and investigates a new theoretical framework of “pre-carceral disenfranchisement” to describe an effective deterrence from political participation among resource-deprived and over-criminalised communities, thus facilitating the substantive disenfranchisement of those imprisoned occurring before their imprisonment. In exploring pre-carceral disenfranchisement, this dissertation unmask structural relationships linking inequality, marginalisation, and criminalisation, producing interdisciplinary socio-political insights into, and a narrative account of, enfranchisement, political engagement, and social exclusion among those imprisoned. Feminist abolitionist leading scholars and activists Davis et. al (2022, p. 66) explain “... incarcerated communities will be released from the hold of carcerality only by acquiring access to economic, intellectual, and political power.” In investigating and revealing barriers to civic and political empowerment among those imprisoned, and among their communities, and this dissertation pursues abolitionist objectives.

## Literature Review

This chapter begins by outlining dominant theoretical justifications of punitive disenfranchisement policies, which, at their core, serve to divide, stigmatise, and ostracise those deemed 'unworthy' of citizenship and cast outside the realm for inclusion in productive society. Exploring themes of exclusion and 'disenfranchisement' in the legal and social sense, the chapter investigates connections between marginality and disenfranchisement, delving into the relationship between deprivation, social and political exclusion, and criminalisation. I will then introduce a new concept which I propose throughout this study, "pre-carceral disenfranchisement" to describe the political disempowerment occurring among over-criminalised populations before their imprisonment. In exploring political socialisation among Scotland's imprisoned populations, the chapter will hypothesise factors which may increase the risk of 'pre-carceral disenfranchisement'. This chapter then contextualises the Elections Act with a broader synopsis of neoliberalism and penal populist culture in the Scottish justice system before critiquing the Act's rhetoric, design, and seemingly self-contradictory aims. The chapter will discuss the dichotomised identities between those imprisoned as 'denizens' and the non-imprisoned public as 'citizens,' and the impacts of this dehumanisation and criminalisation on governmental trust and political engagement. In investigating political socialisation within the prison, this chapter examines how imprisonment impacts citizenship and the beliefs about citizenship that imprisoned people hold, including how interactions with the justice system influence perceptions about the fairness and trustworthiness of government, and therefore attributions of legitimacy, and the impact of imprisonment on self-identity (as a citizen) in relation to society.

The chapter will also investigate the *performance* of citizenship in prison, identifying conditions conducive to, and inhibitive of, political engagement among imprisoned persons. Through an abolition-informed critical analysis, this portion of the literature review scrutinizes contemporary criminology's treatment of "citizenship" in the prison context for failing to engage with imprisoned persons' status as citizens *of the state* as opposed to 'citizens' of the prison. From this critique, the chapter probes how narrow conceptions of prison 'citizenship' may serve to inhibit the rights of imprisoned people, and questioning opportunities for true exercise of citizenship in a carceral environment. The chapter discusses opportunities for engagement in extra-institutional political activities from the prison before investigating prison-voting, including logistics (and logistical pitfalls), and existing data on prison-voting. Expanding on this portion of the literature review, I outline existing data and research questions on the factors influencing imprisoned persons' attitude towards voting and politics, and the impact of imprisonment on those attitudes. This portion includes an overview of the proven political demobilisation effects of incarceration on civic engagement in the U.S., which inform research questions relating to how cycles of imprisonment withdraw certain groups from Scottish political life. This latter section of the literature review chapter includes identifying potential mechanisms through which punitive government contact/imprisonment influences political engagement of imprisoned and justice-impacted people, outlining the potential for a "vicious cycle" to occur in which weak political engagement before imprisonment (pre-carceral

disenfranchisement) is compounded by experiences while incarcerated to fuel a post-carceral disengagement effect in criminalised populations.

## Theories of Punitive Disenfranchisement

To understand the 2020 Scottish Elections (Franchise and Representation) Act and its implications for both the legal and substantive enfranchisement of imprisoned people in Scotland, it is important to first identify predominant theoretical justifications for punitive disenfranchisement policies—or policies which dispossess those imprisoned of their right to vote. While policy specifics vary from one jurisdiction to the next, the theoretical arguments outlined in this chapter serve as the cornerstones from which contemporary punitive disenfranchisement policies, arguments, and laws are built. These arguments range from abstract and value-driven rationales emphasising notions of a ‘social contract’ or qualifying ‘moral fitness’ to allegedly practically-driven claims of preventing subversive voting, promoting positive citizenship, or deterring ‘would-be offending.’ These arguments share a notion of deservedness and qualification in relation to the franchise—each explains why only some of the population can be deemed suitable for enfranchisement, while the ‘criminal’ others have been disqualified from engaging civically.

Tripković (2019, pp. 28–29) identifies three contemporary “principle justifications” of penal disenfranchisement, each of which are “consequentialist” in their nature “in that they hold that electoral restrictions can be justified as necessary to preserve the ideal of democracy.” These justifications are that punitive disenfranchisement: 1) maintains the “purity of the ballot box”; 2) “prevent[s] electoral fraud”; 3) “prevent[s] subversive voting” (Tripković, 2019, pp. 29–30).

In analysing the UK government’s rationale for punitive disenfranchisement, Jago and Marriott (2007, p. 6) highlight a “predicat[ion] on notions of moral authority” relating to the purity-maintenance argument. The aim of maintaining a ‘pure’ electorate is necessarily accompanied by “two distinct propositions”: first, that “the privileges of membership of the polity must be withdrawn from flawed characters”; and second, that “bad characters might defile democratic processes by misusing the vote to secure the implementation of ‘soft on crime’ policies” (Jago & Marriott, 2007, pp. 6–7).

Subversive voting among imprisoned persons hasn’t been studied in the Scottish context, but the likelihood of imprisoned people forming an electoral block in a country like Scotland—let alone one sizeable and organised enough to generate consequential electoral outcomes—are extremely low considering their maximum potential to comprise approximately 0.194% of Scotland’s electorate if everyone imprisoned in Scotland could vote.<sup>1</sup> The UK’s extremely low rates of electoral fraud (The Electoral Commission, 2021a), combined with the presence of

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<sup>1</sup> Using full SPS annual average imprisoned population of 8,200 in 2019-2020 and National Records of Scotland statistics on number of voters registered as of December 1, 2020.

specific penalties in place to legally disenfranchise those convicted of electoral offences (The Crown Prosecution Service, 2019), seem to diffuse any argument for punitive disenfranchisement based on preventing electoral fraud.

While the foundational arguments for Scottish punitive disenfranchisement are understudied in international disenfranchisement scholarship, one can deduce, from existing political data and cultural context, that the prevailing school of thought in Scottish political and penal discourse is the ‘purity’ argument, which the Harvard Law Review (1989) identifies as containing two distinct schools of justificatory thought: the “contractarian” argument, based in liberalism; and the “moral incompetence” argument, based in civic republicanism.

The “contractarian” argument refers to the notion of a “social contract” or agreement between citizens and the state in which citizens sacrifice some individual liberties in exchange for stability and security from the government (Hobbes, 1968; Locke, 1988). The contractarian philosophy of disenfranchisement posits that committing a crime constitutes a breach of the “social contract,” which can then justifiably be penalized with the revocation of rights from the government—in this particular case, voting (and other civil) rights (Easton, 2009; Harvard Law Review, 1989; Jago & Marriott, 2007; Levine, 2009; Tripković, 2019). This philosophical argument for punitive disenfranchisement “emphasizes the deliberate nature of the criminal's decision to breach the social charter” (Harvard Law Review, 1989, pp. 1304–1305). The UK government explicitly referenced a breach of the social contract and loss of ‘moral authority’ in *Hirst v UK (No. 2)*, and the social contract has frequently been implicitly referenced by British politicians in conversations surrounding prisoner enfranchisement and civil rights, which will be discussed in a later section (*Hirst v UK (No. 2)* [2005] Application No. 74025/01 at para 50; Home Office 1999, para 2.3.8; as cited by Jago & Marriott, 2007, p. 3).

The ‘social contract’ justification implies both that citizenship must be earned, and that it can be forfeited with a single act (Easton, 2009, p. 226; Harvard Law Review, 1989). This justification has been criticized on several bases, commonly including: that a blanket ban does not, and cannot, account for proportionality in relation to offense severity; and that the irregular timing of elections results in uneven application of punishment such that some breaches of the social contract *would* be punished by disenfranchisement effectively as the prison sentence overlaps with an election, while others serving a sentence of the same length would be spared the impact of this punishment if their sentence does *not* overlap with an election (Easton, 2009; Jago & Marriott, 2007; Tripković, 2019). Additional critiques of the contractarian justification include that its argument “rests on an unduly narrow conception of the social contract” as disenfranchisement is “incompatible with broader, more modern conceptions” such as the goal of “promot[ing] human freedom and development” which should not be “repudiate[d]” by a “single criminal transgression”, nor should it a contract ‘breach’ result in the loss of “fundamental rights and liberties that allow [citizens] to bargain freely but that cannot be freely bargained away” under the core values of liberalism (Harvard Law Review, 1989, pp. 1305–1306).

Where the liberal justification of “breaching the social contract” identifies an *action*—what you did—as the basis for punitive disenfranchisement, civic republicanism’s “moral incompetence” argument employs *identity*—who you *are*—as the core justification. The dispossession of virtue as revealed through offending behaviour, or a promotion of self-interest over the interest of the public good (Jago & Marriott, 2007), heavily centres “‘fitness’ and ‘capability’” such that “political competence, according to republican theory, has a moral dimension” (Harvard Law Review, 1989, p. 1307). Aside from the fact that disenfranchisement does not apply to those citizens who have demonstrated poor morals or unvirtuous behaviour but haven’t been convicted of a crime; the implication that character, morality, or virtue could be extrapolated from a single criminal incident neither accounts for the relationship between the actual offense and civic virtuosity nor any external conditions which may have contributed or directly caused the offending behaviour. As Jago and Marriott (2007, pp. 6–7) explain, such punishment “appears to excuse the wider community for the part it may have played in creating social and economic conditions in which crime can flourish, obscures the fact that crime and ‘bad’ characters might be inevitable...”

Further, the ‘moral incompetence’ argument of civic republicanism emphasizes ostracization and exclusivity, premised on a false-construction of individual immorality. In this way, civic republicanist justifications “[r]est on the belief that ex-offenders should be banished from the political community because of their failure to understand the common good,” an exclusionary philosophy whose “emphasis on defining the community” has historically linked this philosophical argument with:

‘the exclusion of [Black people], women, and the poor from the political process. In each of these cases, ascriptions of political incompetence rationalized the lines that were drawn. The argument... [for disenfranchising those convicted] ... because they have shown themselves lacking in virtue fits easily within this exclusionary tradition’ (Harvard Law Review, 1989)p. 1308)

This critique of the ‘moral incompetence’ justification links centuries of systemic oppression in the United States with the civic republicanism argument of disenfranchisement, however the U.S.’s unique cultural and historical context cannot accurately and wholly capture Scottish civic republicanism without modification. While several disenfranchisement, citizenship, and criminology scholars have linked the ‘moral superiority’ associated with racism and sexism to civic republicanism arguments, questions of which aspects of identity are relevant to ‘moral superiority’ in Scotland remain. Additional critiques of the ‘moral incompetence’ justification include the absence of a concrete link between committing an offense in one realm and a complete lack of civic virtuosity. Separately, the presumed ‘immorality’ of those who break the law necessarily relies on the assumption that all laws are moral and promote the public good. Surely one can conjure up historical, and contemporary, examples of laws and policies which *have* not met these standards, and of which the violation would certainly not indicate moral deprivation.

Tripković (2019, p. 28) characterizes contemporary analyses of penal disenfranchisement which “have sought to determine the justifiability of electoral exclusions in the normative framework of today’s democracies” as “fragmented”—failing to “offer a comprehensive answer to the principal normative question due to a lack of thoroughly constructed theoretical framework.” Several other scholars highlight the disorganized, restrictive, and often self-contradictory nature of the schema discussed above in demonstrating the inconsistencies and flaws of disenfranchisement philosophies (Easton, 2009; Harvard Law Review, 1989; Jago & Marriott, 2007; Levine, 2009; Morgan-Williams, 2016), however, there are few contemporary critiques of the Elections Act, and its often self-conflicting rationale, currently published by scholars of punishment and disenfranchisement (Hunter et al., 2022). These main justifications serve a “defensive” rather than “constructive” purpose by employing abstract and “disconnected arguments” as the framework upholding disenfranchisement policy (Tripković, 2019, p. 28).

Two additional arguments appear somewhat frequently in political arguments for disenfranchisement (yet are notably absent from academic, philosophical, and criminological arguments as scholars and experts in those fields have already established the flimsiness of their premises): first, that punitive disenfranchisement serves a deterrent and/or rehabilitative purpose; and second, that disenfranchising ‘offenders’ awards a form of justice to ‘victims.’ The former argument has been thoroughly rebutted by scholars of citizenship, criminology, and political studies, for several reasons. Levine (2009, pp. 220–221) bifurcates the objectives of deterrence into “specific”—or deterrence aimed at “limit[ing] recidivism amongst ex-offenders”—and “general”—which “punishes to discourage others” from offending—to negate each individually: “Deterrence will not eliminate crimes of passion, nor help an amoral criminal.”

The relative privacy of disenfranchisement as a penalty means that it serves little purpose as a deterrent of crime (Harvard Law Review, 1989). Morgan-Williams (2016) also notes that the alleged deterrent function presupposes knowledge—at the time of the offense—that disenfranchisement would be a consequence of their offending behaviour, despite a documented widespread unawareness of this policy in both the incarcerated and general population. The deterrence argument is also weak in its’ presumption of the value of enfranchisement to incarcerated persons, who Jago and Marriot (2007, p. 5) suggest already view themselves “as disenfranchised or politically alienated.” Even without political alienation, Morgan-Williams (2016, p. 356) points to the hierarchy of needs of incarcerated persons, the majority of whom “are more concerned with maintaining their personal and familial relationships and losing their freedom than with their suffrage.” Although the Scottish Government has, at times, signalled the deterrence argument, it is likely that the political alienation and hierarchy of needs would also apply in the Scottish context, though the ‘deterrent’ effect has yet to be empirically tested in the Scottish context.

On the flipside of the “deterrence” justification is the “rehabilitation” argument, which has also been widely critiqued for the absence of a specific or demonstrated rehabilitative function (Levine, 2009; Morgan-Williams, 2016; Tripković, 2019). Easton (2009, p. 230) counters the UK



Government's argument that "the denial of voting rights enhances civic responsibility" by counter-arguing that it, instead, "perpetuates isolation and social exclusion, whereas restoring the vote and participation in the political process would assist rehabilitation by reminding prisoners of the obligations and duties of citizenship and thereby encourage a sense of responsibility." Several scholars suggest the greater potential for penal disenfranchisement to obstruct, rather than support, rehabilitative efforts (Morgan-Williams, 2016; Tripković, 2019). Levine, noting that most imprisoned persons will go on to re-join society (i.e., leave the prison), explains that "[v]oting is thought by many to be a virtue inducing exercise, drawing citizens attention to the common good... By blocking the formation of virtue, disenfranchisement may actually serve to make recidivism more likely" (2009, p. 223). Tripković (2019, p. 92) highlighted the potential rehabilitative function of enfranchisement, as "[g]ranting [o]ffenders electoral rights gives them a sense of membership, [and] prepares them to reassume their citizenship role...". Despite comprising a key component of the Scottish Government's messaging surrounding the Act, neither the potentially rehabilitative function of *enfranchisement* nor the ability of disenfranchisement to promote positive citizenship has been tested or demonstrated in Scotland, and the Scottish Government has yet to provide an explanatory mechanism to support either proposition.

Retribution and/or justice for victims have also been cited by politicians as a basis for penal disenfranchisement—however these arguments have also been heavily critiqued by experts in the fields of criminology and citizenship studies. In critiquing retribution-centred penalism, Levine (2009, p. 219) notes the antiquity of "[p]unishing criminals as a means of seeking revenge" which, in contemporary judicial systems and policy, "seems medieval" as removing an individuals' "political rights for no other purpose than to avenge a previous crime is illogical, shortsighted, and unjust." Jago and Marriott (2007, p. 4) argue that disenfranchisement lacks "retributive value beyond vindictiveness." While 'vindictiveness' may not serve a retributive purpose, citizenship and criminological scholars alike have noted the intentional stigmatization and 'othering' that occur through punitive disenfranchisement.

## **Marginality, Disenfranchisement, and Imprisonment**

The previous section addressed philosophical justifications for 'criminal' disenfranchisement. Social exclusion is another significant aspect to consider in understanding punitive disenfranchisement. This section addresses who is socially and politically excluded in Scotland, and provides international context regarding social exclusion, deprivation, and political disempowerment. This section then proposes a framework for understanding political disempowerment before imprisonment in marginalized and criminalized communities, and addresses specific demographic factors which might increase the risk of this in Scotland.

Croall and Mooney (2015, p. 45) describe social inequalities in Scotland as "interrelated" and argue that understanding inequalities is critical to understanding crime. Crime is committed by people across each stratum of the socioeconomic spectrum. Croall and Mooney (2015, p. 48) point out that despite this fact, "they are *different* crimes and are differentially socially

constructed and subjected, or not, to criminal justice.” In Scotland, the population most-frequently coming into contact with the justice system is young men, especially those from low-income backgrounds (Audit Scotland, 2008; Houchin, 2005; Howard League Scotland, 2014). Croall and Mooney (2015, p. 48) attribute the prominence of young, lower SES-background men in Scotland’s crime statistics and justice rhetoric to several factors, including the visibility and openness of their daily activities and the crimes they commit, immaturity and inexperience evading law enforcement, and the “moral panics” which occur in the publics’ and politicians’ responses that then “attract negative publicity and public censure often linked to harsher policies” which further scrutinise and criminalise the offenses committed by this demographic group.

Research in Scotland has long indicated an overlap between the areas with the highest levels of deprivation and those with the highest levels of crime (Houchin, 2005) such that “one in nine young men from the most deprived communities will spend time in prison at the age of 23” (Croall & Mooney, 2015, p. 55). The most recent prison population statistics revealed a disproportionate number of arrivals from deprived communities, with arrivals from the 10% most deprived areas of Scotland comprising 33.4% of all arrivals, and those from the second most deprived decile comprising 19.3%—meaning that the two deciles with the greatest level of deprivation account for over half of all arrivals (Scottish Government, 2020b).

Various sociological theories link social exclusion with criminalisation and imprisonment, including economic opportunity (Becker, 1968), differential association theory (Conwell & Sutherland, 1937), strain theory (Merton, 1968), social disorganization theory (C. R. Shaw & McKay, 1942), critical criminology (I. Taylor et al., 1974). Global sociological, political, and criminological scholarship has discussed country-specific relationships between political exclusion and criminalisation/imprisonment (A. P. Davis & Gibson-Light, 2020; Johnson, 1977; Karstedt, 2021). These studies, and others, have outlined the relationships between groups which have historically been systematically politically marginalised and criminalised, but such studies have not addressed the link between political exclusion and imprisonment in the Scottish context. Further, Scottish scholarship has linked deprivation and social exclusion, deprivation with crime, and deprivation with imprisonment, but has failed to adequately address the existence or nature of a relationship between deprivation and political exclusion (among both the total population and the imprisoned and justice-impacted population).

Social inequalities influence voting behaviour and political engagement. Several factors linked to socioeconomic status have been established as indicators of participation and engagement with politics and political behaviours. For example, increased educational attainment has been shown to increase the likelihood of voting in elections and political participation (Bömmel & Heineck, 2020; Hansen & Tyner, 2021; Hoskins & Janmaat, 2019). Recent UK-wide research on political disengagement found that “unskilled workers and the long-term unemployed were more politically disengaged than people from other occupational backgrounds” (Uberoi & Johnston, 2019, p. 4).

Theories of political disengagement vary from individualised responsabilisation, portraying “a failure of individual citizens to live up to their democratic obligations” (Uberoi & Johnston, 2019, p. 7), to recognising the role of socioeconomic structures and institutional barriers inhibiting certain groups from engaging in equitable democratic and political participation. Political exclusion in Scotland is generally understudied, with a tendency for political engagement scholarship to have an individualistic undercurrent (i.e., examining individual voting behaviours and motivations) rather than a systemic approach. In the context of neoliberal penalism and citizenship, Behan (2020, p. 8) frames contemporary behaviour and attitudes towards imprisoned people as an extension of the ostracization and penalisation historically faced by other marginalised groups in society such as those poor or unemployed—a punitive attitude which was developed under the authority of former Prime Minister Margaret Thatcher. Marshall (2020, p. 3) posited punitive disenfranchisement as “as fully embedded in practices of structural violence... and systematic institutional biases that diminish the position of vulnerable members of society...” describing such policies as “part of a continuous system of measures that target and diminish the position of those persons and groups.” Tripković (2019, p. 34) explains, just as “the effects of criminal justice policies are unequally distributed among the population, disenfranchisement disproportionately targets minority offenders” such as American Black communities, Canadian Indigenous communities, and Australian Aboriginal communities (Hench, 1998; Manza & Uggen, 2004; Wood & Bloom, 2008). Global research recognises how punitive disenfranchisement targets specific racial and ethnic groups, linking histories of discriminatory policies with criminalisation and political ostracization that contextualise culturally specific penal disenfranchisement policies (Correa, 2021; Hench, 1998; Kelley, 2017; Ochs, 2006; Shapiro, 1993; Tripković, 2019).

An analysis of the social and spatial demographics of Irish imprisoned people found the incarcerated population “conspicuously homogeneous and not reflective of” Ireland’s population: those imprisoned were disproportionately “characterized by concentrated and multiple social disadvantages” (Breen, 2010, pp. 55–56). O’Mahony (2002, p. 627) described Irish prisons as systematically “deploy[ed]... as a means to control a specific underclass.” Behan’s (2012, p. 131) analysis of Irish prison voting found that imprisoned people from disadvantaged backgrounds with less education were less likely to vote and voiced greater distrust of the political system, with most “coming from a social class with a weak tradition of voting.” Analogous patterns may emerge among Scotland’s imprisoned population (see earlier discussion of Croall & Mooney, 2015; Houchin, 2005; Scottish Government, 2020). Indeed, recent reports indicate that only 38 imprisoned people exercised their right to vote in the 2021 Scottish Parliament election (Duffy, 2021; The Electoral Commission, 2021). These 38 persons constitute approximately less than 2% of the estimated voting-eligible imprisoned population for the 2021 Scottish Parliament election (see p.40-41, Absent data: who votes in Scotland’s prisons?). Data from the 2022 Scottish Local Elections also remained bleak. The Electoral Commission (2022a) reported that 49 imprisoned persons were registered to vote, but provided no supporting evidence regarding actual turnout, total number of eligible persons imprisoned, or whether those registered were serving a custodial sentence or imprisoned on remand (Electoral Commission, 2022b).

Several scholars have suggested an intentionality to the marginalizing/exclusionary impact of disenfranchisement. Behan's analysis of English and Welsh prisons (2020, p. 1) "contends that citizenship has been eroded, not as a 'collateral consequence' of imprisonment, but rather as a determined penal policy." In investigating associations between social inequality, marginalized identity, and disenfranchisement —this dissertation proposes a new framework for understanding the substantive disenfranchisement which occurs before imprisonment in criminalized populations. The following subsection outlines this proposed pre-carceral disenfranchisement, summarizes the existing evidence which supports its potential existence, and hypothesizes contributory factors and implications.

## **Proposed Pre-carceral Disenfranchisement**

In this section, I will explore literature surrounding on the political socialisation and (dis)empowerment of imprisoned persons in Scotland before their experiences of confinement. To accurately assess the impact of imprisonment on the political engagement and beliefs of incarcerated people, a baseline of prior political socialisation, empowerment, and engagement is first needed. Houchin (2005, p. 77) found tremendous spatial concentration among the imprisoned population in Scotland, with a "systemic" connection between "social exclusion" and likelihood of imprisonment. McNeill and Velasquez (2017) touch upon the commonly shared experience among imprisoned people of bearing "civic wound[s]" even "before they arrive [to prison]—at least to the extent that profound and enduring social inequalities provide the contexts for their offending." While political disengagement in Scotland has been explored in relation to the 2014 Independence Referendum, religious identity, and age, Scottish politics and sociology scholars have yet to analyse political disengagement in relation to criminalisation and the justice system. Punitive disenfranchisement occurring within a justice system that already disproportionately draws from the most vulnerable populations reinforces and compounds pre-existing social exclusion/marginalisation, or what I conceptualise as "pre-carceral disenfranchisement." To my knowledge, no prior studies have examined or theorised the *existence* of pre-carceral disenfranchisement, nor have they investigated factors which may contribute to and/or exacerbate the proposed pre-carceral disenfranchisement.

In analysing the impact of justice system contact on political participation in the U.S., Weaver and Lerman (2010, p. 822) identify the non-representativeness of the imprisoned population (relative to the national population) as a findings limitation because those incarcerated disproportionately reflected lower socioeconomic status and education levels and higher economic, familial and professional instability, thus increasing factors decreasing the likelihood of "engag[ing] in politics in the first place..." In identifying a direct relationship between punitive governmental contact and political demobilisation, this 'limitation' provides insight into the presence of pre-existing political demobilisation, stemming from multiple socioeconomic and political factors, which constitutes a pre-carceral disenfranchisement effect amongst populations likely to be justice-involved. Behan (2020, pp. 4–5) discusses the factors working against widespread civic engagement among imprisoned populations, contrasting the disproportionate political and civic influence and engagement of persons belonging to elite,

educated, powerfully networked social backgrounds with the low literacy levels and poor socioeconomic status among those incarcerated in Ireland, who “have characteristics that do not suggest widespread and deep civic engagement.”

The most recent results of the Scottish Social Attitudes Survey (SSA), which evaluates the Scottish public’s attitudes towards government, politics, and public services, provided troubling indications of political disengagement presenting in those populations at increased risk of imprisonment, hinting at the presence of the proposed pre-carceral disenfranchisement. Before analysing the content and results of the survey, it is important to note that the SSA’s ‘face-to-face’ methodology likely results in its’ exclusion of the opinions and attitudes of people in confinement, though would not prevent participation from those with previous experiences of incarceration. While the portion of people facing long-term confinement in Scotland is relatively small compared to the general population, their unique lived and current living experiences and cannot be extrapolated from survey data generated from a sample of respondents who, in principle, have the freedoms to access to media, literature, community, and political engagement. Further, unless they have been imprisoned, these participants cannot accurately convey the physical and mental health, nor economic and social, ramifications of imprisonment. However, the portion of the Scottish population facing long-term confinement is *also* the population for which the Scottish Government has maintained electoral disenfranchisement. Nonetheless, the SSA can provide a useful, contemporary, and locally specific dataset from which information about political engagement and attitudes across various groups in Scotland can be gleaned.

There exists a gap in governmental trust that the Scottish Government acts in Scotland’s best interests along lines of self-described perceptions of income: those wealthier who live more comfortably have greater trust in the UK government than those who are poorer with worse living conditions (Reid et al., 2020). Political behaviours and perceptions of their value also varied with indicators of socioeconomic status. Examining political activities with the Scottish Index of Multiple Deprivation, the bottom three (most deprived) quintiles had similarly low rates of engagement with political activities, and participation in civic activities was weakest among the most deprived quintile (Reid et al., 2020).

While SSA data illuminates the correlation between higher deprivation levels and decreased political participation, it fails to evaluate how these factors and outcomes translate among Scotland’s imprisoned population (although, contextualised with prison demographic analyses can provide insights into possible pre-carceral disenfranchisement). Further, by virtue of excluding incarcerated persons from responding and by neglecting to include proxy measures for prior experiences of imprisonment and/or criminal charges, the SSA cannot provide data informing the political activities and attitudes of people who have experienced imprisonment. Imprisoned persons’ political attitudes and opinions towards government have rarely been analysed in global scholarship, and are absent from Scottish research in this area.

Further, while global scholarship has provided indications of political disengagement among over-criminalized populations, existing studies fail to identify the mechanisms through which imprisonment influences political attitudes. The following section addresses intersections of identity and lived experience which may increase risk of the proposed pre-carceral disenfranchisement among Scotland's imprisoned population.

### *Intersections of vulnerability: women and pre-carceral disenfranchisement*

Although women comprise a far smaller portion of Scotland's imprisoned population than men (Scottish Prison Service, 2021), most studies on voting behaviours and political engagement in prisons globally neglect to include female participants and/or a gendered (let alone intersectional) analysis of barriers to political engagement in carceral spaces. Women are, overall, understudied in international scholarship as it relates to punitive disenfranchisement; the relationship between incarceration and political engagement; and analyses of citizenship in prisons. There are unique intersections which subject many of the women imprisoned in Scotland to specific vulnerabilities that potentially increase their likelihood of experiencing the proposed "pre-carceral disenfranchisement" in comparison to their male counterparts. Gendered *economic* inequality contributes to women's increased likelihood of facing housing instability (Engender Scotland, 2020), which correlates with decreased likelihood of voter registration and decreased voting behaviour in the broader UK and within Scotland (Electoral Commission, 2019; Uberoi & Johnston, 2021). In this context, the increased housing instability faced by women in Scotland can be understood as a potential contributing factor to their pre-carceral disenfranchisement.

Data on women imprisoned in the UK indicates the prevalence of IPV experiences among the majority of the female criminalized population (Swaine Williams & Earle, 2017), and traumatic head injuries caused by IPV among a significant portion of Scotland's female imprisoned population (McMillan et al., 2021). Those women who have suffered IPV and are imprisoned must cope with not only the physical and mental health ramifications of their experiences (Chandan et al., 2020; Humphreys, 2003; G. L. Roberts et al., 1999), but are also unlikely to have adequate resources accommodating their needs for voter registration. Uberoi and Johnston (2021, p. 47) reference remarks made by a campaigns manager for Women's Aid that described the task of registering to vote among women in a refuge as "an almost insurmountable challenge", highlighting connections between deprivation, IPV, and criminalization among women in Scotland, and underscoring the importance of intersectional evaluations of political disempowerment among Scotland's imprisoned population. An intersectional lens can reveal systemic patterns in unique factors relating to the experiences and processes through which marginalization and political disempowerment are reproduced in and around carceral cycles.

The unique needs and vulnerabilities of those discredited via their incarceration ought to be recognized, particularly because neoliberal penal culture, justifications for punitive disenfranchisement (see "Theories of Punitive Disenfranchisement"), and Scottish political culture (see "Scottish Penalism and the Elections Act") suggest that imprisonment reduces

one's entitlement to citizenship, therefore reducing the government's obligation to uphold rights and protections. Lastly, while I will critique the contradictory aims, intentions, and rhetoric employed by the Scottish Government in relation to the Elections Act in the subsequent section, identifying the intersectional identities of those politically disempowered within, and by, the justice system aligns with the questions abolitionists encourage: ones which investigate how prison impacts the "life chances and health of certain individuals, communities, groups, and regions" including understanding "how power is shared (or not), what the effects of power systems are, and analyzing how those systems came to be" (Agid et al., 2004, p. 17).

## **Scottish Penalism and the Elections Act**

This section explores the core rhetorical and political mainstays in neoliberalism and penal populism, which continue to play a major influence in Scottish political and criminological discourse. A critical analysis of Scotland's 'new' and 'progressive' penal identity is performed in relation to penal disenfranchisement and the limitations of Scottish 'progressive penalism.' By contextualising the Act with an analysis of Scotland's obligation to adhere to European Court of Human Rights rulings on penal disenfranchisement and pointing out contradictions in the Act's alleged aims, this section raises scepticism about the Scottish Government's true intentions of enfranchising—both in the substantive and legal sense—imprisoned people, and their ability to achieve these abstract aims.

### *Neoliberalism and the rise of penal populism*

Contemporary Scottish penalism, and the rhetoric employed in Scottish political, media, and public discourses surrounding imprisonment and punitive disenfranchisement, borrow heavily from neoliberalism and penal populism. Reviewing the core of these ideologies helps contextualise the proceeding analysis of the Scottish Government's rhetoric surrounding, and aims of, the Act. Reiner (2010, pp. 256–258) summarises the penal agenda which emerged in the neoliberal United Kingdom's law and order agenda of the 1990s into five central ideas: 1) "Crime is Public Enemy No. 1"; 2) "Individual, not Social, Responsibility for Crime"; 3) "Foregrounding Victims vs. Offenders"; 4) "Crime Control Works"; 5) "High-Crime Society Normalized."

The neoliberal political and cultural focus on citizenship in the 1980s encompassed a distinct departure from Marshall's "social democratic interpretation of citizenship" towards one that is more "exclusive, nationalistic, and particularistic" which emphasizes "barriers to the status of citizen, with the stress on hurdles, testing, pedigree, and desert" (Reiner, 2010, p. 244). Reiner (2010, pp. 234–244) chronicles the late 20th and early 21st century metamorphosis of British political and cultural frameworks for both citizenship and crime (individually, and in relation to each other), identifying "something of a reversal" in the citizenship's "predominant usage and connotation" (243-244) that sees a prioritisation of exclusivity—in which citizenship is limited to

a select few—as opposed to "universalistic" or "inclusive" citizenship theories which "[seek] ultimately to include all people in citizenship..."

The main framework within which offending behaviour was contextualised during the era of penal welfarism was “social deprivation, and later ‘relative deprivation’” which each acknowledge the socioeconomic contributors to offending behaviour, attributing an individuals’ “delinquent” behaviour to their experiences of having been “deprived of proper education, or family socialisation, or job opportunities, or proper treatment for their abnormal psychological disposition,” (Garland, 2002, p. 15). Between the 1970s and 1990s, the prior penal-welfarist criminal justice strategy which emphasised “collectivism and social policy” aimed at advancing welfare was phased out with the rising tide of economic, social, and political neoliberalism, increasingly replaced with “control theories” which “assume that individuals will be strongly attracted to self-serving, anti-social, and criminal conduct unless inhibited from doing so by robust and effective controls, and they look to the authority of the family, the community, and the state to uphold restrictions and inculcate restraint” (Garland, 2002, pp. 150, 15).

With neoliberalism’s expanding emphasis on individuality came what Garland (2002, p. 124) termed the “responsibilization strategy” in which non-state parties were called upon to act as an extension of the state in the surveilling and prevention of crime. This “responsibilization” also extended to individuals actors within the criminal justice system such that “[w]hen we impose control upon offenders today, we take pains to affirm their supposed freedom, their moral responsibility, and their capacity to have acted otherwise” (Garland, 2002, p. 198). Reiner (2010, pp. 256–257) identified the mantra of “Individual, not Social, Responsibility for Crime” as one of five “core elements” of neoliberal penalty. Much of contemporary Scottish penological discourse aligns with penal reductionism, reformism, and/or restorative justice, emphasizing moderation, reintegration, and community-based interventions (APS Group Scotland & Scottish Government, 2019; Armstrong et al., 2020; *SCCJR Annual Report 2020*, 2020). While Malloch (2018) acknowledges that these approaches provide constructive feedback for reducing over-imprisonment, they fail to critically examine significant exogenous factors in cycles of incarceration—a failure which engenders missed opportunities to challenge the institutions, politicking, and socio-political power structures mediating accessibility of membership and decision-making within government and communities.

The individualised responsibilisation associated with neoliberal penalism is reflected in contemporary Scottish cultural, political and penological discourse, and, arguably, constrains public and political opinion in addressing the needs and rights of imprisoned persons. This neoliberal political philosophical framework and emphasis on individual responsibility remains heavily influential in Scottish penal culture, and will, in subsequent sections, be discussed in the political framing of the Act; media and public perceptions of responsibility among justice-involved and imprisoned persons; and academic discussions of ‘citizenship’ in prison and who engages with it.



### *The Scottish Elections Act & contradictory aims of Scottish penal disenfranchisement*

The Scottish penal system stems from the British system (Barrie, 2012), but has since diverged, seeking to reposition itself to the progressive left of the UK (Brangan, 2019; Commission on English Prisons Today & Howard League for Penal Reform, 2009; Loader, 2010). The actual degree of this progressiveness is questionable at best. Scotland, and the UK more broadly have both recently undergone extended public discourse about the expansion of enfranchisement to portions of the incarcerated population (Johnston, 2020). Historically, the discourse around citizenship and enfranchisement in the UK has focused on virtue and deservedness, in addition to the concept that one could forfeit voting rights if breaking the so-called contractual obligation to society (Behan, 2012; Easton, 2008). The ‘social contract’ justification for disenfranchising ‘criminals’ (see “Theories of Punitive Disenfranchisement”) persists in contemporary Scottish penal and political discourse. In the final debate before the Act’s passage, this ‘social contract’ was referenced five times by members of Scottish Parliament— from both the Scottish Conservative & Unionist Party and the Scottish National Party (*Final Debate on the Scottish Elections (Franchise and Representation) Act 2020*, 2020).

The passage of the Elections Act in February of 2020, adopted under increasingly progressive leadership, represents the culmination of several years of inquiry into and discourse on ‘prisoner voting,’ and signals Scotland’s conscious, albeit reluctant, distancing from the ancient practice of civil death (criminal penalties designed to shun ‘offenders’ from society, including the revocation of voting rights).

Voting by convicted persons serving prison sentences had been banned in the UK under Section III of the UK Representation of the People Act 1983. In 2005, the European Court of Human Rights (ECtHR) ruled in *Hirst v. the United Kingdom (No. 2)* that the existing restrictions violated of Article 3 of the European Convention on Human Rights (ECHR) and required policies disenfranchising imprisoned persons to both be proportionate, and have legitimate aims (*Hirst v. The United Kingdom No. 2*, 2005). Post-*Hirst*, the UK government entertained various forays into modifying the ban on prison voting, with little actual progress made. In 2013, a Joint House of Lords and House of Commons Committee recommended the introduction of legislation enfranchising convicted persons serving sentences of up to twelve months for all UK elections, but this generated no eventual legislation (Atherton, 2019, p. 13). Also in 2013, amidst the leadup to the Scottish Independence Referendum, Scottish Parliament debated several amendments to the Scottish Independence Referendum (Franchise) Bill which would enfranchise imprisoned persons to vote in the referendum (Evans, 2017, p. 9). No such amendment passed, and then Deputy First Minister Nicola Sturgeon voiced her strong opposition to allowing prison-voting in the referendum (Evans, 2017, p. 9).

The Scotland Act 2016 significantly changed the trajectory of penal enfranchisement in Scotland: the Act granted Scottish Parliament previously-unwielded authority over Scottish Parliament and local elections (Scotland Act 2016, 2016). The Scottish Government quickly signalled their intentions to utilize these new powers, and put out a Consultation on Electoral

Reform in 2017 (Scottish Government, Constitution and Cabinet Directorate, 2017). Enfranchisement of those imprisoned could hardly be described as the top priority among these reforms, prison voting was mentioned only once in the document and was not directly referenced in any of the questions put to the public (Scottish Government, Constitution and Cabinet Directorate, 2017, p. 24).

Scotland was indeed pressured to remedy the non-ECHR-compliant ban on prisoner voting under *Hirst*: the UK Human Rights Act 1998 and Scotland Act 1998 authorized the invalidation of any Acts of Scottish Parliament or Scottish Government found incompatible with the ECHR (Atherton, 2019, p. 10; Evans, 2017, p. 10). This applies stricter scrutiny to Scottish enfranchisement policies relative to those passed by UK Parliament, which holds final authority on whether to revise legislation for those Acts of UK Parliament found incompatible with the ECHR (Evans, 2017, p. 10).

While the UK decided not to enact changes to their enfranchisement of convicted persons serving custodial sentences, Scotland was obligated to act. In addition to putting out an initial consultation on electoral reforms, the Scottish Parliament Equalities and Human Rights Committee (EHRC) began an inquiry into prison enfranchisement in 2017 (Equalities and Human Rights Committee, 2018). In May, 2018, the EHRC recommended that the ban on voting while serving a prison sentence be removed in its entirety (Equalities and Human Rights Committee, 2018). That winter, Scottish Government put out a “Consultation on Prisoner Voting,” to ascertain public opinion on four policy iterations of penal enfranchisement—excluding entirely the possibility of full enfranchisement for those in prison (Scotland & Scottish Government, 2018).

The Scottish Elections (Franchise and Representation) Act was introduced in Scottish Parliament in June 2019, with evidence taken by the Standards, Procedures and Public Appointments Committee that fall (Scottish Government, n.d.). In a Stage 1 Report, the Standards, Procedures and Public Appointments Committee recommended the Bill amend the Representation of the People Act 1983 to enfranchise imprisoned persons serving custodial sentences of up to 12 months for Scottish Parliament and local elections (2019, p. 22). The Report confirmed the Committee’s position that “the blanket ban on prisoner voting is unsustainable as it is at odds with the European Convention on Human Rights” (Standards, Procedures and Public Appointments Committee, 2019, p. 24). The Bill was subsequently debated in November 2019, January and February 2020, before its ultimate February 2020 passage and Royal Assent that April (Scottish Government, 2020).

Scotland’s recent move to expand the franchise effects a shift towards “the distinctly *Scottish* prison,” a penal transformation jumpstarted by the image-conscious SPS in the 1990s as a continued manifestation of the civic nationalism that arose in backlash to Margaret Thatcher’s policies (Brangan, 2019, p. 791). This analysis resonates with Loader’s (2010, p. 360) interpretation that “post-devolution Scotland is staking out a new penal identity by imagining and realigning itself with (mild) Sweden rather than (punitive) England.” A report by the

Commission on English Prisons Today and Howard League (2009, p. 23) described the Scottish minority nationalist government as “seeking to develop an identity which is not defined by an excessively punitive character.” Despite Scotland’s outward embrace of “progressive” penalism, Brangan (2019, pp. 792–793) distinguishes the Scottish prison system’s transformation as “civilizing” rather than “welfarist and progressive,” as a true humanitarian shift “would have curtailed the very act of inflicting imprisonment.”

It is important to keep realistic assumptions about the “progressiveness” of Scottish prisons in mind in any considerations of the expansion of the franchise to temper understanding of its scope, successes, and the capacity to truly give political voice to the imprisoned. The SPS runs a managerial system, in which efficiency, stabilisation, and data-driven practices take priority over individual rights and humanitarian, reformist or abolitionist approaches (Brangan, 2019; Easton, 2008; B. Weaver, 2019). The SPS framework document identifies their simultaneous prioritisation of operational efficiency and an aim to “transform the lives of...[imprisoned people] so they can fulfil their potential and become responsible citizens” (SPS, 2016, p. 1). The role which Scottish penal managerialism plays in shaping imprisoned people’s capacity for citizenship and political engagement will be explored in a later section of this chapter, titled “Citizenship, Denizenship, and Political Socialisation Inside the Prison.”

However, the SPS’s bureaucratic structure and progressive messaging alone cannot guarantee a successful rollout of the act, especially amid COVID-19 and resulting changes to both electoral procedures and the prison system, nor can it guarantee the realisation of the Act’s aspirations of de facto enfranchising imprisoned people—let alone promoting “respect for the rule of law” (The Scottish Parliament, 2019, para. 67), which may be contingent on wider factors. While data on imprisoned voting in the 2021 Scottish Parliament election remains scarce, it is not immediately clear whether the relatively low turnout rate among those voting-eligible was attributable to logistical pitfalls (on behalf of prison management or the electoral community), poorly written policy, a lack of personal motivation to vote, and/or additional factors or some combination of the above.

Besides the logistical issues potentially impeding a successful rollout, coincident sentencing reforms call into question the Act’s intended “progressiveness.” Concurrent with the Act’s enfranchisement of persons imprisoned and serving short custodial sentences, the Scottish Parliament passed sentencing reforms impacting the same population. July 2019 “PASS”<sup>2</sup> revisions extended prior sentencing guidelines (encouraging sentences three months or less be served non-custodially) to those amounting to twelve months or less. The coincidence of the Act and PASS extension—both impacting those imprisoned with sentence-lengths of or below one year—potentially reduces the portion of enfranchised imprisoned people. A bill report undertaken by the Standards, Procedures and Public Appointments Committee (2019, p. 3) before the Act’s passage found the proposed 12 month cut-off to be “inconsistent in the

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<sup>2</sup> formally, the Presumption Against Short Periods of Imprisonment (Scotland) Order 2019.

context of the presumption against sentences of twelve months or less adopted by the Scottish Parliament in June 2019. In effect, very few people might be enfranchised by the provisions in the Bill.” The Scottish Government weakly and curtly addresses this critique in a policy memorandum on the Act, stating that “there is no fundamental contradiction between the concept of granting prisoners on short sentences a right to vote and a reduction in the number of prisoners who receive short sentences” (The Scottish Parliament, 2019, para. 68).

Further, the Elections Act was not passed out of a change in heart amongst Scottish politicians—rather, it was passed out of a need to comply with the European Court of Human Rights’ (ECtHR) ruling in *Hirst v. the United Kingdom (No. 2)*, which requires policies disenfranchising people in prison to both be proportionate, and have legitimate aims (*Hirst v. The United Kingdom No. 2*, 2005; Scotland & Scottish Government, 2018). The antagonistic attitudes of those aware of their obligation to comply with ECtHR becomes painfully clear when hearing comments from members of Scottish Parliament, such as those made by then-member Adam Tomkins (*Final Debate on the Scottish Elections (Franchise and Representation) Act 2020*, 2020):

The European Court of Human Rights should never have gone anywhere near the issue [of enfranchising imprisoned people] ... However, the solution does not rest in enfranchising all prisoners in Scotland who are sentenced to terms of imprisonment of up to a year. Minimal compliance with that doubly rotten judgment, which is what the United Kingdom is avowedly doing, is still compliance.

This context reaffirms that, for many, the Act was designed and passed to safeguard the Scottish government from liability more so than to “empower” or truly enfranchise—substantively or legally—imprisoned people in Scotland. To comply with ECtHR rules, the Scottish Government needed to fulfil both the proportionality requirement, and the requirement that penal disenfranchisement served a legitimate aim.

To adhere to the Court’s demand for proportionality, the Scottish Government selected a 12 month sentence-length cut-off, which some scholars have proposed would fail to hold if challenged in the Court (Hunter et al., 2022), however, a legal analysis of ECtHR compliance is beyond this chapter’s scope. The Scottish Government claimed that the Act accorded with the legitimate aim requirement in its pursuit of “sanctioning the conduct of offenders” and “promoting the rule of law and responsible citizenship. It also pursues the wider objectives of the rehabilitation and reintegration of prisoners on shorter sentences with the aim of reducing reoffending” (The Scottish Parliament, 2019, para. 82).

This justification contains several unproven and seemingly incompatible aims, which reflect both the Scottish Government’s desire for punitive ostracization, reflected in their emphasis on the “need to ensure that serious offenders are punished,” (The Scottish Parliament, 2019, para. 67) and the moral superiority associated with civic republicanism which suggests a deficit in personal capacity for ‘responsible citizenship’ among some, if not all, of those in prison. In

specifying an aim for “rehabilitation and reintegration” solely for those “prisoners on shorter sentences,” the Scottish Parliament (2019, para. 82) subtly indicates indifference towards the ongoing *segregation* and *debilitation* for those imprisoned people serving longer sentences.

The alleged aim of rehabilitation via disenfranchisement, as discussed earlier, is self-contradictory as the act of disenfranchising reinforces isolation and awareness of out-group status (Harvey, 1994; Thompson, 2002), working counter to the rehabilitative objectives. Further, the earlier section also debunked the argument that disenfranchisement promotes positive citizenship because it simply removes opportunities for engagement in positive citizenship behaviours. These conflicting aims which claim to simultaneously penalise, rehabilitate, and promote positive behaviour by taking away opportunities to engage in that behaviour are clearly in opposition to the “progressive” ideology propagandised by the Scottish Government and SPS in which imprisoned persons are empowered to engage politically.

The Scottish Government’s desire to ‘enfranchise’ is further revealed to be adherence to liability than an ideological progression, as evidenced by their simultaneous imposition of an asymptote to imprisoned persons’ *true* political participation by blocking their ability to run for office, insisting on the implementation of a sentence-length ‘cut-off’ threshold for voting, restricting voting to those with short sentences to inhibit network-forming and community driven advocacy within the prison, viewing voting as a means to a criminal justice end. Using voting rights as both carrot and stick—without considering political empowerment as a vehicle for restorative justice (let alone transformative justice and/or prison abolition, which both seem beyond the realm of possibility)—demonstrates the lack of desire to achieve ‘sentencing aims’ through disenfranchisement. Morgan-Williams (2016, p. 354) identifies the “use of sentencing aims as a justification for denying the vote” as the “weakest” justification for disenfranchisement, because “no actual evidence or reasoning is provided, it is merely stated that a blanket ban aids sentencing aims and the prisoner’s rehabilitation.”

Further claims of disenfranchisement supporting desistance, or “reducing reoffending” (The Scottish Parliament, 2019, para. 82) remain unsupported, and even, contradicted (Mauer, 2011). McNeill (2015) describes how desistance theory has been used in arguments ranging from those which reinforce to those which reform existing criminal justice structures. These have included a wide variety of applications, “ranging from the marketisation of probation (in England and Wales), to the promotion of penal reductionism, to the reframing and/or displacement of punitive and risk discourses and practices, to the recognition and prioritisation of ‘user voice’ in criminal justice” (F. McNeill, 2015, p. 200). Instead of viewing desistance as a singular trait which either occurs or does not, McNeill (2015, p. 201) suggests that desistance can be viewed as a “process of human development in social context; one that involves moving *away* from offending and *into* compliance with law and social norms.” Referencing Maruna and Farrall’s (2004) *primary* and *secondary* desistance—with the former addressing behaviour, and the latter, identity—McNeill (2015, p. 201) points out the critical nature of secondary desistance among individuals who have been “heavily involved in offending and/or heavily criminalised”, but goes on to add a “*tertiary* desistance” which describes “shifts in one’s sense

of belonging to a (moral and political) community.” It is unlikely that a policy which potentially negatively affects all three elements of the desistance process—behaviour through discouraging the act of voting; identity through ostracization and a falsely-constructed moral disqualification; and belonging through exclusion—could spur the facilitation of the Act’s supposed desistance aim.

In the policymaking process for the Act itself, contradictory recommendations and conflicting decision-making methods highlight further inconsistencies in the Act’s intentions. After taking evidence on ‘prisoner voting,’ the Scottish Parliament Equalities and Human Rights Committee (EHRC) presented their findings in a report, which concluded with two main recommendations to the Scottish Government: 1) to remove the ‘prisoner voting ban’ “in its entirety”; and 2) “to consider a plurality of views on the issue and consult as wide a range of stakeholders as possible, including victims of crimes and the general public” (Equalities and Human Rights Committee, 2018, paras. 145–146). While these suggestions may not seem incongruous on the surface, the EHRC knew that the UK general public was highly reactive to the subject, describing ‘prisoner voting’ as “one of the most emotive subjects in the UK” (2018, para. 110) while simultaneously stating “we strongly believe that decisions should be taken on rational grounds informed by debate rather than on gut feelings or on populism” (2018, para. 132).

Further, the language used in the public consultation document seems to intentionally elicit responses driven by emotion, rather than ration. The word “victim” is used four times in the consultation document, highlighting victim’s rights, interests, and feelings, as key factors for consideration in determining penal enfranchisement (Scotland & Scottish Government, 2018, pp. 3, 5, 5, 14). Twice in the consultation, the government directly links victims’ rights and/or interests with those of the public, promoting a dichotomy between the deserving victims and public with the undeserving incarcerated population. Drake and Henley (2014, p. 151) outline several reasons why centring victims is problematic “within debates on human rights or on prisoners’ voting and, thereby, citizenship rights... First, such strategies indicate a tendency to stifle debate on the implications of human rights’ rulings whilst evading the proper scrutiny of future criminal justice legislation.”

The “emotive” political and public discourse on prison voting in the UK referenced in the ECHR report includes public remarks from then-current UK Prime Minister David Cameron that the thought of ‘prisoner voting’ makes him “physically ill” (Howard, 2011); MP Peter Bone that allowing prison voting would be a “bonkers decision” (Herald Scotland, 2017); MP Philip Davies that “giving the vote to any prisoners is idiotic” (BBC News, 2017); and an unnamed MP that changes to penal voting rights would occur “over my dead body” (BBC News, 2012). Some journalistic portrayals of the enfranchisement of imprisoned people described the prospect as “abhorrent” and an “electorally toxic proposition” with one article stating “there is simply something repugnant about enfranchising jailed criminals” (Graham, 2019).

The benefit politicians reap from employing penal populism in both their rhetoric and their policy, Drake and Henley (2014, p. 146) argue, is maintaining an image in which the state is “cast as the protector of the rights of ‘good citizens’”:

Such constructions are instrumental in reinforcing existing fears and dominant beliefs about the problem of crime and about how those who break certain laws ‘ought’ to be treated. Furthermore, they draw clear delineations between the ‘law-abiding’ and the ‘dangerous’ and between the ‘deserving’ and ‘undeserving’. Within this policy context, ‘offenders’ are often crudely cast as undeserving of citizenship rights and State protections. (p. 146)

The following section will explore how the rhetoric used by politicians, the public, and the media in discussing the disenfranchisement of imprisoned people has shaped public opinion and legislative outcomes to denigrate the entitlement imprisoned people have to political voice and participation, and its potential impact on the political beliefs, attitudes, and behaviours of people in prison.

### **A Culture of False Dichotomies: ‘Prisoners’ vs. Public, Citizens vs. Denizens**

Expanding the legal franchise for imprisoned people has been heavily debated in Scotland and the UK over the past 20 or so years (BBC News, 2012, 2017; Equalities and Human Rights Committee, 2018; Graham, 2019; Herald Scotland, 2017; Howard, 2011), however most of this debate has heretofore excluded the voices of imprisoned people. Public responses to the Scottish Government’s consultation on prison voting reflect the emotionally-charged dehumanisation of people with criminal convictions which pervades British political discourse and media coverage. 20 of the 265 responses to the consultation contain the word victim. One response reads: “It would be an insult to victims of crime if prisoners were allowed to vote. Prison is meant to be a punishment for crimes committed... [not] a holiday camp...” (Blackburn, n.d.) Another claims “This country is too soft on Prisoners [*sic*] and there is always a focus on prisoners [*sic*] rights, however people rarely talk about the impact and well-being of victims of crime” (Response 83986301, n.d.). Another “While we talk rights I feel we neglect the rights of victims of crime... You’re [*sic*] vote should be considered null and void if you take away the rights of another [person] ... to feel safe. Whether it’s a robbery, assault, murder, rape, child abuse, you have taken something away from your victim... Their personal security” (Response 453863511, n.d.).

Many of these responses reflect a zero-sum mentality in which any rights exercised by those imprisoned are perceived to detract from the rights of victims (Hudson, 1987, 2001, 2003). The zero-sum perspective on imprisoned people gaining a civil right both misperceives potential harms to victims and reflects a similar salience bias and stereotyping in which the emotionally-salient crimes skew the public’s perception of the imprisoned population. Not only did the Scottish Government fail to contextualise various sentence length proposals in their consultation with corresponding offenses and/or the portion of imprisoned persons who would

become eligible under different thresholds, but they presented a consultation document with victim-heavy language that promoted a recency bias in which respondents were primed to consider victims' rights and perspectives without presenting any humanising perspective on incarcerated persons. A review of the data for the 2018-2019 period (in which the penal voting consultation took place) reveals that under the *most* lenient proposal put forth by the Government in the consultation (to enfranchise those serving sentences of 12 months or less), of those incarcerated and sentenced who would become eligible under the proposal, only 4.8% and 3.45% were in the index offense group for "crimes of violence" and "sexual offences," respectively (Scottish Government et al., 2021). The failure of the consultation document to even attempt to provide a simple and easily-comprehended statistical contextualisation of the options provided to the public indicates a blatant unwillingness to counter 'emotionally-driven responses'—rather, it could indicate an intentional skewing *towards* eliciting knee-jerk reactions from respondents.

Further, it has not been convincingly demonstrated in existing scholarship that victims in Scotland (or elsewhere) are generally in favour punitive *disenfranchisement*. Despite repeated references to the "rights of victims" (The Scottish Parliament, 2019, paras. 59, 74) in Scottish Government publications relating to punitive disenfranchisement, there is little empirical evidence supporting the idea that victims strongly support this position. In fact, one particularly poignant response to the consultation on penal enfranchisement indicates just the opposite (Logan, n.d.):

My younger son was killed by my elder son, who was sentenced to life imprisonment. I am therefore both a relative of a victim and a relative of a prisoner. This gives me the ability to consider the perspectives of the victim and the prisoner when making my response.... I would suggest the Scottish Government has misdirected itself by giving weight to victims' concerns. The issue is not whether victims may be aggrieved by changes in electoral law, but whether such changes are likely to be of benefit to society as a whole...

Similarly to how dichotomising identities of 'prisoners' versus 'the public' normalises the diminution of imprisoned peoples' rights, language distinguishing 'victims' from 'criminals' inhibits a fuller understanding of imprisoned persons' lived experiences. Placing those convicted of criminal offenses in rhetorical opposition to 'victims' vindicates the unjust treatment and rights-deprivation of imprisoned people, while simultaneously preventing a kind of class consciousness relating to systemic harm experienced by those in the justice system—a consciousness which, if present, could serve as a catalysing force for the political engagement of imprisoned and justice-impacted people. The rhetoric used in the media, by politicians, and which pervades public discourse is relevant in shaping cultural beliefs about imprisonment for both imprisoned people and the unconfined public.

This section considered Scottish cultural beliefs relating to identity and deservedness in the context of imprisoned peoples' participation in voting and civic life. These cultural beliefs, the



rhetoric shaping them, and their impact on public conceptions of the prison and the people confined within it certainly influence political opinion against the rights of incarcerated people. On the 'outside', penal populist rhetoric and prison imagery serve to segment the population via moral degradation and dichotomised identities. The way this rhetoric and political socialisation process influences how justice-impacted people view themselves, and their engagement in politics, is understudied in the Scottish context. The subsequent section will explore the political socialisation processes occurring on the 'inside', including the messages sent by the physical isolation of the prison and how the prison environment constrains opportunity for political engagement.

### **Citizenship, Denizenship, and Political Socialisation Inside the Prison**

This section explores how forced confinement in the prison influences individual beliefs, attitudes and behaviours relating to political/civic engagement and citizenship. In exploring how imprisonment impacts people's identities as citizens, this section engages with how the experience of physical castigation and segregation compounds the ignominy of the 'offender' status to potentially contribute to an internalisation of the 'denizen' status that neoliberal penal populist rhetoric casts upon imprisoned and convicted people. Besides addressing the ways in which imprisoned persons' conceptions of self, government, and their relationship to government and politics may be reconfigured by the confinement experience, this section discusses how responsabilisation and narrow conceptions of prison 'citizenship' by scholars, government officials, and even imprisoned persons themselves, may inhibit imprisoned persons' rights and capacity to function as citizens of the state. Lastly, this section explores opportunities for engaging in 'citizenship' and 'political' behaviours in the prison, aside from the act of voting.

In addition to imprisonment's known consequences on family life, economic opportunities, career prospects etc., there is a "deleterious impact on citizenship while incarcerated, and generally for a period thereafter, sometimes forever." (Behan, 2020, pp. 1–2). Describing the American political and criminal justice system, Weaver and Lerman (2010, p. 820) explain that many criminal justice policies "stigmatize by their very design, conferring a dishonorable status." Inderbitzin et al. (2016, p. 58) describe the persistent message sent to imprisoned people through the environmental cues of their confinement: "the wall which seals off the criminal, the contaminated man, is a constant threat to the prisoner's self-conception and the threat is continually repeated in the many daily reminders that he must be kept apart from 'decent' men." The prison can be a critical site of political learning. Weaver and Lerman (2010, p. 817) explain the "substantial civic penalty" of "custodial involvement": "Given that the carceral state has become a routine site of interaction between government and citizens, institutions of criminal justice have emerged as an important force in defining citizen participation and understandings, with potentially dire consequences for democratic ideals." Aside from electoral disenfranchisement, there are many cultural factors sending imprisoned persons messages of their 'lesser' status.

The experience of confinement and exclusion from ‘law-abiding society’ “tends to cement spoiled identities rather than nurture positive ones” (F. McNeill, 2015, p. 208). While the aforementioned quote was made in reference to the negative impact imprisonment has on self-image in the context of working counter to desistance, it has additional relevance in the context of disenfranchisement. The detrimental impact on self-perception caused by imprisonment is potentially compounded by the loss of voting rights and the rhetoric of ‘bad citizenship’ and moral inadequacy which plague British political and media discussions and justifications of penal disenfranchisement. Added to the consequences of being physically alienated from society is civic alienation, furthering the message and experience of denizenship. Experiences which “cement spoiled identities” negatively impact imprisoned persons’ sense of belonging as a citizen and entitlement to the political and civic activities which comprise formal participation in the running of the state. Although the stigmatisation associated with imprisonment has been considered by global scholars, how imprisonment may influence self-identity in relation to civic and political society remains widely under-investigated, and to my knowledge, uninvestigated in the Scottish context. Moreover, few studies have focused on, if and how civic alienation in the prison contributes to an internalisation of the ‘denizen’ identity prevalent in penal populist rhetoric, nor whether (or how) penal populist ideology may replicate itself among imprisoned persons own conceptions of their status as citizens ‘of the prison’ in Scotland.

### *‘Citizenship’ inside the prison*

An overwhelming portion of existing literature around citizenship in prison is extremely limited to ‘citizenship’ as defined within the prison space, excluding conceptions of imprisoned people as citizens who can exist outside of the prison, i.e., ignoring their state citizenship. Despite using three different frameworks for evaluating participation in “active citizenship” while in prison among people imprisoned in Europe, Brosens et al.’s (2018) evaluation failed to include, or outline parameters for, any kind of extra-institutional citizenship. The narrow scope of Brosens et al.’s (2018) parameters for “active citizenship” reflects a common oversight in existing analyses of citizenship in prisons—taking a perspective that considers those imprisoned to be “citizens” of their confining institution(s) (i.e. the prison) rather than citizens of the broader nation state within which they possess legal citizenship status. This type of relational citizenship seems to be uniquely applied to the prison—it would be bizarre, for example, for a student to be considered a “citizen” of their boarding school.

Portraying ‘prisoner citizenship’ solely in a relational context (to the prison) neglects critical areas of importance in understanding citizenship while incarcerated, neglecting frameworks such as Marshall’s (1950) civil, political, and social citizenships; cultural citizenship” (Rosaldo, 1994); or comparisons of legal and experienced/substantive citizenship. Instead, many of the studies analysing citizenship in prison, and/or the citizenship capacities of imprisoned persons embody the characteristics of the “civilized penal[ism]” which Brangan (2019, p. 794) describes as “occur[ring] dependent on the inescapably contingent cultural mores, emotional sensibilities and anxieties that coalesce at precise moments in history.” While Brangan’s (2019) description of “civilizing” penalism refers to reforms implemented by the Scottish government, her

framework can be applied to scholarly (and cultural/political) depictions of prison citizenship which fail to challenge the neoliberal constructs that have placed the citizenship of imprisoned people on a different level from that of the non-imprisoned population.

Some studies about citizenship in prison have portrayed the 'civilised prisoner' as an anomaly, employing a trope of the 'transformed' or 'refined' 'good prisoner' which reinforces the dehumanisation and othering created in the media and neoliberal penal/political rhetoric. Brosens et al. (2018, p. 7) suggest that by actively participating in citizenship activities, imprisoned people can "take responsibility" and "change their self-image" to appreciate their "continuing stake in society" to the benefit of their reintegration into the larger community. While they acknowledge that the individual imprisoned people cannot be held solely responsible for their engagement with active citizenship opportunities in prison, the theme of individualised responsabilisation and the need for the 'prisoner' to transform into a civilised person capable of engaging with others pervades Brosens et al.'s (2018) analysis, and reflects neoliberal penalism's "responsibilization" (Garland, 2002) of those imprisoned, emphasising individualism to the extent that imprisoned people "are spurred on to become responsible for their own rehabilitation" (Behan, 2020, p. 8). The following quote by Inderbitzin et al. (2016, p. 60) illustrates the framing of rehabilitation for imprisoned people as their own responsibility:

There are... opportunities for growth within prisons for those who seek them. Every person who enters prison... can choose whether to get involved with positive programs... or they can choose to dabble in contraband and trouble, or to simply get by. Leaders emerge through their own efforts, attitudes, and achievements. (p.60)

The demarcation amongst those incarcerated which highlights the abnormality and noteworthiness of those incarcerated people who have reformed themselves to become acceptably 'civilised' persists even in literature co-authored by currently incarcerated persons. Inderbitzin et al. (2016, p. 56) describe the incarcerated people who lead 'prisoner clubs' as often being "the 'good citizens' of the prison, recognized as such by both their fellow prisoners and the prison staff, and they consistently make efforts to give back to the larger community..." explaining that these specific individuals "deal with the deprivation of liberty through positive means... by becoming stronger and better citizens in prison...". The above excerpt reinforces the false dichotomy delineating entitlement to citizenship between the imprisoned and non-imprisoned population prominently featured in neoliberal punitive populist ideology and rhetoric—and which was frequently referenced in public and political conversations on Scottish penal enfranchisement—seems to replicate itself among imprisoned persons' *own* conceptions of their status as citizens of the prison.

Brosens et al., (2018, p. 6) describe the "greater autonomy" given to imprisoned people than they "historically" received, "while they are still controlled by prison staff." The description of this alleged heightened 'autonomy' of people imprisoned in Europe: "prisoners are given more responsibility for their own rehabilitation, and have to regulate all aspects of their conduct while power is still all-encompassing and invasive..." is framed as a "pain of self-government"

because people in prison have the ability, personal power and autonomy to either successfully self-rehabilitate or be held responsible for their failure to rehabilitate (Brosens et al., 2018, p. 6).

The above quote reflects the individualised responsabilisation of ‘prisoner’ ‘transformations’ which reinforces neoliberal punitive penalty by creating the false impression that left to their own devices, those imprisoned will fail to self-govern in a way that is conducive to their community re-entry. However, the self-governance in question is not any form of legitimate self-governance as it lacks any element of autonomy or power for remedying the personal and social ills, restrictions and regulations imposed by the external government (such as the lasting impacts of poor educational experience, lack of addiction treatment or mental health care, culture of alcoholism and toxic masculinity) let alone those posed by the prison environment, which restricts gainful employment (B. Weaver & Jardine, 2022), weakens familial connections (Jardine, 2018; Minson & Flynn, 2021), and harms personal, physical and mental health (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2019; MacDonald, 2013; Mental Welfare Commission for Scotland, 2022; Tweed et al., 2021). Publications conceptualising the ‘autonomy’ of imprisoned people in narrow and constrained ways similar to that of Brosens et al.’s (2019; 2018) studies fail to address the ways in which various governments have structured “citizenship activities” and imprisoned people’s participation in self-governance to be extremely limited and to prevent any sort of political and/or social organisation which could challenge the prison’s institutional framework (such as prohibiting imprisoned people’s clubs and councils from meeting/communicating extra-institutionally).

The exercise of ‘good citizenship’ in prison essentially boils down to being good at being imprisoned—i.e., behaving in a way that does not stress, challenge, or in any way disrupt or alter the management and operation of the prison. One scholar discussing the Scottish prison system and its allegedly rehabilitative approach described Scottish penal philosophy as “essentially paternalistic and prescriptive,” explaining that “The ideal prisoner is unlikely to coincide with the ideal citizen: the ‘training’ given to inmates is generally unrelated to the economic realities they will encounter after discharge and the behavioural responses inculcated in them are not those that will readily translate into any other social setting. Consequently, most prisoners are returned to the community singularly ill-equipped to survive its demands and stresses” (J. McNeill, 1988, pp. 36–37). Larson’s (2011, p. 10) discussion of prison writing as a tool to “demystify the prison inmate” oversimplifies barriers to the full civic and social integration of imprisoned people, suggesting that “what is lacking is a public willing to acknowledge prisoners’ right to resist their own civil death.” While public acknowledgement of people in prisons as capable, valuable civic participants may be lacking, an analysis merely pointing to shifting public opinion as the key to unlocking civic inclusion for justice-impacted populations fails to acknowledge the concrete role of politics in both shaping public discourse around imprisoned people and maintaining the power structures and resource imbalances contributing to their imprisonment.

Previous studies have almost exclusively focused on ‘prisoner citizenship’ as a function of conforming to the rules and participating in the running of the prison. These studies have, consequently, overlooked how imprisoned people’s citizenship functions in relation to the state. As a result of this oversight, current scholarship has failed to examine the ways in which people in prison are given (and not given) legitimate autonomy as citizens of the *state*, and opportunities (or lack thereof) for engaging with that citizenship. Contemporary literature does not address the influence that relational frameworks of ‘prison citizenship’ (which discern or differentiate the rights of imprisoned people from those of the public) may have on imprisoned persons’ engagement with and views of citizenship. The constraints which prevent the kinds of legitimate internal *and external* political mobilisation and autonomy capable of transcending the misnomered and heteronomous ‘citizenship’ facilitated by (and contained within the walls of) the prison remains absent from global publications on imprisoned people and citizenship.

### *Opportunities for political engagement in the prison*

Most scholarship regarding political engagement and participation in prisons has focused on voting rights; prison councils and committees; forums for discourse (such as Communities of Philosophical Inquiry, which *occasionally* discuss political issues); engagement with elected officials; participation in panels and/or debates; protest; unionizing; and rioting. The benefits of imprisoned people’s political engagement and self-governance in committees and councils been documented (Baker, 1964; Bishop, 2006; Regens & Hobson, 1978; Solomon, 2004; Solomon & Edgar, 2004; B. Weaver, 2019). Weaver (2019) identified positive effects of participation in User Voice Councils<sup>3</sup> in British prisons, improving quality of life for people in prison, interpersonal relations between officers and incarcerated people, and increased “institutional legitimacy.” Like the aims of many other prison councils and committees, User Voice Councils tend to focus on the day-to-day, immediate needs of people in prison. Weaver (2019, p. 256) found that engagement with such councils focused on “improving conditions for those living and working within the prison, with a few emphasizing a desire to better the environment for future prisoners (i.e., leaving a “legacy”).”

Arnstein’s ladder of citizen participation (1969) classifies escalating levels of civic and political engagement and power for intra-institutional participation and coproduction. Taylor (2014) and Nacro (2014), both applying this framework within prisons, limited their conceptions of the ladder to political engagement with prison management to informing, consulting, involving, collaborating, and “responsible for making (some) management decisions themselves” (Brosens, 2019, p. 468). Weaver (2019) noted that decisions made within User Voice Councils occurred within the prison’s institutional framework, with staff contribution, and without providing autonomy or challenging imprisonment’s legitimacy, extra-institutional policy, or power structures contributing to imprisonment. Although they provide a relatively newer venue for voicing opinions and needs which progresses past prior systems of prison

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<sup>3</sup> The User Voice Prison Council model operates as a democratic system with parties, electioneering, voting and a resulting Council, comprised of imprisoned people, that works with prison authorities to improve prison services.

“citizenship,” the structure of prison “self-governance” systems, in which incarcerated people are given leadership positions with a veneer of influence and autonomy, but no true ability to reform the institutions confining them, provides limited engagement closer to a “civilizing” (Brangan, 2019, p. 780) policy than one enabling imprisoned people substantial civic and political participation on a local, let alone national, level.

While ‘participatory’ political-adjacent activities have been researched in British prisons (such as User Voice Councils in England), the role that the SPS plays in shaping and supporting and/or restricting these activities remains under-investigated, as does the role of SPS in influencing access to opportunities for *external* political engagement. There has not yet been scholarship on political ‘participation’ in Scotland which examines opportunities for electoral engagement; and reflecting a broader oversight in the body of international literature on ‘participation’ in ‘political’ activities in prison. This oversight is symptomatic of political science and criminology scholars’ neglect of the opportunities available to imprisoned people for external political engagement (such as access to debates, town halls, candidates) and how these opportunities are constrained by the prison environment. This and the following section, which addresses the logistical facilitation of voting in prisons, raise further questions surrounding the bureaucratic structure of the SPS and how their penal managerialism impacts opportunities for engaging with political citizenship in prison.

There is minimal literature on how, and to what extent, newly-enfranchised imprisoned persons’ political engagement and participation extends beyond their electoral capacities. Behan (2012) conducted initial interviews about attitudes, but did not examine the expansion or development of civic participation and political dialogue *beyond* the vote. Several scholars have found evidence of the “dignifying” effect of enfranchisement among those imprisoned (Behan, 2012; Manza & Uggen, 2004); Behan and O’Donnell (2007) identified pro-social benefits of expanding the franchise to the imprisoned; Cheney (2008) and Dhami (2005) posited that penal enfranchisement will progress public discourse on penal reform; and Uggen, Manza & Thompson (2006, p. 303) suggested “some evidence [of] a strong negative association between political participation and recidivism.” However, Houchin (2005, pp. 83, 87) notes the clear message sent to communities disproportionately imprisoned: “there are no good grounds for expecting that [incarceration will] cause those subject to it to feel more valued members of the wider community” noting that imprisonment “signals the lesser status of persons... their untrustworthiness, their lesser eligibility for proper regard for their needs and sensibilities, their exclusion from the respect that we show full members of our communities.”

Thus far, this section has described the impact imprisonment has on citizenship and political identity and participation. Through an evaluation of potential identity shifts resulting from confinement and a critical review of the narrowly-constructed notions of ‘prisoner citizenship’, this section has addressed several critical components of contemporary neoliberal penalty, and specifically Scottish penalty and penal managerialism, and their hindering effect on the exercise of citizenship among imprisoned persons. The aspects of citizenship and political engagement discussed in this section comprise the *substantive* aspect of enfranchisement—i.e.,

whether people in prison are able and empowered to engage with politics and citizenship in a broader sense than just their capacity to vote. The subsequent section will address enfranchisement in its formal legal sense—voting in prisons and political beliefs and behaviour surrounding voting for imprisoned and justice-impacted people.

## Voting In Prisons

This section addresses topics relating to voting in prisons, beginning with an overview of existing scholarship on the logistical facilitation of prison voting and challenges faced in the delivery of enfranchisement to those imprisoned persons legally entitled. Little is known about how voting currently occurs in Scotland’s prisons, and the factors which support and/or inhibit its practice. This discussion will describe what data is currently available on voting from prison in Scotland, and identify significant gaps in the availability of information that could provide indications of *who* is voting in Scotland’s prisons, and *why* or *why not*.

### *Logistics and de facto disenfranchisement*

As several scholars have pointed out, globally, there is a dearth of literature explaining *how* voting occurs within prisons and the voluntary and involuntary reasons for non-voting (Behan, 2012; Ewald & Rottinghaus, 2009). Ewald and Rottinghaus (2009, p. 18) noted the nonexistence of “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.” To my knowledge, there is essentially no currently published literature detailing the facilitation of prison voting in Scotland, both before and since the Act’s implementation. As Scotland moves to enfranchise people in prison, it is important to document the process to identify its successes, failures, and to inform future scholarship on its evolution.

Both the electoral system and the prison system can significantly influence and constrain the individual imprisoned electors’ ability to cast a vote. Scholars in the U.S. have observed the widespread “de facto disenfranchisement” of eligible voters in prison—namely, those detained pre-trial and those serving sentences without felony convictions — that arises from a combination of electoral and carceral factors. These include the absence of standardised voting processes; a lack of information among prison officials, state/election officials, pre-trial detainees and those sentenced; and the failure of prison officials to provide those incarcerated with adequate information, assistance, and the means of voting (Drucker & Barreras, 2005; Eli Hager, 2018; Lewis & Shen, 2020; Root & Doyle, 2018; Wood & Bloom, 2008). Further, variation in the voting process from one facility to another as well as variation in state and local execution of elections, combined with the unpredictability of trial length, adds complicating factors around registration deadlines, postal voting, and the relevant mailing addresses.

Another critical factor maintaining the U.S.’s widespread de facto disenfranchisement: the tremendous confusion among detainees about their own voting rights, and prison officials often provide scant information, or misinformation, on the voting process (Drucker & Barreras,

2005; Lewis & Shen, 2020; Wood & Bloom, 2008). Additional structural barriers prohibit detainees from voting, such as inability to access a polling place, complicated and state-specific laws determining whether those detained before conviction and/or sentencing can submit an absentee ballot from jail, and confusing or incorrect information on registration forms and ballots. A 2012 thematic report on persons imprisoned on remand in the UK by HM Inspectorate of Prisons found similar confusion and disorganization in regards to enfranchisement. Although those on remand retain voting rights in the UK, of the five prisons studied in the report, two entirely lacked “arrangements to facilitate this entitlement [to enfranchisement],” one claimed to be “in the process of putting arrangements in place for forthcoming local elections but was unable to verify whether these had been facilitated for the previous general election,” and the final two reported that while voting had been facilitated in the prior election, turnout was extremely low (HM Inspectorate of Prisons, 2012, p. 63). De facto disenfranchisement—both among those newly-eligible under the Act and among those eligible on remand—has yet to be studied in Scottish prisons, and is significantly understudied in the UK. Existing accounts of voting in UK prisons have failed to identify the number (or portion) of prisons with functional, existing voting arrangements; what those arrangements are; and how they vary by facility.

#### *Absent data: who votes in Scotland’s prisons?*

Compounding the structural barriers preventing remanded people from voting, are persistent informational barriers, with “the majority” of those surveyed saying that they “were unaware of their right to vote,” reporting that no information regarding voting had been presented to them, and that they were confused about how, or where, one could even obtain such information (HM Inspectorate of Prisons, 2012, p. 63). The Scottish Government acknowledged the concern reflected in a European Court of Human Rights (ECtHR) judgement that “UK offenders are not informed with sufficient clarity that they cannot vote while serving a prison sentence,” (The Scottish Parliament, 2019, para. 29.b.) yet did little to assess or address this concern before, or following, the 2021 Scottish Parliament election. To my knowledge, no follow-up report has provided updated data on imprisoned persons’ awareness of their voting rights (nor prison staff awareness) in the UK, nor is there contemporary data post-Elections Act in existing scholarship to cover knowledge of voting rights under the Act.

In general, voting in Scottish prisons is understudied, and data on Scottish prison voting is scarce (and currently, only available via non-academic sources such as press releases and news articles, possibly as a reflection of its relatively recent implementation for those sentenced). The Scottish Government has yet to publish any comprehensive, current data on eligibility, demographics, turnout, and registration among Scotland’s imprisoned voters—both those on remand, and those sentenced. The Electoral Commission’s (2021) post-election poll evaluated voting accessibility, voter satisfaction, and access, including inquiring about ease of voting, barriers, and motivations relating to voting behaviour. This poll described their sample in multiple, detailed categories, ranging from voter status, vote type, region, age, gender,



ethnicity and citizenship to disability status, working status, even COVID-19 vaccination status (and number of doses) yet included no demographic indicators relating to imprisonment (Electoral Commission, 2021). It is unclear from the dataset, or accompanying report, whether imprisoned voters were sampled at all in the post-election poll. If they were, the poll certainly does not provide publicly accessible markers to indicate so, nor does it include questions specifically-relevant to the experience of voting from prison, or the satisfaction of imprisoned voters with the mechanisms in place to affect their enfranchisement.

Contextualising the structural and informational barriers present in UK prisons before the Act's passage with the most recent data on the number of imprisoned persons eligible to vote further calls into question the intent and impact of the Act. "SPS Prison Population" data (Scottish Government et al., 2021; Scottish Prison Service, 2021) indicates that between March 12, 2021, and April 9, 2021, an average of approximately 42 sentenced women, and 1,421 sentenced men in prison were voting-eligible—a number which grows by approximately 71 women, and 1,680 men on remand, making those voting-eligible remand population exceed the newly-eligible sentenced population under the Act (See Appendix A). Murray (2019) produced similar eligibility estimates in evidence submitted to Parliament. These estimates indicate that under 1.5% of those imprisoned and eligible exercised the franchise in the 2021 Scottish Parliament election, raising questions about the Act's implementation and the factors contributing to such a low turnout. Existing research fails to account for the number of people who voted on remand versus those newly-eligible under the Act, as well as how these numbers differed from prior years (when only those imprisoned on remand were voting-eligible).

Numbers were similarly low, and data similarly scarce for the 2022 Scottish Local Elections. 49 imprisoned persons were registered to vote in the Local Elections (Electoral Commission, 2022a), but provided no supporting evidence regarding actual turnout, total number of eligible persons imprisoned, or whether those registered were serving a custodial sentenced or imprisoned on remand (Electoral Commission, 2022b).

Further, the reasons underpinning why eligible people in prison voted, or did not vote, and whether their voting behaviour was the result of conscious choice or not, remains undocumented in Scotland. To accurately grasp the constraints and enablements imprisoned people face in voting from confinement, research demystifying the voting process and attitudes of imprisoned eligible voters is necessary. Recent post-election public opinion polling data failed to distinguish the opinions of persons voting from prison, furthering the exclusion of imprisoned persons' voices in the improvement of electoral services (Electoral Commission, 2022b).

In addition to the gap in existing literature surrounding Scottish imprisoned persons' attitudes towards voting, the way(s) in which imprisonment affects those attitudes remains unknown. The subsequent section addresses what we know about the effect of carceral contact, both via personal experience and indirect network contact, in influencing political engagement.

## Impact of Imprisonment on Voting

To date, little is known about how the experience of imprisonment shapes personal political beliefs and behaviours. Despite the engagement of Scotland-based criminologists with the Scottish Government during the design and consultation process for the Elections Act, scholars have not yet investigated the significance of the Acts' passage to imprisoned people in Scotland. The reasons and motivations behind imprisoned persons' voting (and non-voting) behaviour is globally understudied, however some scholars have identified sources of disengagement with/from voting from prison.

Behan (2012, p. 32) found a hyper-localized focus on surviving the prison in the attitudes of many Irish imprisoned people responding to the Electoral Amendment Act's passage, for whom voting rights simply "did not have the same immediacy" as their living conditions or other "more mundane day-to-day matters" such as "adapting to surroundings, coping with their sentence, daily struggle for existence... maintaining relationships and quality of life issues." Behan (2012, p. 21) noted that this political apathy carried over into voluntary non-voting behaviour, especially among those imprisoned with longer sentences, who "believed that a new government would not change penal policy, [had] little tradition of political engagement, [and felt a] lack of trust in politicians and alienation from civic society." The following subsection explores how imprisonment and cycles of criminalization may influence the withdrawal of certain groups from political life, a topic almost completely unstudied in Scotland.

### *Carceral contact and political demobilisation*

Several scholars have examined the impact of carceral contact, both direct and indirect, on civic engagement. Weaver and Lerman (2010) found that punitive justice contact serves as a strong deterrent of democratic participation and governmental distrust, serving a critical role in the political socialisation process. Critically, Weaver and Lerman's (2010, p. 829) findings provide a systemic perspective of the impact that punitive governmental contact has on political behaviour, with results indicating that "contact with the institutions of criminal justice is important in structuring patterns of participation long assumed in the dominant literature to stem primarily from aspects of the individual." This systemic perspective is at odds with the individualism at the core of the neoliberal penal and political philosophy—and which pervades the Scottish Government's rationale for denying the franchise to certain portions of Scotland's imprisoned population.

Recognising voting as not solely determined by an individual's personal motivations and cultural background, their contact with the government will prove crucial in studying pre-carceral disenfranchisement. Studies documenting the withdrawal of certain groups from political life have occurred in Ireland and the U.S. (Behan, 2020; B. R. Davis, 2020, 2021; Sugie, 2015; V. M. Weaver & Lerman, 2010). Measuring punitive contact with the U.S. criminal justice system on escalating, mutually exclusive levels ranging from "stopped by police for questioning" to personal experience of one or more year(s) of incarceration, Weaver and

Lerman (2010, pp. 821, 824) found that criminal justice contact at every level resulted in decreased political and civic engagement, with the most dramatic effects materialising among those who had “more significant encounters with criminal justice, such as incarceration.”

Behan (2020, p. 5) similarly describes a persistent governmental distrust reducing “the prospects for civic engagement” within “communities who are disproportionately imprisoned.” Davis (2021, p. 595) identified a feedback effect in which “carceral contact negatively impacts individuals’ perceptions of their role, place, and worth within society, this adversely impacts well-being, and is in part, how the negative political outcomes are produced.” This finding provides insight into the ways in which incarceration can influence post-carceral political engagement and identity—through a persisting decrease in financial, social, physical, and personal wellbeing, incarceration adversely influences post-carceral participatory behaviours. However, the factors that increase individual risk of incarceration also reduce well-being, such as financial instability, “network contact” with the criminal justice system, low levels of education, social exclusion, mental illness, and experiences of interpersonal violence. Davis’s (2021) theoretical model in which well-being influences political participation among those who experience incarceration could then feasibly be applied to those populations at increased risk of incarceration, to inform a “pre-carceral disenfranchisement” framework. However, the potentially cyclical connection between “network justice contact,” incarceration, and political demobilisation has not yet been explored.

Scholars have also found evidence that *indirect* punitive contact with government and justice system decreases political engagement. White (2019a) used administrative data to analyse the effects of proximal contact with the criminal justice system on voting behaviour and identified a short-term effect in which voting rates decreased for those households which have a member incarcerated in the time immediately preceding an election, but lacked a long-term effect. White’s (2019a, p. 612) findings also confirmed “past descriptive findings that people who experience proximal contact are less likely to vote than the general public” but White is unable to provide a *causal* of explanatory interpretation between this contact and long-term voting behaviour. While these findings may indicate the potential presence of socioeconomic, cultural, and political factors which decrease voting behaviour among those households at increased likelihood of incarceration, there remains significant ambiguity surrounding the relationship between those factors and the role that incarceration plays in determining voting engagement.

Further confirming that proximal contact with the criminal justice system has political implications, Sugie (2015, p. 550) found that criminal justice contact influences the political attitudes and behaviours of the romantic partners of those incarcerated in the U.S., identifying a relationship between partner incarceration and decreased political participation beyond what could be explained by socioeconomic factors, and despite continued engagement with other public, religious and social spheres. Sugie (2015, p. 567) attributed the decrease in civic engagement to a political socialisation process in which frequent, negative contact with law enforcement generates governmental distrust, scratching the surface of the “political

demobilization” resulting from secondary justice contact, employing Comfort’s (2003, p. 101) “secondary prisonization” to analyse the political dimension of proximal justice-involvement. The key phrase in analysing the political collateral consequence of secondary carceral contact is “demobilization”; as both Comfort (2008) and Sugie (2015) indicate, rather *decreasing political awareness*, carceral contact *increases distrust* in the *political system*, pessimism about the process, and reinforces the belief that the system is ‘rigged’ against you. The pessimistic shift observed in the above U.S.-based studies could be strongly influenced by rampant systemic racism and the frequency with which Black and Indigenous People of Colour are targeted and unjustly processed through the criminal justice system— a system which *is* rigged against certain groups (Kurlychek & Johnson, 2019; Miller, 2010; Moulds, 1978), and witnessing the discrimination and unfairness might dispel some of the mythology of an equitable and fair justice and carceral system that have long prevailed in American social and political rhetoric. Because the American justice system is so fraught with explicitly racist and unjust policies, one cannot automatically assume that the same distrust/pessimism would present in the Scottish context, which is by no means perfectly equitable, but operates in a very different racial socio-legal and historical context than that of the U.S.

In looking at the population that Uberoi and Johnston (2021) describe as being politically disengaged in the UK, the potential for significant overlap between the ‘disengaged’ population and those populations at highest risk for incarceration further supports the proposition of an existing “pre-carceral disenfranchisement.” Questions remain as to the extent to which this pre-carceral disenfranchisement is then compounded by the alienation and identity shift towards ‘denizenship’ that occurs within the prison experience to then fuel a *post-carceral* disenfranchisement. Whereas Scotland saw a virtuous circle of political engagement and “democratic revitalization” (Malloch et al., 2017, p. 5) during the 2014 Independence Referendum that resulted in heightened post-referendum engagement (Bennie et al., 2021; Mitchell et al., 2017), both the pre-carceral and carceral experiences of Scotland’s imprisoned population may reproduce political disengagement through their own *vicious* circle. Uberoi and Johnston (2021, p. 7) described in their recent assessment of political disengagement among the UK’s general population a “risk [that] unequal engagement creates a vicious circle” discouraging participation among those feeling “alienated from the political system, for the system to then ignore their interests in favour of more vocal groups, leading to further withdrawal.” A significant weakness of Uberoi and Johnston’s (2021) study, however, is their failure to include demographic data which could explicitly identify who is disengaged in the context of their relationship to the justice system and incarceration. The potential presence of a ‘vicious circle’ affecting the political disengagement of justice-impacted populations in Scotland has yet to be investigated.

## Conclusion

Little is known about the conditions which capacitate electoral engagement in Scotland and the factors affecting imprisoned persons’ motivations for voting and political will. Additionally understudied are the ways in which cycles of imprisonment and criminalisation influence the

exclusion, voluntary and involuntary, of certain groups and individuals from Scottish political life. Existing research has yet to address the mechanisms through which imprisonment may influence this political exclusion, and how imprisonment impacts Scottish imprisoned persons' political (dis)engagement and (de)mobilisation, both in the context of voting and in a broader sense of the political (dis)empowerment which voting may be considered to serve as a proxy indicator of. Further, the implementation of prison voting in accordance with the Act is understudied, as is the feasibility of the Act in accomplishing its stated aims. These gaps reveal critical puzzle pieces in understanding how contemporary carceralism and the (dis)enfranchisement of imprisoned people shape Scotland's polity.

## Methodology

This chapter describes the procedures and methods used in this MPhil. I contextualise this MPhil's case study of the Elections Act within broader frameworks of critical criminology and abolitionist research. I describe the methodological choices, considerations, and justifications, and provide detailed descriptions of the methodology and procedure. I establish connections between the interview design, research objectives, and investigation of the proposed pre-carceral disenfranchisement. In addressing the analytical methodology, the chapter describes thematic and narrative thematic analysis, how these techniques comport with research objectives and penal abolitionist values, and the generation of methods and codes. This chapter also explores my positionality as a non-imprisoned researcher and how aspects of my identity and lived experiences may influence the research design, process, participants, analysis, and outcomes. I also address my firmly-held belief in prison abolition, how my positionality impacts my engagement with penal abolitionism, and how my intent to conduct this research in alignment with abolitionist principles influenced the theoretical framework, research design, and process.

### Research Objectives and Questions

This research aimed to provide imprisoned people with an opportunity to reflect, speak upon, and be heard regarding their experiences of imprisonment, disenfranchisement, and their status as custodial citizens. Expanding the legal franchise for imprisoned people has been heavily debated in Scotland and the UK over the past 20 or so years, however, much of this debate has directly excluded imprisoned voices. The Scottish Government undertook a public consultation on 'prisoner voting' between 2018 and 2019. Imprisoned people, themselves, were unlikely to respond, as prisons heavily restrict computer access and newly-provided cell phones (*Prisoners to Face "punishment or Withdrawal" after Hacking Phones to Buy Drugs*, 2021). Internet access remains elusive ("Cell Life," 2014; Rubio Arnal, 2019), even in COVID-19 times (Inside Time Reports, 2020; Scottish Government, 2020a). Further, were an imprisoned person to write in to the consultation via letter, their correspondence would *not* be considered "privileged" under Scottish prison rules, which also restrict correspondence of "material which is intended (either by the prisoner or recipient) for publication" specifying 'publication' to include "the posting or displaying of material on the internet" (Medhurst, 2021, pp. 4, 3, 2). It did not appear from the content of any of the consultation responses that persons experiencing incarceration had responded. The consistent exclusion of justice-impacted, imprisoned, and previously-imprisoned voices in relation to penal disenfranchisement in Scotland amounts to more than an oversight—it is an erasure. This study provided an opportunity for imprisoned persons serving sentences to reflect on their status as citizens in a custodial environment, on their voting rights and the accessibility of exercising those rights.

This investigation explored the capacity for, and meaning of, political participation among imprisoned people in Scotland through a case study of the 2020 Scottish Election (Franchise and Representation) Act's implementation and the lead-up to the 2022 local government elections.

In doing so, it investigates the influence of imprisonment on political engagement, beliefs, and self-perception in relation to society among Scotland's imprisoned population. Consequently, the MPhil contextualises the Act as a politically suppressive mechanism within contemporary carceralism. The research objectives (RO) of this study are to:

(RO1) Critically review the significance and meaning of voting rights to imprisoned persons;

(RO2) Explore the extent to which people serving prison sentences are willing, able, and empowered to engage with elections, politics, and other forms of civic participation (a) during and (b) before imprisonment;

(RO3) Examine successes and barriers encountered in implementing penal enfranchisement;

(RO4) Investigate conditions necessary for substantive enfranchisement;

(RO5) Explore the meaning of citizenship for Scotland's sentenced imprisoned population, in their own words.

This dissertation's critical review of the literature examined the Act's impact and hypothesised a new conceptual framework that explores notions of "pre-carceral disenfranchisement" — an effective deterrence from political participation occurring in socially marginalised populations (already at increased risk of imprisonment) which arises from their relationship with existing socio-political structures. To the researchers' knowledge, no prior studies have examined or theorised the *existence* of pre-carceral disenfranchisement, nor have they investigated factors which may contribute to and/or exacerbate the proposed pre-carceral disenfranchisement.

Through inductive identification and review of imprisoned persons' attitudes, discourse, and voting behaviours, findings aim to paint a holistic picture of Scottish penal enfranchisement. The study strived to produce interdisciplinary socio-political insights into enfranchisement, political engagement, social exclusion, and "pre-carceral disenfranchisement." The research also endeavoured to provide functional policy analysis for use in the ongoing development of resilient electoral services suited to the needs of incarcerated persons. An important caveat to the research aims is that the findings of this MPhil are not intended to bolster the presence of the prison. Abolitionist scholars warn (A. Davis & Rodriguez, 2000):

The most difficult question for advocates of prison abolition is how to establish a balance between reforms that are clearly necessary to safeguard the lives of prisoners and those strategies designed to promote the eventual abolition of prisons as the dominant mode of punishment... (p. 216.)

While the findings, therefore, of this research may be of practical value to the SPS, Electoral Commission, Scottish Government, and other relevant parties in assessing and modifying the delivery of electoral services to newly enfranchised voters, this study aims to highlight the political inequality and democratically suppressive nature inherent in the existence of the contemporary carceral system.

## Research Design

Employing a qualitative methodology follows from awareness of my positionality, sensitivity to penal abolitionist research principles, and, in line with those goals, centring the opinions, experiences, beliefs, and words of imprisoned people. In exploring a social phenomenon with complex contributory factors, a quantitative methodology offers only correlations between demographics, opinions, and behaviours, whereas qualitative approaches enable investigation and discovery of causal mechanisms and their significance to participants. Despite offering generalizability and statistical significance, quantitative designs forfeit relevant context and necessitate operationalizations within which participants' responses must fit. As a "cultural outsider" (Manohar et al., 2019, p. 1609), quantitative methodologies further risk imposing frameworks established under my own cultural background and assumptions. Black feminist teachings (discussed further in "Researcher positionality") underscore centring "Those on the margins of society [who] are most intimately familiar with the harms inflicted by the carceral system" and "all modes of social, political, and economic violence" (Davies et al., 2021, p. 3). A semi-structured qualitative methodology empowers participants to shape, to an extent, the parameters of the content explored (Husband, 2020).

Abolitionism strives for discourse and the proliferation of language and ideas reimagining social and political structures and the boundaries through which 'crime' is created and conceptualised (Bassichis et al., 2011; Davies et al., 2021; A. Davis & Rodriguez, 2000; McQuade, 2018). In this study, using a qualitative methodology supports the propagation of abolitionist discourse in conjunction with the theoretical framing supporting this research design and research focus, while revealing persisting social, political, and ideological structures inhibiting the advance of penal abolitionism. Of the commonly used qualitative methodologies, semi-structured interviews were best-suited for this study; offering an adjustable framework, tailorable to individual responses and accessibility needs (Brandli, 2017; Davies et al., 2021; Knopp et al., 1976). This format enabled language modification sensitive to participants' comprehension and literacy levels and preventing frustration and disengagement, which might result from overly complex survey questions. Semi-structured interviews permit nuance, follow-up, and exploration of topics beyond that foreseen in the question-design process (Adams, 2015). While surveys offer easier response-comparison across participants, interviews can gather personal information about the participant that factor into their responses. Although focus groups proffer a larger sample in less time, group dynamics reduce the response depth, and response volume may be disproportionately distributed among participants. Participants feeling shy or self-conscious about their views may be unlikely to speak up in a focus group. This concern is of relevance as this study investigates disenfranchisement, disempowerment, and other proxies of



political marginalisation. In seeking to empower participants in this abolitionist study, individual interviews create opportunities to show participants they are heard and seen.

### *Methodology, procedure, and analysis*

Data was collected during April, 2022 to capture responses close to the May 2022 election, and consisted of semi-structured interviews with imprisoned people, with a sample size of 22 participants. Participants were interviewed individually in a relaxed, conversational approach for an approximately 30-minute-long discussion. Interviews investigated the significance and meaning of enfranchisement to imprisoned people, including reactions to their voting-eligibility, attitudes towards voting (RO1), feelings of political empowerment, exclusion, and necessary conditions for substantive enfranchisement (RO4), e.g., to encourage wider participation in prison voting and empower voters in prison to understand, confidently, their engagement with elections and elected officials. The interview's aim was not to perform a quantitative evaluation for generalisation to the imprisoned population, but rather to uncover patterns and narratives in individual conceptions of political empowerment, citizenship, and disenfranchisement during and before imprisonment.

Interviews were structured to become increasingly conversational, beginning with demographic questions and then following a pre-written outline of questions (see Appendix C). Background questions established rapport and provided critical narrative information about identity, values, and formative experiences. Understanding these aspects of participants' backgrounds comprises a critical component of investigating how imprisoned persons' lived experiences and social networks before imprisonment influenced their political (dis)/empowerment (RO2b), and learning about their communities and self-identity in relation to how community informs conceptions of citizenship (RO5).

Narrative data on political values, beliefs, and behaviours of participants' social networks provided critical insights into potential explanatory social mechanisms producing pre-carceral disenfranchisement among populations at increased risk for incarceration (RO2b). Participants were asked about their voting history and what information they had seen about voting and elections while imprisoned to gather baseline information about the sample's electoral engagement. Participants were prompted to describe their political attitudes and behaviours, exploring individual civic and political engagement (or lack thereof); rationale for participation in, or avoidance of, politics; and the political values, opinions, beliefs, and behaviours of those in their social network. Questions also addressed the significance imprisoned people assigned to their (in)/ability to vote (RO1), and the extent to which participants were knowledgeable, experienced, and empowered to engage politically while imprisoned (RO2a).

Investigations of self-image related to voting and political participation revealed the value participants' place on voting (RO1); their perceptions of self in relation to the state (RO4); and the extent to which (if at all) they have internalised the penal populist rhetoric surrounding punitive disenfranchisement (RO5). The Act's theoretical underpinnings were investigated

through discussing the Scottish Government's claims of disenfranchisement promoting respect for laws and deterring crime (RO3). Participants were asked whether disenfranchising certain people in prison serves a purpose, and what they thought that purpose was. Participants were asked whether they knew about punitive disenfranchisement at the time of their offense, whether the knowledge would have impacted the events leading to their conviction, and their opinions on the Scottish Government's arguments (RO3, RO1).

Citizenship themes were addressed through questions relating to the identity, responsibility, modes of active citizenship performance, and circumstances under which citizenship can be limited (RO5). To understand the political socialisation processes occurring within prisons and their impact on political engagement, participants were asked whether, and how, their views on politics and voting had changed since being imprisoned (RO1, RO2, RO5). Finally, participants were asked about the influence and power they had in determining the policies impacting their lives and communities, as an individual and citizen, both before and during imprisonment (RO4, RO5). Questions which covered participants' eligibility to vote, their registration status, and plans to vote, evaluated participants' understanding and knowledge of their own voting rights and their desire and ability to engage with elections while imprisoned (RO1).

The interviews analysed the Act's implementation (RO3) by recording the logistics of registration and voting and imprisoned persons' knowledge of the respective processes. By investigating imprisoned peoples' user experiences of voting, the research evaluated the delivery of electoral services: what information and guidance people in prison are provided and by whom; incentives and/or obstacles in the registration and voting process; and sources of confusion or miscommunication along the way. Further, in providing narrative accounts of penal dis/enfranchisement, the interviews revealed the personal impact and significance of the Act, through the words of imprisoned people.

Data analysis was informed by an integration of Braun and Clarke's (2006) thematic analysis and Riessman's (2008) thematic narrative analysis. Thematic narrative analysis focuses on the content of narratives rather than the style of their presentation; and by reviewing the content's underlying messages, explicates how individuals experience and understand the sociological phenomena being studied. The 'narrative' aspect of analysis involved looking at individual stories and beliefs to understand how participants' political attitudes and engagement have evolved, and what role, if any, their interactions with the justice system play in that evolution. This included examining the order of events in participants lives and noting trends in how those events, or series of events, influenced their engagement with politics. In thematic narrative analysis, the unit of analysis is the *story* (Riessman, 2008); whereas, in thematic analysis, which involves identifying patterns and themes across respondents, the unit of analysis is the *theme* (Braun & Clarke, 2006). Thematic *narrative* analysis uses the single narrative as a unit of analysis in which multiple factors are considered in the identification of themes or outcomes. Such is the case in developing codes like "pre-carceral disenfranchisement" which does not emerge through participants plainly stating their pre-carceral de facto disenfranchisement, but

rather from identifying lived experiences, disadvantages, and risk factors, how those experiences shaped individual beliefs, and how those beliefs influence actions around voting and political engagement. The analysis was also *thematic* as narrative themes were compared across participants, identifying trends in individual narratives that lead to common outcomes, such as “pre-carceral disenfranchisement.”

In my field notes and during transcription, I noted emerging themes which aligned with the research questions and/or literature review. I also noted commonalities across participants, including in their political attitudes and behaviours, but also in their lived experiences and the rationale provided for said political beliefs and engagement. To perform thematic analysis, I imported the anonymised transcripts into *NVivo*; then reviewed and manually coded them for relevant concepts. New codes were developed as they arose, and transcripts were re-examined to apply new codes where applicable. Some codes served as descriptive question-response identifiers, such as those categorising responses to specific questions. Other codes were generated based on phrases, emotions, topics, life events and other themes, which emerged in the interviews (see Appendix I).

## **Sampling, Recruitment, and Access**

The interviews were conducted across two Scottish prisons, which provided an opportunity to explore the influence of different environments, administrative, and cultural conditions on voting practices and attitudes. Women participants were recruited from “Prison A,” and men participants recruited from “Prison B.” SPS selected the research sites based on availability and COVID-19 status. Within the prison, interview location varied based on room availability and the prison’s daily regime. Some Prison A interviews occurred in a multi-purpose room, and others in smaller rooms in the halls seemingly used for private phone calls. In Prison B, interviews occurred in private rooms within the Link Centre, a designated space for imprisoned people to arrange calls and other personal matters. Interviews complied with Scottish Government and SPS COVID-19 health and safety regulations.

I recruited participants through flyers posted throughout the prison (see Appendix H). Eligibility required participants to be: English-speakers; at least 18 years old; serving a sentence; residents of Scotland (if not incarcerated). Recruitment was coordinated with SPS through an assigned “gatekeeper” within each prison who identified eligible participants to attend an initial information session. In Prison B, I also visited classes in the Education Centre to hold brief information sessions.

In the information sessions, I described the research process, rights of study participants, potential risks, and provided information sheets and privacy notices (see Appendices D-E). For those interested, there was a cooling-off period before data collection during which prospective participants could independently and privately consider their participation before consenting to the interview to ensure informed consent. For those who proceeded, I reviewed the consent form and participant information sheet and provided an additional opportunity for the

participant to ask questions before conducting the interview (See Appendices F-G). Following this, participants were provided a time-stamp on the consent form to indicate their consent, and verbal consent at the start of the interview audio recording.

### *Sample characteristics*

The sample included 22 participants who self-reported their age in categories ranging from 21-25 to 71-75 years-old (see Appendix B, Table B1). Diversity of participant age is important as political beliefs, attitudes, and behaviours vary with age (Ayres, 2014; Crowther et al., 2018). 14 participants were men, and 8 were women. The gender ratio is intentionally *not* representative of Scotland's imprisoned population. The sample prioritised over representing women (in relation to their proportion of Scotland's imprisoned population) as women have been understudied and frequently excluded from international scholarship on voting and political beliefs/attitudes/behaviours of incarcerated people (see Literature Review). Over representing women in the sample enables a more thorough understanding of gendered differences and experiences in voting and political engagement among imprisoned persons in Scotland. Participants' ethnicities were highly similar; many self-described as "White Scottish" or "Scottish," and the few additional descriptors used indicated similar ethnic identities (see Appendix B, Table B2).

Six participants were voting-eligible, and the remaining 16 ineligible in prison. Participants were not asked about their sentence length; however, some mentioned or indicated whether they were considered "short-term" (those with under four years in sentence-length) or "long-term" (those serving a sentence of four years or longer). Of the sample, seven participants were serving long-term sentences, 10 were serving short-term sentences, and the remaining five did not provide definitively indicate whether their sentence would be considered long-term or short-term.

### **Ethical Considerations**

This research received ethical and sponsorship approval from the University Ethics Committee at the University of Strathclyde, and Research Access and Ethics Committee approval from the Scottish Prison Service. Research practices were guided by the University's Code of Practice (University Ethics Committee and Research & Knowledge & Exchange Services (RKES), 2017). Ethical issues specific to the prison environment require attention to, and prioritisation of, respect for individual participants, their legal rights and individual circumstances, potential vulnerabilities, and unique risks. Consideration must be given to participants' safety in the prison environment, as well as sensitivity to the power imbalances inherent in the dynamic between imprisoned participants and researchers.

Maintaining privacy and anonymity is critical to protecting the rights and safety of incarcerated research participants. All interview data, once manually transcribed, were anonymised, and any sensitive information redacted. Anonymized transcripts were securely stored in the University's

OneDrive for Business without identifying information. All physical and digital copies of audio recordings were destroyed upon completion of transcription. The completed data stored in OneDrive solely included the anonymised interview transcripts. Interview locations will not be disclosed in publications, and will solely be referred to as Prison A and Prison B.

Consent was documented verbally in the interview's audio recording and with a physical stamp on the consent form, to mitigate legal risks to both the participant (the storage of directly identifiable data of name and signature), and myself by documenting two forms of participant consent (one physical, and one digital). To reduce coercion risk in the informed consent process<sup>4</sup>, I implemented a "cooling-off period" between the information session participants attended and data collection.

The information session included a comprehensive description of my reporting requirements with regards to illegal activities or risk of harm and a thorough explanation of confidentiality limits. Participants were given an opportunity to ask questions about confidentiality and mandatory disclosures. This information was reiterated before the interview began, with an additional opportunity for participant questions. While interview topics were unlikely to elicit responses requiring reporting, I relied on Roberts and Indermauer's (2008, p. 318) guidance for such instances; to pause the interview, reiterate the confidentiality agreement and provide a chance to consider response implications before resuming.

The nature of the interview topic and questions was unlikely to cause immediate emotional or mental distress to participants and myself. However, my presence, and our discussion surrounding rights (and lack thereof) while imprisoned, could bring to mind participants' "loss of liberty" and other "pains of imprisonment" including "deprivations and frustrations" that "pose profound threats" to one's "personality or sense of personal worth" (Sykes, 1999, p. 64). This is a pain which I took great care to mitigate. Semi-structured interviews complemented the empathy-driven, person-centred approach I employed, such that participants were not pressured to discuss topics which may have been distressing or which might be psychologically harmful to discuss in the interview context.

In line with penal abolitionism, the prison must be acknowledged as an inherently painful and damaging place for those imprisoned. This study attempts to address not only punitive (dis)/enfranchisement, political (dis)/empowerment and some of the socio-political dynamics of contemporary Scottish carceralism, but also, to reveal some of the political "pains of imprisonment" (Sykes, 1999) inflicted by punitive disenfranchisement. Without prompting participants to discuss these 'pains' or highly emotional topics, some participants *did* share feelings which echoed those which Sykes (1999) described. In these instances, I did my best to respond with affirming and empathetic language, and make space for the impact and magnitude of those feelings. Several participants voiced appreciation of the opportunity to

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<sup>4</sup> See Abbott et al. (2018), especially pp. 4-5 for more information on reducing coercion risk.

explore, out loud, these 'pains' as self-reflection, as discussing these feelings was, for some, rare during imprisonment. Participants were also reminded, before and during the interview, that they were not required to answer any of the questions, and that they could withdraw their participation any time during the interview, and were offered an opportunity to withdraw after the interview before leaving the interview room, without needing to provide a reason. Upon interview completion, participants had an opportunity to redact anything said in the interview to avoid potential emotional distress resulting from the use of sensitive information.

The MPhil will be published via the University of Strathclyde. Any publications resulting from data collected in this study will be disseminated at the facilities where interviews were conducted via donation to their respective libraries to provide the persons affected by the research with a copy of its outcomes. Several factors complicate the delivery of research outcomes to *individual* participants, including the anonymized nature of the data and deliberate discarding of identifying information, and the likelihood of release from prison before publication. I, and my supervisors may seek to co-author publications in academic journals, for internet articles and/or for "Inside Time," and will donate accessible copies of any publications to prisons' libraries.

### **Generalisability, Reliability, Validity, and Sample Representativeness**

The core findings of this study relating to socio-political oppression, power dynamics and struggles, and the political nature of contemporary carceralism hold significance in their generalisability. Although this research is, in many ways, a case study of the Elections Act and Scottish prison voting, the results illuminate aspects of the politically suppressive function of imprisonment, penal disenfranchisement policies, and contemporary carceralism with international applicability. Findings surrounding "pre-carceral disenfranchisement" identify co-occurring factors of political disempowerment and criminalisation, revealing valuable and relevant information that is 'transferable' and 'generalisable' to not just those individuals and communities seeking to engage in transformative justice and penal abolitionism, but also to those seeking to enhance political literacy and engagement, inclusion, equity, community safety and social justice.

Using an interview outline with pre-written question modifications for accessibility, an audio recorder, verbatim transcription, and detailed code descriptions all increased the study's reliability and replicability. However, the ever-changing prison regime and variation in time allowed with each participant contributed to inconsistency in my ability to cover the full interview outline during each interview, resulting in some non-answers. This detracted from reliability as findings and thematic identification were inhibited in instances where some participants lacked the opportunity to respond to questions and prompts which others had time to address. Additionally, the coding used reflects penal abolitionist political philosophy and thought as it searches for structural power imbalances and reveals harms political and otherwise of imprisonment.

My relative unfamiliarity with Scottish dialects—that is, regional differences between East and West coasts—undermined interview transcription precision. To combat this challenge to validity, I relied heavily on multiple dictionaries and translation resources and included the original Scots in the transcripts and quotations to avoid falsely translating or skewing meaning by replacement with English phrases. In the field, I used verbal confirmation whenever participants used ambiguous or unfamiliar phrasing to confirm an accurate conveyance of their remarks’ meaning. Before conducting the interviews, I mapped the outlined questions onto the research question and objectives to confirm their relevance. The results indicate a high construct validity, as participants’ responses thoroughly addressed the objectives and questions this MPhil set out to investigate by providing information on their thoughts, beliefs, opinions, and experiences relating to the topics this study concerns.

The sample size of 22 participants and the inability to use random selection pose obvious limitations to the study’s representativeness, addressed in further detail in this chapter’s “Limitations” section. Further, the Scottish Government and SPS have been inconsistent and provided limited population measures in their statistical reporting—many of the regularly produced reports have, at the time of writing, not been updated for the 2021-2020 year, let alone 2021-2022. This portion of the chapter compares some key sample demographic characteristics to the most recently available Scottish Government and SPS prison population estimates.

Because the age categories used in the study vary slightly from those used by SPS, a comparison between the sample and the prison population is provided in graphic form (see Appendix B, Figures B1 and B2). The sample contained less age variation than is present in Scotland’s overall imprisoned population, however the concentration of age around twenties and thirties is relatively aligned with that of the overall prison population. Tables B3 through B12 in Appendix B gauge representativeness by including prison population data and sample data as percentages, as well as the number of participants and what that number would be if it were exactly statistically proportional within the sample. As mentioned earlier, women were intentionally overrepresented in this study—occupying, in the sample, approximately ten times their share of the average prison population (see Appendix B, Table B3). With a statistically proportional sample, only one woman would have been included, thus using a single data point to represent gendered differences and risking missing nuance, themes, and the unique gendered lived experiences of women in prison. Aside from “voter eligibility”, gendered breakdowns of population characteristics are intentionally omitted from this discussion of representativeness to avoid providing data which could identify individual participants due to the sample’s smallness.

Scotland’s imprisoned population is, according to most recent SPS data, over 95% white (Scottish Government et al., 2021). The specific descriptors participants used regarding their ethnicity are included earlier in this section. Employing the classification scheme the Scottish Government used, participant ethnicities were representative of the prison population (see Appendix B, Table B4). Participants’ marital status was more heavily skewed towards ‘single’

and underrepresented those divorced/separated and those married/partnered (see Appendix B, Table B5). This may have implications for participants' political socialisation and voting history as partners may influence voting behaviour and political engagement (Daenekindt et al., 2020; De Graaf & Heath, 1992; Frödin Gruneau, 2018; Sugie, 2015).

Neither the Scottish Government nor SPS release imprisoned persons' voter eligibility statistics. To evaluate representativeness, voter eligibility of the sentenced prison population was determined by taking available statistics on sentence length and summing the percentages for sentences up to one year as "eligible" and those over one year as "ineligible." This is an imprecise measure, as voter eligibility also depends on age, residency, and lack of legal incapacitation. Unfortunately, the statistics provided on sentence length prohibit age filtering beyond a divide of "20 and under" or "21 and over," therefore all ages were included in these estimates as voting eligibility for Scottish Local Elections starts at age 14. Sample voter eligibility was highly representative of the overall sentenced population (see Appendix B, Table B6). Appendix B, Table B7 breaks down voter eligibility status by gender, revealing that among the imprisoned sentenced population, women serving sentences are nearly twice as likely to be voting-eligible than their male counterparts.

To avoid the unnecessary collection of identifiable data, participants were *not* asked about their sentence length. Data describing "sentence type" among participants *solely* uses participants' own references to their sentence length and their declarations of voting eligibility to determine whether their sentence would be categorised as "long-term," meaning four years and over, or "short-term," meaning below four years. Participants who did not reference their sentence length *and* were ineligible to vote are categorised as "Unknown." The proportion of short-term and long-term participants in the study seems representative of the overall sentenced population with a slight overrepresentation of those serving short-term sentences (see Appendix B, Table B8). It is also possible that the four participants with "unknown" sentence lengths skew more towards long-term as they were all ineligible to vote.

Additional population metrics relevant to some of the research objectives of the study, such as pre-carcer disenfranchisement, include: prior experiences of imprisonment, struggles with substance dependency, and having been looked after and accommodated as a child. Data on prevalence of these lived experiences for the imprisoned population in Scotland is drawn from a report, (Carnie & Broderick, 2019) which is, in itself, limited by sample size. The estimates for characteristic prevalence among this study's participants are drawn solely from explicit, unambiguous comments during the interviews indicating the presence of the experience. The following estimates are rough approximations on sample prevalence based on explicit mentions and what the participants were comfortable sharing.

'Self-Reported Struggle with Substance Use' compared the number of participants who explicitly referenced having personally struggled with substance dependencies, addictions, or substance abuse in the past (see Appendix B, Table B9). The population parameter to which they are compared is the portion of those imprisoned who responded in Carnie and Broderick's



(2019, p. 12) survey, “My drug taking was a problem for me on the outside.” Participants were not prompted to answer questions about substance use, nor were interview questions designed to address those topics, therefore it is possible that the number of participants with a history of substance dependency is underestimated in the above approximation. Including information about participants’ histories of substance dependency aids in accurately understanding how substance-involvement and related health issues (such as substance use disorder) which influence likelihood of imprisonment may also influence political beliefs and behaviours among imprisoned people.

External care was measured by participants’ explicit mentions of having been cared by for people other than their parents, including placement in a care home, foster care, or kinship care (see Appendix B, Table B10). The number of participants who reported care placement was only slightly higher than that which would be statistically proportional to the imprisoned population (Carnie & Broderick, 2019). Including those participants with external care experience helps gauge how political socialisation processes in the home and communities may be disrupted by adverse life experiences, providing insights into pre-carceral disenfranchisement and associated risk factors. Lastly, nearly half of the participants mentioned having previously been imprisoned. Again, participants were not explicitly asked if their current sentence was their first time in prison, nor whether it was their first *sentence* in prison. 10 participants explicitly mentioned having been in prison one or more times before, and 12 did not mention a prior imprisonment—however, this does not necessarily mean that they had never been imprisoned (see Appendix B, Table B11).

The statistics available for comparison do not include a combined estimate of those who had been imprisoned *either* on remand *and/or* those who had been imprisoned on a sentence, meaning the portion of the imprisoned population who could check either box is likely larger than the number of those just imprisoned on remand (See Appendix B, Table B12). Due to the ambiguity of both the available population parameters and participants’ experiences of imprisonment within the sample, it is difficult to draw conclusive statements about the representativeness of the sample with respect to prior imprisonment(s).

## Limitations

The pool of potential participants at Prison A was limited by both a COVID-19 outbreak and the small number of sentenced women. Small sample size decreased ethnic and gender diversity; all participants came from white backgrounds and self-described<sup>5</sup> as “man” or “woman.” While ethnicity in the sample is proportional to that of the overall prison population, the lack of ethnic diversity excludes critical perspective and insight, especially considering the discrimination,

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<sup>5</sup> “Self-described” is used instead of “self-identified” because it affords a degree of uncertainty. Some participants were unclear what “gender” meant (for example, reporting their sexuality instead) and may have been limited in their access to vocabularies which accurately reflect their gender identity.

increased social exclusion, and marginalization that Black, Asian, and minority ethnic (BAME) incarcerated people face inside and outside of the prison (Coalition for Racial Equality and Rights, 2017; Croall & Frondigoun, 2013; HM Inspectorate of Constabulary for Scotland, 2003; Scotland et al., 2013; Shankley & Williams, 2020). Further, the sample's lack of gender diversity, particularly of trans and non-binary identities, inhibits analysis of how certain gender identities and presentations are politicized within the prison. I exhausted the population of eligible participants at Prison A, meeting and presenting to all of those who could participate, but leaving the choice up to the individual.

While Prison A recruitment occurred through the assigned gatekeeper, Prison B recruitment was highly disorganized and selection-biased. At Prison B, posters were put up in the prison's Learning Centre, and I held information sessions in classrooms. A guard was assigned to follow me around, and ended up scheduling the interviews. Between interviews, I was sent to the teacher's lounge, where staff inappropriately commented on their students—in front of, and directly to, me. I repeatedly stated the inappropriateness of such comments, requested staff avoid discussing any potential participants in my presence, and urged them not to discuss participation with their students until the study's completion. The teachers certainly influenced sample selection by advocating for the participation of certain individuals who they felt “would be great interviews” in their private conversations with the scheduling guard. Poor organization in Prison B's strict regime resulted in guard interruptions and interviews cut short, depriving some participants of opportunities to answer all questions. Further, Prison B was clear to inhibit the participation of those considered “high risk,” insisting that such persons would require the presence of multiple guards. “Risk” appeared to be determined by numerous factors, including conviction category, gender identity, and a history of self-harm or suicide attempts.

Linguistic differences potentially limited analysis and thoroughness of participant responses. My own auditory processing difficulties created challenges understanding participants who spoke quickly, with heavy regional accents, or frequently used Scots vocabularies, and during transcription, where I have marked several portions “unintelligible.” Instances where linguistic differences result in my failure to accurately grasp meaning may have impaired my assessment of response tone and content during the interview, hindering my follow-up, and in analysis.

Lastly, Scottish local elections tend to turnout below Scottish Parliamentary elections; the 2022 Local election saw 20% lower turnout than the 2021 Parliamentary election (Liddell & Bosse, 2022; Sturge, 2021). The election being local potentially decreased participants' political engagement, preparation to vote, and election-related knowledge.

## **Researcher Positionality**

My non-imprisoned status positions me very differently physically, socially, legally, economically, and politically from participants. My ‘researcher’ title could exacerbate this power imbalance by providing a formal and slightly authoritative role—one that could foster respect or create additional distance between myself and participants. Among women

participants, my gender likely advantageously increased comfortability and willingness to share, and among men, may have generated more openness than with a male interviewer (Manohar et al., 2019, pp. 1606–1607). My age and gender also potentially provoked dismissiveness and/or condescension from male participants, who more frequently attempted to steer the conversation towards an irrelevant topic of their interest.

My age will also impact participants perception of me and my qualifications, potentially decreasing trust among older participants and increasing approachability with those closer in age (Manohar et al., 2019). My whiteness has significantly influenced my worldview and racial socialisation. While all the participants in the sample were white, it is likely that BAME prospective participants might have been less comfortable with me (Campbell et al., 2021; Sands et al., 2007). Additionally, my upper middle-class background differs from that of most participants. These differences certainly reflect class inequality between the researcher and the participant in how I comprehended my participants' lives. The prison, as a non-neutral site, reflects and entrenches this inequality in numerous ways, including who may produce narratives for external consumption. These class discrepancies may isolate participants and constrain my ability to comprehend and correctly analyse and communicate participants' experiences. McDermott (2004) found that participants' class backgrounds influenced their comfortability and openness during interviews, and described how discrepancies in linguistic capital, or resources and confidence to articulate one's own opinions and lived experiences, resulted in shorter interview responses from working-class women than their middle-class counterparts. This concern applies to this study as many of the participants come from communities marked by ongoing and historic deprivation and may have felt intimidated and overwhelmed during the interview process, and in response to the language of the interview questions. In line with Mellor et al.'s (2014, p. 147) recommendations for cases where class is mismatched between researcher and participant, I employed verbal affirmations, proactively replaced question phrasing with accessible language, and asked gentle follow-up questions.

My positionality as an American includes reflecting upon my cultural familiarity, credibility, and ability to conduct research with cultural integrity in Scotland.<sup>6</sup> Despite spending much of my time in Scotland researching political culture, I do not possess the first-hand understanding nationals gain through lived experiences. I grew up outside of sectarianism which prevails in Scotland—especially among “marginal communities” (Clegg et al., 2015, sec. 4.52), inhibiting my appreciation for sectarianism's influence on marginalisation and socio-political experience and constraining my recognition of potentially discriminatory beliefs or coded language participants may employ.

I *do* have an extensive background working, studying, and participating in American politics. My family is politically active, and my engagement with policy-making reflects my financial, educational, and socio-political privilege—something most participants are unlikely to share.

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<sup>6</sup> See Pelzang & Hutchinson, 2018, especially p. 1 for more on cultural integrity

My own overzealousness for politics and engagement history may cloud my ability to relate to some participants' experiences of political *disempowerment*, *disengagement*, and *illiteracy*. It is possible that some of the classed dimensions of the researcher-participant dynamic were ameliorated by the potential empowerment in having a 'researcher' come to hear imprisoned persons' perspectives on a topic about which they have had few opportunities to speak and be heard.<sup>7</sup> Several participants shared that our conversation had energised or empowered them to further engage in voting and try to 'make a difference.'

My political socialisation also influences the study's theoretical framework. The modern-day American criminal justice system was born out of the dissolution of enslavement and the subsequent legal and political measures designed to maintain violent racial hierarchy, control, and suppression (Goodwin, 2018; Stevenson, 2019; Wacquant, 2002). Both American mass incarceration and punitive disenfranchisement remain—to this day—deeply linked to racism and the ongoing legacy of American enslavement (Gottlieb & Flynn, 2021), a legacy which plays a significantly different role in Scotland. I initially struggled to understand Scottish sociocultural, political, and historic contexts surrounding incarceration and punitive disenfranchisement, as my conceptions of relevant analytical and historical frameworks were non-transferable. Further, because the U.S. wields ongoing global imperialist capitalist power, my political socialisation has occurred within the framework of American "master narratives" (McCorkel & Myers, 2003, p. 226).

My personal political ideology has heavily influenced my research design and objectives. I strongly believe in, and support, penal abolitionism. I intend and hope that the research findings are useful in informing and supporting penal abolitionist social and political movements. The critiques I have made of existing literature, the Scottish Government's rhetoric and policy, the political exclusion of imprisoned people and the political structures which uphold the contemporary penal system, were informed by the works and discourse of abolitionist scholars and activists. My intellectual and political engagement with prison abolition is *learned* from the work of Black feminist abolitionists—such as Angela Davis, Assata Shakur, Ruth Wilson Gilmore—whose experiences as Black women publicly engaging with politics and the American justice system differ tremendously from mine. My engagement with both American and Scottish carceralism has been voluntary—when I have gone to a prison, it was the result of my own decision, and I retained significant autonomy throughout. I have not been incarcerated, nor arrested, nor do I live in an over-policed or criminalized community. This is to say that my engagement with prison abolition has thus far been relatively sheltered, and informed via second-hand knowledge. My racial and socioeconomic privilege *significantly* increase the safety and stability I can anticipate in engaging with prisons, prison abolitionism,

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<sup>7</sup> See Mellor et al. 2014, especially p. 146 for more on empowerment and class dynamics in interviews

and abolitionist political critiques; and that limits my ability to challenge the structural frameworks abolition seeks to dismantle.<sup>8</sup>

Some abolition-informed choices were deliberately built into the methodology, including interview questions challenging the Scottish Government's justifications for punitive disenfranchisement and analysis denuding the false grounds upon which the Scottish Government has alleged their compliance with ECtHR rulings on the matter. Other abolition-informed praxes arose in fieldwork, such as follow-up questions designed to foster rights-consciousness and empowerment. Providing potential participants with information about the Act and their electoral rights, also served to provoke this rights-consciousness and inform even those persons who chose not to participate in the study. Some less anticipated moments occurred in engagement with prison staff, such as refusing to begin interviews in Prison B when I was told that a guard would be present, and negotiating the interview terms for several hours until a private space was confirmed with no potential for eavesdropping or intimidation.

Adhering to abolitionist aims, this study pursued opportunities to develop and support the political empowerment of imprisoned people. The analysis and output of this research are fully intended to progress this empowerment, and to disassemble the barriers to social and political exclusion which this work seeks to identify. Informed by the works of Davis, Rodriguez, and other abolitionist activist scholars, my MPhil research design and the content of my analyses are deliberately designed to critically investigate the socio-political dynamics and structures that support the existence of prisons, and reveal ways to challenge those dynamics towards an abolitionist future.

## **Conclusion**

This Chapter has reviewed the research questions and objectives; major components of the research design and their theoretical underpinnings and justifications; limitations to the design, execution, and transferability of this research; and considered how my own positionality influenced the construction, implementation, analysis, and outcomes generated by this research. In describing the methods used in this investigation, this chapter has provided a thorough justification for the suitability of the chosen methodologies to address the research objectives and accord with abolitionist principles.

By explaining how thematic (Braun & Clarke, 2006) and thematic narrative analysis (Riessman, 2008) can enable an understanding of pre-carceral disenfranchisement and contribute to the identification, and eventual dismantling of, systemic relationships between political suppression and carceralism, this chapter has demonstrated the value of the selected methodologies in adhering to abolitionist ethics and answering the research objectives and

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<sup>8</sup> See Knopp et al., 1976, especially Chapter 9 for abolitionist perspectives on "engaging in prison research with the goal of systems change..."

questions. I have explained the decision-making behind some of the less-intuitive aspects of the research design, such as the overrepresentation of women, and the non-traditional informed consent process, giving special consideration to how the prison and power dynamics within necessitate unique procedures. This chapter also demonstrated the transferability of this work to international contexts, while identifying limitations in the sample, scope, and content of the study. In discussing my researcher positionality in this section, I have described the influence of various aspects of my identity, lived experiences, and personal beliefs on this study. In the following chapter, I will explore the findings of this research and expand upon the codes initially presented in this section in detailed thematic and thematic narrative analyses.

## Results

This chapter describes the main findings of the study, grouping thematic similarities across participants' responses to address the research questions. Beginning by presenting an overview of participants' knowledge of voting rights and processes, the findings address the extent to which those imprisoned are knowledgeable and empowered to engage with elections while imprisoned (RO2a), further evaluating the delivery of election-related information to those imprisoned (RO3). Next, this chapter investigates participants' capacity for electoral engagement before imprisonment, outlining evidence supporting the existence of pre-carceral disenfranchisement (RO2b). Following an exploration of factors which influence risk and experiences of pre-carceral disenfranchisement (RO2b), the chapter describes manifestations of pre-carceral disenfranchisement and their resultant implications for political beliefs and behaviours (RO2a, RO1). The chapter then investigates the Act's aims, as stated by the Scottish Government, revealing inconsistencies between the Act's alleged purpose and its impact (RO3). The role of the prison and punitive disenfranchisement in shaping citizenship is then discussed (RO5, RO1). Next, the Act's significance and meaning to participants is reported (RO1). The chapter concludes by discussing barriers to logistical and substantive enfranchisement of imprisoned people (RO2), and outlines participants' suggestions and the conditions necessary for imprisoned persons' substantive enfranchisement (RO4).

### Participants' Knowledge of the Act and Prison Voting

The absence of participant knowledge of voting rights, processes, and eligibility in prison, underpinned by a failure of the prisons to provide relevant information, emerged as a dominant theme. Most participants had not known about the Act and its implications. Of the 22 participants, only four correctly knew their eligibility; 16 were unaware, and two expressed uncertainty. Information session attendees reacted with confusion and surprise as I explained the Act. Some participated in the study to learn more, such as one ineligible woman who had registered on remand years ago and assumed she could vote during her current sentence, *"today, I know that I won't... I think it's still going to have to sink in..."*

Many participants were previously told, or had assumed, that imprisoned people could not vote, with this study's information session being the first they heard that anyone in prison could vote:

*"It was always my understanding that whilst you're in prison, you had no right to vote. Until whance I listened to yourself the other day..."*

*"the first time anyone has spoken to me in prison regarding voting rights was yourself, this week"*

*"[voting is] not a topic that the prison have been promoting or pushing for a debate to be on, or for an open discussion to be on."*

Others' ineligibility came as a surprise. Numerous participants struggled to apply the Act's criteria and understand their own status, for example, erroneously basing sentence-length on their early release date or on months remaining to be served. Confusion surrounding voting eligibility seemed for good cause—little information about the voting or the upcoming election circulated. Of the 22 participants, 20 were unaware of the voting process, one knew how to vote while sentenced, and another recalled her past remand voting process. Most participants heard nothing about the registration or voting process, and others guessed imprisoned people voted by placing a *"slip in a box"* or via post, but had *"no idea"* how to request a ballot. One eligible woman, interviewed after the postal and proxy voting registration deadlines, assumed *"the prison would just gie you it 'round about that time,"* but had heard nothing from the prison. Beyond receiving no verbal voting instructions, participants were unsure who to even approach for such information, revealing low confidence in staff and their knowledge. One man suggested trying hall staff, *"But they'd probably say they dinnae know... but then nobody really knows..."* The sole participant knowledgeable of the voting process was eligible, and had received his voting pack, but did not plan to vote in May.

In Prisons A and B, participants described the lack of information provided in induction presentations and materials regarding voting. One man described receiving misinformation during his induction, in 2022, when he asked about voting in prison: *"they never said anything about whether you could vote under 12 months or not... it was a clear no."* One woman, who regularly voted outside falsely believed that those imprisoned could not vote—something she had learned through prior incarcerations. When we spoke, her sentence met the Act's eligibility threshold, but she was days away from sentencing for a different offence, and anticipated *"a longer sentence"* exceeding one year, *"so I won't be voting anyway."* She was unaware of her eligibility in the prior months she had spent imprisoned, nor did she know *"how tae get a ballot and stuff like that."* She had missed postal voting registration deadline by less than two weeks, and proxy voting deadline by a matter of days. Nearly two years after the Act's passage, these shortcomings demonstrate staff's failure to provide updated, accurate information, and SPS's failure to educate staff.

Information about the local election, just weeks away from the interview period, was equally scarce. For most participants, election information was *"only what you see on the news,"* and what they retained from that varied: one recalled seeing a campaign advertisement, another noted an absence of coverage on the *"prison voting system."* Several participants who watched the news *"didn't even know the votes were coming up."* The sole participants who saw election-related materials in prison were: an eligible voter who had received a mailed voting pack also saw something *"going about on posters and that,"* but was unsure where this was. These posters were this study's recruitment materials, which listed eligibility information and election dates, and were posted around the prison in the weeks ahead of interviews (see Appendix H). My recruitment materials, also distributed as flyers, are potentially what another participant referenced as a *"letter through my cell door"* which explained he could vote, and which arrived *"only a week or two ago."* This *"letter"* could have been a registration pack, however only one



of the other five imprisoned eligible voters had received a voting pack or registration form for the May election.

Two eligible voters, unsure if they would vote in the upcoming election, were discouraged by their unfamiliarity with the candidates and issues contested, reflecting both the dearth of political information and resources within the prison and their low levels of pre-carceral political education and engagement:

*“I dinnae ken what it’d be... what outcomes ... it’s not something that I’ve been really interested in before”*

*“I would nae know what way to vote.”*

In addition to not knowing about voting and elections in prison, most participants were also not talking about voting, elections, and politics with peers or staff. A handful had discussed, or overheard, political conversations, mainly about Scottish Independence, Partygate, Boris Johnson and Nicola Sturgeon, but local elections remained unmentioned. In Prison B, some sentenced long-term assumed political discussions were more common in short-term wings due to voting eligibility, while others sentenced ST held converse beliefs due to the time and education available in long-term sentences. In Prison A, participants reported those sentenced long-term were more likely to discuss politics, with more time to *“sit and study it”* and reflect on *“how they’re counted.”* Two participants overheard others discuss the unfairness of having their voting rights taken away.

For most, elections and voting are *“not something... that’s on maist people’s lips in here. Because we’ve cannae vote anyway...”* suggesting a perceived irrelevance resulting from exclusion. One woman, several years into her sentence, had neither heard staff nor imprisoned people discussing politics, and was unclear whether it was permitted: *“I don’t think people are allowed to talk about politics in here, or the government...”* Some surmised the absence of political discussion was due to the potential divisiveness of such topics, or simply that staff *“can’t be bothered”* to facilitate such conversations: *“They don’t care... They’re just here to do their job. And we’re just here to do our time...”*

In line with prior literature on a hierarchy of needs in prison (see Behan, 2012; Morgan-Williams, 2016) other matters preceded political engagement, such as maintaining family connections or focusing on *“doing everything possible to get out at the first chance I get. So ‘hings like politics, etcetera? Absolutely not.”* For some, the strain involved in *“surviving”* imprisonment eliminated the prospect of expending resources on political affairs: *“your focus isnae outside, your focus is in here.”*

## Pre-carceral Disenfranchisement: Risk and Contributory Factors

This section addresses factors which appear to have contributed, and signal likelihood of, political and electoral disengagement *before* imprisonment, and the nature of their role. Findings reveal that pre-carceral disenfranchisement emerges from the intersection of social, economic, cultural, and individual factors before imprisonment, which individually, and with each other, breed the substantive disenfranchisement and political disengagement that functionally inhibit the political capacity of imprisoned people *before* their current imprisonment.

These factors are both “risk factors” as their presence indicates community deprivation and an increased *likelihood* of pre-carceral disenfranchisement and “contributory factors” referencing their direct role in *generating* pre-carceral disenfranchisement. The main factors identified from the data include poverty; familial instability; external care placement; exposure to violence and abuse; housing insecurity; substance dependency; carceral contact in youth; disrupted education; and community deprivation—which, itself, often accompanies other aforementioned factors. Nearly all participants displayed at least one of these factors (see Appendix B, Tables B9-B12). These factors frequently interact and intersect, aligning with Vigil’s (2020) multiple marginality and Crenshaw’s (1989) intersectionality, each compounding the magnitude of pre-carceral disenfranchisement.

The following example evidences the interrelation between contributory factors: One participant went from an unsafe home environment to external care, then, living with a cousin who “*had been in and out of jail,*” was exposed to further violence, substance abuse, and again became unhoused. The chaos, deprivation, and isolation leading up to the offense for which he is currently imprisoned worked against his capacity to exercise agency and political engagement:

*“I’m trying to work out how I got into that situation, I think a lot of it’s to do with being not educated enough... [and] my addiction... So, trying tae roll that innae society and how I function, wae the likes of politics... it’s always evaded me. I’ve listened tae news and just through the media, really, I was getting... my wee inclinations of what was going on in the world... it was making me quite cynical... I thought, as if I was... the world’s fucking crazy enemy. I didn’t trust any politician...”*

This quote reveals how contemporaneous contributory factors generated a disempowering political socialisation. The product of these contributory factors is staggering: poor political and media literacy, distrust of politics and those engaging in it, and a severely damaged self-conception. While the specifics of participant stories vary, narrative thematic analysis of these interviews found many to follow a similar arc, containing numerous intersecting and exacerbating factors producing pre-carceral disenfranchisement.

Many the factors identified as contributing to, or increasing risk of, pre-carceral disenfranchisement stemmed from poverty and resource-deprivation, demonstrating connections between poverty, political disengagement, and the lack of exposure to well-resourced, politically engaged communities and social circles. Numerous participants described backgrounds of poverty in which family members struggled to make ends meet, triggering a “hierarchy of needs” which relegated politics to a minimal role: *“I can state that quite categorically that none of my family, none of my friends have been remotely interested in protesting and things like that.”* Participants attributed their pessimism about the beneficial prospect of *“anything to do with politics,”* to *“council estate upbringing[s]”* in which political engagement *“was just never really on anyone’s agenda.”* In detailing the ‘roughness’ of their neighbourhoods, several described exposure to violence as an additional source of disruption and strain. In some cases, participants described mutual aid among community members generating resource networks for unmet needs. For others, tension within marginalised communities bred an isolating individualism and guardedness, and, through reduced cohesiveness and solidarity, inhibited the community’s likelihood of collective organising (see Equality and Human Rights Commission, 2018, pp. 95–99).

Participants described communities weakened by widespread substance dependencies, with one man estimating: *“forty or fifty folk my age that I grew up with,”* including family, had died from *“drugs.”* These impacts engendered distrust in government while also weakening familial and communal networks, further reducing resources and capacity for collective organising and mobilisation. Some participants attributed their political disengagement and non-voting to substance dependencies, or felt substance use disorder curbed their capacity for community engagement and influence before imprisonment. Numerous others referenced mental health struggles, and noted how inaccessibility of community healthcare and support in coping with these illnesses eroded their trust in government. Mental illness frequently intersected with other risk factors for pre-carceral disenfranchisement, such as familial trauma, a lack of educational, financial, and social resources to connect with appropriate medical care, and cycles of institutional contact and punitivism.

Seven participants directly referenced spending at least part of their childhood in external care.<sup>9</sup> Numerous others described strained familial relationships, including violence, parental separation, substance dependencies, and mental illness. Additional sources of strain regularly co-occurred *with* familial instability, particularly poverty, disrupted education, and housing instability, which heightened its significance. Most participants placed in external care noted a lack of political education in their upbringing, evidencing clear differences in political comprehension and engagement between those with, and without, models of civic engagement at home.

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<sup>9</sup> Participants were not asked whether they had ever been placed in external care. It is quite possible that more participants in the sample had experienced external care which they did not mention during their interview.

*“I was in care frae, like, 14 and up... we didn't really speak about [voting] in the house and stuff.”*

*“I don't remember going anywhere [to vote] with my foster carer... she didn't speak about it. I was quite young... maybe she thought that it wasn't a conversation to have with a 12-year-old...”*

Those in external care more commonly experienced numerous factors engendering pre-carceral disenfranchisement. Several participants had left school early, often as a result of other risk factors, such as poverty, unstable home environments, and incarceration at a young age. For many, low educational attainment constituted a *“massive barrier”* to political engagement and voting, and disruptions generated lasting impediments to political vocabulary and comprehension. One participant had been expelled from three schools, and had neither voted nor discussed voting before the study, attributing his disengagement to a lack of formal or social exposure. His story mirrored similar anecdotes from other participants in which frequent imprisonment from a young age coincided with dropping out of school, illustrating a connection between criminalization, disrupted education, and substantive disenfranchisement. Others identified those capable of successful involvement as being *“A lot more educated people than me,”* and suggested that education is *“the only chance”* people with criminal convictions have for involvement.

In some cases, housing insecurity complicated electoral registration, especially for those unaware that people can register without a permanent address (see Literature Review, *“Intersections of vulnerability: women and pre-carceral disenfranchisement”* for discussion of the relationship between gendered economic inequality, housing insecurity, and voting). One woman described overlapping disadvantages of anxiety, which made in-person voting daunting, and living *“between properties and... homeless, obviously you're not registered for voting then...”* reflecting an unfamiliarity with voting rights and resources, which, in tandem with additional deterrents, further stymied voting opportunities.

Participants' experiences of institutional engagement often harmed their trust in government, self-esteem, and sense of community membership. Just under half of participants described being *“in and out of jail,”* and many had first encountered the justice system young; at least three specifically described having spent *“most of [their] life”* cycling through correctional institutions. Unsurprisingly, those previously incarcerated were more likely to be disengaged from voting, indicating a manifestation of pre-carceral disenfranchisement in which those people criminalized repeatedly, and from a young age, are more likely to withdraw from political and civic participation. *All* the participants who never voted before *also* described prior imprisonments, and the remainder of those ‘in and out’ of prisons who *had* voted had only done so in a few elections (see Appendix J). The overlap between frequent imprisonment and voter disengagement aligns with earlier discussions of a *“limited voting window”* in which initial carceral contact disrupted and eliminated early, formative opportunities for civic engagement. Many who entered the system young were unfamiliar with civic engagement processes, lacking

the experiences of others who were accompanied by family or partners during initial years of voting.

## Manifestations of Pre-carceral Disenfranchisement

Participants' descriptions of their political and voting experiences before imprisonment revealed a dearth of engagement with, and exposure to, political topics and voting; widespread sentiments of disempowerment; and commonly-perceived ineptitude to effect change within ones' community; strongly indicating the existence of pre-carceral disenfranchisement. One eligible voter said she *"dinnae really have any"* thoughts on voting: *"it's no' something that I think about... It's just not something that I would dae."* Participants were unknowledgeable of current issues and candidates; both eligible and ineligible people said they would not know how to vote if faced with the decision for the upcoming election.

Over half of participants could not recall discussing voting or politics with family, and for those who did, conversations rarely extended beyond which party they supported:

*"I'm not sure... [if] growing up I remember even hearing about local elections and things."*

*"[My family were] never political in terms of... 'Let's talk about that... where do your views lie here?'..."*

With exceptions for the few participants who occasionally discussed politics with a sibling, friend, or among family, most said politics were undiscussed in the home, classroom, community, with peers, and partners. For one man, an announcement about this study was the *"First time I'd even talked about voting."* Several participants were unsure whether family members voted. Among those who knew family members voted, few knew *why* they voted or what issues mattered to them. One man struggled to differentiate between politics and religion, conveying the former's omission from common discussion: *"possibly some of my friend's parents [discussed politics] ... very vague with the actual political backgrounds... Protestant... that was the one they practiced..."* Even in college, one participant described curriculum lacking containing *"political sorta talk"* and *"stuff in the laws."*

Direct engagement in political activities, organising, and activism before imprisonment was essentially non-existent: no participants had been involved in political organisations or causes, and many said neither had their peers. The few recalled experiences of political engagement were weak: one participant protested a paedophile, another considered, but did not attend, an anti-vaccination march; and one answered questionnaires in school. Participants frequently attributed their disengagement to their upbringing and peers. Describing his political non-involvement, one man added, *"I've never really knew anybody that was either..."*. Non-exposure to political conversations and education impaired some participants' confidence identifying and articulating their own political beliefs. Asked her feelings on elections, one woman frustratedly

replied, *"I don't know, that's what I'm saying tae ya... it's never been something that's been brung up tae me or something that I know about."*

Many felt incapacitated by their unfamiliarity with modes of engagement: one man defeatedly said he *"wouldn't even know what to do"*, which, he felt, reflected a problematic system designed to *"make you feel like you cannae do nothing about it."* Another woman, who felt she would need to *"read up and get like the basics... [and] understand the majority [of] what's going on"* before becoming politically involved, described the need for people to be *"given the right tools and the right mindset"* to spark change, but noted, *"nobody"* in the prison, or from her community, *"gets a chance to do anything like that."* This generalisation—that no one from her community has access to necessary resources for actualising political accomplishments—suggests community-wide deprivation of political capital, indicating pre-carceral disenfranchisement.

Similar negations of political empowerment included comments about being *"just like everyone else,"* assuming the standard person incapable of influencing community conditions, evincing systemic disempowerment experienced before imprisonment: *"I have never felt anything that I've... felt positively or negatively about over the years, in terms of politically, would ever have made a difference. I think a lot of people feel like, you're just one person..."*

Sentiments of powerlessness and fatalism—expressed by over half of participants—commonly coincided with commentary about being from communities with high levels of deprivation. One participant described being made to feel *"like what you dae isna really gaun'ae go anywhere..."* Most participants said they could not envision themselves getting involved in political organisations, causes, or protests, one explained there is *"nothing"* that can be done by *"working-class people...or even just people... that aren't in government, power"* to influence the government's agenda.

Further, participants struggled to identify *what* constituted political activities. Asked about their political involvement, some described shovelling snow or running errands for neighbours, indicating unfamiliarity with political actions and modes of engagement. Participants' desires for future involvement underscored this weak conceptual grasp: one man said he hoped to be politically involved by *"get[ting] back intae work. Get a better future for myself and stay out of prison."*

Additional comments revealed an internalised sense of disqualification from politics which stemmed from unfamiliarity:

*"I would like to be [involved]. But I just don't really know the correct avenues to go down..."*

*"I wish it was spoken about more so I had like a better understanding, and then maybe I would want to vote... I don't feel like [voting] would make a difference. But that's because I don't know much about it."*

Half of the participants in this study directly expressed disinterest and/or detachment from politics. Participants' statements, superficially signalling disinterest and boredom, simultaneously indicated politics' inaccessibility, poor education, and weak political literacy as critical sources of said disinterest:

*"I don't really understand politics. I understand a lot about the world and politics in that sense, but, the actual the perennials of politics, I'm not really... used to... I find it boring... They're very... hard to follow."*

*"You see politics and you kind of want to run away from it, because we don't understand it. It's all big words and stuff... if it would be made simpler, more interesting, maybe then we would be interested in it. And maybe want to vote..."*

Poor political literacy was widespread among participants, frequently themes of confusion, doubt, and the inaccessibility of political concepts, language, and dynamics. Some responses revealed weak understandings and misapplications of political words and concepts, others directly stated their unfamiliarity with elections:

*"Obviously, [elections are] a big thing in society... I'm not too sure... if it's all gaun'ae work out. I really don't have a clue."*

*"I hope [elections] can make a difference. But I don't really understand much about it."*

Some participants struggled with questions about voting; one participant confused voting with the census, believing voting to be "a legal requirement." Another participant briefly mistook her recently-completed census form for one voting-related. Two participants expressed confusion about what happens to their vote, and scepticism about the counting process: "...you hear so much about the votes being... not counted properly... You don't know whether it's true... you don't know if it's really the person that's got the most votes really has got in..."

Election misinformation was not limited to vote-counting:

*"I don't know if it's... right... someone said that everybody that's eligible to vote... if you don't vote, their vote automatically goes to the party in power... So, I just thought, well, all the people that is eligible to vote, that don't, their vote's already goin' to someone else that really shouldn't be in... it made me feel like my vote was a little bit null and void."*

In discussing disinterest and disengagement from politics and voting, participants frequently revealed misconceptions the impact of engagement, especially with elections: *“maist of the stuff that they vote on it, doesn't really affect the day-to-day life.”* Others repeatedly claimed voting *“Disnae really affect me.”* One participant conceded his unfamiliarity with *“the ins and outs”* of politics and *“what would benefit in voting”* contributed to his indifference.

Some assumed voting to be *“pointless”* for those imprisoned long-term:

*“‘cause a party only stays in for roughly four years... if you vote and you get out in five, I don't see any point in that. But if you come out and it's going to affect you when you come out, then you should get to vote.”*

Additional explanations for pre-carceral political non-engagement highlighted experiences of hardship and poverty. One participant describes how extended family moved in together to pool resources and bills to *“scrape by.”* Despite evidencing capacity for communal organizing and mutual aid, his explanation that this strain relegated politics to obscurity demonstrates how poverty and resource deprivation necessarily contribute to pre-carceral disenfranchisement.

Others highlighted how being incarcerated young influenced their capacity for political engagement. Several participants described having only a few years, if any, of voting eligibility before becoming imprisoned:

*“I've been in jail all the time that's there's been the voting... if I was eligible to vote, aye, I would ... I've never actually been out when there's been any sort of vote or referendum that was gaun oan... I've never had the chance tae.”*

Another, with a long history of prior imprisonments, said: *“I've never really been out long enough tae feel like if I could have influenced anything like that... I would like to, though.”*

For many of those people incarcerated young, the limited window of voting-eligibility they experienced before imprisonment, if at all, was a complicated, difficult, and overwhelming time. Some described lacking the resources to know how to vote, such as a man who left an abusive home environment, navigated homelessness, mental illness, and substance dependency as a young teen, then cycled through carceral facilities for a few years before receiving his current life sentence. He has never voted, nor registered, and described having had *“no interest. I don't even know how to go through the registering process... Who tae speak to and whatever...”* Another woman who had been imprisoned before reflected on her limited voting history, describing the compounding challenges of substance dependency, motherhood, and losing parental rights at a young age: *“My life was hectic so I've never really focused on voting.”*



Resource strain, criminalisation, and punitive disenfranchisement from a young age restrict capacity for direct involvement in voting and other political activities, and community deprivation of political capital contribute to a substantive disempowerment, ultimately producing political disengagement among populations from which currently-imprisoned people are drawn. The findings support the pre-carceral disenfranchisement framework as poor political education and literacy combine with a lack of exposure to political discussion, to functionally inhibit the formation of political opinions and understanding.

## **Disillusionment, Distrust, Disempowerment**

Feelings of pre-determination and nihilism towards politics pervaded participants' rationales for their political disengagement, conveying, in part, a personal powerlessness and apathy towards traditional methods of engagement (such as voting) both inside and outside of the prison, due to their inefficacious impact.

*"what comes your way, comes your way. I don't really think it matters who's in power."*

*"so many people... voted and nothing has been done... I don't know if my vote is really gonna help or make any difference..."*

*"You cannae really change much in here... This place is in a bad way... even if you do want something changed, it disnae happen. There's all sorts of things wrang in this jail and... just nothing ever changes."*

*"changing things gaun in here [is] basically impossible..."*

Numerous participants doubted the legitimacy and fairness of elections. One asserted that elections are "fixed" to go how "the government want it..." Others' similar comments mirror ideas on election illegitimacy popularised in online forums distributed through misinformation campaigns. Poor media and political illiteracy present in these postures indicate pre-carceral disenfranchisement, driving people from marginalised and criminalised communities away from political engagement.

Politicians were regularly described as out for themselves, with some noting politicians' tendency to pass personally-beneficial laws in "double quick time" compared to those benefitting the public. Participants testified to the lack of identity and goal alignment they felt towards those visibly engaged in politics, describing politicians as "no' in contact wae the normal people that makes this country work..." One woman, discussing the disenfranchisement of some imprisoned people, referenced moral, class, and power distinctions between politicians and those imprisoned, with decisions made by "folk that's high up, that think that they're bigger and better than other people...they just don't care about the little ones."

Responding to the Scottish Government's alleged intentions with the Elections Act, one participant dismissed the 'legitimate aims' argument as concealing politicians' true intentions: *"basically, they're trying to make out 'these people [in prison] don't deserve nothing. Just get rid of them.'"* Distrust in politicians contributed significantly to participants' withdrawal from voting and other modes of political engagement, with several participants explicitly citing unfulfilled campaign promises as the root of their declining voting behaviour. Others described corruption on local and national levels, demonstrating a serious lack of faith in the democratic capacity of UK and Scottish governments. For distrust of the government began during the trial process, which many participants found frustrating, confusing, and unfair: *"I just think the justice system's all back tae front and, the rules are all jumbled up."*

Imprisonment and the experience of being criminalised generated distrust in the government, courts, and political system, in line with Weaver and Lerman's (2010) findings in the U.S. Separation from outside lives, family members, and critical milestones made participants resentful of the justice system. Participants' emotionally charged grievances illustrated a struggle to reconcile the harmful impact of government and the court on both their lives 'outside' and 'inside' of confinement. Further, the double standard which differentially penalised those imprisoned and those in power—both inside and outside of the prisons—was a significant source of distrust and disillusionment. Comments about guards' use of violence and abuses of power evoked contractarian themes: *"you're breaching rules by being in here in the first place, they're breaching rules...."*

Comparing those imprisoned for violating societal and legal rules to those abusive, rule-flaunting guards illustrates the penalisation and denigration of one group versus the other's freedom to penalise. As key authorities within the penal institution, prison staff represent, and function as, extensions of governance and politics, despite lacking democratic appointment or popular accountability—the guards, prison staff, and prison leadership are not voted on by those imprisoned, nor are those imprisoned awarded opportunities to challenge or engage in, at senior levels, their own governance. Further underscoring the salience of the false dichotomy drawn between the imprisoned and those with power to imprison, one participant described the prevalence of *"criminality within people that's meant to be in power, people that's running the country... it's all tae do with money and all that... I might be the subculture... I'm the 'criminal'... then you realise, it's a fucking farce..."* His juxtaposition of the 'criminality,' and ignoble motivations of politicians and those in power with his own status as *"the criminal,"* highlights the incompatibility of the character and authoritative assignments which subjugate him. Dissonance persists between the lasting 'criminal' label applied to those imprisoned, like himself, despite the years of work he has put in towards self-betterment, and the ongoing *"criminality"* he sees in the politicians and guards retaining power, control, and status-determination over him.

Participants described the jarring experience of imprisonment while young, which negatively impacted their sense of societal belonging and support. One man became *"a wee bit wired, a wee bit distrustful wae society. Didnae really understand society..."* after living in a cycle of

*“institution, back oot, disruption, nae jobs, nae this, that, and not really seeing the signposts wae opportunities may be.”*

Trust in prison officers was scarce. Describing Prison B’s ongoing mental health crisis, one man explained imprisoned peoples’ reluctance to seek help from staff because *“the conversation may lead to other things”* implying the potential for punitive outcomes and demonstrating how the prison solidifies mistrust towards those in positions of authority.

Another participant described missed opportunities for resource-provision within the prison:

*“our society in Britain are quite good at reminding you of your failures, when everybody makes mistakes and everybody fails... how long do you want tae contain a group of society... when you could be utilising them in a better way? Educate them more about politics... give them an opportunity to actually understand who they are in society, rather than condemning them all the time... The doors are closed... In that sense. Restricted.”*

Some participants struggled to reconcile pride in being Scottish with lack of resources and opportunity for change within the prison: *“I’m proud to be Scottish ... But just, at a higher level it kinda frustrates me... [that] there’s no mair being done for the prisoners...”* The simultaneous sense of belonging and national identity and disconnection from people in power presents a uniquely conflicting sense of nationalism. While retaining the Scottish identity, he is deprived of the identity *experience* and belonging that accompanies civic nationalism—and which is wholly incompatible with imprisonment.

Many participants talked about the strain imprisonment has wreaked on their familial, social, and community relationships and on their self-image and mental health: *“this sentence has absolutely broke me. It’s ruined my life to a point. It’s completely unsettled my life. It’s taken away employment and nearly cost me my house, my home, my family.”* Further, as discussed earlier, imprisonment erodes trust in the government and politics:

*“there’s just not that much faith, really. There’s just... there’s not there’s not really that much to get excited about, to be that enthusiastic about.”*

*“You kinda feel kinda helpless in here.”*

*“[Politics] disnae really mean much to you when you’re in here. Because this feels like its own world, type of thing. So, you feel like whatever politics there is, it’s within this and no’ out there.”*

## **Does the Act Accomplish Its Aims?**

When asked explicitly if the Act served a purpose, none of the participants responses aligned with the aims the Scottish Government set forth. Some guessed the Act was designed to further

punish. Not a single person identified a positive purpose, message, or outcome to punitive disenfranchisement. At least sixteen of the twenty-two participants felt the Act served no purpose at all.

The Act's ability to accomplish whatever it intended, several noted, depended on how much imprisoned people valued of voting: *"If it doesn't mean much, it's not going to accomplish much."* The Act's potential effect was further hindered by the pressures faced in prison and low prioritisation of political engagement and voting for many in prison.

*"I think if you ask anyone in prison, 'On a scale of one to ten, how upset are you at having your vote taken away?'... everybody will just be a one. Because you do have bigger things on your mind... If the worst thing you've got to worry about in prison is 'I've had my vote taken away', then you've not got much to worry about."*

Others were concerned the Act disfigured the electorate, with one man concerned disenfranchisement could *"sway a decision one way or another, all these thousands of votes that they're taking away frae people."*

For many, the Act *"just sends a bad message,"* one of dehumanisation, inequality, and subjugation: *"it's just a way of letting you know that they're still in control."* Even among those who found the Act to be sending exclusionary messages, several struggled to identify the purpose of punitive disenfranchisement. One participant suggested the Act aimed to *"outnumber"* imprisoned people, and signal *"That their voice doesn't matter..."* Others felt *"[the Act] kind of belittles"* imprisoned people, communicating *"That they're no' important enough as other members of society."* Another participant said: *"I think it would make them feel that you're not one of us, you know? You're not connected."* These responses, taken in the context of the full sample, reveal that at best, participants perceive the Act's purpose to be unknown or non-existent, and at worst, the Act, in its exclusionary conditions, serves to outnumber, overpower, reject, and ostracise.

### *Preventing crime*

Findings reveal the absurdity of the Scottish Government's claim that disenfranchising imprisoned people *"may be justified in order to pursue the legitimate aims of preventing crime by sanctioning the conduct of convicted prisoners"* (Scotland & Scottish Government, 2018, p. 7) was met with disbelief, confusion, and laughter.

None of the participants believed disenfranchisement could functionally deter committing offences. At the time of their arrest and sentencing, most participants were unaware of the potential for disenfranchisement. Among those who *did* know at the time, none said it factored into their decision-making.

Participants' comments regarding the alleged 'deterrent' function of punitive disenfranchisement included:

*"I don't think it prevents crime at all... the voting doesn't make a difference on what you choose to do in your life. It's a personal choice..."*

*"It disnae make sense. If they let us vote, and it's something that we want tae dae, [it would reduce] crime, cause then the laws will be changed."*

Others saw a potential impact contradictory to the Act's alleged anti-offending aims, with one man saying disenfranchisement could *"Maybe cause a riot or something"* among those determined to vote, and another participant added it might wind up those who care strongly about voting rights.

### *Promoting civic responsibility*

Another "legitimate aim" of punitive disenfranchisement the Scottish Government claimed was "enhancing civic responsibility and respect for the rule of law" (Scotland & Scottish Government, 2018, p. 7). This claim, too, fell short of actualisation—no one felt disenfranchisement promoted civic responsibility or respect for the rule of law, and participants reacted incredulously:

*"I think that's a load of crap [\*laughs\*]. Really."*

*"They're full of crap. [laughs]"*

*"Well, I think it's shite. Sorry, I think it's crap, really"*

Instead, many recognised the antagonistic effect: punitive disenfranchisement was more likely to further disenfranchise people, exacerbate their political disengagement, and generate resentment which would undermine their faith and stake in existing political systems:

*"...[if] they're no' gaun'ae have the right to vote when we're in jail, what is gaun'ae make them vote when they get out? They're gaun'ae go 'Well they never gave me the chance in the jail so why should I bother now?'"*

Two participants critiqued the Scottish Government's implausible claim that the Act would promote respect for the rule of law, predicting, instead, an antagonistic impact:

*"it's made me not respect [laws]... I had [voting rights] on the outside and now they've taken it away... it's made me have a bit of resentment. I wouldn't say disrespect, but more resentment towards them..."*

*“... it's gaun tae make us not like the law mair. Cause a part of the law's you got the right tae vote, so taking our right away frae us, well, in our eyes they're breaking the law...”*

## Denizenship

Themes of denizenship also emerged in the sense of participants' self-image and understanding of how imprisoned people are perceived in society. Jail was described by one participant as being *“seen as the dregs of society...”*. There was a common understanding of the negative perception of imprisoned people held by the public and the Scottish Government. One participant suspected that the Scottish Government would be concerned about *“bad publicity”* from *“really bad criminals voting...”*. Political rhetoric surrounding the ‘unworthiness’ of people in prison in relation to voting rights was internalised by those imprisoned. One man serving a life sentence, who had never voted before, felt that he had no role in politics for two reasons: *“I dinnae know too much about it, and being in prison...”* describing himself as *“obviously not suitable for a role.”* This unsuitability, in his words, was because of his imprisonment:

*“There's a lot of people outside that would... protest... saying we should nae be allowed to vote and stuff like that... In my eyes, I would want tae know mair about it and be able tae vote. But there's a lot of people out there who... want tae stop prisoners frae voting...”*

This sense of being unqualified for—or disqualified from—political engagement because of one's ‘prisoner’ status reflects an internalised denizenship in which the ‘sub-citizen’ status imposed by punitive rhetoric and physical carcerality has seeped into the imprisoned person's self-image. One voting-ineligible man felt the Government targeted voter suppression towards specific population groups, but rarely discussed this with other sentenced people: *“Some of them don't want to know, because they already feel inferior enough....”*

Imprisoned persons' degraded status and exile from Scottish social and political communities was noted by others: *“to everybody else we're the thugs. We're the scum...”* One man categorised imprisoned people as a social class, specifically—the *“bottom class”* and *“lowest of the low”*—a status which he felt impacted his rights as those in this ‘criminal class’ *“all get looked down at... Naebody'll take us seriously.”*

Beyond rhetoric and ostracization in the community, many felt that their treatment within prison and degraded ‘prisoner’ identity compounded their sub-citizen status. One woman, several years into her sentence, described the dehumanisation she witnessed: *“there is some stuff where you're just like 'wow, how can you even get away with that?' ... We're behind the gate for punishment, but we don't need to be treated like... animals or things.”*

A voting-ineligible participant felt that enfranchisement might mitigate some of the demeaning treatment and status experienced in prisons: *“I'd feel a lot better... they treat you like an animal half the time. At least we'll be getting equal opportunities and it's one less one they've taken*

*away frae, that.*" The combined 'criminal class' identity, dehumanising treatment, and the removal of voting rights led some imprisoned people to feel they lost their citizen status:

*"you're not a citizen of anywhere in here. You're only a citizen on the outside."*

*"I want tae go back out and be a normal citizen."*

*"this citizenship thing... you're only a citizen of [Prison B], or of the justice system. You're not a citizen of [city]."*

The erasure of citizenship in confinement was more implicitly noted in other cases, noting the mutual exclusivity of imprisonment and citizenship—or at least, the revocation of significant elements of rights and status accompanying citizenship while imprisoned. The weight of relegating imprisoned people to denizenship, and the role of disenfranchisement in their subjugation, was not lost on participants:

*"I suppose this is the worst thing you could do to someone, is limit your citizenship, isn't it?"*

Others noted the deprecating symbolism of only enfranchising **certain** imprisoned people, making some wonder, *"Am I not good enough?"* Some ineligible participants felt devalued, cast aside, and forgotten:

*"I feel that [the Act] definitely marginalises a lot of other people though, because the ones that are on longer sentences, it just basically says that you're not part of the community anymore. I feel kind of neglected in that way, as if we're just being forgotten about."*

*"nobody wants to listen, nobody wants to hear us. It's like when you're in prison, you're just a number... but that number's a person. That number has family and things, and friends... but that's the way we're seen in here... We're just pushed to the side..."*

*"you're no' really counted in here. You're just a number and just waiting to be released. That's what it feels like."*

*"...you're just a nobody, sort of thing... You don't matter to anyone or anything, because you're just left out of things. And that's bad enough punishment being in prison without being allowed to vote..."*

Participants described the physical and psychological removal from society in imprisonment extending beyond severed social, familial, and commercial access—for many, their confinement constituted a tangible divorcement from political society. One participant felt he had no role influencing politics *"cause we're in the jail.... Just flung tae the side..."*

Several struggled to conceive of external engagement while incarcerated:

*“Politically, I'm not sure if where the line lies... you need to be living that life on the outside tae feel part of it. Because you don't feel part of it inside.”*

*“[prison] feels like its own world... you feel like whatever politics there is, it's within this and no' out there.”*

*“...this isn't real life, this is a moment in time. Because you're behind the gate... nothing's really real... life's still moving on for everyone else outside, but in here, we just cannae start... I don't think that we need an extra punishment... I suppose it shows to the community that we care about them more than, obviously, the criminals, [who they] want to punish properly”*

Disenfranchisement further harmed many participants' self-image and conception of their belonging in, and capacity to reintegrate into, society after confinement.

*“I don't feel like I'm part of [society] anymore, now that I'm in prison... I know I'm paying for my crimes, but I feel that taking [voting] away from me is devaluing me a wee bit. It's a big part of being British and being part of a democracy... being able to vote...”*

*“[disenfranchisement is] basically saying ‘You're not part of us... You've not got the right to dae the same things that we're doing’... I mean, we're outcasts...”*

*“[being unable to vote] you don't feel part of society... It just makes us go deeper intae... kinda sticking together, no' really, like, takin' any'hing tae dae with society as a whole... it does affect you...”*

## **Significance and Symbolic Meaning of the Act to Imprisoned People**

In all that confinement strips people of, many participants felt strongly that the entitlement to their own voice and opinions ought not to be nullified. Voting rights, as one participant speculated, would symbolically signal to imprisoned people *“that their voice matters, and that they're entitled to an opinion. And they can make a difference if they want to...”* Another participant asserted enfranchisement would make people *“feel counted, like their opinion's valuable.”*

Participants frequently invoked fairness and equality in countering the Act's discriminatory disenfranchisement of some imprisoned people. Noting prison staff's tendency to arbitrarily allocate rewards, privileges, and punishment, the capricious sentence-length cut-off heightened the sense of unfairness relating to rights within prison.



*"it shouldn't matter how long you're doing; you should be given that option [to vote] ..."*

*"I have an issue with people doing a year or less that's got any mair rights than somebody doing 10 years or life..."*

Rights, and punitive disenfranchisements' illegitimate deprivation thereof, was frequently mentioned, and participants' knowledge their own rights varied significantly. A participant with a more sophisticated understanding referenced *Hirst v. UK*:

*"as far as I'm aware, it's a breach of European Human Rights to prevent anybody in the European Union from voting. So much so that the European Court of Human Rights in Strasbourg has launched a number of complaints against the Scottish Government for refusing prisoners' their rights."*

Many participants, both voting-eligible and ineligible, also felt punitive disenfranchisement countered their strongly held Scottish identity.

*"As a citizen of Scotland, I should have the right, no matter what, tae get my vote on whatever's happening in the country. For it do be my country."*

*"I'm a part of this country and I should have the right tae vote, whether I want tae or not."*

*"I just think anybody Scottish, nae matter where they are or what they've done should be eligible to vote..."*

One participant warned that those disenfranchised, like himself, *"are nae gaun'ae feel like part of the country."* Others viewed their citizenship and national identity in the context of their personal investment in national decisions, with one participant describing citizenship as meaning *"you're part of the country, the country you vote in... this is your home so you gottae look after your home."* His comment implies voting, as a civic obligation, is part of the care-taking responsibility citizens have. Others felt all imprisoned people deserve a say in the outcomes impacting their country:

*"If you're living in the country, and you're going to be living in the country, why should you not be allowed to vote? To influence the future of the country? The direction the country is going in?"*

Participants also pointed out the incompatibility of democratic ideals with punitive disenfranchisement:

*"We all live in a democracy... whether you're homeless, you've got a job, or in prison, I think everyone has a right to vote."*

*“if the purpose of voting is to change your lot, change your nation state, and its virtues and values... those virtues and values come from every part of society. And who better to make the changes, as we've seen, historically, in the judicial process in Scotland and England, with the prison riots in the 80s because of conditions...”*

Referencing the prison riots and victories resulting from imprisoned peoples' activism of underscores the critical role those imprisoned have historically played in contesting and developing contemporary Scottish penal identity and entitlements (Brangan, 2019; Whitty, 2011; Woolf & Tumim, 1991). The same participant further critiqued politicians for “*claim[ing] rehabilitation and bettering society*” in the context of rights-deprivation, condemning the “*charlatans... who will tell you have rights... [but then] you've got to qualify for those rights, and they keep changing the goal posts...*”

Several participants felt enfranchisement was important specifically *because* those in prison would eventually return to the community. For some, these comments implied that voting and election outcomes were unlikely, or unable, to change the conditions of their confinement, such as one participant's reasoning: “*We're not going to be in here forever. We're going to be out one day, so that vote [should] still count... every single person should have the right to vote.*” Others pointed to imprisoned peoples' family and communities outside:

*“when the things that happen outside impacts their families, maybe it doesn't impact them straight away, because they're in prison, but... their families are still losing out or gainin', or whatever... I've dinna think anybody should be restricted tae vote...”*

Participants noted that individuals do not simply vote for themselves:

*“There's other people that come into your thinking... There's always a bigger picture to it. I think that's what people are missing out on.”*

*“they should be gi'in an opportunity to make things better for their family, their kids, their selves, in prison. They're the ones that see prison for years. They're the ones that have to deal with that. They're the ones that cannae dae anything to contribute to their family. But they're all the ones that want tae, that cannae.”*

Other participants also identified voting as of particular importance to those serving long-term sentences:

*“I don't see why short-term or non-sentenced prisoners should be allowed to vote but people... like myself, man, could be spending the rest of my life in here, hasnae got a say.”*

*“[the government] also have an impact on the prison. They tend to decide the direction of what prisons are going in and this is where those individuals live, and will spend the*

*majority of their time. So [imprisoned people] certainly should be able to influence who is in charge of where they are living—whether it's in prison, or whether it's in public.”*

*“you don't have a Justice Secretary for no reason... your Justice Secretary is put in place by the SNP... And the decisions made could affect the individual who voted for that party... so I believe [all imprisoned people] should be given a vote.”*

Many participants expressed the positive influence they believed full enfranchisement would have on the prison and those in it:

*“[voting] would gie folk in here... a reason to live or tae get out... You feel like you're part of something... Like part of society as a whole... but also... the person you're voting for, or whatever. You could even ... get folk in here and try and drum support up. I think it'd be really positive thing if we're allowed tae vote in jail... I think it would change quite a lot...”*

Eliminating punitive disenfranchisement, in participants’ eyes, could also support rehabilitation and community reintegration, and would emotionally signal inclusion, empowerment, and opportunity:

*“[voting] makes them feel a bit more part of the community... that they're actually gaun tae start to make a difference... giving a voice to say, like, ‘I want tae be part of the community when I come out...”*

*“[voting] will make you feel a lot more valuable, because when you’re leaving... You’re voting in the community that you’re going to be re-integrating into... you need to be rehabilitated if you want a community, so voting would be a start of one of the... main purposes of that.”*

In line with existing research noting the harms of *disenfranchisement* on reintegration and rehabilitation (Levine, 2009; Mauer, 2011; Morgan-Williams, 2016; Tripković, 2019; Uggen et al., 2006), it seems participants’ comments reflect the weight of *disenfranchisement’s* normative and symbolic impact. Others viewed voting as a mechanism for resisting disadvantage, deprivation, and devaluation. Some viewed enfranchisement as potentially enabling imprisoned people to create a positive impact for others, to *“make better decisions in the future. And it could spur it on for letting people like myself—and other people who wants to know mair about it—being able to vote.”* Another woman’s comments reveal enfranchisement’s potential as a vehicle for boosting self-esteem and facilitating self-improvement, potentially breaking cycles of disempowerment:

*“I want to be a better person. And be some sort of role model for my son. And I know that voting will be a part of that because it's part of life. And obviously he'll be at voting age soon.”*

Her desire to set a positive example for her son counters the de-emphasis on politics and voting she experienced growing up, breaking intergenerational pre-carcer disenfranchisement and expressing a powerful sense of responsibility and civic duty in furthering her goal to “do my part... [and] try and build a better future for my son.”

## Penal Harm and Barriers to Prison Enfranchisement

Participants described severe existing obstacles preventing those imprisoned from voting, including the prison’s failure to notify people of their eligibility in a timely fashion (or at all) and to provide election information and registration materials. One participant, of 22, had received registration materials. In participants’ recollections, and my own interactions with prison staff, their ignorance towards voting for imprisoned people was blistering. Not a single staff member I interacted with—from teachers to guards—conveyed any prior understanding of if, or how, voting occurs in prisons. Most of my staff interactions paralleled a conversation I had with an officer at Prison B, who, when I said I was studying people’s voting rights in prison, replied “Do they have any?” Findings revealed prison staff’s passive and uninvested attitudes:

*“[staff] can't be bothered, they're not interested in getting certain information over. They don't care... it's very sad, but that's just the mentality of some of them...a lot of 'em are quite rude, actually, and I see them bullying some of the girls in here...”*

As the ‘bullying’ comment insinuated in the above, many participants observed, or were subjected to, intimidation and abusive behaviour from prison staff, generating reluctance to make requests—especially those relating to exercising their rights. Detailed accounts of staff retaliation have been excluded for the safety and anonymity of participants; several conveyed direct experiences of bullying and abusive behaviour from staff, and numerous participants described witnessing other imprisoned persons being subjected to such behaviour. One participant described a friend she knew in prison who skilfully filed “for causes and stuff” and helped others do so:

*“[She was] given a really hard time... she's what's classed as a 'problem prisoner' [for] making complaints... [So] even when things have happened that I should have made a complaint about, I've not done it, because I don't want to be known as a problem prisoner. 'Cause you just get a harder time.”*

This same participant also described witnessing staff’s retaliatory behaviour, including increasing cell inspections, removing privacy privileges, being “picked on” and having formally submitted complaints “just disappear.” These anecdotes reveal staff’s inappropriate retaliation punishing imprisoned persons’ attempts at basic democratic processes like accountability, contact with representatives, and rights assertion. Staff’s abuse of authority, used to further suppress an already disenfranchised imprisoned population, exacerbates power imbalances inherent to the contemporary penal system.

One man explained that those imprisoned were discouraged from filing complaints by staff retaliation: “[staff will] always find out about that... [and] they hammer you and call you a rat, or they call you a snitch... they’re battering you... it’s unbelievable...” Another participant described prison officials’ quickness in stifling those they think are “trying to rile folk up in here tae make a change” by relocating them:

*“they’ll fling you to fuck’s sake. But it depends, I suppose, what you’re trying tae change... There’s only so much you can do in here without getting treated like you’re a threat... That’s what I’ve witnessed in here.”*

Participants also described how attempts to exercise their rights or request information or resource were frequently discarded by staff in the prison.

*“It’s a nightmare trying tae change things in here. I dae things like that, put in a complaint and things like that, the more I think about it, it just feels terrible, they just... they basically bin them...”*

Participants further indicated that the fear of future imprisonment deters potential political activism after incarceration:

*“I’ve got a criminal record. If I’ve got out of prison, I’ve got a life license in Britain, and it wouldn’t take much for me to get the jail again... Me being an activist, or some sort of protester, like a breach of the peace, or something could send me back to jail...”*

In this way, penal disenfranchisement appears to have the potential for a lasting impact on the substantive disenfranchisement of imprisoned people even after their imprisonment, indicating a cyclical relationship between carceralism and political disempowerment via fear and control.

Other participants described staff withholding resources relating to politics and rights. A woman in Prison A lamented the dearth of resources for political self-education “*We don’t get anything really about politics up in the library... it’s quite sad that there’s not much option for people.*” She also shared that requests for specific information or books are met with empty promises from staff. In Prison B, another participant asserted, as fact, that “*in the jail you cannot study the law*” and if he were to request books on math or science, the prison would provide them, “*but if I ask for a book on law degree, they don’t give you it, nah... They don’t want you studying law. I don’t know why.*” These comments reveal how individual prison staff can deprive those imprisoned of resources for empowerment and self-advocacy, as well as information about their own rights and how to exercise them.

## **Necessary Conditions for Successful Penal Enfranchisement**

Without presentations, courses, materials, or even announcements to provide voter education in prison, it is no wonder prison turnout in the 2021 Scottish Parliamentary Election was so low.

To improve imprisoned persons' knowledge of, and access to, their voting rights, participants frequently suggested incorporating political education into available classes within the prison:

*"They could be daein 'hings about politics and stuff like that, for people that don't know much... there could be mair classes and mair sign stuff and mair knowledge could be passed."*

*"I think there should... [be] an education class, like within prison... [that] teaches you about politics and stuff and gets you to better understand all that because it would then make people more interested, and, maybe, want to make a difference..."*

Findings indicated classes could provide much-needed supplemental information as most participants solely rely on TV for political information, which is unlikely to adequately cover rights of imprisoned people. Because literacy and comprehension of written materials posed challenges for some in prison, many participants recommended verbal presentations in accessible language:

*"[provide] something in print that people, maybe less-educated can understand"*

*"when [politics] is explained to people, it's explained too complicated... it needs broken down for some people and explained a little bit more simpler so then they do understand it and will want to be interested in it."*

*"maist folk [in prison] ... don't really understand how to vote...I think we just get a box and tick it, man, but you'd be ticking anything, so you'd want tae get a wee bit of information about the parties and what they're daein' and that, aye."*

Participants also indicated a class would be preferential to simple pamphlets which often get thrown away and ignored, or delivered weeks late.

One participant serving a long-term sentence describes his own educational transformation through courses within Prison B's education centre as one of critical importance in developing an understanding of, and interest in, politics:

*"I'm starting to understand some [political] things mair nou that I'm educating myself academically, these things start popping up... criminality... the Scottish justice system, the Parliament... How it works... that inspiration is starting to come with certain characters the more I start tae know and understand... communism... democracy, socialism, all these things are new... The nou, my vocabulary's increased, I've started to read a lot more... I'm starting tae understand things a wee bit mair."*

One participant suggested that the much-needed "push on engaging the public to vote more" must include changes that make voting "a lot more accessible and easier... we need to be

moving on now onto a digital system...” These comments and others reflect both the inaccessibility of contemporary modes for political engagement and the lack of resources and political literacy among those imprisoned—and their communities—for political engagement. In line with this is the understanding that any ‘political empowerment’ of those imprisoned ought also to include the communities from which they are drawn, which, evidently, are socially and politically marginalised. This aligns with abolitionist scholarship’s calls for radical transformations and community empowerment beginning at the community level, and including the redistribution of political power and resources (A. Y. Davis et al., 2022; Kaba et al., 2021; McLeod, 2019).

## **Conclusion**

In summary, this chapter has described how those imprisoned were largely unaware of the Act’s existence, their rights with respect to voting, and how to exercise those rights. The results illustrated many participants’ disengagement from political dialogue and voting conversations both during, and before imprisonment. Findings painted a striking picture of the dearth of social and political capital amongst Scotland’s imprisoned population—many of whom lacked personal relationships to anyone politically-knowledgeable or active. The results presented in this chapter confirmed the existence of the proposed pre-carceral disenfranchisement, and described risk and contributory factors to this effect, often stemming from, and coinciding with, conditions relating to poverty and resource deprivation.

This chapter also demonstrated, as predicted earlier (See Literature Review), that punitive disenfranchisement occurring amongst an imprisoned population already experiencing pre-carceral disenfranchisement compounds the social exclusion, disempowerment, and political marginalisation experienced before confinement. The evaluation of the Act’s alleged “legitimate aims” for the Act revealed results contradicting the Scottish Government’s assertions that punitive disenfranchisement deters crime and promotes civic responsibility (Scotland & Scottish Government, 2018). This chapter explored the messaging conveyed by the Act and the symbolic significance of penal (dis)/enfranchisement among those imprisoned. By illustrating the Act’s deleterious impacts on imprisoned persons’ self-image and self-conception in relation to society, this chapter demonstrated how punitive disenfranchisement and confinement contribute to the erasure of ones’ citizen identity while imprisoned. In addressing the necessary conditions for facilitating substantive and logistical enfranchisement, this chapter explained the need for political education and community empowerment and identified aspects of the prison environment and SPS practices which obstruct the successful delivery of electoral services. The following section will address implications and significance of the results.

## Discussion

This dissertation explored the capacity for, and meaning of, political participation among imprisoned persons in Scotland through a case study of the 2020 Scottish Election (Franchise and Representation) Act's implementation and the lead-up to the 2022 local government elections. Using individual interviews with 22 imprisoned people serving sentences and an analytical methodology incorporating thematic narrative analysis (Riessman, 2008) and thematic analysis (Braun & Clarke, 2006), this dissertation uncovered patterns and narratives in individual conceptions of political empowerment and engagement, citizenship, and disenfranchisement both during, and before, imprisonment. This dissertation also investigated and established a new conceptual framework of "pre-carceral disenfranchisement" which refers to substantive disenfranchisement and deterrence from political engagement, occurring before imprisonment, among marginalised and resource-deprived communities facing increased risk for criminalisation. To my knowledge, the existence of "pre-carceral disenfranchisement", its manifestations, nor contributory factors, have been theorized. Through inductive identification and analysis of imprisoned persons' attitudes, discourse, and voting behaviours, the findings paint a holistic picture of Scottish penal enfranchisement, and produce interdisciplinary socio-political insights into enfranchisement, political engagement, social exclusion, and pre-carceral disenfranchisement.

Existing scholarship has not yet investigated the Act's significance to imprisoned people in Scotland. Evaluations of the Act's implementation have seemingly not yet been produced or made available to the public, and existing statistics<sup>10</sup> and reporting on the rollout of penal enfranchisement is limited, predominantly originating from non-academic sources. Several scholars have noted a dearth of literature documenting *how* voting occurs within prisons, as well as motivations for imprisoned persons' voting (Behan, 2012; Ewald & Rottinghaus, 2009). Both the *presence* of de facto disenfranchisement in prisons and potential exacerbating factors have been studied in the U.S. (Drucker & Barreras, 2005; Eli Hager, 2018; Lewis & Shen, 2020; Root & Doyle, 2018; Wood & Bloom, 2008), but remain under-investigated within the UK, specifically within Scotland. Further, the Scottish Government's aspirations for the Act expand beyond simply facilitating voting among eligible imprisoned people to include "preventing crime" and "enhancing civic responsibility and respect for the rule of law" (The Scottish Parliament, 2019, para. 67). While the Act of facilitating prison-voting itself reflects a logistical goal, little is known about if, and how, voting in prison (and restrictions relating to prison voting) will influence the promotion of "respect for the law and responsible citizenship..." (The Scottish Parliament, 2019, para. 67) which may be contingent on wider factors. Thus far, international scholars have critiqued normative theories of disenfranchisement upon which the Elections Act rests (Easton, 2009; Harvard Law Review, 1989; Jago & Marriott, 2007; Levine, 2009; Morgan-Williams, 2016; Tripković, 2019). Some scholars have critiqued the legitimacy of

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<sup>10</sup> See Chapman (2022), Duffy (2021), HM Inspectorate of Prisons (2012), and Martin (2022) for examples of publications relating to the enactment of Scottish penal enfranchisement



the Scottish Government's claims that the Act will deter crime and promote civic responsibility (Hunter et al., 2022), in line existing critiques of these justificatory arguments (Harvard Law Review, 1989; Jago & Marriott, 2007; Levine, 2009; Morgan-Williams, 2016). However, no studies have yet provided field evidence of the salience of these claims in the Scottish context.

There is minimal scholarship on imprisoned persons' extra-institutional political engagement—that is, engagement with politics that extends beyond the prison, such as at the local or national level—and related constraints, enablements, and potential accompanying benefits. Previous studies have, consequently, overlooked how imprisoned persons' citizenship functions in relation to the *state*, instead focusing on intra-institutional impact (within the prison). As a result of this oversight, current scholarship has failed to examine the ways in which imprisoned people exercise their civic duties and engage with their identities as national citizens. The reasons and motivations behind imprisoned persons' voting (and non-voting) behaviour is globally understudied, and the impact which imprisonment has on citizenship and political engagement remains under-evaluated in the Scottish context.

Existing literature has yet to address the relationship between marginalisation, historic, structural discrimination, and punitive disenfranchisement within both the broader UK, and, specifically, the Scottish context. While Scholars have connected under-resourced backgrounds and imprisoned persons coming from “a social class with a weak tradition of voting” (Behan, 2012, p. 131) with voluntary non-voting in Ireland, no one has looked specifically into the Scottish context to identify the barriers to civic engagement faced by specific demographic groups with widespread poor civic engagement. Further, the factors which play a critical role in individual experiences of political demobilisation in Scotland are currently understudied.

## **Research Objectives**

This study used the 2022 Scottish local elections as a case study through which to explore enablements, constraints, and significance of political participation among Scotland's imprisoned sentenced population. This study also proposed, and provided evidence of, a new theoretical framework, “pre-carceral disenfranchisement” to describe an effective deterrence from political participation beginning before imprisonment which arises from marginalisation and deprivation among criminalised populations. This study's research objectives were as follows:

(RO1) Critically review the significance and meaning of voting rights to imprisoned people;

(RO2) Explore the extent to which people serving prison sentences are willing, able, and empowered to engage with elections, politics, and other forms of civic participation (a) during and (b) before imprisonment;

(RO3) Examine successes and barriers encountered in the implementation of penal enfranchisement;

(RO4) Investigate conditions necessary for substantive enfranchisement;

(RO5) Explore the meaning of citizenship for Scotland's imprisoned sentenced population.

## **RO1: Enfranchisement's Significance to Those Imprisoned**

While many participants in this study were uncertain of material benefits which could potentially arise from voting, enfranchisement signified, to most, inclusion, empowerment, opportunity, and fairness. Among both those personally eligible and ineligible to vote, and regardless of personal investment and interest (or lack thereof) in politics, nearly all people interviewed felt strongly that universally enfranchising those in prison was fair, valuable, and logically sound. The symbolic function of punitive disenfranchisement was strong: both voting eligible and disenfranchised participants felt that removing the voting rights of imprisoned people compounded their perceived and experienced estrangement, ostracisation, rejection, dismissal, and silencing. Participants who had been disenfranchised felt their opinions and participation in voting and civic engagement had been neglected, or worse, deemed undesirable and disposable (see Garland, 2002; F. McNeill, 2015; Sykes, 1999).

Results indicating the symbolic significance of allowing those in prison to vote as a means of speaking their mind and contributing to decision-making also demonstrated the ways in which imprisonment deprives people of opportunity for meaningful self-expression, assertion of values, and collective engagement. The dearth of opportunity for substantive engagement with political and social organising that has the potential to impact conditions beyond the prison walls aligns with earlier critiques set out in the Literature Review chapter in which 'citizenship' opportunities awarded to those incarcerated are nearly exclusively focused on intra-institutional citizenship and models of ideal 'citizenship' in prison consist of compliance with the institutional framework (see J. McNeill, 1988, and critiques of (Brosens, 2019; Brosens et al., 2018; Inderbitzin, Cain, et al., 2016; Inderbitzin, Walraven, et al., 2016; J. McNeill, 1988).

This dissertation also found enfranchisement to be understood, among those imprisoned, as a mechanism of symbolic social recognition: by providing options for civic engagement, enfranchisement juxtaposes the regular exclusion and discounting of those imprisoned who already face significant exclusion and sanctions in additional economic and social realms. Welcoming and appreciating civic contributions from imprisoned people would, in the minds of many of those imprisoned, work to counter the 'denizen' status so permanently affixed in the tenants of contemporary carceralism. Enfranchisement was also seen as a source of hope and an additional chance to build ones' future and maintain a positive role in the community while imprisoned.

Noting the vested interest imprisoned people hold in the communities they will eventually return to, enfranchisement was also identified as an opportunity to potentially produce positive change for imprisoned people's families and communities while incarcerated. It can therefore be understood that inhibiting voting among imprisoned people functionally disenfranchises their families, social networks, and devalues the causes important to them; many of those imprisoned described their partners as non-voting or irregularly voting. Results indicating that prior incarcerations—and current imprisonment—decrease political engagement and voting behaviour while breeding distrust of politics indicate the disenfranchisement of those imprisoned, and previous scholarship in the United States has indicated that the partners of those incarcerated are increasingly likely to withdraw from voting (Sugie, 2015).

Further, imprisoned persons' identification of voting as a venue for positively contributing to, and advocating on behalf of, their family's lives also highlights the scant like opportunities to do so while incarcerated (M. Comfort, 2008; M. Comfort et al., 2016; Condry & Scharff Smith, 2018; R. Shaw, 1992). The causes and issues important to those imprisoned were valid, thoughtful, and diverse; participants spoke about elder-care, school meals, mental health resources, climate change, clean water, pre-natal health care, criminal justice intervention programs to reduce the hyper-incarceration of people like themselves, and many other areas they hoped to one day improve by voting. For many of these participants, their interview was among the first few times they had been asked about their political opinions. Their lack of prior exposure to these topics underscored the irregularity of political discussion among their communities and social circles, underscoring their political marginalisation.

Findings also demonstrated how disenfranchising a portion of the imprisoned population quashes opportunities to change prison conditions, further depriving long-imprisoned people of autonomy, self-determination, and a venue for producing positive change—things already heavily constrained by the terms of their confinement. As previously mentioned, the long-term imprisoned population forms a numerically small portion of the electorate. Their current exclusion from the franchise, and the political rhetoric surrounding this exclusion (see Literature Review, "Scottish Penalism and The Elections Act") delegitimizes their status as constituents, and, as Drake and Henley (2014) explain, reduces their entitlement to citizenship rights and protections.

Many participants saw enfranchisement and voting as potentiating a critical opportunity for self-advocacy and prison reform. Recognising the potential for voting and electoral inclusion to support self-confidence, agency, and empowerment, the findings also revealed enfranchisement was perceived by participants as an instrument of resistance against the marginalisation, neglect, and resource deprivation many imprisoned experienced both in the prison and within their outside communities. Several participants viewed enfranchisement as an opportunity to disrupt cycles of disadvantage and deprivation, and a chance for them to serve as role models for the next generation—one many imprisoned hoped could make lasting change. While enfranchisement may counter the denizen rhetoric and validate the entitlement of those imprisoned to government representation, enfranchisement alone does not amount to

substantive political power and autonomy amongst the socially and politically marginalised prison population. As Critical Resistance’s abolitionist framework (Critical Resistance, 2021) outlines, “community-led” services and opportunities for “self-determination” are crucial in harm prevention and in “removing the focus on imprisonment as a solution to social, economic, and political issues.”

## **RO2a: Capacity for Civic Participation During Imprisonment**

This dissertation’s examination of willingness, ability, and empowerment for political and civic participation during imprisonment revealed strong evidence for the existence of pre-carceral disenfranchisement: findings exposed widespread disengagement, disempowerment, and internalised disqualification, reflective of both the influence and conditions of confinement and imprisoned persons’ pre-carceral political socialisation, resource access, and substantive disenfranchisement.

Evidence of participants’ poor political literacy ranged from a limited or inaccurate grasp of political concepts to frustration understanding political language, to insecurity about engaging with politics and voting. Participants repeatedly undermined themselves and minimised their qualifications for understanding and participating in politics, concluding their own inability to engage. This dissertation attests to pre-carceral disenfranchisement among participants through evidencing community-wide deprivation of political capital among participants’ backgrounds, illustrating the ways in which unfamiliarity with politics and voting contributes to civic and political disengagement before and during imprisonment, and establishing how the ‘hierarchy of needs’ in marginalised and resource-deprived communities further works against political engagement and empowerment. Further, the politically-disengaged backgrounds from which participants came undermined their confidence to engage with politics, breeding further political withdrawal during their incarcerations. Among many participants, being unexposed to political concepts, vocabulary, and participation before imprisonment generated challenges for identifying venues of engagement while incarcerated. These findings echo Behan’s (2012, p. 131) findings of disadvantage and civic disengagement in the backgrounds of those imprisoned in Ireland, and has demonstrated and supported a “pre-carceral disenfranchisement” framework for conceptualising the civic disempowerment of those imprisoned in Scotland, such that the pre-carceral disenfranchisement and lack of exposure to, and engagement with, politics influences disengagement and disempowerment while incarcerated.

Research on the existence of, and factors contributing to, de facto disenfranchisement in Scottish prisons remains scarce: existing accounts of prison voting in the UK and Scotland have indicated disorganisation (see HM Inspectorate of Prisons, 2012) and low turnout (see Duffy, 2021). What imprisoned people in Scotland know about their voting rights is also under-investigated and obscured from the public eye. By providing examples of how voting-eligible imprisoned people in Scotland were neither informed about, nor supported in, or really enabled, to exercise their voting rights, this dissertation has demonstrated the existence of de facto disenfranchisement within Scottish prisons. This MPhil has also outlined several areas

through which existing prison practices perpetuate this disenfranchisement, including staff's lack of education and information on the topic, an insufficiency of political education resources accessible to those imprisoned, no standardised eligibility notification process, late delivery of registration materials, and no mention of voting rights or processes during induction or in written materials uniformly distributed among those imprisoned, and a lack of communication to those imprisoned about their voting rights.

Previous published studies on both political disengagement outside of prison and attitudes and experiences of marginalisation in imprisonment in Scotland (Carnie & Broderick, 2019; HM Inspectorate of Prisons, 2012; The Scottish Parliament, 2019; Uberoi & Johnston, 2019) have also overlooked *how* imprisonment impacts political attitudes and opinions towards government. This dissertation revealed that, through isolation, inappropriate punitivism, retaliation for engaging in democratic practices, deprivation of informational resources, reinforcement of 'denizen' status and deterioration of self-esteem, the experience of imprisonment increases political disengagement and distrust in government. As described in the Results chapter (see "Disillusionment, distrust, disempowerment"), the punitivism applied to those imprisoned, double-standards in status, power, accountability, and rhetoric between the imprisoned and those imprisoning, and staff's retaliation against "*problem prisoners*" who self-advocated, led some to feel governance systems and processes were "*a fucking farce.*" Participants comments highlighting the prison's role in cementing their status as the "*bottom class,*" and "*not a citizen of anywhere*" (See "Denizenship" in Results) while depriving them of critical resources (see "Penal harm and barriers to prison enfranchisement" in Results) contributed to an erosion of self-esteem and a sense of being unheard, "*neglected*" and "*forgotten about*". The impact of what many participants felt as a tangible devaluation of their status as humans and citizens bred scepticism about the value of bothering to engage with government or politics, which was then further compounded by an absence of informational resources relating to voting which many felt aligned with a broader culture in which staff "*can't be bothered*" to provide resources, and were likely to "batter" and "bully" those who asked (see "Penal harm and barriers to prison enfranchisement" in Results).

Further, results highlighted the juxtaposition between the responsabilization (Garland, 2002) of those confined with their nihilism towards the potential to change conditions of their confinement. As discussed in the literature review, some scholarship on penal citizenship, such as that by Inderbitzin et al. (2016, p. 60) suggests that those imprisoned have a choice to either "get involved with positive programs" or "dabble in contraband and trouble, or to simply get by." Contradicting these analyses, which suggest a plethora of opportunity for autonomy, leadership, citizenship, and transformation, this dissertation's results illustrate an overwhelming sense among participants of their powerlessness to effect change. Regardless of any superficially constructed autonomy, many participants felt unequipped and under-resourced to affect change through civic or political engagement in a system which some felt was designed to "*make you feel like you cannae do nothing about it.*" Participants described attempts to implement change within the prison as a "*nightmare.*"

Beyond reflecting widespread feelings of disempowerment, the results indicate that many participants viewed the kind of responsibilised 'prisoner citizenship' suggested by the likes of Brosens et al. (2018) or Inderbitzin et al. (2016), to be likely to cause them harm or further punishment. Participants described prison staff strongly opposing individual leadership, suggesting that those *"trying to rile folk up in here tae make a change"* get relocated, *"treated like... a threat"* and/or physically abused by staff. These findings align with conceptions of the 'good citizenship' as compliance with the prison regime (J. McNeill, 1988, pp. 36–37). While Brosens et al. (2018, p. 7) suggested that those imprisoned ought to "take responsibility" for their "continuing stake in society" through engagement in citizenship activities, the results illustrated a perceived association between political activism and punishment. Beyond fear of retribution for activism in the prison, some participants speculated that they would not engage in politics after prison for fear that *"being an activist, or some sort of protester... could send me back to jail..."*

In line with Behan's (2012) findings in Irish prisons; and Morgan-Williams' (2016) analysis, the 'hierarchy of needs' within the prison was a further source of political disengagement, as participants frequently described prioritising contact with family and community outside—a heightened challenge in COVID-19 times—and other aspects of prison life took precedence over voting, following politics in the news, or investigating ones' own rights related to political and civic engagement.

The isolating experience of confinement, itself, and its emotional impact, was an additional source of political disengagement within the prison. Participants felt completely separated from their communities, viewed their citizen status as suspended within the prison, and overwhelmingly believed politics to be irrelevant to prison life. Difficulty grasping elections' potential impact on prison life, conditions leading to imprisonment, and opportunities available post-imprisonment both demonstrated the weak political literacy among many imprisoned and constituted a further reasoning for many participants' deprioritisation of political involvement. Participants' beliefs about the non-impact of voting on carceral conditions may comport with the previously-mentioned estimate that those imprisoned would only comprise <1% of Scotland's electorate (see "Literature Review"), however, contextualising incarceration statistics with deprivation and geographic concentration may counter the notion that the imprisoned population is statistically irrelevant to the electorate. Houchin's (2005, p. 77) findings that "half" of those imprisoned had "give home addresses in just 155 of the 1222 local government wards in Scotland." The overrepresentation of a concentrated few, highly-deprived communities, among the imprisoned population indicates that these communities would be harder hit in the electorate by disenfranchisement. Prison population data for 2019-20 (Cabinet Secretary for Justice and Veterans, 2020) identifies 33% of prison arrivals as coming from the 10% most deprived areas of Scotland. There is scarce information more recent than Houchin's (2005, p. 77) findings that "about 1 in 9 of young men from our most deprived communities will spend time in prison when they are 23." Considering this dissertation's findings regarding past imprisonment(s) harm on political engagement and voting behaviour, with Houchin's (2005)

statistics illustrate the potential magnitude of carceral and post-carceral disenfranchisement on deprived communities.

The significant discordance between living under complete institutional control (in prison), then returning outside without resources, understandably contributed to disorientation, distrustfulness, and despondency about the government's potential to serve a positive, more compelling role in one's life. The governmental distrust generated by imprisonment was particularly salient among those participants who had been in and out of prison from a young age. Findings demonstrated that for those people imprisoned during their formative young-adult years, the total absence of civic and political education in prison, non-discussion of politics, inaccessibility of political media, and separation from venues for direct civic and political participation exacerbated their disengagement and disempowerment. This dissertation's findings surrounding imprisonment's role in breeding further governmental distrust and political disengagement align with what Weaver and Lerman (2010, p. 817) describe as a "substantial civic penalty" of imprisonment and illuminate how these harms manifest in Scottish prisons (see also: Behan, 2020; Davis, 2020, 2021; Inderbitzin et al., 2016).

The lasting impact of previous incarcerations—which frequently coincide with additional strain and indicators of social marginalisation, poverty, and resource deprivation—on participants nonvoting further constitutes evidence of pre-carceral disenfranchisement as criminalisation from a young age contributes to the ongoing withdrawal from political and civic participation.

## **RO2b: Pre-carceral Disenfranchisement**

Besides supplementing the existing lack of data on voting behaviour in Scotland's prisons and underlying explanations, this dissertation reveals pre-carceral socialisation patterns which contribute to the substantive disenfranchisement of those imprisoned long before their current imprisonment has begun.

This study has found evidence to support the existence of the newly-proposed pre-carceral disenfranchisement: the political disempowerment of over-criminalised populations which begins before imprisonment. Pre-carceral disenfranchisement may refer to logistical constraints which strain the ability of those individuals and communities at increased risk of incarceration to engage with voting and/or political participation, and/or the attitudes and opinions which have resulted from their lived experiences before imprisonment. These pre-carceral experiences may occur exclusively outside of the prison environment, or in proximity to imprisonment, such as individual, peer and/or familial engagement with the criminal justice system. Pre-carceral disenfranchisement may constitute a withdrawal from political life: an effective disempowerment and disengagement which reduces the functional political capacity of those at increased risk of incarceration.

The findings revealed a dearth of both breadth and depth of political and civic engagement among the individuals imprisoned in Scotland. Evidenced by disengagement from voting and other political activities, poor political literacy, distrust of government, politics, and politicians, and an internalised sense of disqualification from political commentary and involvement, this dissertation provided multiple indicators constituting manifestations of pre-carceral disenfranchisement.

Using thematic narrative analysis to detail the chaos, strain, and extremely limited resources for civic education and engagement experienced by many imprisoned, this dissertation illustrated the complexity and interrelatedness of barriers to voting faced by those criminalised from a young age, almost making civic disengagement an inevitability. In delivering a vignette of intersections of identity and lived experience which increase likelihood and severity of pre-carceral disenfranchisement, the findings expand existing conceptualisations of the impact which multiple marginalities have on criminalised populations (see Vigil, 2020). Scholars have provided indications of deprivation among populations at risk for political disengagement within the UK (see Uberoi & Johnston, 2021), deprivation and social exclusion in Scotland (see Houchin, 2005), mentions of political disengagement related to social class among those imprisoned in Ireland (see Behan, 2012, 2015), and discussions of “sleeping citizenship” and pre-custodial “civic wounds” in Chile (see McNeill & Velasquez, 2017), and the targeted application of punitive disenfranchisement towards historically marginalised groups (Correa, 2021; Hench, 1998; Kelley, 2017; Ochs, 2006; Shapiro, 1993; Tripković, 2019). Informed by those publications, this dissertation has demonstrated the relationship of imprisoned persons’ political disengagement to their pre-carceral experiences of social marginalisation, deprivation, and criminalisation. Further, by describing the direct impact of risk and contributory factors to pre-carceral disenfranchisement—including community deprivation, poverty, familial strain, exposure to violence, disrupted education, and criminalisation from a young age—this study has illuminated some of the mechanisms through which pre-carceral disenfranchisement functions to disempower those imprisoned before their imprisonment even occurs.

These findings also have theoretical implications which counter the emphasis on individualised responsibility frequent in contemporary frameworks of political exclusion in Scotland, which neglect to apply systemic analysis on group marginalisation. In line with Behan’s (2020) identification of neoliberal penalism’s ostracising function, and the works of Tripković (2019) and Marshall (2020) recognising punitive disenfranchisement as an extension of systemic oppression targeting marginalised populations, this dissertation further demonstrates structural connections between marginalisation, social inequality, and disenfranchisement working to civically disempower—both legally and substantively—criminalised populations. In contextualising punitive disenfranchisement among the pre-carceral disenfranchisement experienced by those imprisoned in Scotland, this MPhil reveals the prison’s function as a tool of socio-political oppression which further disempowers those persons already vulnerable in their limited access to political capital and constricted influence over the policies which impact their lives.



Acknowledging the existing connections between social exclusion, marginalisation, ‘criminality’, and the nature of their relationship to one another is critical in comprehending the socio-political ramifications of ‘criminal’ disenfranchisement policies and other exclusionary functions which denominate ‘criminals’ as a group separate from the rest of society. The connections between marginalisation, inequality and disenfranchisement provide insight into how the contemporary penal system shapes the polity by targeting and marginalising certain portions of the population. Revealing connections between imprisonment and unequal political participation serves to identify systemic civic exclusion perpetuated by contemporary carceralism and the apparatuses through which the exclusion is sustained. In doing so, this MPhil strongly supports abolitionist frameworks which seek to disrupt the prisons’ presence and role in continuing to perpetuate social and political inequality through isolation and legal and substantive disempowerment.<sup>11</sup>

### **RO3: Evaluating the Act’s Implementation**

Existing scholarship and government data fails to capture who votes in Scotland’s prisons, how they choose to affect their vote, variation across facility, satisfaction with the voting process, barriers encountered, trends across status (remand versus sentenced), trends across demographic factors, longitudinal data in participation, or really any information besides releasing the number of imprisoned people who voted in the 2021 Scottish Parliament Election. Further, publications by the Electoral Commission (2021; 2021b) neglect the perspective of imprisoned voters. This dissertation provided much-needed data on the barriers to voting faced by those serving custodial sentences in Scotland.

In imprisoned people's accounts, and my own direct observations, which revealed a voting ‘system’ lacking official and informal structures for voter registration, education and facilitation; uninformed staff and an acceptance of staff’s inappropriate punitivism, which deters imprisoned people’s self-advocacy and political engagement; a disordered and needlessly bureaucratic organisational structure; restricted access to, and poor quality of, educational resources; the psychologically and emotionally damaging prison environment; and no organised outlets for political information or engagement, one thing is extremely clear: the prisons’ implementation of the Elections Act has, to this point, failed catastrophically. Those imprisoned serving sentences were broadly unaware of their eligibility (or lack thereof) under the Act, and necessary information around eligibility, registration, and voting processes was not distributed during inductions, via message boards, in classes, nor in announcements.

Compounding the prisons’ disorganisation in relation to, and failure to catalyse, registration and voting, the pre-carceral disenfranchisement of many imprisoned added further barriers to their successful engagement with elections. Poor political literacy, an unawareness of current political events, and a culture of political disengagement within the prison and in outside

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<sup>11</sup> See A. Y. Davis et al. (2022), Kaba et al. (2021), Knopp et al., (1976), McLeod (2019) for more.

communities generated disinterest in voting among some of those participants eligible to vote. Political engagement and education resources were nearly non-existent within the prisons, even in the education centres and libraries. In both Prison A and Prison B, participants noted staff's apathetic—at best—attitudes towards them, and felt unsure who they would turn to for more information on their electoral rights. Further, a general culture within both prisons, which normalised and permitted staff retaliation against imprisoned persons for engaging rights-exercises or seeking external accountability, served as a powerful deterrent against asking questions about voting rights or other modes of political engagement within the prison.

Besides generating data about Scottish prisons' capacity for actualising the Act's logistical aims, this dissertation also evaluated its symbolic aims—those put forward by the Scottish Government as “legitimate aims” of punitive disenfranchisement to justify the Act's exclusionary measures under the European Court of Human Rights' rulings (*Final Debate on the Scottish Elections (Franchise and Representation) Act 2020*, 2020; Scottish Elections (Franchise and Representation) Act 2020, 2020; Hunter et al., 2022; Scotland & Scottish Government, 2018). The findings of this dissertation place serious doubt on the Scottish Government's claims that the Act has successfully accomplished any of its symbolic aims due to imprisoned persons' widespread unawareness of: the Act's existence; their rights under the Act; the intended purpose of the Act; combined with the lack of evidence that the Act has either accomplished, or has the potential to accomplish, any of its stated aims.

Indeed, participants' perceptions of the Act as predominantly punitive, degrading, and exclusionary aligns with broader themes of denizenship that surfaced in conversations with participants about citizenship, rights in prison, the Act, and political experiences before, during, and after imprisonment. The findings strongly countered both the 'deterrence' and 'promoting civic responsibility' arguments put forth as alleged 'legitimate aims' (Scotland & Scottish Government, 2018). The participant who, when asked about the Act's intended purpose, said “*I've no idea. I think that's a problem*” was insightful. The evidence advanced in this dissertation unveils the reality of punitive disenfranchisement under the Act as a legislative measure serving to punish, degrade and exclude an already penalised, ostracised, resource-deprived population.

#### **RO4: Necessary Conditions for Substantive Enfranchisement**

In investigating the conditions conducive to, or prohibitive of, the substantive enfranchisement of those imprisoned in Scotland, pre-carceral disenfranchisement emerges as a significant factor in the substantive disenfranchisement of those imprisoned. The nascence of voting and political engagement among those serving custodial sentences in Scotland reflects their community-wide disempowerment, with a weakened capacity for collective advocacy and political action, and indicates the potential for a high prevalence of substantive pre-carceral disenfranchisement among participants' outside communities and social networks. It follows, then, that any campaign to substantively enfranchise those imprisoned must include simultaneous concerted efforts to enfranchise their communities on the outside.

While I will outline several opportunities to improve substantive enfranchisement among those serving custodial sentences in this section, it is important to note that these measures, alone, are insufficient. Policy changes which improve access to voting in prisons constitute reforms which simply “civilize” imprisonment (Brangan, 2019) and do not challenge the power imbalances, inequitable resource distribution, or legitimacy of contemporary penal culture (Gilmore, 2007; Kaba et al., 2021). The insufficiency of these resources in meeting the broader personal and political needs of imprisoned those is apparent using a framework guide developed by Critical Resistance (2021): increasing access to prison voting does not decrease the quantity of imprisoned people, or the surveillance of prisons “in our everyday lives,” nor does it generate “resources and infrastructures that are steady, preventative, and accessible without police and prison guard contact.” The prison itself is inherently constrictive of political empowerment and operates on a system in which the privilege, power, surveillance, forgiveness, and punitivism applied to those imprisoned starkly contrasts that applied to those with the power to legislate, and to imprison.

Expecting a jump in electoral and political engagement among a population facing pre-carceral disenfranchisement is unrealistic, especially in a physical environment which, in numerous ways, segregates those imprisoned from the outside world. Imprisoned persons must have opportunities to engage with voting and related concepts aside from just elections. It is clear, from the findings of this dissertation, that legal enfranchisement alone has not facilitated participation in the franchise. The results also illustrate the overwhelming political disempowerment experienced by the individuals imprisoned in Scotland. This, alone, cannot be remedied by legal enfranchisement, as demonstrated by existing studies on civic disengagement of deprived communities in Scotland (Reid et al., 2020; Uberoi & Johnston, 2019).

If aiming to promote civic responsibility, reintegration, and civic participation, as claimed by the Scottish Government (The Scottish Parliament, 2019), or to promote rehabilitation and positive citizenship, as claimed by the Scottish Prison Service (2016), the Government and the prisons ought to generate opportunities and resources for political education, structured venues for regular communication with external representatives, opportunities for self-representation and advocacy, and spaces to develop and explore ones’ political imagination. Such opportunities, while still inhibited in their capacity for *true* citizenship by their nature of occurring within the prison (Brangan, 2019; Drake & Henley, 2014; Jago & Marriott, 2007) would transcend the forms of relational or intra-institutional citizenship currently available (See Literature Review, “‘Citizenship’ inside the prison”) and would supplement much-needed resources in the de facto and substantive enfranchisement of those imprisoned.

On a practical level, to accomplish logistical enfranchisement of those imprisoned, staff must be trained and informed on voting rights and practices. Automatic eligibility notification processes should occur at multiple points: during induction, several weeks ahead of the registration period, during registration and voting periods, and ahead of the registration and voting deadlines. Further, there must be adequate record-keeping so that prison-specific

recommendations be made, and those responsible held to account, regarding registration and turnout rates.

Beyond this, those imprisoned must have protected rights to collective organisation and accountability measures. Enfranchisement of those imprisoned cannot truly be substantive if it restricts those imprisoned from challenging the conditions of their confinement (see Literature Review for critiques of intra-institutional opportunities for engagement). Additionally, staff's retaliatory behaviour generates significant barriers to the political empowerment and substantive enfranchisement of those imprisoned. This reflects a fraught organisational culture within the prison system that must be corrected. Persons serving custodial sentences must have avenues for safe, private communication with their elected representatives on the outside, and revised, protected accountability and grievance measures within the prison.

Participants' commentary on their political (dis)engagement, both within and outside of the prison, reflected individual disempowerment and widespread dejection, underscoring the absence of group mobilisation and political resources. These markers of pre-carceral disenfranchisement further inhibited substantive enfranchisement within the prison, particularly; poor political literacy, unfamiliarity with modes of engagement, and a weak history of voting before imprisonment, and insecurity in ones' own qualifications for political engagement. The characteristics indicative of pre-carceral disenfranchisement reflect areas of resource deprivation: participants' comments about the transformative experience of accessing education within the prison not only testifies to the beneficial effects of education in sparking interest and investment in political issues, it also reveals shortcomings created by multiple mechanisms and indices of deprivation before imprisonment. Had imprisoned people been provided the resources and supports to enable them to stay in school, and succeed doing so, their intellectual curiosity and personal investment in politics could have begun years prior. *Prisons* are not designed to be schools—that is not to say that education should not be offered in prison, it is to say that no one should have to wait until they are serving a custodial sentence to receive an adequate education conducive to their political engagement. Political education and empowerment, therefore, ought to begin in the communities—especially those with high rates of criminalisation and imprisonment (See “Theoretical contributions and implications for penal abolitionism”).

## **RO5: Meaning of Citizenship for Scotland's Sentenced Imprisoned Population**

Using Scottish punitive disenfranchisement as a lens through which to examine contemporary carceralism, this dissertation's findings reveal numerous ways in which penal disenfranchisement and contemporary carceralism subjugate the legitimacy of the polity through their exclusionary impact on civic participation and narrow parameterization of citizenship (see Literature Review, “‘Citizenship’ Inside the prison” and Results, “Denizenship”).

As discussed in the Literature Review, dichotomised language which dehumanises accused, imprisoned and previously imprisoned people effectively supports the constriction of their

political and citizenship capacity by legitimising the withdrawal of rights from certain people based on a disqualifying identity. Applying the label of 'prisoner,' or 'criminal', to many who subscribe to penal populism and neoliberal penalism, is, itself, justification enough for the removal of individual rights and entitlements. The differential entitlements awarded to "law-abiding citizens" and of which "law-breaking denizens" are deprived (Drake & Henley, 2014, p. 142) appeared in imprisoned persons' own conceptions of themselves and their entitlement to citizenship status and rights. Internalised denizenship among participants emerged from the harmful and disqualifying status of 'prisoner' or 'criminal' applied to those imprisoned, which acutely impacted their self-image and beliefs about societal belonging. Findings aligned with previous scholarship noting the injurious impact of imprisonment on self-esteem and sense of community belonging (Houchin, 2005; Inderbitzin, Cain, et al., 2016; F. McNeill, 2015; V. M. Weaver & Lerman, 2010).

Rights-deprivation and dehumanising treatment within the prison further aggravated the sense of denizenship generated by imprisonment. Participants felt their treatment, lack of individual autonomy and capacity for collective organising, and exclusion from civic discourse and decision-making evidenced the forfeiture of citizen status forced by imprisonment. The exclusion and devaluation was evidenced in participants' descriptions of being "*looked down at,*" treated "*like an animal*" or "*a number*" and "*flung tae the side*" (Results, "Denizenship"). Many felt that citizenship was suspended while in the prison, and that disenfranchisement constituted further "*deval[uation]*" and a signalled that those imprisoned were not "*part of society...*" This sense of 'denizenship', or being disqualified from citizenship, was also generated, and compounded, by their physical, social, and psychological detachment from outside society, revealing a politically stifling and alienating function of imprisonment which further removes and disempowers imprisoned people from political engagement and citizenship experiences.

Scholars' failures to critically examine socio-political power dynamics in existing analyses of 'prisoner citizenship' includes the dearth of critical analyses engaging with how the rhetoric and imagery of 'citizenship' is bastardized by carceral stakeholders to maintain the unchallenged suppressive and controlling functions of carceral states. I argue that these analyses which fail to challenge the application of 'citizenship' terminology in describing subjugated cooperation in prison-sanctioned 'engagement opportunities' are inherently misleading, and obscure how the prison and penal managerialism constrict the citizenship and political rights of the persons they confine.

The findings reveal that, in line with other superficial 'opportunities' for 'citizenship' within prisons, voting eligibility had a very minor impact on ameliorating the loss of citizenship felt during custody. Many participants felt a role conflict between their strongly-held sense of national identity and their treatment, rights, and status while imprisoned. Participants identified numerous aspects of imprisonment incompatible with fundamental characteristics of citizenship and democracy, including: differential accountability processes for persons in power; inability to elect, or become, key decision makers in the prison environment;

assignment to a lesser status within a clearly defined prison hierarchy—one which comes with few rights, choices, or change in circumstances; institutionalized surveillance and quashing of efforts for collective organization and self-advocacy among those imprisoned; deprivation of access to democratic forums; and a requirement that ‘change’ occur within the framework of, and approved by, the prison.

This dissertation has illustrated the overwhelming persistence of restrictions and incapacitations of imprisoned persons’ political and citizenship opportunities and identities, despite contemporary carceralism’s employment of responsabilising terminology (Garland, 2002) and false constructions of venues for ‘autonomous’ engagement in citizenship activities. These constructions include the incomplete legal enfranchisement of imprisoned persons, granted in the absence of resources to support their substantive enfranchisement, constituting what Brangan (2019, pp. 792–793) referred to as a “civilizing” reform. The findings call into serious question the appropriateness of, and bases for, SPS’s use of language suggesting prisons “transform” those forcibly confined to become “responsible citizens” (SPS, 2016, p. 1), and, undermine the legitimacy of Scottish Government claims that punitive disenfranchisement promotes “responsible citizenship” (The Scottish Parliament, 2019, para. 82).

## **Limitations**

The findings of this dissertation were limited in several practical ways, by the nature of its size and scope, which reduced the level of detail accommodated within the text and the length of excerpted participant quotations, as well as the breadth of topics addressed in the findings. While many participants described their experiences with voting (or lack thereof) at more than one prison in Scotland, caution should be exercised in generalising the dissertation’s findings across all fifteen Scottish prisons (Scottish Prison Service, n.d.), as the two prisons visited in the study cannot adequately account for institutional nuances and differences across other facilities. Further, while concepts identified and classified within this dissertation, such as the establishment of pre-carceral disenfranchisement, have international applicability, the unique cultural context within which the study was conducted limit findings’ transferability in international settings, as cultural, sociopolitical and carceral differences heavily influence interactions between politicization, criminalisation, marginalisation, and identity.

Possible bias in responses must be considered in relation to the participants comprising the sample, as the prisons made a clear and concerted effort to prohibit me from speaking with those persons deemed “high risk” (although the parameters for this “risk” remain unknown to me) and prison personnel’s role in selecting participants enabled carceral gatekeepers to potentially filter out those interviewees who they suspected might reflect poorly on the prison, with regards to voting rights or otherwise. This study is limited in its ability to extrapolate the way aspects of identity and marginalisation are politicised within Scotland’s prisons, such as gender, ethnicity, religion, and disability, due to the small sample size and resultant lack of diversity among participants. The small number of women participants in the study inhibited

the capacity for a thorough a gendered analysis within this MPhil. While individual women interviewed described experiences highly relevant to their gender, such as the role of unplanned, single motherhood in their political disengagement and disempowerment, including analyses and details from such anecdotes could likely be used to identify individuals interviewed as several of these gender-related experiences were unique to only one or two participants. Further, the sample's inclusion of only sentenced persons precludes an evaluation of voting behaviour, accessibility, and experiences among those on remand.

In evaluating the Act's implementation via interviews with imprisoned people, this dissertation provides previously absent gauges of the Act's outcomes, however, it is unable to analyse or report on contributory factors to these outcomes among the personnel responsible, including the Electoral Commission, Scottish Prison Service, Scottish Government, and other various individuals involved in the delivery of electoral services to persons imprisoned in Scotland. Knopp et al. (1976, p. 181) caution against forms of analyses which study "captive prisoner populations rather than their slave environment and keepers" for their potential to "further the manipulation and control of prisoners, rather than addressing their real need for empowerment and voluntary social services." This dissertation, however, circumvents some of these problems by engaging with the experiences of imprisoned people to reveal the ways in which they are underserved, and in some cases, deprived of access to the rights to which they are legally-entitled. Incorporating abolitionist methodologies and practices (see Methodology) into this dissertation's research design, execution, and analyses ameliorates some of the risk of categorizing information "so that key connections between the oppressive institution and behavior are not made" (Knopp et al., 1976, p. 182). Nonetheless, these interviews were conducted within the confines of the prison, and influence of confinement conditions and power dynamics are inevitable when such research occurs.

## **Areas of Future Research**

Further research is needed on the aspects of identity and marginalisation, and their historical underpinnings, which impact pre-carceral disenfranchisement in Scotland and in other countries. In further developing an understanding of political power dynamics within contemporary carceralism, and specifically, relating to pre-carceral disenfranchisement, international case studies and cross-national comparative analyses might explore state relations to those imprisoned, and the extent to which pre-carceral disenfranchisement impacts political participation during imprisonment, to shed light on an underdeveloped area (Piché & Larsen, 2010; Ryan & Ward, 2014) within existing abolitionist scholarship and activist discourse.

Within Scotland, and in international contexts likely to manifest pre-carceral disenfranchisement (for example, the United States), researchers should identify factors contributing to pre-carceral disenfranchisement *within* criminalised communities through exploring deprivation of political power and resources, and causal factors contributing to low levels of civic engagement. Such studies could offer beneficial insights to inform the mitigation of pre-carceral disenfranchisement and support the redistribution of political power and

autonomy by identifying resource needs among criminalised communities and supporting their self-determination. An existing absence of literature investigating punitive disenfranchisement in the overall Scottish context merits further research on the topic, which might consider religious conflict and oppression, ethnicity, disability, gender, geography, and class in Scottish moralism as they relate to citizenship, disenfranchisement, and confinement.

Further studies on penal enfranchisement and its successes and failures in Scotland ought to include expanded sample sizes and criteria, which could evaluate voting differences between those on remand and those sentenced, and provide a comprehensive overview of how Scottish prison voting occurs. Investigation is needed into the institutional mechanisms responsible for delivering electoral services to those imprisoned in Scotland. Particularly, future inquiries should address the roles and shortcomings of various stakeholders involved in operationalising penal enfranchisement, including elections officials, SPS and prison staff, and members of the Scottish Government, to unveil sources of information asymmetry, inefficiency, and other factors which obstruct the practical enfranchisement of imprisoned voters.

## **Theoretical Contributions and Implications for Penal Abolitionism**

This dissertation has yielded theoretical contributions in enfranchisement studies and theories of civic participation within political science and criminology, as well as within penal abolitionist scholarship and critical criminology. This section outlines the main theoretical contributions of this study, their significance, political implications, and meaning for penal abolitionism.

Existing consultations (Scotland & Scottish Government, 2018), polls (Electoral Commission, 2021) and reports (The Electoral Commission, 2021b) have excluded the participation and perspectives of imprisoned persons, amounting to an erasure of imprisoned people from critical conversations surrounding their own rights, political autonomy, and status as citizens. This study provided an opportunity for imprisoned people to reflect on their status as citizens in a custodial environment, on their voting rights and on their motivations towards and the accessibility of exercising those rights. Through linguistic choices, personal narratives, and a humanising analysis, this research works to counter penal populist and neoliberal punitive rhetoric which has been weaponized to dehumanise imprisoned people and to justify their disenfranchisement and political suppression (Drake & Henley, 2014; Morgan-Williams, 2016). In centring imprisoned persons perspectives, and detailing the narratives which have simultaneously contributed to their criminalisation, marginalisation, and political exclusion, this dissertation works to delegitimize contemporary carceralism and its rhetoric of punitivism (Hulsman & Justino, 2021). Knopp et. al (1976, p. 179), in discussing the crucial need for enfranchising imprisoned people, identified voting rights as capable of “break[ing] down the walls between” those imprisoned “and communities” further “restoring” the “civil life” of those imprisoned by “recognizing them as citizens with the privileges and responsibilities of citizenship.” While this dissertation has demonstrated fundamental incompatibilities between authentic participation in civic life and confinement, it *does* recognise both imprisoned persons’



entitlement to citizenship and highlight how confinement deprives those imprisoned of citizenship rights and identity experiences. In doing so, this dissertation provides what Knopp et. al (1976, p. 181) describe as key aims of abolitionist research: generating “authentic information about the reality of prison oppression and its human costs,” particularly in relation to how contemporary carceralism removes individuals from political and civic spheres.

By identifying the logistical mechanisms, strengths, and limitations involved in the Act’s rollout, this dissertation addresses a gap in international prison voting research. Within Scotland, prison voting is particularly understudied. This dissertation has provided insight into imprisoned persons’ capacity for exercising their enfranchisement, and in doing so, generated a window into the significantly flawed electoral processes currently operating within Scotland’s prisons. While findings which identify failures in the operationalization of penal enfranchisement, provide suggestions made by imprisoned people, and highlight unmet resource needs, may be, on a practical level, of use to the SPS, Electoral Commission, Scottish Government, and other relevant parties assessing and modifying the delivery of electoral services to newly enfranchised voters, this study was not intended, and should not be used, to project illusions of the potential for democratic legitimacy within contemporary carceralism. This study is dissimilar from those which optimistically detail promising intra-institutional ‘citizenship’ exercises and ‘political participation’ within the prison (Brosens, 2019; Brosens et al., 2018; Inderbitzin, Cain, et al., 2016; Nacro, 2014; C. Taylor, 2014; B. Weaver, 2019) which align with Brangan’s (2019, p. 780) “civilizing” activities. Instead, this dissertation unmasked political inequality and democratic suppression as inherent functions of imprisonment. The findings also revealed essential contradictions and conflict between imprisonment and citizenship—the latter inexecutable within the schema of the former. Among those enfranchised and disenfranchised, this dissertation illustrated the exclusionary tiering of citizenship created by contemporary carceralism.

This dissertation’s results are consistent with existing critical analyses of punitive disenfranchisement (Levine, 2009; Morgan-Williams, 2016; Tripković, 2019) which dispute the legitimacy of “deterrence” and “rehabilitative” theoretical justifications. The evidence this dissertation provides clearly contradicts both the deterrence argument, and the claim that punitive disenfranchisement promotes civic responsibility—instead revealing the deprivation of voting rights within prison to deepen “civic wounds” (F. McNeill & Velasquez, 2017), foster a sense of denizenship, and compound the marginalisation and political disempowerment—pre-carceral disenfranchisement—of those imprisoned. While some scholars have begun analysing the validity of the Act’s compliance with ECtHR requirements, (Hunter et al., 2022) this dissertation is among the first to investigate the actualisation (or, as apparent from the evidence, failure) of the Act’s justifications to hold water among those imprisoned in Scotland.

In providing evidence which undermines the rationale claimed by the Scottish Government to justify their compliance with the *Hirst v. the United Kingdom (No. 2)* “legitimate aims” requirement for punitive disenfranchisement policies, this dissertation has troubling implications for the permissibility of the Act as justified to the European Court of Human Rights.

Findings demonstrating the baselessness of the Act's theoretical justifications, and an implementation strategy within the prisons which can be described as ranging from non-existent to intentionally dysfunctional, reveal the Act's intended function as liability protection to satisfy the ECtHR, rather than to substantively, or practically, enfranchise imprisoned people. Indeed, the results put forth in this dissertation may endanger the Scottish Government's belief, as voiced by then-MP Adam Tomkins, that "Minimal compliance with that doubly rotten judgment... is still compliance" (*Final Debate on the Scottish Elections (Franchise and Representation) Act 2020*, 2020).

This dissertation has also expanded upon existing scholarship in disenfranchisement studies, penal abolitionist theory, political science, and sociology, by developing a theoretical framework for, and demonstrating the existence of, pre-carceral disenfranchisement. Previous publications demonstrated social marginalisation among those imprisoned in Scotland (Croall & Mooney, 2015; Houchin, 2005), correlations between social marginalisation and civic disengagement (Reid et al., 2020), and in the U.S. and Ireland, imprisonment contributing to political disengagement (Behan, 2020; B. R. Davis, 2020, 2021; Gerber et al., 2017; Sugie, 2015; V. M. Weaver & Lerman, 2010; White, 2019b). This dissertation blends the individual components of prior studies to establish a full picture, and narrative accounts of, pre-carceral disenfranchisement and the mechanisms through which it operates in Scotland. The findings of this dissertation reveal pre-carceral disenfranchisement to emerge from the intersection of social, economic, cultural, and individual factors before imprisonment, which individually, and with each other, breed the substantive disenfranchisement and political disengagement that functionally inhibit the political capacity of imprisoned people *before* their current imprisonment. To my knowledge, pre-carceral disenfranchisement has neither been previously investigated nor named.

In producing a conceptual, narrative link between pre-carceral socio-political power structures and imprisoned persons' political engagement—pre-carceral disenfranchisement—this study identified barriers to imprisoned persons' meaningful civic engagement, contributing to scholarly discourse on civic participation in the field of political science. Further, this conceptual framework contributes to scholarship on the influence of imprisonment on political engagement through findings of prior penal incarcerations increasing likelihood of voter disengagement among those imprisoned. These findings indicate a manifestation of pre-carceral disenfranchisement in which those people repeatedly criminalized, and from a young age, are more likely to withdraw from political and civic participation. This aligns with Weaver and Lerman's (2010) findings on how incarceration harms civic engagement.

By unveiling risk and contributory factors of socio-political marginalisation as they relate to criminalisation within Scotland and to the newly established pre-carceral disenfranchisement, this dissertation has uncovered structural connections between marginalisation, inequality, and punitive disenfranchisement which work to disempower imprisoned people politically and civically before their imprisonment. Identifying those factors which contribute to the substantive disempowerment and political disengagement of those imprisoned before

incarceration (pre-carceral disenfranchisement) demonstrates systemic marginalization, disempowerment, and suppression, revealing inequitable and unjust characteristics of the 'criminal justice' system and contemporary penal culture. As noted in existing penal abolitionist scholarship, identifying structural power imbalances and the policies, dynamics, and resource needs which perpetuate their existence supports the process of their deconstruction (A. Y. Davis et al., 2022; Kaba et al., 2021; Knopp et al., 1976; McLeod, 2019).

There is a growing body of research, which addresses the politically-suppressive nature of punitive disenfranchisement policies and the groups which they target (Combs, 2016; Hench, 1998; Kelley, 2017; Manza & Uggen, 2004; McCray, 2016; Rivers, 2017; Tripković, 2019; Uggen et al., 2016, 2020). Many of these publications are based in the U.S. or other countries which have histories of both racially or ethnically-targeted voter suppression and incarceration functioning as a mechanism for maintaining racial or ethnic domination and control. This dissertation contributes to international penal disenfranchisement literature by conducting analyses of such policies in a country with a justice system that is far less racialized, and without the legacy of racially-targeted disenfranchisement policies. Within this understudied context, this dissertation has provided evidence of the inherent de-democratising function of punitive disenfranchisement and the ways in which such policies further entrench existing marginalities, inequalities, and political exclusion.

In conclusion, punitive disenfranchisement policies, and their justifications, are inherently constrictive of the polity, and through socio-legal marginalization, of citizenship within the polity. The ostracization and stigmatization produced through the process of classifying certain people beyond the bounds for inclusion in civil society is reflective of the broader marginalization and social exclusion that occurs in, and as a result of, contemporary carceralism. The marginalization associated with confinement, the 'criminal' status, and disenfranchisement depreciate not only the imprisoned/formerly imprisoned persons' socio-political status (casting them as 'not belonging' in society) but also the obligations the government has to their service and the exercise of their rights. The theoretical justifications for punitive disenfranchisement, discussed in the literature review and countered throughout the results, provide a stepping stone in a carceral governments' argument to discredit and undermine their obligation to the will and needs of the criminalized population. These justificatory doctrines have the potential to use their marginalizing function to a political end: the prison protects the government from needing to remedy the legitimate social ills of imprisoned people by removing them from sight and silencing them politically. Once separated physically and, through rhetorical/philosophical means, cerebrally, the 'prisoners' are out of sight, mind, and power, and the state is absolved of its political and civic obligations to them.

## Appendix A

### Voting eligibility estimates for the 2021 Scottish Parliament election

The quantity of voting-eligible sentenced imprisoned people was approximated using Scottish Prison Service (2021) data from “Prison population by custody type, sex and age group” and “Population Index Sentences” (Cabinet Secretary for Justice and Veterans, 2021). Using Population Index Sentences averages for the most recent year available (2019-2020) the portion of voting-eligible imprisoned people was calculated for both men and women. Approximately 20.1% of male sentenced population and 20.29% of female sentenced population were eligible to vote for the 2019-2020 year under the Act’s provisions. These portions were multiplied against weekly prison population data from the “SPS Prison Population” dataset for the five weeks leading up to (and slightly after) the April 6 postal vote deadline for the May 2021 Scottish Parliament election. The approximations of 42 and 1,421 for women and men (respectively) represent the average of the voting-eligible sentenced population (by gender) across all five weeks. The number of eligible untried imprisoned people reflect the averages for the five weeks leading up to (and slightly after) the April 6 postal vote deadline, using weekly data from the SPS Prison Population.

## Appendix B

### Methods chapter tables and figures

**Table B1**

*Age Range of Participants*

Age Category	Number of Participants
21-25	3
26-30	9
31-35	5
36-40	2
46-50	1
51-55	1
71-75	1
Total	22

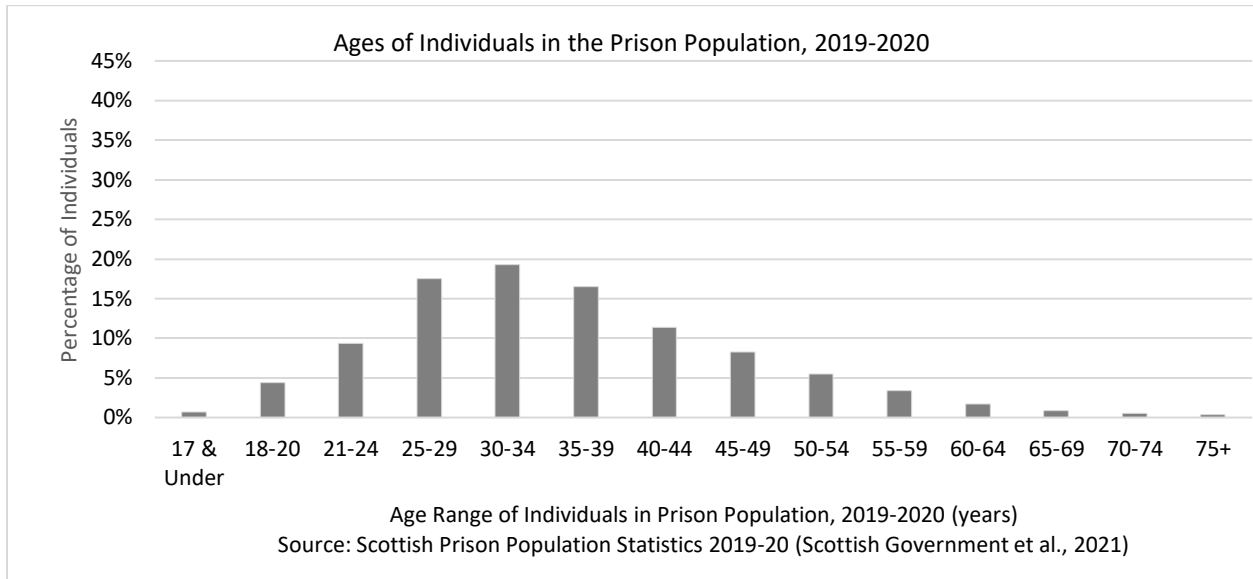
**Table B2**

*Self-Reported Ethnicity of the Sample*

Self-Reported Ethnicity	Number of Participants
White Scottish	11
Scottish	6
British Scot	1
British White	1
Caucasian	1
White British	1
White Scottish British	1
Total	22

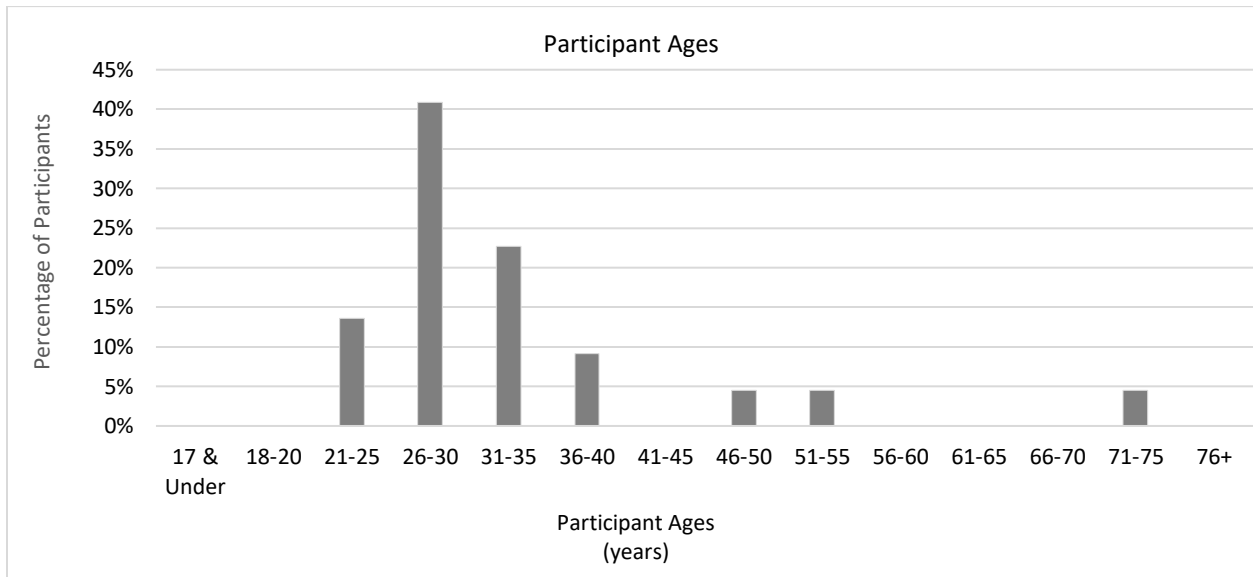
**Figure B1**

*Ages of Individuals in the Prison Population, 2019-2020*



**Figure B2**

*Ages of Participants in the Sample*



**Table B3***Sample Representativeness of Gender*

	Average Portion of Population, 2021-2022 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>Women</i>	3.60%	36.40%	8	1
<i>Men</i>	96.40%	63.64%	14	21

Source: *SPS Prison Population: Average daily prison population by type of custody, gender and age in Scotland from 2000-01* (Scottish Government Justice Analytical Services, 2022) Accessed June 15, 2022

**Table B4***Sample Representativeness of Ethnicity*

	Individuals in Prison Population, 2019-2020 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>White</i>	95.30%	100.00%	22	21
<i>Asian, Asian Scottish Or Asian British</i>	1.80%	0%	0	<1
<i>Other Ethnic Group</i>	1.10%	0%	0	<1
<i>African, Caribbean or Black</i>	1.40%	0%	0	<1
<i>Mixed Or Multiple</i>	0.50%	0.00%	0	<1

Source: *Scottish Prison Population Statistics 2019-20* (Scottish Government, 2020)

**Table B5***Sample Representativeness of Marital Status*

	Individuals in Prison Population, 2019-2020 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>Single</i>	79.10%	59.10%	13	17
<i>Married/ Partnered</i>	15.50%	36.40%	8	3
<i>Divorced/ Separated</i>	4.90%	0.00%	0	1
<i>Surviving Partner</i>	0.50%	4.55%	1	0

Source: *Scottish Prison Population Statistics 2019-20* (Scottish Government et al., 2021)

**Table B6***Sample Representativeness of Voter Eligibility Status*

	Average Sentenced Population, 2019-2020 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>Eligible</i>	22.30%	27.30%	6	5
<i>Ineligible</i>	77.70%	72.70%	16	17

Source: *Scottish Prison Population Statistics: Legal Status, 2019-20* (Cabinet Secretary for Justice and Veterans, 2021)



**Table B7***Sample Representativeness of Voter Eligibility Status and Gender*

		Average of Gender-Specific Sentenced Population, 2019-2020 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
Women	<i>Eligible</i>	38.40%	37.50%	3	3
	<i>Ineligible</i>	61.60%	62.50%	5	5
Men	<i>Eligible</i>	21.50%	21.40%	3	3
	<i>Ineligible</i>	78.50%	78.60%	11	11

Source: *Scottish Prison Population Statistics: Legal Status, 2019-20* (Cabinet Secretary for Justice and Veterans, 2021)

**Table B8***Sample Representativeness of Sentence Categorization*

	Average Sentenced Population, 2020-2021 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>Long-term (four years and over)</i>	45.30%	36.40%	8	10
<i>Short-term (under four years)</i>	31.70%	45.50%	10	7
<i>Unknown</i>	0.00%	18.20%	4	0

Source: *SPS Annual Report and Accounts 2020-21* (Scottish Prison Service, 2022)

**Table B9***Sample Representativeness: Self-Reported Struggle with Substance Use*

	Portion of Imprisoned Population, 2019 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>Struggled with substance use</i>	41%	27%	6	9
<i>No mention of substance use struggle</i>	59%	73%	16	13

Source: 17th Prisoner Survey 2019 (Carnie & Broderick, 2019, p. 12)

**Table B10***Sample Representativeness: Self-Reported Placement in External Care*

	Portion of Imprisoned Population, 2019 (%)	Study Participants (%)	Number of Study Participants	Participant Number for Statistical Proportionality
<i>In care as a child</i>	25%	32%	7	5-6
<i>No mention of external care</i>	75%	68%	15	16-17

Source: 17th Prisoner Survey 2019 (Carnie & Broderick, 2019, p. 19)

**Table B11***Sample Representativeness: Self-Reported Previous Imprisonment*

	Study Participants (%)	Number of Study Participants
<i>Mentioned previous imprisonment</i>	45%	10
<i>Did not mention a prior imprisonment</i>	55%	12

Source: 17th Prisoner Survey 2019 (Carnie & Broderick, 2019)

**Table B12**

*Previous Imprisonments of the 2019 Prison Population*

	Portion of Imprisoned Population, 2019 (%)	Participant Number for Statistical Proportionality
<i>Remand</i>		
<i>Previously imprisoned on remand</i>	63%	14
<i>Never previously imprisoned on remand</i>	37%	8
<i>Sentenced</i>		
<i>Previously imprisoned on a sentence</i>	60%	13
<i>Never previously imprisoned on a sentence</i>	40%	9

Source: 17th Prisoner Survey 2019 (Carnie & Broderick, 2019)

## Appendix C

### Interview outline

(Interview #), date, time stamp

We are now going to start our discussion. As a reminder, you are allowed to skip questions you do not want to answer.

If you are confused about any of the questions, or are unsure about some of the words in the question, or if my accent is a bit tricky to follow, you can just ask me to clear it up and I will be happy to.

To get started I'm going to ask some questions about your background.

1. What is your gender?
2. How would you describe your ethnicity?
3. I'm going to read out age categories, please tell me which age category you fall into.

18- 20	21- 25	26- 30	31- 35	36- 40	41- 45	46- 50	51- 55	56- 60	61- 65	66- 70	71- 75	76+
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4. Did you leave school with any Nat4s or Nat5s, or Highers? If so, any qualifications after school?
5. Can you tell me a wee bit about yourself, where you grew up, where you live, and what matters to you?  
[prompt: Were there others at home growing up? If so, who were they?]
6. Are you married/do you have a partner?

The next few questions are about elections and voting.

People in prison would normally be a resident of Scotland are eligible to vote *if* they have not yet been convicted of an offense, *or* if they have been given a sentence of twelve months or less.

The 2022 Scottish Local Elections will be held this May.

1. Are you (personally) eligible to vote in the 2022 Scottish local elections?
  - a. Are you registered to vote?

2. Do you plan to vote in the 2022 election?

Yes	Do you know who you want to vote for and why?
No	Why not?

3. (IF ELIGIBLE) If you are given the chance to vote, do you know how to do so while in prison?

4. Can you tell me what you know about the process to vote from prison?

[prompt: where did you find out about that?]

5. Have you seen much about the 2022 election while in prison?

[prompt: posters, chats, information, leaflets, videos]

- a. Materials on registration
- b. Information about candidates

6. Were you registered to vote prior to your incarceration?

7. Which of the following options best describes your voting before being in prison:

Never voted before	Voted in a few elections	Voted in most elections	Voted in every election
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8. Can you tell me about whether you vote and why (or why not)?

- a. What about your family? Partner?
- b. Do you think your vote counts or makes a difference?  
[probe answer for explanation].
- c. Does voting (or not voting) affect how you see yourself/your role or place in society?  
[prompt: As in how do you feel about the world, about how and where you live, your decisions about your life and those you care about, education, your health and work etc.].

9. How do you feel about elections?

[Do you think they are important? Fair? Do they matter? Are they generally something you are interested in?]

- a. Have your thoughts about or feelings and opinions towards elections or voting changed over time? If so, how/why
- b. Do you follow elections/politics in the news now? Did you, prior to being in prison? Why/why not?

The next few questions are about your experiences and thoughts about the world... about the news, politics, and so on...

1. To what extent do you care about politics?

[Politics: decisions about laws and government and the people who make them.]

“Not at all”	Why?
Yes	Describe + why

- a. What about your family? Your partner?
- b. What kinds of issues matter to you/them? (“Why?”)

2. Thinking about your own personal experiences, does anything stick out to you as having impacted how you feel about politics or voting?

3. Have you ever been involved in political organizations and/or causes?

No	Why not? Could you ever see yourself being involved?
Yes	Describe + Why? Do you think you’ll be involved after this?

- a. Are there any issues you see on the news or in life that really make you want to get involved in politics?

4. Do you feel that you have a role in shaping politics as a citizen?

5. Can you describe the kinds of interactions you’ve had with politicians and/or politics? What impressions did they make?

Ever: met a politician? What was the context?

Written to/spoken with someone in working in government, like your local councillor or an MP, about something you were experiencing? To share your opinion about something?

To ask for help?

What was that interaction like?

**(if no interactions)** Was there a time a politician, maybe on tv or in the news, made a strong impression on you? What were your thoughts about that?

10. Before being in prison, what kind of influence did you feel you had, as a citizen, voter, individual, community member, on government and the laws and policies that impact your life?

[What kind of influence did you feel you had to make a difference or change?]

[A *citizen* is someone who belongs to and participates in a state or political community. *Citizenship* describes the rights, responsibilities, and participation that come with that belonging].

- a. What was the background to how you felt?
- b. How has that changed since being in prison?

The Scottish Government held a public consultation on voting for people in prison. In this consultation, they argued that only people in prison with sentences of one year or less should be allowed to vote.

They said this was to find a balance between the voting rights of people and “preventing crime.”<sup>12</sup>

They also said that by giving voting rights only to people serving short prison sentences, they were improving “civic responsibility” and “respect for the rule of law.”<sup>13</sup>

6. What do you think of that?

7. In your opinion, should people in prison be allowed to vote? Why/why not?

- a. If people in prison *are* allowed to vote, should there be any rules around who is allowed to?

[probe: e.g. sentence length; age; offence types etc.]

8. Do you think removing the right to vote from certain people in prison serves a purpose?

- a. What do you think the intended purpose might be?
- b. At the time of your arrest/sentencing, did you know that some people in prison lose their voting rights?

No	If you knew, would that have changed anything for you?
Yes	Did that influence any of your decision-making at that time?

<sup>12</sup> Page 3 of Consult on Prisoner Voting, part of the Ministerial Foreword by Michael Russell, then-Cabinet Secretary for Government Business and Constitutional Relations

<sup>13</sup> Page 3 of Consult on Prisoner Voting, part of the Ministerial Foreword by Michael Russell, then-Cabinet Secretary for Government Business and Constitutional Relations

9. What difference, if any, do you think it will make to people in prison – having the right to vote?

a. Have you heard other people talking about it on the wing or anything?

[probe for what is being said]

10. What, if anything does citizenship mean to you?

[A *citizen* is someone who belongs to and participates in a state or political community. *Citizenship* describes the rights, responsibilities, and participation that come with that belonging].

c. If citizenship means being/feeling part of society, making a contribution to society, what kinds of “responsibilities” do you think citizens have? How important are they?

[Do you think being able to vote is an important part of being a citizen?]

d. What does being a Scottish citizen mean to you while you are in prison?

e. Is it okay to limit certain aspects of citizenship for different groups of people? If so, when, why, how?

11. Since being in prison, have your views on politics, citizenship or voting changed?

a. What about your views about government or the courts, have they changed?

No	Have you thought about or talked about those views while in prison?
Yes	[Probe: What experiences affected these views? When did they occur? How did they change your perspective? Effects of being in prison, etc.]

12. Is there anything I haven't asked you that you think I should know to understand more about your experience with politics, voting, and your position as a citizen in prison?

13. Anything else you would like to share about your perspective on removing the voting rights of some people in prison, and the impact of that?

14. Lastly, do you have any thoughts about what can be improved to best ensure that people in prison understand, and can act upon their voting rights?



## Appendix D

### Participant information session outline

#### What is the purpose of this research?

- In 2020 the Scottish Government passed the Scottish Elections (Franchise and Representation) Act.
- Before the Act was passed, people serving prison sentences were not allowed to vote.
- The Act now allows people in prison who are serving a sentence of one year or less to vote in all Scottish elections.
- This research aims to give people in Scottish prisons an opportunity to reflect, speak upon, and be heard regarding your experiences with prison, voting, and being a citizen in custody.
- Through interviews, you will get a chance to tell your stories and share your perspective on “prisoner disenfranchisement” (or policies which remove the voting rights of people in prison) and its impact.
- This research also hopes to understand *how* voting happens in prisons—including successes, failures, how and where people in prison learn about elections, and what improvements can be made.

#### Do you have to take part?

- Participation is 100% voluntary—meaning you do not have to participate if you do not want to.
- If, at any point during the study, you decide you no longer wish to participate, you have the right to withdraw from the study.
- There are no consequences for those who do not participate, and no rewards for those who do participate.

#### What will you do in the project?

- You will have a private conversation with me that will last about 30 minutes.
- We will talk about your experiences and thoughts on voting in prison, politics, and what it means to be a citizen.
- You do not need to have any prior experience with any of these topics. This study is looking for a wide range of experience levels, and your voice matters.

#### Potential risks to you in taking part:

- If, during our conversation, you tell me that you or someone else is at risk of serious harm, I will need to report that information to staff at the prison.
- If, during our conversation, you tell me about serious, ongoing illegal activity, I may be required to report that information to staff at the prison, which may result in legal consequences that are outside of my control.
- The nature of the topics we will discuss in the study means it is very unlikely that either of these things will come up, however, if I sense that you are about to share something that I would be required to tell the prison about, I will pause our conversation and remind you what I am required to report.
- As with any in-person meetings, transmission of COVID-19 is a risk. All current COVID-19 health and safety guidance will be followed. I will wear a mask over my nose and mouth for the full

conversation, and you will be expected to wear a mask for the full time as well. I am fully vaccinated and have taken a lateral flow this morning, which was negative.

**What information is being collected in the project?**

- This project will collect anonymous information about your opinions and experiences.
- At the start, I will ask you some questions about your background. We will then have a conversation about voting, politics, and being a citizen. You can choose to skip any questions you do not want to answer during the interview.
- The interview will be recorded on an audio recorder, and I will transcribe the recordings. The audio recordings won't be shared with anyone else, and they will not be published. Once I have transcribed the audio recordings, they will be deleted and no copies will be stored.
- Your identity and personal information will not be shared with anyone else, and will not be published.

**Next Steps:**

- You will have an opportunity to ask questions at the end of this information session.
- When you leave the info session, you will take the participant information sheets and privacy notice sheets with you, and you can privately make your decision about if you want to participate.
- If you do want to participate, tell (GATEKEEPER) and she will schedule an interview for today or tomorrow.

**Any questions?**

# Appendix E

## Participant Information Sheet and Privacy Notice



### Participant Information Sheet for Interviewees

[FOR USE WITH STANDARD PRIVACY NOTICE FOR RESEARCH PARTICIPANTS]

**Name of department:** School of Social Work and Social Policy

**Title of the study:** Your Views on Voting

#### Introduction

Rebecca Zimmerman is a postgraduate student at the University of Strathclyde pursuing an MPhil in Social Policy. She can be contacted via email at [REDACTED].

#### What is the purpose of this research?

In February, 2020 the Scottish Government passed the Scottish Elections (Franchise and Representation) Act. Before the Act was passed, people serving prison sentences were not eligible to vote. The Act now allows people in prison who are serving a sentence of one year or less to vote in all Scottish elections.

This research aims to provide people incarcerated in Scottish prisons with an opportunity to reflect, speak upon, and be heard regarding their experiences with prison, voting, and their status as citizens in custody. Through interviews, imprisoned people will have the opportunity to tell their stories and share their perspectives on “prisoner disenfranchisement” (this is also known as removing the voting rights of people in prison) and its impact, as well as to discuss their experiences with politics, elections, and being a Scottish citizen in prison.

Lastly, this research hopes to understand *how* the Scottish Elections Act is applied in prisons. This includes looking at its’ successes and failures, how and where people in prison are learning about elections, and what improvements can be made to best ensure that people in prison understand, and are able to act upon, their voting rights.

#### Do you have to take part?

Participation in this research is completely voluntary. You have full rights to refuse to participate, or choose to withdraw your participation at any point in the study.

Whether you decide not to participate will not negatively impact on you. There will be no negative consequences for you should you decide not to participate. Participants will not be rewarded for participation.

#### What will you do in the project?

Participation will involve a private conversation with the researcher, lasting around 30 minutes, where the participant will talk about their opinions and experiences (or lack of experiences) on voting in prison, politics, elections, and what it means to be a citizen. Before having the thirty-minute discussion on these topics, participants will sit in on a short “participant information session” where they will have an opportunity to meet the researcher and learn about the process of participating as well as any potential risks and benefits from their participation. During this information session, potential participants will have an opportunity to ask questions of



the researcher, and then have time to privately reflect upon whether they would like to go ahead with participating in the research.

#### **Who can take part?**

If you:

- Can speak English;
- Have been convicted of an offense for which you are currently serving a sentence (meaning, you are not in prison on remand);
- Are over the age of 18 years old;
- Would normally be eligible to vote in Scotland.

Then you are eligible to participate.

Participants do not need any experience with voting or politics. The study is looking for a wide range of opinions and lived experience, and your voice matters. If you have questions about whether you are eligible, you may contact [REDACTED, GATEKEEPER].

#### **What are the potential risks to you in taking part?**

There is very little risk to participating in the study. Potential risks include:

If a participant discloses, during their discussion, that they, or someone else, is at risk of serious harm, then the researcher will need to report that information to staff at the prison. If a participant discloses serious, ongoing criminal activity, the researcher may be required to report that information to staff at the prison, which may result in legal consequences that are outside of the researcher's control. The nature of the conversation topics are not likely to generate responses that would require reporting. However, to reduce this risk, if researcher notices that the conversation is heading towards a topic which *would* require reporting, they will pause discussion and remind the participant of what types of information they would be required to report.

The conversation topics are unlikely to cause emotional or mental distress.

As with any in person meetings, transmission of COVID-19 is a risk. All current COVID-19 health and safety guidance will be followed. The researcher will need to have a negative lateral flow test the morning of the conversation, or it will be rescheduled. The researcher and participant will wear a face mask for the entire duration of the conversation. The conversation space will be sanitized prior to the conversation.

#### **What information is being collected in the project?**

This project will collect anonymous information about your opinions and experiences. At the start of the conversation, you will be asked to answer some questions about you and your background.

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Conversations with the researcher will be recorded, but your personal information will not be used in the research or shared with others. Recordings will be transcribed by the researcher, and recordings not be shared or published. The conversations will be relaxed, and you can choose to skip questions.

Publications relating to the research might use quotes from your conversation, or refer to ideas, experiences, and opinions that you discussed with the researcher but your identity and personal information will not be included in any publications.

**Who will have access to the information?**

Under the guidance of the researchers' supervisors, the researcher is the only person allowed to listen to the audio recording and this will be kept private. The researcher will manually transcribe the recordings, so no third party will have access to the content of your audio recording. All recordings will be destroyed once they are transcribed. Your name, and any other information which could be used to identify you, will be removed during the transcription process so that the only stored record of your conversation will be anonymous. Your identity and personal information will not be shared with anyone else.

There are some limits to confidentiality. If, during your discussion with the researcher, you share information that you, or someone else, is in serious danger of being harmed, the researcher will not be able to keep that information confidential, and will have to tell staff at the prison.

**Where will the information be stored and how long will it be kept for?**

Audio recordings will be destroyed upon transcription. Anonymous transcripts of your discussion with the researcher will be stored in the University of Strathclyde's virtual drive in a folder that is only visible and accessible to the researcher. After the research is finished, anonymized data will be stored in Pure.

Thank you for reading this information – please ask any questions if you are unsure about what is written here.

All personal data will be processed in accordance with data protection legislation. Please read our [Privacy Notice for Research Participants](#) for more information about your rights under the legislation.

**What happens next?**

After you have attended an information session, if you still want to participate, [REDACTED, GATEKEEPER] will arrange a time for your 30-minute conversation with the researcher. Copies of articles or other published materials relating to this project will be made accessible within the prisons.

**Researcher contact details:**

Rebecca Zimmerman: [REDACTED]

**Chief Investigator details:**

Professor Laura Piacentini. Telephone: 444 8703 E-mail: [laura.piacentini@strath.ac.uk](mailto:laura.piacentini@strath.ac.uk)

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This research was granted ethical approval by the University of Strathclyde Ethics Committee.

If you have any questions/concerns, during or after the research, or wish to contact an independent person to whom any questions may be directed or further information may be sought from, please contact:

Secretary to the University Ethics Committee  
Research & Knowledge Exchange Services  
University of Strathclyde  
Graham Hills Building  
50 George Street  
Glasgow  
G1 1QE

Telephone: 0141 548 3707

Email: [ethics@strath.ac.uk](mailto:ethics@strath.ac.uk)

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## Privacy Notice for Participants in Research Projects

Introduction	
<p>This privacy notice relates to individuals participating in research projects led by the University of Strathclyde. It explains how the University of Strathclyde will use your personal information and your rights under data protection legislation. It is important that you read this notice prior to providing your information.</p> <p>Please note that this standard information should be considered alongside information provided by the researcher for each project, which is usually in the form of a Participant Information Sheet (PIS). The PIS will include further details about how personal information is processed in the particular project, including: what data is being processed; how it is being stored; how long it will be retained for, and any other recipients of the personal information. It is usually given to participants before they decide whether or not they want to participate in the research.</p>	
Data controller and the data protection officer	
<p>The University of Strathclyde is the data controller under data protection legislation. This means that the University is responsible for how your personal data is used and for responding to any requests from you in relation to your personal data.</p> <p>Any enquiries regarding data protection should be made to the University's Data Protection Officer at <a href="mailto:dataprotection@strath.ac.uk">dataprotection@strath.ac.uk</a>.</p>	
Legal basis for processing your personal information	
<p>If you are participating in a research project, we may collect your personal information. The type of information that we collect will vary depending on the project. Our basis for collecting this information is outlined below:</p>	
Type of information	Basis for processing
<p>Personal information and associated research data collected for the purposes of conducting research.</p>	<p>It is necessary for the performance of a task carried out in the public interest.</p>
<p>Certain types of personal information such as information about an individual's race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life, or sexual orientation are defined as 'Special Category' data under the legislation.</p>	<p>It is necessary for the performance of a task carried out in the public interest</p> <p>and</p> <p>It is necessary for scientific or historical research purposes in accordance with the relevant legislation (Data Protection Act 2018, Schedule 1, Part 1, Para 4).</p>

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Criminal conviction / offence data	It is necessary for the performance of a task carried out in the public interest and is processed in accordance with Article 10 of the General Data Protection Regulation and the Data Protection Act 2018, Schedule 1, Part 1, Para 4.
<b>Details of transfers to third countries and safeguards</b>	
For some projects, personal information may be transferred outside the UK. This will normally only be done when research is taking place in locations outside the UK. If this happens, the University will ensure that appropriate safeguards are in place. You will be fully informed about any transferring of data outside the UK and associated safeguards, usually in the Participant Information Sheet.	
<b>Sharing data</b>	
If data will be shared with other individuals or organisations, you will be advised of this in the PIS.	
<b>Retention of consent forms</b>	
If you participate in a research project, you may be asked to sign a participant consent form. Consent forms will typically be retained by the University for at least as long as the identifiable research data are retained. In most cases they will be retained for longer, the exact time frame will be determined by the need for access to this information in the unfortunate case of an unanticipated problem or a complaint. 5 years after the research is completed will be suitable for many projects, but beyond 20 years will be considered for any longitudinal or 'high risk' studies involving children, adults without capacity or a contentious research outcome.	
<b>Data subject rights</b>	
<p>You have the right to: be informed about the collection and use of your personal data; request access to the personal data we hold about you; request to have personal data rectified if it is inaccurate or incomplete; object to your data being processed; request to restrict the processing of your personal information; and rights related to automated decision-making and profiling. To exercise these rights please contact <a href="mailto:dataprotection@strath.ac.uk">dataprotection@strath.ac.uk</a>.</p> <p>Please note, many of these rights <b>do not</b> apply when the data is being used for research purposes. However, we will always try to comply where it does not prevent or seriously impair the achievement of the research purpose.</p>	
<b>Right to complain to supervisory authority</b>	
If you have any concerns/issues with the way the University has processed your personal data, you can contact the Data Protection Officer at <a href="mailto:dataprotection@strath.ac.uk">dataprotection@strath.ac.uk</a> . You also have the right to lodge a complaint against the University regarding data protection issues with the Information Commissioner's Office ( <a href="https://ico.org.uk/concerns/">https://ico.org.uk/concerns/</a> ).	



## Appendix F

### Consent form script

Before you stamp the consent form, we're going to review what the form is, and what stamping it means.

- That you have read the participant information sheet and that I have answered any questions to your satisfaction
- That you have read and understood the privacy notice for participants in research projects and understand how your personal information will be used and what will happen to it
- Understand that you are volunteering to participate, and that you can choose to stop participating and withdraw from the study at any time until the study is finished, and that you do not have to give a reason why you are withdrawing, and there will be no consequences for leaving the project.
- You can request that personal information is taken out of the study, like audio recordings or personal information in the transcripts, and that I will comply with those requests.
- Information that does not personally identify you cannot be withdrawn from the study once it has been included.
- Information recorded in the research will stay confidential. No information identifying you will be made publicly available.
- If, during our conversation, you tell me that you, or someone else, is at risk of serious harm, then I will need to report that information to staff at the prison.
- While I do not expect these topics to come up, if you tell me about serious, ongoing, illegal activity, I may be required to report that to staff at the prison, which may result in legal consequences that are outside of my control.
- As part of following COVID-19 protocols for both your, and my, health and safety, you agree to wear a face mask, covering your nose and mouth, for the full time you are participating.
- That you agree to this interview being audio recorded.
- You understand that stamping the form and verbally confirming your consent indicates your consent to participating in the project.

Before stamping the form, do you have any questions?

# Appendix G

## Interview consent form



### Consent Form for Interviewees

**Name of department:** Criminal and Social Justice

**Title of the study:** Your Views on Voting

- I confirm that I have read and understood the Participant Information Sheet for the above project and the researcher has answered any queries to my satisfaction.
- I confirm that I have read and understood the Privacy Notice for Participants in Research Projects and understand how my personal information will be used and what will happen to it (i.e. how it will be stored and for how long).
- I understand that my participation is voluntary and that I am free to withdraw from the project at any time, up to the point of completion, without having to give a reason and without any consequences.
- I understand that I can request the withdrawal from the study of some personal information and that whenever possible researchers will comply with my request. This includes the following personal data:
  - audio recordings of interviews that identify me;
  - my personal information from transcripts.
- I understand that anonymised data (i.e. data that do not identify me personally) cannot be withdrawn once they have been included in the study.
- I understand that any information recorded in the research will remain confidential and no information that identifies me will be made publicly available.
- I consent to being a participant in the project.
- I consent to being audio recorded as part of the project.

Interview Number:	
Time stamp made by Participant:	
	Date: <u>  1  </u> / <u>  </u> / <u>2022</u> DD MM YYYY

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## Appendix H

### Sample recruitment flyer

# Seeking Participants of Research Study

If you are 18+ years old, serving a sentence, and a resident of Scotland, you may be able to participate in a research study.

CONTACT [REDACTED, GATEKEEPER] IF YOU ARE INTERESTED IN PARTICIPATING

## Seeking participants to discuss experiences with & opinions of voting, elections and politics.

The Scottish Government recently passed the Scottish Elections (Franchise and Representation) Act, which gave people serving prison sentences of one year or less the right to vote.

This study aims to give people in prison the chance to share their experiences and opinions of voting in prison and being a community member.

### You do not need any prior knowledge of or experience with voting, and/or politics to participate.

Before participation, you will:

- Go to a 5-minute information session to meet the researcher, learn about the study, and ask any questions before deciding to participate.

Participants in the study will:

- Share your thoughts, experiences and opinions about voting in prison in a 30-minute private discussion with the researcher.

## When?

- Participant Information Sessions will be held on April 19, 20, and 21 in the morning.
- The study will take place on April 19, 20 and 21.

## Are you eligible?

- You can speak English
- You are at least 18 years old
- You have been convicted and are serving a sentence
- You would normally live in Scotland

## How to participate:

- Contact [REDACTED, GATEKEEPER]

## If you're unsure if you meet the requirements, or have questions:

- Contact [REDACTED, GATEKEEPER]

## Appendix I

### Overview of overarching themes and related codes

Theme	Sub-themes	Sub-theme parameters
Knowledge of prison voting and voting rights	Did not know before interview	Unaware of own voting (in)/eligibility status in prison, and/or unaware that anyone could vote while imprisoned
	Misinformation	Incorrect information participants held or received regarding voting and voting rights in prisons
	Knowledge of voting and elections in prison	Information participants held (or lack thereof) regarding the registration and voting process while imprisoned, information pertaining to the 2022 Scottish Local Elections, candidates, and issues and election deadlines
Does the Act accomplish its aims?  <i>Analyzing whether the Act's alleged aims were met, using participants' own perceptions of the Act, what it accomplishes, how effective it is, as well as evaluating the stated criteria of the Act as described by the Scottish Government</i>	Messages sent and received	What 'messages' participants felt the Act was sending to people in prison; the meaning participants made of their (or others') (dis)/enfranchisement; whether the messages allegedly intended by the Scottish Government in enacting the Act were aligned with participants' interpretations and understandings of the Act's meaning
	Promoting civic responsibility and respect for law	Whether participants felt that the Act promoted civic responsibility and respect for the law; commentary around how disenfranchising people in prison impacts governmental trust and civic engagement, both while imprisoned and long-term
	Preventing crime	Whether participants felt that the Act does, or could, serve to prevent crime; whether participants had known that some people lose voting rights while imprisoned at the time of their arrest, and if they had known, whether that factored into their decision-making surrounding the offense for which they are currently imprisoned
Political activism and politics within the prison  <i>Aspects and experiences of imprisonment concerning the political beliefs, opinions, and engagement of incarcerated people</i>	Political socialization in the prison	Political socialization processes which occur within the prison
	Politics of the prison	The complaints system and penal managerialism, attempts to make a change within the prison and what happens to those who try, protest(s) within the prison, SPS bureaucracy, reputation management and privileges within the prison
	Political engagement in prison	Knowledge of, engagement with, and manifestations of politics in the prison
	Political activism in the prison	Discussions of activism by imprisoned people; references to Hirst v. UK, 1980's prison riots, additional court cases regarding rights of imprisoned people

Theme	Sub-themes	Sub-theme parameters
Politics and Punitivism  <i>Interconnected relationship between politics and punitivism, including consequences of political engagement and punitive deterrence from politics</i>	Penalization of prison-politicking	Punitive response to politics in the prison, retaliatory behavior ; direct references to the phrase "problem prisoner"; relaying fears of being targeted by prison staff as a result of complaining or politically engaging; anecdotes of imprisoned people who were penalized by staff for using accountability processes such as writing to the prison monitor, etc.
	Consequences of political engagement on the outside	Political behavior gets punished on the outside; fear that politics leads to punishment (i.e. people getting arrested at protests, potential to bring punitive attention after release from jail), punitive deterrence from political engagement
	Politicians have no consequences	Commentary about corruption, how politicians break the rules and have no consequences, Boris Johnson and partygate, the notion that politicians make the rules but can't follow them. Differentiation between law-abiding standards for politicians vs. citizens on the outside vs. imprisoned people
Denizenship, citizenship & national identity in the prison	Denizen status and the 'criminal class'	Relating to a distinct, and subjugated, status of imprisoned people which relegates them to 'denizenship' or the 'criminal class.' This includes both internalized identity and articulations of undeservingness in relation to societal membership and citizenship, as well as participants' understandings of how they are viewed by others and the rhetoric used to denigrate and dehumanize people in prison.
	Citizen status and rights in prison	Comments pertaining to citizenship as an identity, as a status, and the ways in which citizenship is experienced and/or altered while in prison; differentiation between rights, citizenship status, societal membership for people in prison & people outside; direct mentions of "human rights"
	Exclusion and discountedness	Symbolic and physical exclusion, outcast from society, symbolic separation. public perception of people in prison, we're scum, prison is a bad place, etc. Addressing social dimension of denizenship and it's implications for social membership/exclusion; Participants feelings that "Nobody wants to listen to us," "we're not counted in here" or "our voices don't count"; Phrasing which indicates the view that, while in prison, people feel like they are treated as "just a number" and dehumanized
	Equal & fair	The concepts of equality and fairness were frequently invoked by participants in discussions of voting rights and the Act, with many participants feeling a strong sense of injustice for those imprisoned who were unable to participate in voting.
	Internalized denizenship and devaluation	Instances in which participants' comments reflected punitive rhetoric or attitudes towards other imprisoned people and/or themselves, comments which indicate internalization of the 'denizen' status
Voting history	Personal voting history	Participants' descriptions of their personal voting history
	Limited voting window	Only had few years of voting eligibility before becoming incarcerated, or was incarcerated prior to being voting age. Reduced pre-carceral voting eligibility window: participants have been sentenced and/or in and out of prisons since before voting age or within a few years of being old enough to vote.
	Weak tradition of voting	Family, community, and/or personal history of disengagement from voting and elections

Theme	Sub-themes	Sub-theme parameters
Disinterest and disengagement	Disinterest & disengagement	"I'm not interested in politics" or "I dont really think about politics"
	History of negative institutional engagement	History of negative experiences and engagements with government, politics, courts, related institutions
	Lack of positive engagement with politics or government	A history of distance and disengagement from politicians and government; absence of prior helpful or positive experiences with politicians, political engagement, and government
Disillusionment, distrust, disempowerment	Political (dis)/empowerment	The extent to which participants are empowered to engage in politics and/or make a difference in the laws and policies which impact their lives and the lives of people they care about.
	Pre-carceral political empowerment	Empowerment and ability to engage with politics, to "make a difference" before being in prison
	Desire for involvement, unsure how to facilitate	Participants' desires to become politically-involved, coupled with a lack of knowledge of how to become more involved.
	Inaccessibility of politics	Feelings that politics are inaccessible or that the language of politics makes it difficult, that only certain people are able to engage in politics, exclusivity and elitism of politics
	Disillusionment, distrust, disempowerment	Disillusionment with political system; disempowerment ("things happen to me and I just go with it"); distrust of politicians or the political system; historically failed by
	Powerlessness, "nothing changes"	Sense of powerlessness in affecting political change; a sense of ineffectiveness or inability to "make a difference" in their lives or the lives of others; a theme that "nothing changes" despite political involvement, who is in power, or what promises politicians have made
	Distrust of politics and politicians	Notions that politics and politicians are useless and untrustworthy; Comparisons between self as "normal person" and politicians as high and mighty
Pre-carceral disenfranchisement  <i>Indications of a de-facto disenfranchisement occurring, or beginning, prior to imprisonment. This may include logistical constraints which strain the ability of those individuals and communities at increased risk of incarceration to engage with voting and/or political participation and/or the attitudes and opinions which have resulted from their lived experiences prior to imprisonment which dissuade them from voting and/or other forms of political engagement</i>	Political socialization (pre-prison)	Political socialization processes which occur prior to imprisonment, including in the home, among peers, in school, within the community, via media; family political background, instilled values & beliefs, voting behaviors, conversations.
	SES risk factors	Violence/abuse, addiction, substance abuse, housing insecurity, foster care, care homes, parents divorced/separated, mental health struggles, low-income background, in and out of institutions from young age (prisons, foster care, government care, etcetera), politically-disengaged community, lack of education
	Poor political & rights literacy	"I dont understand politics"/"It's too confusing for me"; struggles to comprehend words like citizenship and politics; poor knowledge/concept of own rights, struggling to understand how Elections Act works, lack of awareness of how to act upon own rights
	"Politics never spoke about"	Lack of prior engagement with political topics in the home, in social circles, and in community
	Barriers	Obstacles which inhibited voting and other forms of political participation before incarceration

Theme	Sub-themes	Sub-theme parameters
Carceral and post-carceral disenfranchisement	Access, convos & resources in prison	Political discussions, resources, education available in the prisons; Information about voting received while in prison; Conversations (or lack thereof) among people in prisons, staff, prisoners, etc. Access to resources and sources of political information (libraries, courses, news, information from staff) resource access to political information & education while in prison, where people are learning about their eligibility or ineligibility re:voting in the prison
	Barriers in prison	Barriers to voting & political engagement in prisons. Issues identified which prevent the distribution of information among people in prison
	Hierarchy of needs	Indications that voting and political engagement are deprioritised while imprisoned due to the pressing nature of other 'survival' needs
	Carceral & post-carceral political empowerment	Empowerment & ability to engage with politics, to "make a difference" since being in prison, anticipated ability to be involved after prison
	Political impact of imprisonment	Impact of imprisonment on beliefs, post-carceral engagement etc
Significance and meaning of the Act to imprisoned people	Significance & meaning of voting rights to people in prison	Significance & meaning of voting rights (or the deprivation thereof) to people in prison
	Who would vote in prison	Commentary on who is likely to vote or be politically engaged among imprisoned people. Comments about those on short-term sentences coming in and out like a "revolving door"; whereas those serving longer terms are more likely to vote.
	RO3; Conditions necessary	What conditions are needed to substantively and logistically enfranchise imprisoned people
	Suggestions	Participants' suggestions for facilitating voting, education, political empowerment for people in prisons
	Politics matters; issues, importance, desire for involvement	"I'd like to know more about politics" or "I'd like to get involved"; particular issues of interest and importance to participants; wanting to make a difference/have a positive impact; participants political beliefs and opinions
	"One day you'll be outside"	Arguments for enfranchisement based on the premise of one day returning to the community. I.e. "They should be able to vote because they're going back into the community after this"

## Appendix J

### Voting history and past incarcerations

Voting History	<i>Did not mention having been 'in and out' of prison</i>	<i>Mentioned being 'in and out' of prisons/jails</i>
<i>Every Election</i>	3	0
<i>Most Elections</i>	2	0
<i>Few Elections</i>	7	5
<i>Never Voted</i>	0	5
Total	12	10



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