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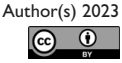
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The value of liminal cases in developing a narrative victimology: The case of families of people serving an indeterminate sentence for public protection

Kelly Mackenzie
University of Birmingham, UK

Harry Annison
University of Southampton, UK

Christina Straub
Durham University, UK; University of Bath, UK

Rachel Condry
University of Oxford, UK

Abstract

This article contributes to the emerging literature on narrative victimology by examining what we will suggest to be a telling 'liminal case': families of people sentenced to Imprisonment for Public Protection in England and Wales. We draw on qualitative research conducted with families of people sentenced to Imprisonment for Public Protection to explore how they narrated their experiences and show that while their own predominant narratives do overlap to a considerable degree with commonly accepted victimhood frames, they fail fully to 'fit'. We argue that such liminal cases have considerable value for the study of narrative victimology: just as 'central' or 'ideal' cases provide telling insights, the examination of the specific contours of 'ill fitting' case studies allows us to trace in more precise detail the boundaries – the extent, the force *and the limits* – of predominant narratives.

Corresponding author:
Kelly Mackenzie, Department of Social Policy, Sociology and Criminology, University of Birmingham, Edgbaston, Birmingham B15 2TT, UK.
Email: k.mackenzie.1@bham.ac.uk

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Introduction

This article outlines the significance of 'liminal cases' for the growing field of narrative victimology and builds on recent calls to explore why certain narratives of harm seem to resonate more in political and policy processes than others (Cook, 2021: 354). Stories about crime and offending are prevalent within the media and the public imagination, making it important to understand the nuance of these stories and how they work and are received in public consciousness.

Where other scholars such as Walklate et al. (2019) have considered the lessons to be drawn from examining how 'ideal victims' have driven significant social and policy reform, we here examine what we can term a liminal case: families of people serving a discredited indeterminate sentence in England and Wales, called Imprisonment for Public Protection (IPP). We show that the specifics of their experience differed in the way their stories 'work on people' (Frank, 2010: 666) – or indeed, have found it more difficult to do so. In depicting this as a liminal case, we are making a sociological rather than a normative observation.

Through a critical analysis of the campaigning families' struggles to achieve recognition via familiar victim narratives, we show first that they found themselves caught 'betwixt and between' (Thomassen, 2009: 16) narratives more and less helpful to their cause. Second, and relatedly, we show the circumstantial liminality they endured, caused by the state's formal recognition of the illegitimacy of the sentence but its failure to pursue this to its logical conclusion of ensuring sufficient action was taken to rectify the harms caused.

We conclude that there is value for narrative victimology in embracing a more expansive understanding of what it means to be harmed (Pemberton et al., 2019a; Tombs, 2020), broadening the analysis to include those who have experienced harm as a consequence of crime *and* punishment (Cook and Walklate, 2019).

The field of narrative victimology

While narrative criminology has endeavoured to answer 'why we harm', narrative victimology considers 'what it is to be harmed' (Cook and Walklate, 2019: 240). In doing so, it explores the 'diverse role' (Maruna and Liem, 2021: 133) that narratives play in 'understanding what has been done to us and how this relates to subsequent motivations, behaviours and actions' (Pemberton et al., 2019a: 393). Victimology has long critiqued idealised conceptions of victimhood that underpin who is determined to be, and who is recognised as, a victim (Walklate et al., 2019: 202). In practice, however, hierarchies of victimisation and discourses around notions of deserving and undeserving victims in public and policy discourse have long been observed (Christie, 1986).

Recent literature has drawn attention to the role of narrative 'in understanding who, how, where and why some stories are told and gain traction in the political and public domain', while others do not (Cook and Walklate, 2019: 241). A number of interrelated

narrative elements have been identified as being conducive to a victim's success in presenting an influential story that 'counts' (Walklate et al., 2019). These features include the personal characteristics of the narrator, the way they choose to tell their story, the way the story is received by an audience, the time and socio-political context in which the story is located, and the structural conditions that enable it to have effect (Walklate et al., 2019).

The degree to which a victim constructs their own narrative to conform with, or contrast to, dominant frames of victimhood is particularly pertinent (Pemberton et al., 2019a: 405). Such frames include the powerful narrative frame of the 'ideal' victim (Christie, 1986), as well as the 'pathetic' victim, or the 'heroic' victim (Meyers, 2016). Christie (1986), for instance, presented a number of attributes required for an individual to most readily be given the 'complete and legitimate status of being a victim of a crime' (p. 18). Such idealised conceptions of victimhood involve particular aspects of victimisation, such as vulnerability and passivity (Pemberton et al., 2019b: 401), and those who fail to meet the requirements for the ideal may be 'denied victim status (and likely blamed)' as a non-ideal victim (Fohring, 2018: 196).

Walklate et al. (2019), in their study of prominent Australian domestic and family violence campaigner Rosie Batty, for example, considered why the Australian public, media, policy makers, and practitioners, became 'caught up' in her story to a degree that was exceptional; since dubbed the 'Batty effect'. Batty was thrust into the public spotlight in February 2014, after her 11-year-old son Luke was murdered by his father at a cricket ground in Tyabb, south-east of Melbourne (Wheildon et al., 2022: 1685). Her story was so 'successful' in the political and cultural milieu in bringing about significant social and policy reform in Australia because it, justifiably, presented nearly all of the attributes required to confer legitimate 'ideal' victim status: she was an innocent, entirely blameless secondary victim of the most horrific crime imaginable: the murder of her son by his father (Walklate et al., 2019; see also Wheildon et al., 2022). Batty was also sufficiently powerful to confront, but not fundamentally to threaten, the interests of the Australian state (Walklate et al., 2019: 211).

Parallel cases in the United Kingdom that reflect at least some elements of the so-called 'Batty effect' include that of Doreen Lawrence, mother of Stephen Lawrence, who was murdered in a racially motivated attack by a gang of White youths in 1993; Sara Payne, mother of Sarah Payne, who was abducted and murdered in July 2000; and Helen Newlove, whose husband was murdered in an attack by a group of teenagers in 2007. In constructing and telling their personal stories, they presented a narrative 'not only for their pain' but also stood for other victims who might have had similar experiences of bereavement by homicide (Walklate et al., 2019: 201).

The action each took in the aftermath of the murder of their loved one, which included prominent and successful campaigns shaped by their own personal stories, garnered significant support from the public and resulted in legislative and policy reform, demonstrating the agentic quality that collective and individual victim narratives hold (Maruna and Liem, 2021: 134). Each became an influential voice and an agent of change in their role as a victim (Wheildon et al., 2022) and was ultimately successful in presenting their narrative 'as a symbol for a wider public concern and . . . influential enough to frame a policy agenda' (Maruna and Liem, 2021: 134).

Doreen Lawrence has played an important and influential role in shifting both public and policy debates over the past 30 years in relation to race, society and criminal justice. Her narrative now fits succinctly within the 'heroic victim' paradigm as an 'agentic figure' driven by her resolute commitment to standing up to racial injustice (Meyers, 2016: 36).[1] Yet this was not achieved without considerable (ongoing) struggle.

Despite the strength and coherence of her narrative as a mother bereaved by homicide, Lawrence did not conform to the social expectations of weakness, passivity and forgiveness required to be considered an 'ideal' victim (Fohring, 2018: 198). Her story, which we can only gesture at here, elucidates the complex interplay of factors that influence the extent to which a narrative is able to 'gain the appreciative understanding of those who are exposed to them and are able to act on them' (Walklate et al., 2019: 211) and demonstrates how the route to a narrative becoming 'successful' cannot be presumed to be a straightforward and linear path.

With these insights in mind, we now set out the policy context in which our case study is situated. We then examine the narrative path travelled by our respondents, families affected by the IPP sentence.

The IPP sentence, and families of people sentenced to IPP

The IPP sentence is an English form of indeterminate sentence that was created in 2003 and has proved to be highly controversial. It is a sentence that was targeted explicitly at 'dangerous offenders', which required the offender's ongoing imprisonment unless and until they are able to demonstrate to the Parole Board for England and Wales that it is no longer necessary for the protection of the public that they remain confined. The sentence represented a dramatic policy shift towards a form of preventive justice (see Ashworth and Zedner, 2014), and in practice significantly re-shaped the prison population of England and Wales. From its implementation in 2005, approximately 1000 prisoners were sentenced to IPP every year. The sentence was amended in 2008 and then abolished in 2012 (Annison, 2015).

Its abolition was informed by a series of legal challenges that, at one point, raised the prospect of the ongoing imprisonment of IPP prisoners being ruled unlawful (Annison, 2014). At the time of its abolition, the Justice Secretary stated that the sentence was discredited; he told Parliament that the operation of the sentence had proved to be:

> Unclear, inconsistent and . . . used far more than was ever intended . . . That is unjust to the people in question and completely inconsistent with the policy of punishment, reform and rehabilitation.[2]

However, no retrospective action was taken in 2012 or subsequently: the individuals, over 8000 in total, sentenced to IPP remained subject to that sentence. This meant that those in prison stayed in prison and those released continued to be subject to their existing licence conditions and the ongoing threat of recall (Edgar et al., 2020).

Since its abolition, the problems caused by the failure to take firmer action in relation to those already sentenced to IPP have continued to grow. The Justice Committee (2022) reported that nearly 3000 IPP prisoners remained: half who had never been released, the

other half having been released but subsequently recalled. Nearly all of these prisoners have passed their tariff expiry date (i.e. nearly all would have been released if serving a determinate sentence). The ongoing impact of the sentence reverberates beyond the individual, harming their families (Straub and Annison, 2020) and poses considerable challenges to those working within the criminal justice system (Justice Committee, 2022).

In September 2022, the Justice Committee described the sentence as 'irredeemably flawed' and called for a resentencing exercise for all people still subject to the IPP sentence. After unexplained delay, this recommendation was eventually rejected by the Secretary of State for Justice. Further legislative action to address these issues therefore remains a distant prospect.

Families of people sentenced to IPP ('families')[3] have been campaigning to have their stories, and those of their relatives, heard for over 15 years. Unlike most other families of prisoners, they have received a considerable amount of media coverage, garnered sympathy from some state actors, and the injustice of the sentence and the harm caused to families has been officially acknowledged. Their narratives have been heard by some powerful parliamentarians and policymakers that other prisoners' families, more generally, have never been able to reach. In recent years, the agentic nature of the families' stories, captured in their motivations to take action and campaign, has gained the attention of scholars and campaigning organisations, such as the Prison Reform Trust (Annison and Straub, 2019; Edgar et al., 2020), as well as recognition by state institutions such as the Parole Board (2020) and HMPPS (2021). And yet, their influence on policy and practice has been limited (Annison and Condry, 2022). In the following section, we briefly outline our methodological approach before examining the families' narratives.

Methodology

The following analysis is based on qualitative empirical research data collected in two interconnected projects that aimed to understand the issues faced by the families. The first project comprised in-depth interviews conducted with 15 family members, seeking primarily to provide insights into respondents' experiences supporting someone serving an IPP sentence (Annison and Condry, 2018). Respondents were nearly all female, with most being either mothers or long-term partners of the person sentenced.

The second project examined in greater detail families' experiences and worked with them to identify specific actions that relevant organisations could take to ameliorate them (Annison and Straub, 2019). Three workshops were also conducted with family members (n = 12) in England and Wales. These were run as focus groups lasting 3–4 hours. The research received ethical approval by the University of Southampton ethics committee, respective IDs 28613 and 47431.

Data (i.e. interview and workshop transcripts) of both research projects were analysed with a view to unearth the most prominent themes of participants' experiences of the effects of their relative's IPP sentence on themselves (and the wider family). This research employed thematic analysis, following the six-step process suggested by Braun and Clarke (2006). Three of the research team conducted initial analysis separately, which was then discussed collectively. A recurring storyline of pain and suffering related to the specific nature of the IPP sentence provided the basis of this article's exploration of

sub-themes. Sub-themes were provisionally identified, being iteratively refined by 'playing them back' against the totality of the interview data, and each author's initial analysis, ensuring that they were supported by the underlying data.

In reporting the findings, the use of pseudonymisation as a means of presenting more individualised narratives was considered. However, this was deemed inappropriate given that, due to the relatively small number of individuals involved, we could not be confident that this would not preclude the identification of individual participants. This would have run contrary to ethical assurances provided to the people who chose to participate in the research.

Families' stories

In the stories told by the families, we found that three predominant narrative frames emerged: *narratives of individualised trauma and distress; narratives of injustice and institutional failure*; and *narratives of ethical loneliness.* Here, we map families' accounts of the harms they have experienced and outline the extent to which their narratives overlap with commonly accepted victimhood frames.

Narratives of individualised trauma and distress

Family members were experiencing harm as a direct result of the imposition of the discredited IPP sentence on their relative. And this suffering was a significant narrative rupture (Pemberton and Aarten, 2018: 544). While this was experienced in the past, it continued to impact their present:

> It's 30,000 [family members of people serving IPP] heartbroken. In the next two years, it could be 15,000 people heartbroken because they got knocked back for no reason or recalled. And how can you plan a future when you're not allowed one yet? It could be took away from you at any moment . . . How can you plan a future? (Interview)

They spoke of the indefinite nature of the IPP sentence impeding upon their ability to envisage a future and move forward with their own lives. Unable to reconstruct their experience into a 'coherent and continuous whole' (Pemberton and Aarten, 2018: 544), their life stories were disrupted, further compounded by distress, anxiety and suffering. Respondents spoke of a trajectory of cumulative damage, with participants carrying an institutional burden of punishment that affected them economically, emotionally and socially. They experienced themselves as suffering 'symbiotic harms' (Condry and Minson, 2021) caused by a sentence, and a system, that did not recognise their struggles:

> I'm telling you, it's the family serving that sentence because, ok, the prisoner's in court, has been sentenced. You're there for how many years, but you're getting your meals, you're not paying bills . . . But you see the family is the one carrying that weight. (Interview)

> For example, when you visit you are treated like you are a prisoner too. When he's down, I'm down. I get affected by how he's feeling. I miss out on normal things in a relationship. (Interview)

Individualised narratives of trauma repeatedly emerged, painting a vivid picture of psychological suffering:

> I've never been in the depths of despair like I'm in now. (Workshop)

> I didn't think it would be as bad, so stressful on us guys . . . We've all lost the plot a little bit . . . from the sheer anxiety and the stress. (Workshop)

> You . . . put pressure on yourself to do more and more and more and more, and you end up driving yourself into a pit of despair and anxiety and the tears just didn't stop rolling for months, months and months. I'd go to bed crying, wake up crying, pull myself together when he got on the phone eventually . . . and when I went to see him. (Interview)

The indeterminacy, the 'not knowing, when it will ever end' (Interview), created what Horvath et al. (2018) describe as 'a sudden irruption . . . of existential crisis' resulting in a 'loss of meaning, ambivalence, and disorientation' (pp. 2–3). For the families, the 'extended period of extreme liminality' initiated by imprisonment is augmented by the indeterminacy of the sentence (Maruna, 2011: 11). The absence of opportunities for closure represented significant stressors impacting their physical and mental health over time:

> I had brain scans, heart scans, lung scans, back scans, all these scans and they decided it's a mental health issue to do with the stresses brought on through the IPP with [son's name] being in prison. (Workshop)

> You do break down and they are nervous breakdowns because . . . It's never off your mind. It drives you to drink because . . . you're sitting there – the worst time is at night – and you're thinking, 'What am I going to do next?' (Workshop)

It is already recognised in the literature that prisoners' families 'experience restricted rights, diminished resources, social marginalisation, and other consequences of penal confinement' (Comfort, 2007: 7). In the process of extended interaction with the institution, relatives and partners of prisoners may assume 'the status of quasi-inmates' (Condry et al., 2016: 629) and experience 'secondary prisonization' (Comfort, 2007) as a result.

The stories told by the families reflect many of the elements of a narrative of victimisation, such as notions of *trauma* and *harm*, caused by the restricted rights of the prisoner, diminished resources, grief and loss of a loved one. The families experience all the harms that generally families of prisoners' experience but they also experience additional ones which directly relate to a perceived injustice connected to the history and legal specifics of the IPP sentence. Thus, another emerging narrative was constructed around experiences of injustice and institutional failure.

Narratives of injustice and institutional failure

For many of the families, the sentence was an injustice:

> The punishment has to fit the crime, and this IPP doesn't fit any kind of crime. (Interview)

The claim that their relative in prison was suffering 'unjust desserts' (Jacobson and Hough, 2010) was potentially persuasive: that it was illiberal, and *unfair*, for people to be kept in prison solely for what they might do in the future (Zedner, 2009). This narrative did have force; influential figures, such as the retired Lord Brown of Eaton-Under-Heywood, have argued that the IPP sentence is 'the single greatest stain on our criminal justice system' (Grierson, 2020), while the Supreme Court has asserted that the IPP is a 'seriously flawed system' that was 'introduced without sufficient funding to cope with it'.[4] The launch of an inquiry by the Justice Committee in September 2021 and its conclusion the following year that the sentence requires complete eradication (via the re-sentencing of all affected people) shows influence of this narrative.

For some families, however, a distinct concern was not the sentence per se,[5] but the various failures and limitations in its implementation and practice. As one family member noted,

> What's got to be recognised, you know, why are [the government] getting away with this type of thing? They've got to be held to account, you know. There are so many people turning a blind eye and it just can't go on. (Workshop)

And to the extent that the onus was often pushed back onto the responsibilised – and presumed dangerous – prisoner, and their support networks, for their progression towards release from the IPP sentence, some families sought to 'condemn the condemners' (Matza, 1964), to 'neutralize' their positioning as deviants by turning the focus back onto the power-holders:

> These bastards just couldn't care. I'd appreciate their honesty, if they said 'we fucked up'. (Interview)

The communicative force of these concerns was nonetheless dulled by the complexity and multi-layered nature of the problems of the IPP sentence. For example, while some IPP prisoners are effectively re-allocated discretionary lifers,[6] many committed offences that under current legislation would now merit a relatively short determinate sentence. Furthermore, while a small number of prisons have sought to achieve the 'quiet rescue' of those sentenced to IPP (Liebling et al., 2019), the penal system more generally is succeeding only in further institutionalising young men who have spent their formative years trapped in appalling conditions (Jacobson and Hough, 2010; Justice Committee, 2022).

The complexities of the institutional failure narrative – and the variety of specific experiences within this – meant that this argument struggled to overcome the partial rebuttals, the caveats, which powerful political actors emphasised. Despite the abolition of the IPP sentence, any move to take retrospective action has been preceded by discussions on specific and complex issues pertaining to the sentence. This limits the extent to which campaigns around the sentence are able to be truly compelling. The disjuncture between recognition by powerful policymakers and the continued sway of public protection arguments led to the families expressing their anguish in not feeling heard by those who have the power to help. We explore this in the following sub-section.

Narratives of ethical loneliness

The notion of 'ethical loneliness' is used here to speak to the families' narratives of pain and suffering, exacerbated by a distinct sense of their stories not being heard or recognised by the public, policymakers and the broader criminal justice system. Many family members were aware of the limited recognition afforded to them by the state and public:

> It's literally like we're in a box, in a glass box, screaming and shouting and nobody can hear us. (Workshop)

Stauffer (2015), writing in the context of transitional justice, coined the term 'ethical loneliness' to speak to 'the injustice of not being heard' when 'the surrounding world will not listen to or cannot properly hear' (p. 1). Stauffer focuses on the core issues of what it means to be at margins within particular contexts, holding the liminal status of being heard but not *listened* to. Although the particulars of Stauffer's argument are centred upon a different context, for the IPP sentence this is exemplified in the recognition of the families' pain and suffering but the failure of the penal system to satisfactorily address the problems posed by the sentence. The lack of audience willing to hear the families and to understand their words in the way they intend has a significant impact upon their ability to successfully construct their narratives (Brison, 2002: 51). As one family member noted,

> This is what makes it so soul-destroying and so hard, is that you are literally on the outside, trying to get a life out here too, banging your head on a wall. (Interview)

> There's no public sympathy . . . [we would need to] change the culture, the atmosphere, about prisoner families . . . so that they are seen as part of being victims. (Interview)

Many family members were aware of the limited recognition afforded to them by the state and public. While the injustice was acknowledged, the lack of sympathy was demonstrated substantively in the lack of action taken by state and criminal justice agencies. Their sense of being unheard was further compounded by the predominance of a public protection argument which operated as an overriding theme (see Annison, 2015: Chapter 7; Annison and Condry, 2022). The force of the injustice and institutional failure narrative in the political domain was hindered by the countervailing sense that these were lawfully convicted offenders, who had been identified as 'dangerous offenders'.

Situating this narrative within 'a wider societal ecology of narratives', the extent to which the families succeeded in 'connecting their narrative to their social surroundings' was inhibited by the way in which the government has storied the IPP sentence (Pemberton et al., 2019b: 406). Within a risk-averse culture, the concern that such prisoners must be there for a good reason appeared to hold powerful sway. The government line repeated *ad nauseum* reflects this logic:

> Our primary responsibility is to protect the public. Prisoners serving IPP sentences will be released only when the independent Parole Board concludes that the risk to the public is capable

> of being safely managed in the community under probation supervision. Many of these prisoners pose a high risk of committing further violent or sexual offences, and it would be wrong to simply release them en masse. For that reason, we have no plans to abolish IPP sentences or make other legislative changes.[7]

In the following section, we consider *how* and *why* certain narrative possibilities remain only partially available to the families and explore the liminality they, and their narratives, hold as a consequence.

Exploring the liminality

The concept of liminality first emerged in anthropological literature to demarcate the second or transitional stage of a rite of passage. It 'captures in-between situations and conditions characterized by the dislocation of established structures, the reversal of hierarchies, and uncertainty about . . . future outcomes' (Horvath et al., 2018: 2). Liminality can be demarcated as relating to status (Thomassen, 2009: 16) (e.g. being conceptualised as a victim or an offender), or as circumstantial, relating to the substantive situation in which one finds oneself (e.g. being physically incarcerated or not).

We expand on these conceptual matters in the following discussion. We examine further how families have been denied the traction of some familiar narratives in this field, in particular narratives of being victims of miscarriages of justice, institutional failure and harm therein. We then consider what this suggests for future narrative victimological research.

The definition of a 'miscarriage of justice' (MoJ) points to wrongful convictions of the innocent by the state, or failures by the state to respond appropriately to victimisation (Savage et al., 2007: 84). In both cases, the assertion at the heart of a MoJ campaign is one of institutional failure (Greer and McLaughlin, 2017). Both elements of this definition essentially orbit around questions of conviction of a criminal offence. In the case of the former, a 'successful' but inappropriate conviction of a suspect; in the case of the latter, the failure to secure the conviction of an offender (be that due to a failure to investigate, to prosecute or to convict).

If this conception of miscarriages of justice is already problematic for many of those who are relatively central to that ideal type (i.e. victims of unsafe convictions and other 'typical' forms of institutional failure) (Hoyle and Sato, 2019), then the families found themselves grappling with even greater difficulties:

> They made them out to be monsters, didn't they? And that's what they've done, they've actually made monsters of the men. (Workshop)

For the families, it is the (usually) legally safe but morally inappropriate conviction that presents a significant barrier. They generally did not seek to argue that their relatives had been wrongfully convicted. Rather they were exercised by the wrongful decisions as regards sentencing (for some), or the failure in practice of a potentially beneficial sentence (for others). Dominant families' narratives revolved around the perceived failures by the state; that this constituted a form of victimisation for the prisoner and a form of secondary victimisation for the families.

An experience of one family member while trying to get signatures for a petition against the IPP sentence illustrates one aspect of this difficulty:

> I was doing a petition once . . . A little old lady passes by and I was explaining to her why I would like her to sign, you know, 'Would you listen to what I have to tell you, and if you agree would you sign the petition?' So, she went, 'No, I'm not signing this, a couple of years ago I had my handbag nicked off my shoulder by a thug and what have you' . . . But, then she came back ten minutes later and she went, 'I've had a think about what you told me. I am going to sign the petition, because that little bugger that nicked my handbag off my shoulder seven years before, I wouldn't like to think that he was inside for the rest of his life. I'd like to think that he had mended his ways. And, I hope this gives your [relative] a chance to mend his ways'. (Interview)

A key feature of many miscarriage of justice campaigns is the family of the affected individual. Savage et al. (2007) point to the centrality of this role when they quote a research subject who argues that families 'are essentially the best protagonists of change', they are the 'heroes' of any campaign (p. 99). Yet, for families of people sentenced to IPP, the success of their campaigns against the perceived injustice for many years struggled to overcome 'kin contamination' (Condry, 2007). Families faced stigma due to their association with those who have committed a criminal act:

> I feel like I am also on an IPP sentence. I have never been in trouble, had a good job. But I am also being punished. (Interview)

State arguments based on public protection emphasised that neither people sentenced to IPP, nor their families, were an innocent victim: those sentenced to IPP were 'criminals', they had been convicted, and in almost every case the conviction itself was not contested. This is indicative of what Garfinkel terms a 'status degradation ceremony', with the families experiencing the residual effects of this degradation (Garfinkel in Maruna, 2011: 11). While their individualised narratives of trauma and suffering do go some way to storying their experience through a notion of blamelessness given the 'symbiotic harms' they have suffered, as families of prisoners they were not seen as wholly innocent, or were indeed seen as in some way culpable for the behaviour of their relative due to their kin ties (Condry, 2007). This impeded the families' ability to conform to idealised conceptions of innocence and blamelessness required by prevailing victimhood frames (Christie, 1986).

By contrast, families of people sentenced to IPP, in the terms we discuss here, were viewed as a form of what Meyers (2016) has termed 'impure victims' (p. 39). Writing in the context of international human rights, Meyers (2016) argues that dominant paradigms underlying human rights organisations' support for victims 'demand that you be innocent – that is, nothing you have done could reasonably be construed to imply consent to the harsh treatment you've endured' (p. 48). And this aligns with Condry's (2010) recognition of the 'immense interpretive power' of victimhood, and indeed the importance of the 'processes through which claims and counterclaims [of victimhood] are (and are not) honoured' (p. 220).

The families are thus suspended 'betwixt and between' statuses: part victim *and* part guilty by association. They are at the intersection of various boundaries. Despite the harm and suffering they have experienced, their liminal status weakens their ability to

fight for justice because they are unable to transition across the threshold into a more beneficial state, such as being recognised as a victim of a clear miscarriage of justice.

In this sense, the narrative contestation we have described can be understood as a battle of techniques of neutralisation that functions to maintain the liminal status of those sentenced to IPP and their families. For the families, the state had publicly admitted its failings, its 'deviance' from its duties in law and morality (Matza and Sykes, 1961). While their relative had committed a criminal offence, and in that sense breached certain social norms, it was the state that had breached far more important norms relating to the appropriate limits of state punishment (and positive obligations therein) and should therefore be condemned. By contrast, for the state, theirs was in part a denial of responsibility: the relevant individuals were in prison due to their own criminal behaviour, and their failures to appropriately engage with supportive measures in place.

Drawing the above strands together elucidates the dimensions of the liminal state the families occupy. The state's position is not to deny injury (i.e. the issues relating to the IPP sentence are recognised), nor to 'condemn the condemners': indeed, the plight of the families and their relatives sentenced to IPP is widely recognised. Yet substantive action to rectify the injustice of the sentence appears to remain distant (which is itself a cause of considerable suffering). While their circumstances could in theory change in the future, the families remain 'stuck in liminality', with no defined way out of this state (Thomassen, 2009: 22).

What the families seek is 're-entry as a rite of passage' (Maruna, 2011). This 'rite of incorporation' could include legislative action to end their relatives' imprisonment (which could be achieved in various forms: Justice Committee, 2022), as well as a symbolic act, such as a suitable public statement (Maruna, 2011: 11). This would allow the families to transition into a 'post-IPP' stage of incorporation, back into the normal routines and structures of society (most simply, working towards being a 'normal person' with their family). And yet, the families remain 'outside the normal structures of society in a liminal state characterized by jeopardy and promise' (Maruna, 2011: 8). They are understandably, however, unable to let go of the 'pain of hope' that such a rite of incorporation might be enacted (Annison and Condry, 2022).

Notwithstanding, or perhaps in part because of, the significant challenges faced by families of people serving an IPP sentence, it is striking that a number of these individuals increasingly came to public prominence, as protagonists of change:

> Yeah, at the start. The first thing I done, I freaked out when he didn't get his parole, right and I broke down, I smashed all my dishes out there and I was crying, and I was talking to myself. 'What am I going to do? He's my boy, he's my baby, he don't deserve to be there'. I was breaking down, right, and I thought, 'Right, that's it'. Come Saturday . . . That was on the Friday, Saturday morning I thought, 'I've got to do something'. I just phoned up my friend, I made a banner, very quickly and I just went up the prison and protested. (Interview)

Here, the injustice element of their narratives, including their frustrations at the difficulties their relative faced around release and recall, motivated their action to campaign. In constructing their relative and then themselves as suffering a wrong imposed by

the state, the families constructed a narrative identity built around injustice. This has motivated individual action as well as limited collective organisation in the form of online campaigns, such as the IPP Committee in Action, Smash IPP and the United Group for Reform of IPP (UNGRIPP), with organisations using social media, petitions, marches and protests to raise awareness of the injustices of the IPP sentence within the wider public.

A number of family campaigners have become regular contributors to documentaries and events devoted to the IPP issue, with their personal narratives being a central part of their public engagement. Two particularly prominent campaigners were invited to appear before parliamentarians to contribute to the Justice Committee's IPP Sentences inquiry (UK Parliament, 2021b). And yet, their stories have not garnered the prominence that other family campaigners, such as Doreen Lawrence or Rosie Batty, have achieved within the public realm.

In narrating their circumstances and the harms and injustices they have experienced, the work that their narratives are doing has provided a route to come together collectively. For example, the UNGRIPP campaign statement asserts that

> Our perspective on the IPP is simple: The state of the sentence now, undermines its ability to achieve anything meaningful. A banned sentence cannot rehabilitate, protect or punish. But it does cause pain, damage, and waste money. (United Group for Reform of IPP (UNGRIPP), 2021)

While the multiplicity of the narratives constructed by the families included various accepted elements of existing victim narratives, such as trauma, loss, and, in some cases, bereavement, ultimately their narratives were 'ill-fitting' within predominant victimhood narratives and the extant structural and cultural conditions require to make a story 'successful'. Some of this reflected differing views by the individuals themselves about how they understood themselves in relation to the IPP sentence and in particular whether they were a 'victim' (Condry, 2010: 237). Their narrative claims did have universal elements (themes of injustice, of unfair treatment) but were undermined and effaced by the lingering sense of individual responsibility arising as a consequence of the identity of the IPP sentence: that the prisoner must have done something seriously wrong (and be dangerous); how could the family have let this happen?

The value of liminal cases

Narratives are powerful and can have considerable force. Central thematic elements within the stories of (certain) victims of crime, such as innocence, injustice, trauma and harm, allow the resultant narrative to resonate within the cultural and political milieu with little challenge. The stories that a campaigner such as Rosie Batty tells are powerful in themselves, but run along draw upon an accepted narrative tramlines that supports their 'success' within broader society.

Recent scholarly work has brought the symbiotic harms inflicted by the penal system upon families of prisoners to the fore (Condry and Scharff Smith, 2018; Condry and Minson, 2021). The considerable emotional, economic, and social toll of imprisonment

upon families has been acknowledged, with trauma, suffering and injustice remaining powerful and influential components in the public narratives that have emerged. Nonetheless, some prisoner families' narratives struggle to have their suffering recognised. Those campaigning to rectify injustices faced, for instance, have struggled to have their stories heard by virtue of their connection to criminality; this connection contesting their perceived innocence among, even, other campaigners within the criminal justice system. The connections between their narrative and the dominant, overarching themes of innocence and injustice must be significant and robust if their story is to resonate within criminal justice processes.

Moving further, still, from the 'ideal victim' case, we focused upon a specific type of family: families of people sentenced to IPP. We consider these families to be a liminal case, as a sociological rather than a normative observation, their situation struggling to settle neatly into commonly accepted victimhood narratives. Their liminality is embodied in their struggle to 'fit' and to be heard by those who have the power to help their cause. In explaining this, we have drawn on Meyer's (2016) discussion of 'impure victims'.

Our respondents tended to be concerned to have their voices heard both by national policy makers and at the level of the penal institutions whose practice dictated the progression (or otherwise) of their relative towards release. Families often struggled to have positive influence on these institutions or engage positively with individual practitioners (see Annison and Straub, 2019). While their narratives of injustice have received increasingly supportive press coverage, support by parliamentarians and policymakers, there has been a persistent lack of substantive outcomes. Significant state action to facilitate 're-entry as a rite of passage' (Maruna, 2011), for people sentenced to IPP and their families, remains a distant prospect.

Conclusion

We contend that there is value for the emerging narrative victimological literature to bring a group that does not quite 'fit' into the scholarly dialogue. Through a recognition of the families' liminality, we argue that ethical loneliness arises as a danger of the failure of the penal system fully to recognise the secondary harms of the punishment imposed on their relative. The families are not responsible for the harms they have experienced; they do not necessarily call themselves victims (although some do), yet undeniably they have experienced harm that has been caused by factors beyond their control (Holstein and Miller, 1990: 106) and do rightly see themselves as having suffered a wrong.

Hearing the accounts articulated by families is critical to understanding the harms that have arisen as a consequence of crime *and* state punishment, speaking to the 'need to recognize the rights of innocent citizens, even if the imprisonment of convicted offenders can be justified' (Condry and Minson, 2021: 552). Irrespective of the connection to their relative, moral and residual obligations arise upon the state to respond to and redress the harms caused. Families of people sentenced to IPP, and those in support of their plight, should not have to contort and twist their narrative constructions to edge closer to existing conceptions of victimhood in an effort to move out from the liminal space to be heard. In line with our overall argument, it stands to reason that if more help and support

could be generated through a more expansive understanding of harm – including in particular arguments such as those seen here relating to harm that arises as a *consequence of state punishment* – that more robust responses to the harms inflicted may arise.

This has not only scholarly implications but also substantive import for those affected by state (in)action in the criminal justice sphere. Families' experiences of the harms of the IPP sentence, and their desire for these to be addressed, have been central to their efforts (see Annison and Condry, 2022). Indeed, efforts made by elements of the penal system itself (usually partial and limited, due in large part to the wider political constraints) have been framed in part as efforts to address such harms (see, for example, HMPPS, 2021; Parole Board, 2020).

The terminology that *should* be used to frame the individuals and the basis of their claims for assistance – be that centring on victimhood, harm or other terms – varies. One could expand the notion of victimhood to cover such situations, or use other terminology. This is an important question, one we here raise, rather than seek conclusively to settle.

We ultimately argue, therefore, that the experiences of people who have suffered wider harms – not solely those who are primary victims or those who are more straightforward 'ideal victims' – should be included within the emerging narrative victimology framework, opening a more expansive understanding of harm and suffering. The inclusion of liminal cases further strengthens arguments not to view 'victims and offenders in dichotomous terms which has long been challenged within criminology more generally' (Cook and Walklate, 2019: 242).

Taking liminality seriously presents an opportunity for narrative victimology to acknowledge all kinds of harm and suffering without always having to apply the label of victim. The value of liminal cases holds the possibility for narrative victimology to better delineate the specific nuances and dynamics of relevant case studies. It may serve to further develop an understanding – and potentially a challenging – of existing 'hierarchies of victimization' (Pemberton et al., 2019b: 401) through an exploration of the tensions embodied in what is held, permitted and constrained within the liminal.

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ORCID iD

Kelly Mackenzie https://orcid.org/0000-0002-1290-0079

Notes

1. It is also notable that the *Daily Mail* right-wing tabloid newspaper chose to support the Lawrence family's campaign for justice (Cathcart, 2017).
2. Rt Hon Kenneth Clarke MP, Hansard: HC Deb 1 November 2011, col 785-787.
3. We use 'families' as shorthand for those with familial relations, including but not limited to biological or legally formalised relationships.
4. *R. (on the application of Kaiyam) v Secretary of State for Justice* [2014] UKSC 66; [2015] A.C. 1344.
5. We should note that families were not entirely uniform in decrying the sentence in principle. But the vast majority did, and we did not identify any families who considered that the sentence in practice had operated in a satisfactory way.
6. These cases have tended to be controversial but featuring a very different dynamic, often driven by the notion that the prisoner has not suffered enough having received a lower tariff than they 'should' have done given the gravity of their offending (Annison, 2020).
7. Rt Hon Lucy Frazer MP, HC Deb, 18 February 2020, cW.

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Author biographies

Kelly Mackenzie is a Research Fellow in the Trauma, Social Harm and Health Research team. She is currently working on a study exploring the 'Effectiveness of Women's Centres in England and Wales', which aims to improve justice and outcomes for criminal justice involved women.

Harry Annison's work focuses on the political and policy making dynamics that relate to penal change. He currently has particular interest in the substantive areas of probation and parole, and has engaged in long-standing work on the Imprisonment for Public Protection sentence.

Christina Straub's vocation is centred around (multidisciplinary) prison research and ethnography. Currently, she works with Dr Kate O'Brien at Durham University, evaluating the 'Early Days in Custody' programme delivered by NEPACS, and with Dr Kate Gooch at the University of Bath, exploring serious harm and violence at HMP Long Lartin.

Rachel Condry is Professor of Criminology in the Centre for Criminology and Fellow of St Hilda's College. Her work focuses broadly on the intersections between crime and the family, including interests in families of serious offenders, prisoners' families, parenting in youth justice, and filial violence.