

I

The Modern Prison Paradox

The test of every religious, political, or educational system, is the man which it forms.

If a system injures the intelligence it is bad. If it injures the character it is vicious.

If it injures the conscience it is criminal.

Henri Frederic Amiel, *Journal* (June 17, 1852)

In the early morning hours of Sunday, August 14, 1971, police cars in the small city of Palo Alto, California, were dispatched to the homes of 12 young men. Uniformed officers knocked on their doors and notified the men that they were being charged with armed robbery and burglary. They were read their rights, searched, handcuffed, and put in the back of a squad car. Each was taken to the police station, where he was summarily processed: photographed, fingerprinted, and led to a holding cell. These dozen men were then transferred to prison, where they were to be incarcerated together for 14 days under the watchful eye of the warden and a rotating cast of 12 young prison guards.

Thus began a landmark experiment that offered scholars a remarkable window on the socializing effects of prison. The experimental protocol was fairly straightforward. Twenty-four research subjects, all healthy and normal college-aged men, had been randomly assigned to play the part of either a prisoner or a prison guard. For two weeks, these men would live full time (in the case of the inmates) or work long shifts (in the case of the guards) in a simulated prison that had been carefully constructed in the basement of a building at Stanford University.

The goal of the study, which would come to be known as the Stanford Prison Experiment, was to examine “the extraordinary power of institutional environments to influence those who passed through them.”¹ In particular, the researchers were interested in the way that individuals adapt to the rules and roles of their situational context. The relatively long time frame of the study and the nearly total immersion of the research subjects in the prison environment were necessary, according to the researchers, to “allow sufficient time for situational norms to develop and patterns of social interaction to emerge, change and become crystallized.”² Essentially, the researchers set out to show that even “normal” people could be shaped by the contours of their environment and their relative position within it.

The results of the Stanford Prison Experiment are by now well known to any student who has taken an introductory psychology class: the experimental subjects quickly began to adapt to prison life. By only the second day, participants had begun to display intense emotional behaviors according to their assigned role. Prison guards developed an “us against them” mentality, becoming belligerent toward their charges. Inmates also succumbed to their new role. Some pushed back against their captors, refusing to comply with institutional rules. Others became depressed and in many cases withdrawn. The extent and speed of this adaptation surprised even the researchers.

The situation escalated in the days that followed. Officers resorted to increasingly punitive tactics to force compliance with their edicts. The researchers witnessed prison guards intentionally humiliating inmates, calling them derogatory names, and punishing them for insubordination or other behaviors deemed unacceptable. In addition, the researchers noted that “none of the less actively cruel mock-guards ever intervened or complained about the abuses they witnessed.”³ Those who occupied the inmate role likewise became deeply immersed. Several inmates staged a rebellion, barricading themselves in a room. By the middle of the first week, others showed signs of severe psychological distress. The lead researcher, Philip Zimbardo, describes the scene that unfolded:

The most dramatic of the coping behaviour utilised by half of the prisoners in adapting to this stressful situation was the development of acute emotional disturbance – severe enough to warrant their early release. At least a third of the guards were judged to have become far more aggressive and

dehumanising toward the prisoners than would ordinarily be predicted in a simulation study.⁴

Faced with an environment that encouraged nearly total adaption to their respective roles of the powerful and the powerless, these seemingly normal men began to act out in ways that would have been completely out of place in their regular lives; indeed, the demands of the institutional environment seemed to override their individual dispositions. Zimbardo writes, “We had created a dominating behavioral context whose power insidiously frayed the seemingly impervious values of compassion, fair play, and belief in a just world. The situation won; humanity lost.”⁵ Confronted by a rapidly deteriorating situation and concerned for the health and safety of the research subjects, Zimbardo and his colleagues terminated the experiment after only six days.⁶

Crime and Punishment in America

Over the past half-century, America has enacted a real-life version of the Stanford prison on an unprecedented scale. In just four decades, the size of the state prison population has grown by more than 700 percent (see Figure 1.1).⁷ By 2008, the number of incarcerated individuals in the United States hit an all-time high, with 1 in 100 adults in either prison or jail⁸ and fully 1 in every 31 American adults under some form of correctional jurisdiction (including incarceration, probation, and parole).⁹ In the size of its incarcerated populations, America now has no equal; it houses about a quarter of the world’s prisoners, despite having less than 5 percent of the world’s population. China, which has a population four times larger than that of the United States, is a distant second in the size of its imprisoned population, and most European nations have only about one-seventh the per capita incarcerated population of the United States.¹⁰

These snapshots are startling. However, there are two important ways in which even these numbers underestimate the true scale of mass imprisonment. First, the incarcerated are highly concentrated by race, class, age, and geography. In America today, the prison has become an increasingly prevalent institution in citizens’ lives, but it is particularly so for youth, racial minorities, and the poor. For example, while “1 in 100” describes the proportion of incarcerated among the nation’s total

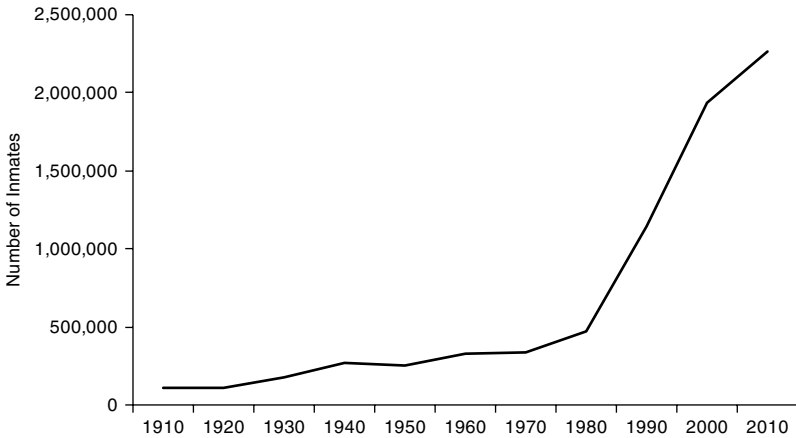


FIGURE 1.1. Estimated number of jail and prison inmates in the United States, 1910–2010.

Source: For 1910–1990: Justice Policy Institute, *The Punishing Decade: Prison and Jail Estimates at the Millennium*; for 2000 and 2010, Bureau of Justice Statistics, *Correctional Populations in the United States, 2010*.

adult population, the figure is 1 in every 9 for young black men and a whopping 1 in every 3 for young black men without a high school education.¹¹ Among young male Latinos who did not complete high school, 1 in every 14 is behind bars.

For these groups of citizens, rates of contact with criminal justice now rival the likelihood of experiencing more traditional landmarks of the life course, including getting married and owning a home. Today, a black man without a high school education is more likely to be found in a prison or jail than at work.¹² Prison institutions have likewise replaced other, more conventional points of citizen contact with the state, emerging as “a major institutional competitor” to military service and secondary public education, particularly for racial minorities.¹³ As Senator Jim Webb recently observed, “[T]he principal nexus between young African-American men and our society is increasingly the criminal justice system.”¹⁴ For these individuals, imprisonment has become a “predictable part of experience.”¹⁵

Likewise, the experience of incarceration is highly concentrated in certain geographic areas. For instance, taxpayers in Pennsylvania spend more than \$40 million a year to incarcerate residents sharing just a single low-income zip code in the state.¹⁶ In Michigan, one-third of prisoners

are sent back to a single county. About 80 percent live in Detroit, 41 percent in only eight zip codes.¹⁷ A greater number of prisoners return to just seven neighborhoods in Houston than come home to several whole counties in Texas. And of the more than 50 community board districts in New York City, nearly three-quarters of prisoners in the entire state hail from just seven.¹⁸ Simply put, some areas have become “deep reservoirs of criminal justice involvement,” where punishment and prisons help to construct the “architecture of community life.”¹⁹ This has led some to criticize the very concept of “mass incarceration,” arguing that it is not the “masses” who are imprisoned so much as highly concentrated groups within certain locales. As Todd Clear notes, “[I]ncarceration is not an equal opportunity activity.”²⁰

The second way in which acknowledging only a general upward trend of American incarceration obscures its true impact is that “1 in 100” includes only those who are in prison or jail *on any given day*. The Bureau of Justice Statistics estimates that by 2001 the proportion of adults who had *ever* spent time in prison had reached nearly 3 percent, and it was well over 16 percent for black men.²¹ These proportions would be significantly higher if jail time were included. To the extent that the effects of prison persist beyond the prison gates, the accumulation of ex-prisoners in the population is certainly as important as the number of individuals imprisoned at any one time.²²

Not surprisingly, researchers have noted these patterns and trends with some alarm. However, scholars interested in the consequences of incarceration, particularly its effects on recidivism, have so far attended primarily to the effects of imprisonment relative to other forms of punishment (e.g., probation).²³ This focus reflects a legitimate concern about recent growth in the total correctional population, and extant studies provide crucial commentary on the implications of America’s increasing reliance (and many would argue over-reliance) on incarceration. However, while the rapidly rising number of people serving time behind bars is important, so, too, are recent changes in the way that U.S. prisons are constituted. That is to say, *we must be concerned not only with who is being incarcerated in America, but also with how they are being incarcerated*. In this book, I analyze changes in the culture of American prisons over the last half century and assess the consequences of variation in correctional administration for the types of people and communities that prisons produce.

The Politics and Practice of Punishment

The modern period has been marked by two significant trends in the culture of American corrections. First, the American criminal justice system over the past half-century has largely abandoned the goal of reforming inmates. Rehabilitation-oriented programming retrenched, leaving prisons to serve little more than a “waste management function.”²⁴ Famously summing up this new approach to crime control, James Q. Wilson commented: “Wicked people exist. Nothing avails except to set them apart from innocent people.”²⁵ In the contemporary era of warehousing and incapacitation, what goes on inside the nation’s prisons has become largely beside the point, with the exception of regular reassurances to the public that prisoners are being treated with the tough justice they deserve.

The second change that accompanied the modern politics of crime control was the arrival of a new language of criminal justice, what Malcolm Feeley and Jonathan Simon term the “new penology,” which focused on “the efficient control of internal system processes in place of the traditional objectives of rehabilitation and crime control.” The cornerstone of this penological approach was a heightened attention to risk management.²⁶ In essence, as policymakers and prison practitioners began to doubt that prisons could really reduce recidivism, rehabilitation became subordinated to the more concrete task of efficient operational control; if criminal populations could not be transformed, they could at least be effectively managed.

These shifting tides were compelled by substantial changes in the politics of crime control. In the first half of the 20th century, crime was largely absent from the national political agenda. Prisons were barely discussed in Congress, and imprisonment was used only sparingly by states.²⁷ For most of this period, the design and operation of correctional institutions were instead left largely to specialists within the state and federal bureaucracy, such as criminal psychologists, social workers, and custodial staff. This began to change in the 1950s and 1960s, however, as elected officials on both sides of the aisle began to realize that appearing “tough on crime” was a winning political strategy that offered few, if any, strategic downsides. Against a background of urban unrest and rising rates of crime, punishment quickly became a high-profile political issue. The emergent view of offenders as violent and

immoral predators left little public sympathy for prison-based services that might make incarceration a comfortable experience. Moreover, on the heels of this “new punitiveness”²⁸ in political rhetoric came an influential report, titled “What Works? Questions and Answers About Prison Reform,”²⁹ which cast doubt on whether prisons could actually reform criminal offenders. As faith in the rehabilitative potential of prisons began to wane, support for continued funding of prison-based programs rapidly eroded.

The end result of these dynamics is a modern correctional model that employs prisons as little more than tools for temporary containment, a set of institutions designed for “selectively incapacitating the wicked.”³⁰ As David Garland points out, “Treatment modalities still operate within [prison] walls, and lip service is still paid to the ideal of the rehabilitative prison. But the walls themselves are now seen as the institution’s most important and valuable element... [T]he walls have been fortified, literally and figuratively.”³¹

The results I uncover, however, make clear that time spent within the confines of a correctional institution is not a “deep freeze”³² during which individuals simply serve out their time unchanged. Rather, prisons are small communities unto themselves, and the context of life inside these state institutions has important consequences for the kinds of people they produce. In the chapters that follow I argue that, for both incarcerated individuals and their keepers, navigating a more punitive prison entails the adoption of new social relationships and collective norms. However, rather than the generalized trust and cooperation that are often posited to follow from strong social connections,³³ America’s harsher prisons produce citizens who are less interested in – and arguably less capable of – healthy (re-)integration into a broad and inclusive social community. In this way, the culture of the correctional institution has important repercussions for the ways in which a growing group of citizens think, behave, and interact.

The Social Effects of the Punitive Prison

In uncovering the effects of more punitive prisons, I start by examining the effect of incarceration on the social orientations of the imprisoned. Inmates often form close relationships with peers while behind bars, but this is particularly true in higher-security prisons, where social ties

result from the desire for companionship, but also the need for protection. For example, I find that inmates incarcerated in these harsher prison settings become significantly more likely to report that they have friends who “help me when I have troubles” and with whom they can talk “about everything” than do inmates who serve time in less punitive settings.

This expansion of personal friendship networks, despite providing meaningful camaraderie and confidants, does little to ameliorate feelings of loneliness, however. Inmates in more punitive prisons are no less likely to say that they “feel lonely” or that “no one really knows [them] very well.” Instead, the expansion of social networks that occurs in this type of prison results in the adoption of criminogenic attitudes; those assigned to harsher prison settings are significantly more likely to agree that “some people must be treated roughly or beaten up just to send them a clear message” and to assert that they “won’t hesitate to hit or threaten people if they have done something to hurt [their] family or friends.” In sum, I argue that the social networks built between inmates in a more punitive prison seem at best to promote a particularized trust that does not substantially mitigate feelings of isolation. At worst, harsher prison environments inculcate inmates with an increased propensity for interpersonal violence and aggression, and ultimately increase the likelihood of re-offending following parole. In fact, I find that assignment to a harsher prison setting significantly increases recidivism. Using fairly conservative assumptions, I estimate that a more punitive prison culture might account for more than 64,500 crimes in the coming decade in California alone, which would be expected to include more than 13,000 violent crimes, such as murder, rape, and violent assault.

As in the Stanford Prison Experiment, I also find that the culture of prison institutions affects those individuals who hold formal power within the prison environment: the officers tasked with the maintenance of order and security. Like the number of people incarcerated, the ranks of people employed by the U.S. criminal justice system have increased substantially, growing by 86 percent between 1982 and 2003 to more than 2.36 million people (see Figure 1.2). As of March 2003, almost 13 percent of all public employees (and a larger percentage of public employees in 15 states and the District of Columbia) worked in the criminal justice sector.³⁴ Much of this growth has been driven by the number of correctional employees. Between 1982 and

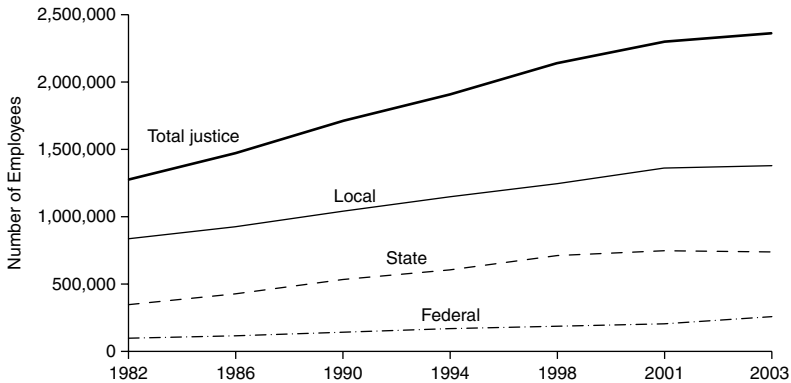


FIGURE 1.2. Justice employees by level of government, 1982–2003.

Source: Bureau of Justice Statistics.

2003, corrections employment more than doubled, rising from about 300,000 to more than 748,000. Corrections now accounts for more than 63 percent of state criminal justice employees, with police protection and judicial/legal employees accounting for the other 14 and 22 percent, respectively.³⁵ Today, the criminal justice system employs more people than General Motors, Ford, and Wal-Mart combined.³⁶

Just as more punitive settings shape inmates' social ties, I find that harsher prisons affect the social relationships and attitudes of those who work behind their walls. In fact, the particular social patterns of inmates are mirrored in those of correctional staff. For correctional officers, prison work often requires long hours spent in a hostile and chaotic work environment, marked by the need for constant surveillance and feelings of threat. The result of this institutional context is the development of meaningful bonds between officers, but also the adoption of an "us against them" mentality. In particular, officers who find themselves working in harsher prisons develop harsher ideas about inmates than do their counterparts in less punitive prisons: they are more likely to express the belief that "most people who end up in prison are there because of personal failure" rather than "because they did not have advantages like strong families, good education and job opportunities." They are also less likely to support the provision of rehabilitation programs and more likely to say that "rehabilitation programs don't work because most inmates don't want to change." Even more striking are officers' own assessments of how imprisonment

shapes inmates; officers assigned to more punitive prisons become more likely to say that the institution where they work causes inmates to become more violent and that inmates actually leave prison less prepared to be law-abiding citizens than when they entered.

The prison environment also shapes the interactions that officers have with each other, with their superiors, and with friends and family. Officers working in harsher prisons are more likely to report that they would turn to the union to help resolve work-related problems. Conversely, they become less likely to turn to their direct supervisors for assistance. This is particularly true of officers who feel unsafe in the workplace. Prison work and experiences of violence likewise impose substantial costs on officers' lives outside prison. Unlike inmates, officers must move between home and prison on a daily basis. For many, this transition can be a difficult one. In his searing account of time spent as an officer at Sing Sing Correctional Facility, Ted Conover describes the personal toll that the job took on him:

“Leave it at the gate,” you hear time and again in corrections. Leave all the stress and bullshit at work; don't bring it home to your family. This was good in theory. In reality, though, I was like my friend who had worked the pumps at a service station: Even after she got home and took a shower, you can still smell the gasoline on her hands. Prison got into your skin, or under it. If you stayed long enough, some of it probably seeped into your soul.³⁷

I find that officers working in harsher prison environments are especially likely to experience work–family conflict; these officers are more likely to say that they have “become harsher or less trusting towards family members since I took this job” and that “what happens at work negatively affects my relationship with my spouse/partner or children.”

In the last empirical chapter of the book, I turn my attention to the types of communities to which prisoners return. I start by analyzing survey data from 515 individuals living in diverse areas of Los Angeles County, a geographic area that alone receives almost a third of all people returning from prison in California. Within this one county, there is significant variation in the concentration of parolees. For instance, less than 1 parolee returns to the wealthy Beverly Hills zip code 90210 in a typical year; in comparison, several consecutive zip codes in south central LA receive roughly 15 parolees for every 100 residents. This variation in communities' ex-prisoner concentration is highly predictive