

Incarceration as a Political Institution

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ABSTRACT

The prison is a significant social and political institution that is not only shaped by cultural and political forces, but in turn shapes the political and social lives of those who have been imprisoned. In this chapter, we discuss the theoretical backdrop for imprisonment as a political and cultural force worldwide. In doing so, we consider variation in imprisonment rates over space and time, selection into prison, and the effects of incarceration on human and social capital. We conclude with an examination of the particular case of the United States to illustrate the social and political consequences of imprisonment.

INCARCERATION AS A POLITICAL INSTITUTION

Scholars of punishment have called imprisonment “intensely political,” due to the politicization of crime policy and sweeping changes in sentencing patterns that have increased both the use of imprisonment and the length of incarceration for those convicted of crime (Jacobs and Helms 2001; Garland 1990; Savelsberg 1994; Chambliss 1999). Theories and empirical studies of punishment show how dynamics of politics and power shape incarceration patterns (Garland 1990; Foucault 1977; Barker 2009; Beckett and Sasson 2000; Tonry 1996, 2004; Gottschalk 2006; Sutton 2000), which in turn play a key role in state efforts to maintain control and establish legitimacy (Foucault 1977; Savelsberg 1994; Garland 1996, 2001; Jacobs and Helms 1996; Simon 1993; Sutton 2000; Beckett and Western 2001; Greenberg and West 2001; Jacobs and Carmichael 2001; Page 2004). Imprisonment is fundamentally an exercise of power and is therefore influenced by the political forces, policy choices, public sentiment, and media interpretations that drive political actors in modern society.

The experience of incarceration also shapes the political behavior and attitudes of those who have been confined (Manza and Uggen 2006; Clear 2007; Travis 2005). Internationally, nations vary along a continuum of those who allow prison inmates to vote to those who bar all prisoners from voting (Uggen, Van Brakle and McLaughlin 2009). For example, over 5 million Americans are ineligible to vote due to a felony conviction (Manza and Uggen 2006). In addition, research suggests that ex-prisoners are less trusting of government, less likely to think that they can influence politics, less engaged in political conversation, and far less likely to participate politically than those with no prior involvement in the criminal justice system (Manza and Uggen 2006).

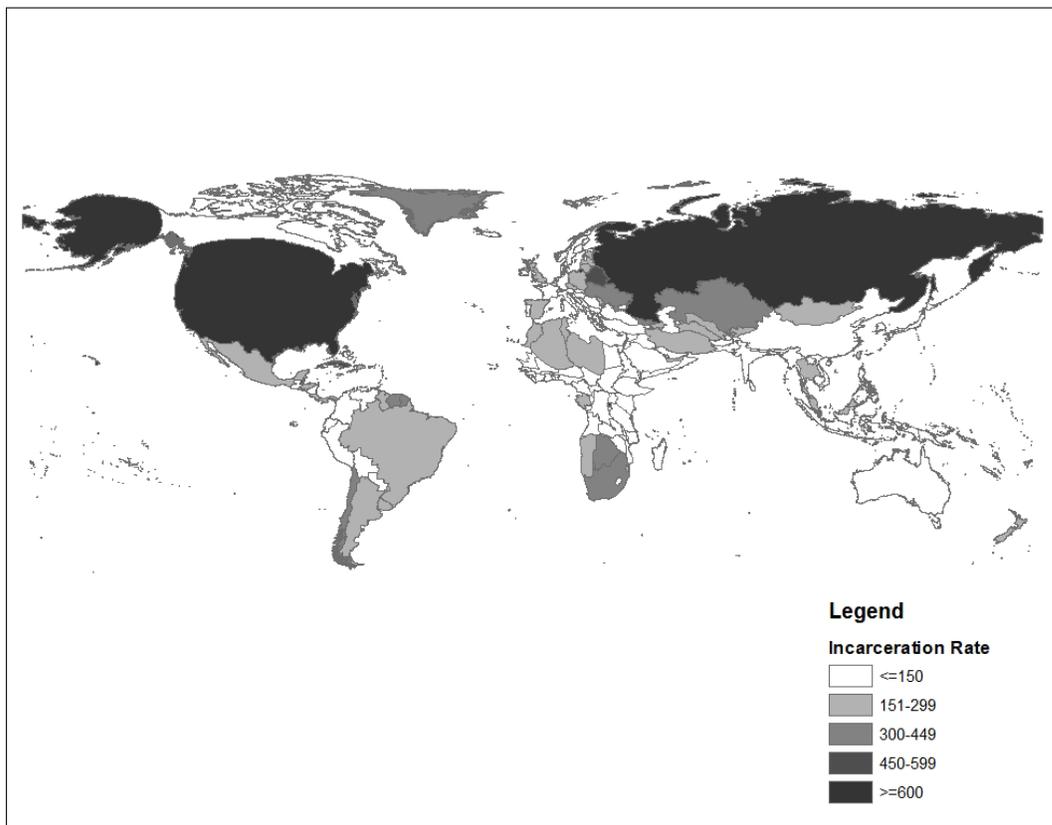
The prison is also bound up with other major social institutions as a powerful force of punishment that extends beyond its physical boundaries. Theoretical explanations for the use of prison as punishment posit several causal mechanisms, including class struggle (Rusche and Kirchheimer 1968; Melossi 1985; Western and Beckett 1999; Beckett and Sasson 2000), power regimes (Foucault 1977), and the interaction of culture and politics (Garland 1996, 2001; Jacobs and Helms 1996; Savelsberg 1994; Sutton 2000; Barker 2009). In this chapter, we elaborate the theoretical case for imprisonment as a political and cultural phenomenon, viewing the prison as a significant social and political institution. We also consider variation in imprisonment rates over space and time, selection into prison, and effects of incarceration on human and social capital. Using the particular case of the United States, we conclude with a discussion of the political consequences of imprisonment.

WHY PRISON?

Social theorists have attempted to explain the rise in modern incarceration, especially in light of pronounced race, gender, and class disparities in imprisonment. Rates of incarceration are increasing worldwide, but in some geographic areas more than others (Walmsley 2009). Figure 1, a cartogram depicting international incarceration rates in 2008, demonstrates the wide-ranging variation in international incarceration rates. Cartograms are maps that distort land area based on an alternative statistic, in this case incarceration rates. As a result, the sizes of the nations in the map are altered to reflect their rate of incarceration relative to other countries with similar rates. As compared to a more typical map of the world based solely on land area, this cartogram depicting incarceration rates brings high incarceration nations, such as the United States, into bold relief, while nations with low incarceration rates, such as Canada and many

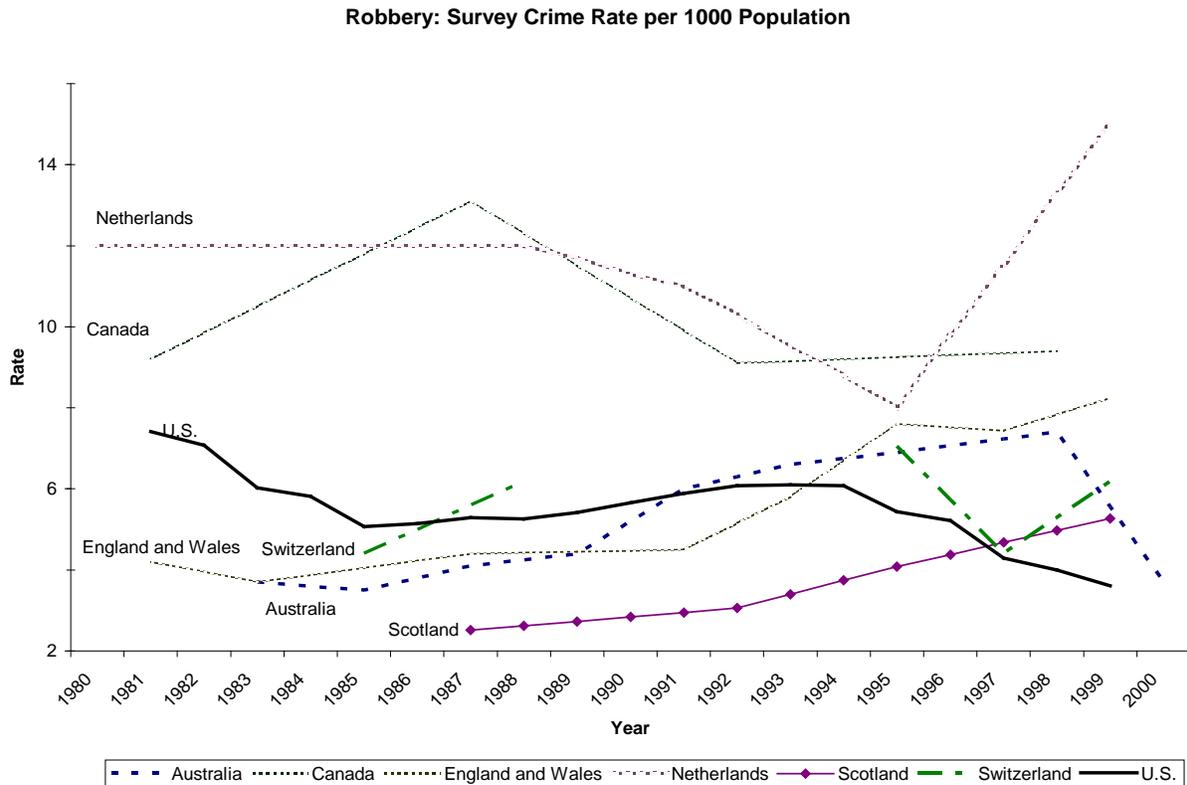
nations in Europe and Africa, nearly disappear on the map. Other nations that are large in land area but lower in incarceration rates, such as China and India, are also noticeably diminished in size. The United States appears bloated on the cartogram, having the highest total rate of incarceration (756 per 100,000) in the world. Despite the fact that prison populations are growing worldwide, the United States outpaces every other nation, exceeding incarceration levels of other democratic nations by five to seven times (Walmsley 2009). Only two other nations have incarceration rates greater than 600 per 100,000: Russia (629) and Rwanda (604).

Figure 1: Cartogram of World Incarceration Rates, 2008



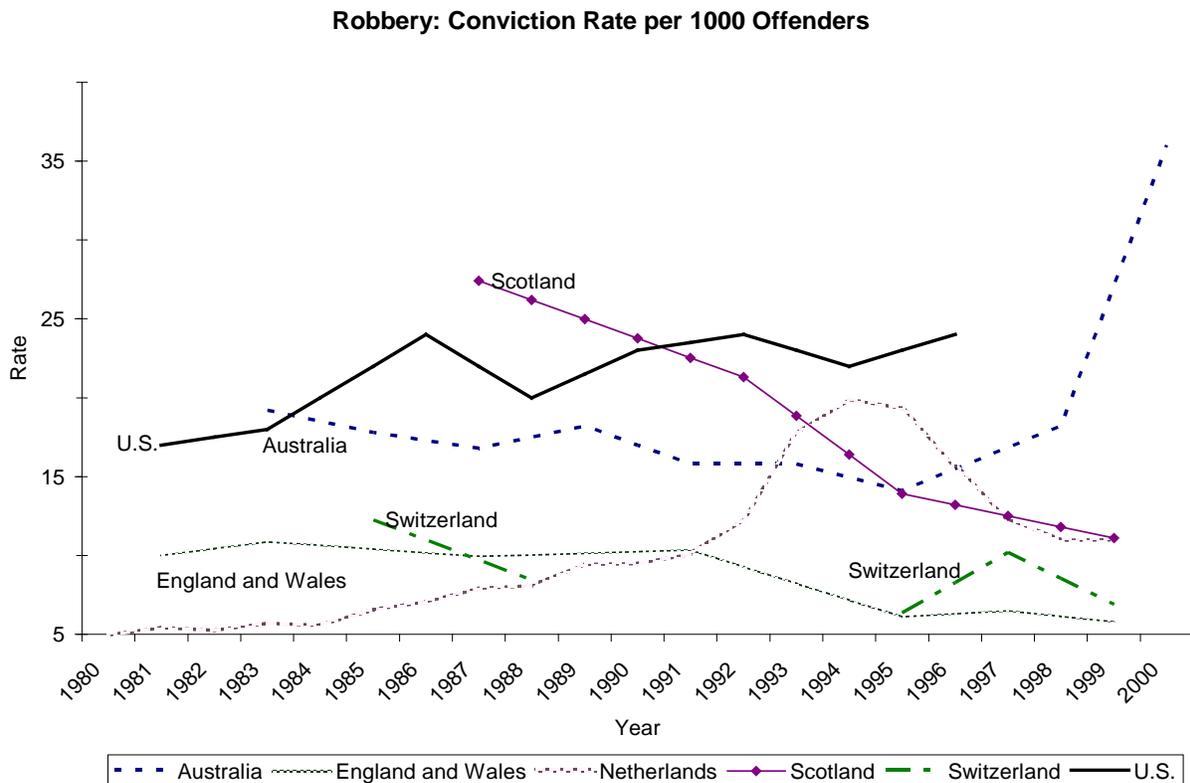
To explain this variation in incarceration rates around the world, scholars have compared national crime rates. Farrington, Langan and Tonry (2004) examined cross-national crime patterns in seven countries to see whether higher rates of crime explain higher national incarceration rates. Because robbery is most consistently measured across countries, robbery rates provide a useful measuring rod for comparing national crime rates. As Figure 2 shows, the United States has one of the lower robbery rates among the seven nations compared. Low incarceration countries such as the Netherlands and Canada have the highest robbery rates.

Figure 2: Robbery Crime Rates by Nation, 1981-2000. Adapted from David P. Farrington, Patrick A. Langan, and Michael Tonry, eds., *Cross-national Studies in Crime and Justice* (Washington, D.C.: U.S. Department of Justice, 2004).



However, an examination of conviction rates (Figure 3) and total time served in prison shows that the United States ranks among the highest countries on these measures. Studies within the United States have also shown that imprisonment is influenced by broader social processes, such as exposure to police surveillance (Beckett, Nyrop and Pfingst 2006; Tonry 1996), rates of conviction (Bridges and Steen 1998), and varying sentencing patterns (Steffensmeier, Ulmer and Kramer 1998).

Figure 3: Robbery Conviction Rates by Nation, 1981-2000. Adapted from David P. Farrington, Patrick A. Langan, and Michael Tonry, eds., *Cross-national Studies in Crime and Justice* (Washington, D.C.: U.S. Department of Justice, 2004).



From this study, it appears that involvement in crime alone does not explain who goes to prison. If cross-national differences in incarceration rates cannot be explained by differential crime rates, other political and cultural factors must be at play.

Incarceration in Comparative Perspective

At the macro-level, scholars of punishment have sought to explain broader social trends influencing modern incarceration. Others have explored how such trends are filtered through particular political and cultural contexts resulting in varied policies and practices of incarceration. Empirical studies have explored how macro trends in politics and culture have influenced penal policy using comparative studies of political traditions, legal structures, and cultural influences (Sutton 2000; Savelsberg 1994). To explain the growth of incarceration, scholars have sought to link penal practices to larger social projects of political and cultural identity. As Garland (1990, p. 276) notes,

In designing penal policy we are not simply deciding how to deal with a group of people on the margins of society – whether to deter, reform, or incapacitate them and if so how. Nor are we simply deploying power and economic resources for penological ends. We are also and at the same time defining ourselves and our society in ways which might be quite central to our cultural and political identity.

Scholars have forwarded global explanations that include adaptations to the risks of late modernity, the devolution of the welfare state and the rise of “hyper-ghettos”, neo-liberal economics, and political strategies (Garland 2001; Wacquant 2001; Western and Beckett 1999; Simon 2007).

For example, Garland (2001) argues that the punitive turn toward imprisonment in the United Kingdom and the United States was precipitated by changes in structural and cultural

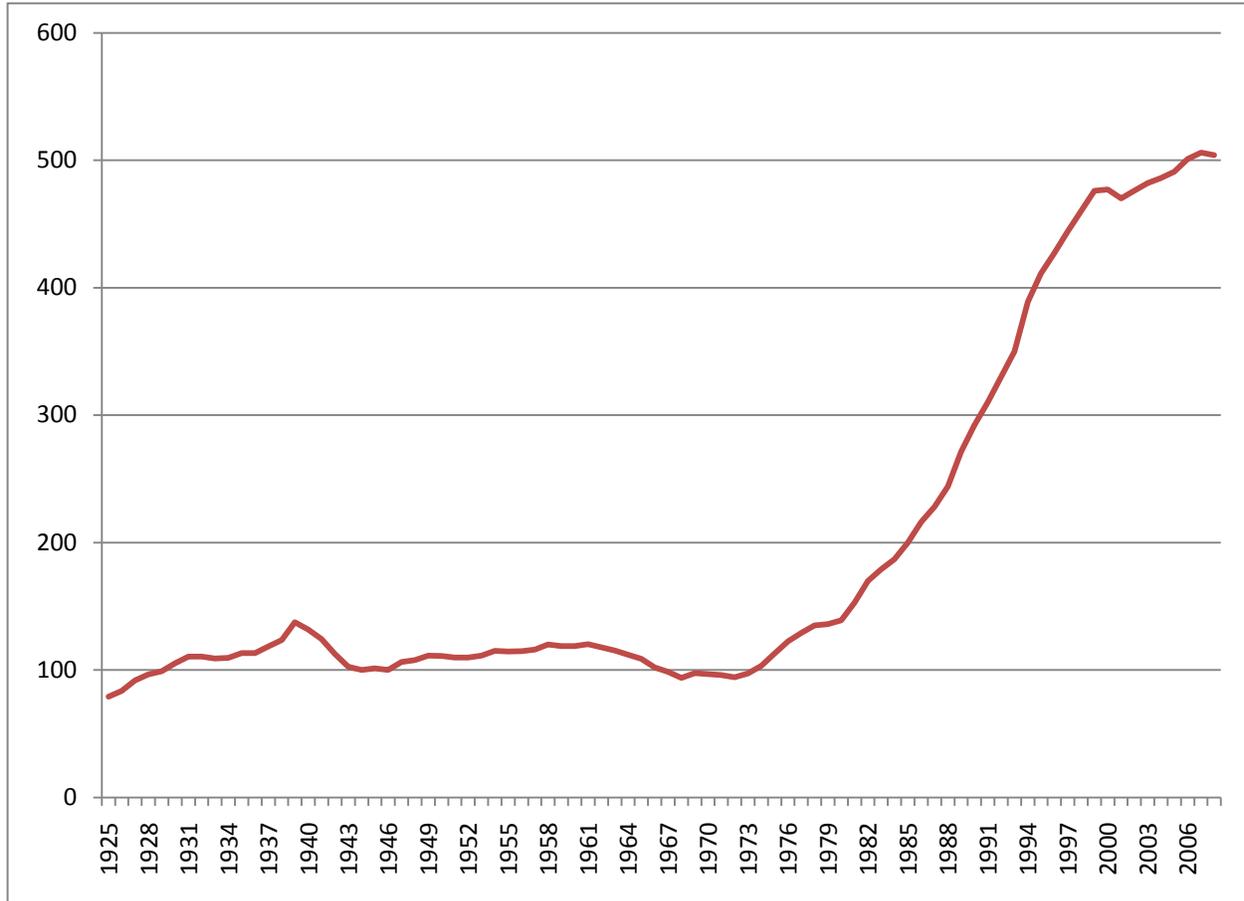
forces from the 1960s onward, including increasing crime rates, urban decay, changes in family structure, and declines in economic prosperity, as well as shifts in cultural sensibilities, such as growing pessimism and distrust of the state. Combined with critiques of the rehabilitative model of incarceration from academics, prison rights activists, and the political right, these forces helped drive various adaptations in the practice of punishment that include more punitive sentencing policies, the war on drugs, and increased focus on containing and managing rather than rehabilitating criminals. The prison is an “indispensable pillar of late modern social life” because it has become a way of addressing the anxieties and risks of contemporary life in the modern West (p. 199).

In a study comparing five Western democracies (Australia, Canada, New Zealand, the United Kingdom and the United States), Sutton (2000) notes that imprisonment rates have risen in most Western democracies, although at a more moderate rate than in the United States overall. Further, these countries share similar demographic and political influences, but appear to have differential levels of incarceration. Sutton examined economic trends, social welfare spending, and political factors in these five nations and found that prison growth slows when legal employment opportunity expands, but increases with declines in welfare spending and right party rule across all nations. The effect of decreased welfare spending was especially strong in the United States. Sutton argues that the diffuse administrative structure of the United States can lead to more highly politicized, localized and particularistic social policies that may amplify the effects of these factors as compared to other Western nations. Similarly, Savelsberg (1994) compared the relative impact of government structures, public opinion and cultural ideologies on imprisonment in Germany and the United States, finding that differences in institutional arrangements help account for variation in penal policy between the two nations.

Indeed, others have highlighted particular historical and political factors that have contributed to higher incarceration rates in the United States. Wacquant (2001) points to the rise of the urban ghetto and the dismantling of the welfare state as drivers of incarceration rates. According to Wacquant, the extreme racial disparities in prison populations demonstrate that mass imprisonment is the fourth in a series of social institutions, starting with slavery, designed to control African Americans as a subordinate caste. Prior to the 1970s, policy makers attempted to ameliorate poverty and racial inequality through social welfare policies. Wacquant argues that neoliberal economic changes and the dwindling social safety net of welfare programs since that time has led to the “hyper-incarceration” of blacks as a means of managing and obscuring these disparities. Others have forwarded explicitly political arguments for the rise of retributive penal policies. Scholars have demonstrated how “moral panics” – public scares over particularly egregious crimes – are used by politicians to gain electoral advantage (Cohen 1972; Beckett & Sasson 2000). Beckett (1997) argues that politicians capitalized on racialized political rhetoric and media attention in order to enact “tough on crime” policies through the 1990s, which helped shore up their own political capital. Similarly, Simon (2007) posits that politicians increasingly frame non-criminal policies using the same rhetoric of retribution. In schools and the workplace, the language of crime and punishment is used as a tool to interpret and address non-crime problems, a practice Simon calls “governing through crime.” Common in these analyses is that change in penal policy is driven by political strategy, not by an actual increase in crime.

Imprisonment and Local Political Contexts in the United States

In light of the exceptional growth in U.S. punishment rates, a special focus on that nation is merited. Over the past three decades, a large scale transformation of the rationale of punishment has taken place in the United States. Historically, legal and philosophical justifications for punishment have included retribution, incapacitation, and deterrence (Pincoffs 1966). While retribution focuses on matching the punishment to the crime, incapacitation and deterrence emphasize the prevention of crime through physical restraint or fear of punishment. For most of the twentieth century, rehabilitation of individual prisoners was the central goal of incarceration, implemented through indeterminate sentences, treatment and education programs within prisons, and state parole boards (Rothman 2002). Since the mid-1970s, however, changes in sentencing laws have led to the dismantling of the “rehabilitative ideal” and a turn toward retribution as the rationale for punishment through the establishment of determinate sentences and “get tough” policies such as three strikes laws and mandatory minimums. Apart from an uptick during the Great Depression, the incarceration rate between 1925 and 1972 held steady at about 100 inmates per 100,000 population. From 1973 to the present, however, incarceration has climbed sharply at an average rate of approximately 6% per year, as illustrated in Figure 4. By the end of 2008, the U.S. incarceration rate including prison and jail inmates was 754 per 100,000, with a total of 2.3 million people serving time (Sabol, West and Cooper 2009). The increased use of prison as punishment and longer prison sentences has fueled the rising incarceration rate. Feeley and Simon (1992) have argued that these developments characterize a “new penology,” which focuses on the containment and management of dangerous populations rather than the reform of individuals.

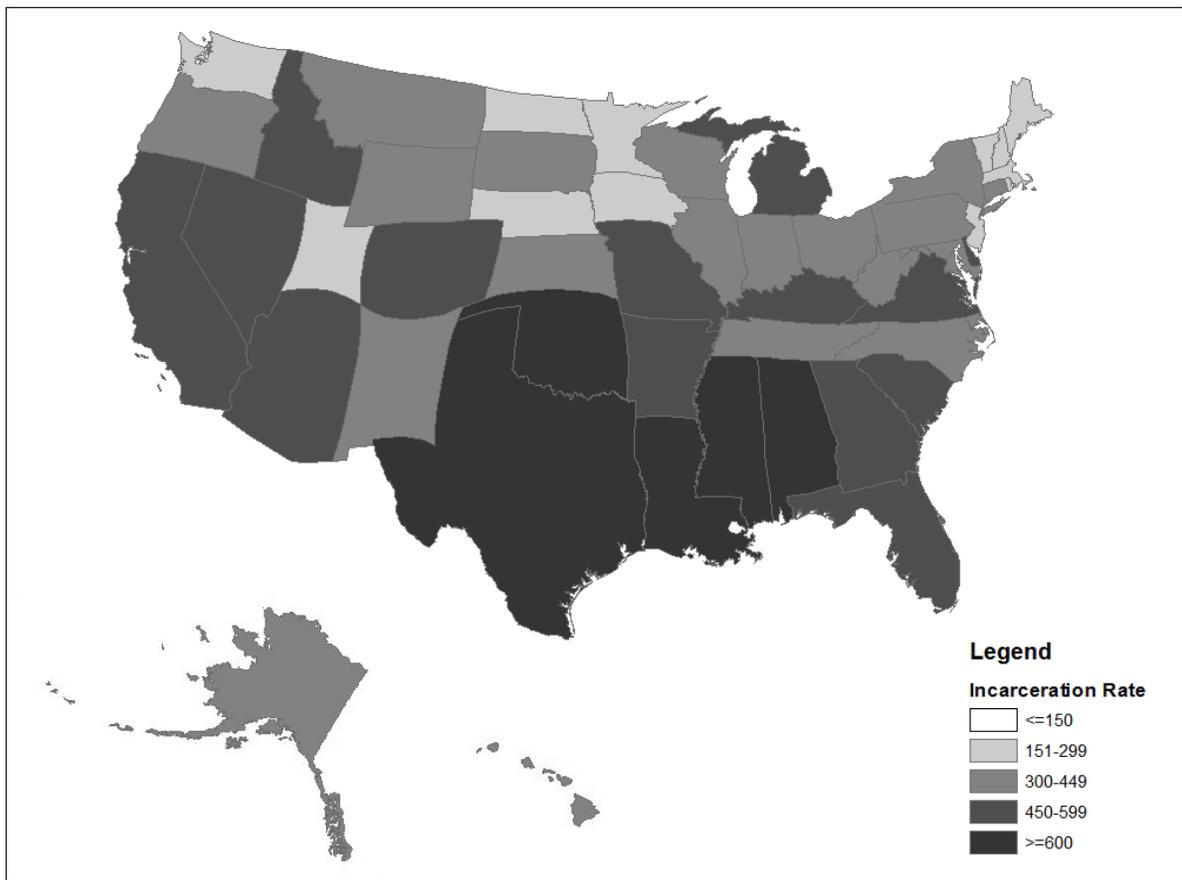
Figure 4. U.S. Prison Incarceration Rate, 1925-2008

A growing line of inquiry questions the utility of overarching theories of the transformation of criminal punishment and, rather, seeks to understand how such political and cultural processes take place within specific regional and local contexts (Lynch 2010; Tonry 2009). As Lynch notes, the dominant narrative of the decline of the rehabilitative ideal in the United States over the last three decades assumes that such practices were widely-held and practiced in similar ways across regions and localities, which was clearly not the case in her study of Arizona. Similarly, Tonry argues that explanations dependent on macro-level social and economic trends, as outlined above, do not hold true in all contexts, even in cases where

theoretically they should. As a result, these authors assert that attention to regional and local variation in politics and culture is instrumental to understanding criminal punishment.

At the national level, Tonry (2009) argues that a distinctly “paranoid” American style of politics combined with conservative religious moralism, racial inequality, and outmoded constitutional arrangements facilitate the enactment of laws that appeal to public emotions and short-term political agendas. In their study of U.S. election cycles and imprisonment rates, Jacobs and Helms (2001) noted that incarceration increases during Republican presidencies. In addition, during presidential campaign cycles, incumbents from both political parties vie for votes by enacting more punitive policies. Jacobs and Helms call this a “political-imprisonment cycle” in which partisan and electoral factors both impact incarceration (p. 190).

Studies have also sought to explain variation among U.S. states in rates of incarceration, noting that differences in economics, crime rates, demographics, and sentencing laws can lead to diverse practices among localities (Zimring and Hawkins 1991). As Figure 5 shows, individual states within the United States vary substantially in the use of imprisonment. This cartogram, like Figure 1 above, distorts the land area of U.S. states based on their incarceration rates. In doing so, the map dramatizes the immense variation among the states in levels of incarceration. While the world map in Figure 1 tells the story of U.S. exceptionalism on the world stage, Figure 5 demonstrates that incarceration in the United States is not merely a national-level phenomenon. Rather, factors influencing incarceration function at the state level in markedly different ways.

Figure 5: Cartogram of United States Incarceration Rates by State, 2008

As compared to the world cartogram above, in which many nations' incarceration rates fall into the lowest category of 150 per 100,000 or less, no U.S. state has a rate in that range. As Figure 5 shows, incarceration rates are much lower in the Northeast (306) and Midwest (393) than in the South (556). States such as Minnesota (179), North Dakota (225), Utah (232), and much of New England shrink significantly, while high incarceration states such as Louisiana (853), Mississippi (735), Oklahoma (661) and Texas (639) swell in size. The states with the strongest recent growth trends (e.g. Minnesota, Iowa, New Hampshire) tend to have lower base rates, while states with the slowest growth rates tend to be those with higher corrections spending as a percentage of their total state budget (Pew 2008).

Greenberg and West (2001) argue that varying religious and political cultures between states shape differences in penal decision-making. For example, they found that incarceration rates were higher in states with higher levels of violent crime, suggesting that more punitive public sentiments in these states contribute to a rise in imprisonment as a response to greater violence. Barker (2006) examined case studies of three states (California, New York and Washington) and found that political context affects incarceration rates depending on levels of citizen participation. Barker's analysis of Washington State shows that, contrary to expectations, greater public participation in government can decrease incarceration rates. Gilmore's (2007) analysis of the "prison fix" in California suggests that governments may turn to imprisonment as a way to address fiscal crises. In California's case, the prison expansion helped alleviate unemployment and, in some communities, buffer the impact of the economic downturn. Similarly, Lynch (2010) found that cultural values particular to Arizona, such as distrust of government and traditional punitiveness, helped facilitate prison expansion as a means of promoting economic development in rural locales. Taken together, such studies suggest that political context shapes incarceration rates in ways that cannot be accounted for from a macro-level framework. Incarceration is an institution that is shaped by multiple social forces, including economics, politics, and culture that vary across national, regional and local jurisdictions.

CONSEQUENCES OF INCARCERATION

Increased incarceration rates over the past three decades in the United States have created a population of about 4 million ex-prisoners (Uggen, Manza and Thompson 2006). In addition, more than 11 million U.S. residents are former felons, whether previously incarcerated or not.

Adding together current and former felons, the number tops 16 million, which totals about 8% of the adult population, one-fifth of the African-American population, and more than one-third of the African American adult male population. Incarceration is by no means the only form of punishment imposed by the state. Concomitant with the growth of imprisonment has been the rise of community corrections - probation and parole. About 5.1 million Americans (1 in 45 adults) were under community supervision in 2008 alone, 84% of who were on probation (Glaze and Bonczar 2009). When combined with the number of individuals incarcerated in prisons and jails, over 7 million adults (about 1 in 31) in the United States are under the supervision of the criminal justice system. However, these overall numbers obscure the differential impact of incarceration on low income and minority populations (Clear 2007; Western 2006). For example, in 2004 about 7.5% of the total adult population in the United States had a felony conviction on their records as compared to 33.4% of African-American adult males (Wakefield and Uggen 2010). In addition, while the vast majority of the prison population remains male (Sabol, West and Cooper 2009), women's incarceration has been growing faster than men's in recent years (Heimer and Kruttschnitt 2005; Kruttschnitt and Gardner 2005). Recent research has also documented the proliferation of hybrid forms of punishment that combine administrative and civil laws to "banish" persons with criminal backgrounds from some public spaces (Beckett and Herbert 2009).

Short of the death penalty, however, imprisonment is the most severe penalty at the state's disposal. Incarceration removes people from the general population for extended periods of time, severing their ties to family and other forms of social support as well as from significant social institutions such as the labor market (Braman 2004; Clear 2007; Pager 2007; Travis 2005; Western 2006). This growth in the number of individuals who have been incarcerated or

otherwise supervised by the criminal justice system has had far ranging social and political consequences for individuals, families, and communities.

Social Consequences of Incarceration

Although our focus is on political and civic effects, a substantial body of research has documented the “collateral consequences” of imprisonment in terms of labor market opportunities, family, and health of former prisoners. These effects are present at both the macro and micro levels. For example, high levels of incarceration artificially lower the unemployment rate by removing large segments of working-age men from labor force counts (Western and Beckett 1999). However, incarceration also impedes the employment prospects of individual ex-prisoners by reducing wages and lifetime earnings (Pettit and Western 2004; Waldfogel 1994; Western 2002; Western 2006) and providing a “disqualifying credential” in the form of a criminal record (Pager 2003; 2007). These effects vary significantly by race, such that African-Americans suffer the most severe attenuations of earnings and employment as compared to whites and Latinos (Western 2006; Pager 2007).

Incarceration also impacts families by lowering marriage rates, increasing single-parent families, and concentrating poverty among women and children (Western and Wildeman 2009). This is especially true for African-Americans and those living in disadvantaged neighborhoods (Western and Wildeman 2009; Clear 2007). Approximately 2.2 million U.S. children have a parent in prison (Western 2006; Wildeman 2010). Children with incarcerated parents have been shown to suffer detrimental consequences, including increased aggression and delinquency, decreased educational attainment, and increased social isolation and stigma (Murray and

Farrington 2008; Foster and Hagan 2007; Hagan and Palloni 1990; Wakefield 2007; Wakefield and Uggen 2010; Wildeman 2010). Parental incarceration is associated with poor mental and behavioral health in children (Foster and Hagan 2007; Parke and Clarke-Stewart 2003; Wakefield 2007; Wildeman 2009; Wakefield and Uggen 2010). Families suffer other informal costs, such as stigma and loss of social support (Comfort 2008; Braman 2004). Moreover, families and communities are at greater risk for negative health outcomes given the detrimental effects of imprisonment on the physical and mental health of inmates (Massoglia 2008a, 2008b; Schnittker and John 2007; Massoglia and Schnittker 2009). As with labor market and family effects, African-Americans are at greater risk for poorer health, given their disproportionate exposure to incarceration (Massoglia 2008a).

Most importantly for our purposes, communities with high levels of incarceration are at greater risk for social instability and diminished political and civic engagement (Clear 2007; Manza and Uggen 2006). Problems associated with re-entry of ex-prisoners fall disproportionately on low-income urban neighborhoods. For example, some neighborhoods in Cleveland and Baltimore have more than 18% of male residents incarcerated, and one in five adult males in Washington, DC are behind bars on any given day (Clear 2007). Similarly, over half of all prisoners released in Illinois and Maryland return to the cities of Chicago and Baltimore, respectively. Within these urban areas, one-third of returning prisoners are concentrated in a handful of neighborhoods (Travis 2005). All of these factors point to the far-ranging effects of punishment in the United States, especially among minority populations and low income communities. Imprisonment thus interacts with other major social institutions, such as the labor market and the family, to exacerbate inequality.

Political Consequences of Incarceration

There is substantial evidence that incarceration is not only influenced by politics, but also has political implications for the individual as well as at the state, national, and international levels. Felon disenfranchisement affects 1 in 40 (about 5.4 million) adult Americans who are unable to vote because of a felony conviction (Manza and Uggen 2006). States vary in policy regarding felon voting, however. Maine and Vermont have no restrictions on felon voting, allowing even current prison inmates to vote. Other states bar only inmates from participation, others prohibit all inmates and probationers, and a few exclude even ex-felons from voting regardless of sentence completion (Manza and Uggen 2006). These felon voting restrictions clearly influence state and national politics. Disenfranchisement of current and former felons has impacted the results of multiple elections nationwide, including the 2000 Presidential outcome (Manza and Uggen 2006). Had former felons been allowed to vote, at least seven Senate elections between 1978 and 2000 would likely have turned in the Democrats' favor. As a result, Democrats may have held control of the Senate throughout the 1990s (Uggen and Manza 2002). Internationally, felon disenfranchisement policies have been linked with low political and economic development, high ethnic heterogeneity, and punitive criminal justice policies (Uggen, Van Brakle and McLaughlin 2009).

In addition to civic participation, incarceration rates impact government spending and the allocation of political influence and resources. In 2006, federal, state, and local governments combined spent a total of about \$68 billion on corrections (Bureau of Justice Statistics 2009). States spent just over \$40 billion on corrections, \$33 billion of which was spent directly on imprisonment. This is a 548% increase in corrections spending since 1982. Clearly, incarceration is a major source of government expenditure at all levels.

But more than economic resources are at stake in the growth of incarceration in the United States. The decennial census, which determines allocations of federal and state funding streams, is also distorted by incarceration. By law, prisoners are counted in the census based on their current residence in prison, not where they lived prior to incarceration (Lotke and Wagner 2003; Lawrence and Travis 2004; Clear 2007). The federal government disburses more than \$140 billion via formula-based grants determined in part by census data (Lawrence and Travis 2004). These grant funds are used for programs such as Medicaid, foster care, adoption assistance, and social services block grants. At the state level, census counts determine allocations of funding for community health services, transportation, public housing, and other essential services. Given that a high proportion of prisoners come from low income, under-resourced, and high poverty communities, counting them for census purposes in locations outside of their home communities can shift the distribution of economic and social service resources away from already distressed urban areas (Clear 2007).

Census counts also determine political boundaries and representation (Lotke and Wagner 2003). The federal as well as state governments use census data to determine legislative redistricting. At the national level, incarceration has very little impact on representation given that most prisoners are confined within their home states. At the state level, however, political representation can be significantly affected by counting prisoners in prison facilities rather than their home communities (Lotke and Wagner 2003). As with economic appropriations, the distribution of power at the state level can be transferred from predominantly urban areas where most prisoners originate to outstate areas where they are imprisoned.

In light of such far reaching impacts of incarceration on civic participation as well as allocation of political power and economic resources, it is clear that the prison's reach is indeed

long in the United States, shaping the political and social lives of individuals, communities, states, and the nation in profound ways.

CONCLUSION

In this chapter, we have argued that the prison is a major social and political institution. Imprisonment is not only shaped by but also determines political, cultural, and economic conditions. Incarceration is itself an institution that interacts with other social institutions in complicated ways. This reality necessitates a broader vision of the prison as a form of punishment, as well as a comprehensive assessment of the political, economic and social impacts of incarceration at multiple levels of analysis.

Social theorists and researchers have sought to explain why the United States has achieved such a comparatively and historically high rate of incarceration over the past three decades. Explanations have ranged from macro-level theories that attempt to take account of global processes, such as neoliberal economics and social conditions of late modernity, to empirical studies examining or comparing specific nations, regions, or states. Some scholars argue persuasively that, while macro-level social, economic and political factors may play a role, they are almost always filtered through the unique cultural and political landscapes of specific localities. Incarceration is an institution that is shaped by the political and cultural forces at play within nations, regions, states, and even smaller jurisdictions.

Nevertheless, incarceration is not simply an institution shaped by politics; it in turn shapes the political, social, and economic lives of individuals, families, and communities. From employability to civic participation, incarceration leaves an indelible mark not only on the men

and women who experience prison, but also those to whom they are connected in their families and neighborhoods. Imprisonment impacts the political power and government resources allocated to particular jurisdictions. As a result, imprisonment is a complex, multifaceted and powerful political institution in the United States and worldwide.

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