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# Incarceration, Inequality, and Imagining Alternatives

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Citizenship is a public declaration of equality. Regardless of the inequalities that internally divide a society, citizens enjoy a common set of rights—perhaps to protest or vote or run for office. The content of citizenship rights has varied greatly across time and place. In the stylized history of T. H. Marshall (1950/1992), rights to speech and access to the courts were among the earliest pillars of citizenship, followed by rights to the franchise, and finally by rights to social welfare with the emergence of modern social policy.

Marshall's account of the historical development of citizenship describes a virtuous circle in which the pool of citizens grows as the rights of citizenship become more extensive. Civil rights empower citizens to press for voting rights. Once the male working class was enfranchised in Europe, unions and labor parties set about expanding social rights embodied in the welfare state. In Marshall's account, universal education was the key breakthrough, but safety net programs, national health care, and public pensions could also be added to the list.

The articles in this volume describe how mass incarceration in the United States has reconfigured civic life. The virtuous circle of citizenship—never fully developed in the United States to begin with—has been interrupted. The punitive turn in criminal justice policy amounts to a transformation of the quality of citizenship, in which the state plays an

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active role in deepening, not reducing, inequality. The virtuous circle turned vicious.

The vicious circle of mass incarceration has three main elements. First, incarceration deepens inequality because its negative social and economic effects are concentrated in the poorest communities. Deep race and class inequalities in incarceration are well documented. Recent cohorts of African American men are more likely to go to prison than to graduate from college with a four-year degree. In 2010, young black male dropouts were more incarcerated (37 percent) than employed (26 percent) (Western and Pettit 2009). It is among these men that we observe the reduced wages, impaired health, and family instability following time in prison.

The articles in this volume of *The ANNALS* make important contributions to our understanding of the disadvantage associated with incarceration. Jason Schnittker (this volume) shows that people who have been incarcerated experience heightened depression, anxiety, and fear. The prevalence of psychiatric symptoms among the formerly incarcerated is about twice as high as in the general population. Christopher Wildeman (this volume) investigates the acute material hardship faced by the children of incarcerated parents. He finds that children's risk of homelessness roughly doubles when their fathers are incarcerated. These effects are particularly clear for African American children. Even if confident causal conclusions are elusive, the strong intercorrelation of severe economic disadvantage, poor mental health, and childhood hardship with incarceration is unmistakable.

Second, much of the social and economic inequality associated with incarceration is invisible. Becky Pettit provides a detailed treatment of this in her book, *Invisible Men* (2012), and in her article with Stephanie Ewert and Bryan Sykes (this volume). Our data systems are unsuited to measure populations that are significantly institutionalized. They skew our assessments of social inequality. Household surveys reporting on employment, wages, and educational attainment make the well-being of African Americans look artificially good because the poorest are uncouned. The invisibility of inequality associated with incarceration is also sustained in a related but different way. The experience of incarceration is so deeply stratified, its reality is confined to a small fraction of the population for whom the prison has become ubiquitous. The lived experience of urban poverty has been transformed by the growth of the penal system, but this is largely unknown to the mainstream of American society whose relationship to criminal justice institutions looks much as it did before the prison boom.

Third, mass incarceration and its social and economic consequences contribute to a legitimacy gap between the poor and the rest of American society. In the mainstream perspective, incarceration and its accompanying socioeconomic disadvantage stems more from the criminal conduct of offenders than the policy choices of government officials. The institutions themselves are not questioned. This is the sense in which Marshall (1950/1992, 7) observed that "citizenship is the architect of legitimate social inequality." The inequalities arising under a citizenship regime are traced to the defects of individuals and not the institutions themselves. In poor, high-incarceration communities, criminal justice and other

state institutions have become de-legitimated. Thus, Hedwig Lee, Lauren Porter, and Megan Comfort (this volume); and Christopher Muller and Daniel Schrage (this volume) both describe the skepticism of the police and the criminal justice system that prevails among family members of the incarcerated. Traci Burch (this volume) reports on the disaffection from the voting booth in high-incarceration communities in North Carolina. Benjamin Justice and Tracey Meares (this volume) argue that if the criminal justice system offers a lesson in civic education, it is that justice and fairness are reserved more for the affluent and white than for the poor and minority.

These elements of the vicious circle—deeper and invisible inequalities combined with a widening legitimacy gap between the poor and the mainstream—make the social exclusion of mass incarceration intractable. Exclusion through incarceration further impoverishes poor communities and breeds cynicism about the civic institutions that might bring about change.

How can the vicious circle of mass incarceration be broken? Much of the political significance of incarceration lies in its intimate connection with extreme poverty. Because of its social and economic effects and because of the sense of injustice it fuels, incarceration adds mightily to the social distance between the poor and the affluent. Against this great social distance, the extension of citizenship is an act of imagination. Outsiders must be reconceived as insiders. For this to happen, the insiders must recognize something of themselves in the citizens to be.

In April 2012, a research team at Harvard University began a series of interviews with 135 men and women who were leaving prison and returning to neighborhoods in the Boston area. One of my first interviews was at a minimum security prison with Peter, an African American man in his 40s who had spent most of the last 15 years in prison. Peter had a long history of violence that was episodically associated with drinking and drug use. Throughout his life, he had dealt drugs, stolen cars, and gotten in fights. The first time we spoke, in prison, he was reluctant to share his social security number (which we use for record linkage to unemployment insurance) or many other personal details.

Over the following year, after his release, we saw in detail many of the challenges confronting those who leave prison. In the first week out, Peter applied to a community program for work clothes and a mass transit card. At first he divided his time between a friend's place and his older sister's crowded home that also housed her fiancé, daughter, and granddaughter. Over the months, Peter began to develop a relationship with two of his three children and their two mothers. Closer to one mother and her child than to the other, he seemed to focus more attention on his 10-year-old son, though he did what he could to buy them both clothes and school supplies. Peter was enrolled in food stamps program and MassHealth, the Massachusetts Medicaid program. Each month he gave his \$200 in food stamps to his sister, though his eligibility for that program has now expired and he is hoping to be reinstated. Through MassHealth, he attended mental health and substance abuse treatment. He also had a physical and visited the dentist.

Peter could not find work but did enroll in employment programs doing maintenance and operating machines. The programs paid less than minimum wage, but he thought it was important to get into a daily routine. For six months, he would rise at 5:00 a.m., start work at 6:30 a.m., and work through until 3:00 p.m. Every two weeks he would report to his probation officer and on weekends he would do community service in lieu of a \$65-a-month probation fee. Peter gets from place to place by mass transit and walking, concerned that riding in a car with friends might get him arrested. (If the car is stopped by police, his probation status might come up and this might trigger a violation if others in the car have felony convictions or if drugs or guns are discovered.) He is yet to find a job, unable to move forward in the hiring process once his criminal record is disclosed.

With more interviews and phone calls, we learned a little of Peter's family history. He grew up in the Lennox Street projects, a public housing complex in Boston's South End. He was a runaway. Starting around the age of 12, he would leave the house for weeks at a time, living with friends, often drinking, using drugs, and getting in trouble. One of his earliest memories of serious violence was of a brawl at midnight between blacks and whites outside an Irish bar in the neighborhood of Mattapan. Peter was 12, and he and his uncle were involved in the fight. In that melee, Peter saw a white man stabbed to death, just outside the diner where we talked some 30 years later. At 13, Peter stole a car and drove it to New York and stayed there for a while. Shortly after, his father took him to live in Los Angeles, but they returned after about a year and Peter began to live with his mother.

Mass incarceration looks a lot like this. It is not just a burgeoning prison population but how American poverty has come to be lived. The poor do not just live below an income threshold. Low income accompanies the tightly correlated adversity of violence, addiction and mental illness, childhood trauma, school failure, labor market discrimination, housing instability, and family complexity. On top of all this, we have overlaid lengthy periods of penal confinement.

The future of citizenship for the poor depends a lot on how much the insiders of American society see of themselves in Peter. The totality of his life seems light years away. He is struggling now for sobriety, housing security, economic independence, and reconciliation with his children. Mass incarceration yields few degrees of freedom. Arrest and reincarceration are often close at hand. Can we imagine a citizenry that includes Peter as much as it includes the rest of society?

If Peter's life circumstances are unfamiliar, he shares in a history that is thoroughly recognizable. The Lennox Street projects are one of the many large public housing complexes that formed much of the context for U.S. race relations over the last half century. His daily struggles to make ends meet and provide for his children are basic human challenges increasingly swamping the American middle class. Of course, the likelihood and consequences of failure for Peter are far greater, but the struggle is familiar.

So perhaps his place in a shared history and the effort he makes to find a righteous place in the world can close the social distance enough to help start a different conversation about prison policy, crime, and American poverty. Building such

a conversation requires a detailed analysis of poverty as it is lived. Here we should acknowledge all the agency, effort, and creativity of those engulfed in the penal system, just as we emphasize the weighty constraint of social forces. This would seem to be a basic part of the project of humanization that might disrupt the vicious circle.

Peter has sold drugs, been on both sides of serious violence, and has been locked up for most of his adult life. For all that, he gets up at 5:00 a.m., looks for work or goes to programs, and meets his son after school. Street life, he says, is well behind him. Still, the future is hard to predict for poor men with long criminal histories. Could he once again wave a gun in someone's face, abandon his children, or relapse to addiction? Sure. A good part of Peter's humanity rests in that possibility, too.

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