

**LAW & JUSTICE**

Reentry

Reversing mass imprisonment.

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The British sociologist T.H. Marshall described citizenship as the “basic human equality associated with full membership in a community.” By this measure, thirty years of prison growth concentrated among the poorest in society has diminished American citizenship. But as the prison boom attains new heights, the conversation about criminal punishment may finally be shifting.

For the first time in decades, political leaders seem willing to consider the toll of rising incarceration rates. In October last year, Senator Jim Webb convened hearings of the Joint Economic Committee on the social costs of mass incarceration. In opening the hearings, Senator Webb made a remarkable observation, “With the world’s largest prison population,” he said, “our prisons test the limits of our democracy and push the boundaries of our moral identity.” Like T.H. Marshall, Webb recognized that our political compact is based on a fundamental equality among citizens. Deep inequalities stretch the bonds of citizenship and ultimately imperil the quality of democracy. Extraordinary in the current political climate, Webb inquired into the prison’s significance, not just for crime, but also for social inequality.

The incarceration bubble has not burst yet, but Webb's hearings are one signal of a welcome thaw in tough-on-crime politics.

There are now 2.3 million people in U.S. prisons and jails, a fourfold increase in the incarceration rate since 1980. During the fifty years preceding our current three-decade surge, the scale of imprisonment was largely unchanged. And the impact of this rise has hardly been felt equally in society; the American prison boom is as much a story about race and class as it is about crime control. Nothing separates the social experience of blacks and whites like involvement in the criminal justice system. Blacks are seven times more likely to be incarcerated than whites, and large racial disparities can be seen for all age groups and at different levels of education. One-in-nine black men in their twenties is now in prison or jail. Young black men today are more likely to do time in prison than serve in the military or graduate college with a bachelor's degree. The large black-white disparity in incarceration is unmatched by most other social indicators. Racial disparities in unemployment (two to one), nonmarital childbearing (three to one), infant mortality (two to one), and wealth (one to five) are all significantly lower than the seven to one black-white ratio in incarceration rates.

Though lurid portrayals of black criminality are easy to find on the local news or reality TV, the deep class divisions in imprisonment may be less apparent. Nearly all the growth in imprisonment since 1980 has been concentrated among those with no more than a high school education. Among young black men who have never been to college, one in five are incarcerated, and one in three will go to prison at some time in their lives. The intimate link between school failure and incarceration is clear at the bottom of the education ladder where 60 percent of black, male high school dropouts will go to prison before age thirty-five. The stigma of official criminality has become normal for these poorly educated black men, and they are thereby converted from merely disadvantaged into a class of social outsiders. These astonishing levels of punishment are new. We need only go back two decades to find a time when imprisonment was not a common event in the lives of black men with less than a college education.

The effects of the prison are not confined within its walls. Those coming home from prison, now about 700,000 each year, face an narrowed array of life chances. Mostly returning to urban neighborhoods of concentrated poverty, men with prison records are often out of work. The jobs they do find pay little and offer only a fraction of the earnings growth that usually supports the socially valuable roles of husband and breadwinner. Ex-prisoners are often in

poor health, sometimes struggling with mental illness or chronic disease. A University of California, Berkeley study attributes most of the black-white difference in AIDS infection to racial disparities in incarceration. In many cases people with felony records are denied housing, education, and welfare benefits. In eleven states they are permanently denied the right to vote.

The social penalties of imprisonment also spread through families. Though formerly incarcerated men are just as likely to have children as other men of the same age, they are less likely to get married. Those who are married will most likely divorce or separate. The family instability surrounding incarceration persists across generations. Among children born since 1990, 4 percent of whites and 25 percent of blacks will witness their father being sent to prison by their fourteenth birthday. Those children, too, are to some extent drawn into the prison nexus, riding the bus to far-flung correctional facilities and passing through metal detectors and pat-downs on visiting day. In short those with prison records and their families are something less than full members of society. To be young, black, and unschooled today is to risk a felony conviction, prison time, and a life of second-class citizenship. In this sense, the prison boom has produced mass incarceration—a level of imprisonment so vast and concentrated that it forges the collective experience of an entire social group.

Viewed in historical context, mass incarceration takes on even greater significance. The prison boom took off in the 1970s, immediately following the great gains to citizenship hard won by the civil rights movement. Growing rates of incarceration mean that, in the experience of African-Americans in poor neighborhoods, the advancement of voting rights, school desegregation, and protection from discrimination was substantially halted. Mass incarceration undermined the project for full African-American citizenship and revealed the obstacles to political equality presented by acute social disparity.

A large-scale effort to assist the reintegration of those coming home from prison can be justified on the grounds of restoring citizenship to America's new carceral class.

Skeptics may concede that mass incarceration injured social justice, but surely, they would contend, it contributed to the tremendous decline in crime through the 1990s. Indeed, the crime decline of the '90s produced a great improvement in public safety. From 1993 to 2001, the violent crime rate fell considerably, murder rates in big cities like New York and Los Angeles dropped by half or more, and this progress in social wellbeing was recorded by rich

and poor alike. Yet, when I analyzed crime rates in this period, I found that rising prison populations did not reduce crime by much. The growth in state imprisonment accounted for 2-5 percent of the decline in serious crime—one-tenth of the crime drop from 1993 to 2001. The remaining nine-tenths was due to factors like the increasing size of local police forces, the pacification of the drug trade following the crack epidemic of the early 1990s, and the role of local circumstances that resist a general explanation.

So a modest decline in serious crime over an eight year period was purchased for \$53 billion in additional correctional spending and half a million new prison inmates: a large price to pay for a small reduction. If we add the lost earnings of prisoners to the family disruption and community instability produced by mass incarceration, we cannot but acknowledge that a steep price was paid for a small improvement in public safety. Several examples further demonstrate that the boom may have been a waste because crime can be controlled without large increases in imprisonment. Violent crime in Canada, for example, also declined greatly through the 1990s, but Canadian incarceration rates actually fell from 1991 to 1999. New York maintained particularly low crime rates through the 2000s, but has been one of the few states to cut its prison population in recent years.

More importantly, perhaps, the reduction in crime was accompanied by an array of new problems associated with mass incarceration. Those states that have sought reduced crime through mass incarceration find themselves faced with an array of problems associated with overreliance on imprisonment. How can poor communities with few resources absorb the return of 700,000 prisoners each year? How can states pay for their prisons while responding to the competing demands of higher education, Medicaid, and K-12 schools? How can we address the social costs—the broken homes, unemployment, and crime—that can follow from imprisonment? Questions such as these lead us to a more fundamental concern: how can mass imprisonment be reversed and American citizenship repaired?

We can begin to tackle these issues by understanding how we got here. The origins of today's mass incarceration can be traced to basic political and economic shifts in the 1960s. On the economic side, the prison population swelled following the collapse of the urban manufacturing industry and subsequent cascade of social ills that swept poor inner-city neighborhoods. Serious crime—the traditional target of the penal system—was an important part of these urban social problems. Murder rates in large cities grew dramatically from 1965 to 1980. But in addition to the problem of serious crime, the penal system was used to

manage many of the byproducts of persistent poverty: untreated drug addiction and mental illness, homelessness, chronic idleness among young men, and social disorder. It was the management of these social problems, not serious crime, that fuelled incarceration rates for drug users, public-order offenders, and parole violators.

As the social crisis of urban America supplied the masses for mass incarceration, the penal system itself became more punitive. The tough-on-crime message honed by the Republican Party in national politics since the Goldwater campaign of 1964 spoke to the racial anxieties of white voters discomfited by civil rights protests and summertime waves of civil unrest felt in cities through the decade. Conservatives charged that liberals coddled criminals and excused crime with phony root causes like poverty and unemployment. President Nixon launched a war on crime, only to be surpassed by President Reagan's War on Drugs, which applied the resources of federal law enforcement to the problem of drug control. Policy experts abandoned rehabilitation, concluding that prisons could only deter and warehouse those who would otherwise commit crime in society. These politics produced a revolution in criminal sentencing. Mandatory minimum prison sentences, sentencing guidelines, parole abolition, and life sentences for third-time felons were widely adopted through the 1980s. The no-nonsense, tough-on-crime politics reached a bipartisan apotheosis with President Clinton's 1994 crime bill, which launched the largest prison construction project in the nation's history. As a result of these changes, prison time—as opposed to community supervision—became the main criminal sanction for felony offenders.

The failure of the great experiment in mass incarceration is rooted in three fallacies of the tough-on-crime perspective. First, there is the fallacy of us and them. For tough-on-crime advocates, the innocent majority is victimized by a class of predatory criminals, and the prison works to separate us from them. The truth is that the criminals live among us as our young fathers, brothers, and sons. Drug use, fighting, theft, and disorderly conduct are behavioral staples of male youth. Most of the crime they commit is perpetrated on each other. This is reflected most tragically in the high rates of homicide victimization among males under age twenty-five, black males in particular. Some young men do become more seriously and persistently involved in crime, but neither the criminal-justice system nor criminologists can predict who those serious offenders will be or when they will stop offending. Thus the power to police and punish cannot separate us from criminals with great distinction, but instead flows along the contours of social inequality. Visible markers like age, skin color, and neighborhood become rough proxies for criminal threat. Small race and class differences in offending are amplified at each stage of criminal processing from arrest through conviction

and sentencing. As a result the prison walls we built with such industry in the 1980s and '90s did not keep out the criminal predators, but instead divided us internally, leaving our poorest communities with fewer opportunities to join the mainstream and deeply skeptical of the institutions charged with their safety.

Second, there is the fallacy of personal defect. Tough-on-crime politics disdains the criminology of root causes and traces crime not to poverty and unemployment but to the moral failures of individuals. Refusing to resist temptation or defer gratification, the offender lacks empathy and affect, lacks human connection, and is thus less human than the rest of us. The diagnosis of defective character points to immutable criminality, stoking cynicism for rehabilitative efforts and justifying the mission of semi-permanent incapacitation. The folk theory of immutable criminality permits the veiled association of crime with race in political talk. But seeking criminality in defects of character, the architects of the prison boom ignored the great rise in urban youth unemployment that preceded the growth in murder rates in the 1960s and '70s. They ignored the illegal drug trade, which flourished to fill the vacuum of legitimate economic opportunity left by urban deindustrialization. They ignored, too, the fact that jobs are not just a source of economic opportunity but of social control that routinizes daily life and draws young men into a wide array of socially beneficial roles. Lastly, they ignored the bonds of mutual assistance that are only weakly sustained by communities of concentrated poverty. Thus young men would return home from prison only to easily surmount once again the same stunted social barriers to crime that contributed to their imprisonment in the first place.

The final fallacy of the tough-on-crime perspective is the myth of the free market. The free market fallacy sees the welfare state as pampering the criminal class and building expectations of something for nothing. Anti-poverty programs were trimmed throughout the 1970s and '80s, and poor young men largely fell through the diminished safety net that remained. For free marketeers, the question was simply whether or not to spend public money on the poor—they did not anticipate that idle young men present a social problem. Without school, work, or military service, these poor young men were left on the street-corner, sometimes acting disorderly and often fuelling fears of crime. We may have skimped on welfare, but we paid anyway, splurging on police and prisons. Because incarceration was so highly concentrated in particular neighborhoods and areas within them, certain city blocks received millions of dollars in “correctional investment”—spending on the removal of local residents by incarceration. These million-dollar blocks reveal a question falsely posed. We never faced a choice of whether to spend money on the poor; the dollars diverted from

education and employment found their way to prison construction. Our political choice, it turned out, was not how much we spent on the poor, but what to spend it on.

Getting tough on crime created a sustained public policy mistake of immense proportions. If the prison boom was indeed produced by a historic collision between the jobless ghetto and a punitive politics of civil rights backlash, retreating from mass incarceration will involve equally fundamental shifts in politics and economics. What would a new politics of criminal justice look like, and what policies would it promote?

There are small signs of change in the public conversation about crime, punishment, and poverty, though bold ideas have not yet penetrated the mainstream. By supporting education and treatment programs for prisoners, leaders from both parties have offered one answer to Senator Webb's question about the future of punishment in America. In April this year, President Bush signed the Second Chance Act, which funds literacy programs, drug treatment, and other services for prisoners and ex-prisoners. While prison reform advocates supported Second Chance, a bipartisan majority was ensured by Christian conservatives like Kansas Republican Sam Brownback, who spoke up for a law that promoted a message of redemption and faith-based prison programs.

Second Chance can be viewed as one achievement in a broader movement for improved prisoner reentry policy. Jeremy Travis, president of John Jay College of Criminal Justice in New York, has been a leading voice in naming the social problem of prisoner reentry and proposing policy solutions. In his 2005 book *But They All Come Back* Travis writes: "The reality of mass incarceration translates into the reality of reentry . . . [T]he harmful effects of high rates of incarceration and reentry call for . . . policies that promote reintegration, not retribution." Here the reentry movement challenges mass incarceration by reasserting the importance of rehabilitation, but deliberately stops short of recommending a reduction in prison populations.

If the employment problems of young minority men in poor urban neighborhoods are a prime precondition for mass incarceration, prisoner reentry programs that promote employment may offer a way out of the street-prison cycle in which so many are caught. A wide variety of programs aim to help people move from prison to the labor market. GED classes, vocational training, prison work-programs, and job readiness instruction all seek to

improve prisoners' preparation for working life. In part, the wide variety of programs reflects the sheer range of behavioral and cognitive deficits of the prison population.

Perhaps the greatest challenge for these programs is that many men and women coming out of prison—most in their thirties or older—have never held a steady job. The newly released behave awkwardly around coworkers and have never cultivated daily work habits; these shortcomings may be no less debilitating than illiteracy or a shortage of vocational skills. Social scientists refer to the necessary traits of reliability, motivation, and sociability as “non-cognitive skills.” While education programs in prison can help develop the cognitive skills of math and verbal ability, the non-cognitive skills that promote success in free society are hard to develop while incarcerated. To learn these skills, people coming out of prison must repeatedly rehearse the habits of regular work. But precisely because they have so little work experience and carry the added penalty of a criminal record, formerly incarcerated men and women have little access to the steady jobs that can make them more productive. For ex-prisoners, extreme economic insecurity is a trap that prevents them accumulating the kind of work experience that enables a return to mainstream social life.

Building everyday work habits means working every day; instead of relying only on a wary labor market, some programs try to break the cycle of economic insecurity by offering jobs immediately after release from prison. The Center for Employment Opportunities (CEO) in New York provides transitional jobs in combination with job placement services to move prisoners into the open labor market. CEO takes people straight out of prison, and puts them in a week-long training program before assigning them to a seven-hour day, four-day week in small supervised crews doing groundskeeping and other manual work at the New York minimum wage of \$7.15 an hour. On the fifth day of each week, the CEO participants take vocational and job readiness classes that prepare them for job searching and interviews. CEO's transitional jobs generally last a month or two and program graduates receive transport and supermarket vouchers if they remain employed.

CEO, in a move rare among reentry programs, has sought to study the effectiveness of its program through experimentation. The experiment randomly assigned parolees either to transitional jobs or to a control group composed of former inmates who received job-search assistance from the support staff, but not transitional work. Parolees who took on transitional jobs within three months of release from prison saw their arrest rates reduced by about 20 percent compared to the control group. However, parolees who entered the transitional jobs more than 3 months after prison release experience no reductions in

recidivism. It seems that timely intervention, immediately after prison, provides the greatest benefits.

CEO's method shows promising results, but is narrowly directed toward alleviating unemployment. A small but intensive program run by the Brooklyn District Attorney suggests how a more comprehensive program might operate. Charles "Joe" Hynes is unusual among prosecutors. He actively incorporates alternatives to incarceration into the work of his office. Beginning in 1990 Hynes promoted a diversion program that sent nonviolent drug offenders to substance abuse treatment instead of prison. By the later part of the decade, the D.A. was convening regular meetings of community groups throughout Brooklyn to connect parolees and probationers to drug treatment, housing, and jobs.

The meetings were run by Hynes's energetic First Assistant District Attorney, Patricia Gatling. Gatling did not see the D.A.'s role as simply seeking the toughest justice for Brooklyn's criminal defendants. In her view, the D.A. is a community lawyer, charged with strengthening neighborhoods and improving public safety in a broad sense. The community meetings in Brooklyn's poor neighborhoods were Gatling's effort to replenish the area's flagging social capital—the web of networks and supports that greases the wheels of social life. After a few years, Hynes hired a full-time social worker and developed his own prisoner reentry program. At first it operated only in a few precincts with high parole caseloads, but later it spread across the whole borough.

Called ComALERT (Community and Law Enforcement Resources Together), the program provides parolees with drug treatment, transitional employment, and housing. Most ComALERT participants, have prior convictions for drugs or violence, and all have been ordered into drug treatment. Some homeless parolees enter the Ready Willing and Able (RWA) program that provides a full year of employment and supportive housing in return for a promise of complete drug and alcohol abstinence and a biweekly regime of drug testing. RWA participants work in street cleaning and other unskilled jobs for \$7.50 an hour, share small apartments, and receive drug counseling and educational programming. A recent evaluation found that two years after release from prison, ComALERT clients were 18 percent less likely to be rearrested than a comparison group with a similar history of crime and drug use. ComALERT participants also earned about \$1000 more each quarter and were about 20 percent more likely to be employed.

These positive outcomes suggest three policy lessons. First, transitional jobs are large-dose interventions that can reduce recidivism at least for a while by providing close supervision

and paying wages. Regular work habits cannot be built cheap, though these programs are still less expensive than incarceration. Second, the programs that work best are comprehensive, bundling together a variety of services including drug treatment and housing. Because released prisoners often cope with a range of problems, additional supports must be in place for transitional jobs to help. Third, timely intervention is imperative; successful schemes provide a job immediately out of prison.

While the results from transitional jobs and supplementary programs are encouraging, we must be realistic about what these projects can achieve. Most initiatives operate at the local level. Sometimes their efforts span a city, but more often several neighborhoods. The high quality results that stem from local efforts will not scale to counties and states. Even in the best-case scenario, if recidivism is reduced by 10 or 20 percent, ex-prisoners would still be re-arrested at rates of around 40 percent or more.

Still, a large-scale effort to assist the reintegration of those coming home from prison can be justified on the grounds of restoring citizenship to America's new carceral class. Instead of focusing assessment of reentry programs narrowly on the decrease in recidivism achieved, we should account for the benefits of families reunited, the paychecks that help support the children of ex-prisoners, and the value of literacy for its effects on quality of life in addition to its role in averting crime. The cost-benefit calculus looks quite different when we include these social goods. For nonviolent drug and public-order offenders, intensive, large-dose treatment in the community (which is relatively cheap) begins to look like a good alternative to custody in prison (which is expensive). Here we count as benefits not just reductions in crime, which may be modest, but all the ways in which social life is made more normal by drawing our erstwhile outsiders back into society, instead of building more walls to keep them out.

What would a different kind of penal system look like: one that viewed the unemployment of ex-prisoners as a key problem to solve and the deficit of noncognitive skills a central obstacle to steady work? Projecting our exemplary local programs on to the national stage, all parolees leaving prison in need of a job would move into closely supervised community-service work paying minimum wage. Like Brooklyn's RWA program, these jobs might be offered for up to a year and coupled to job placement with the goal of parolee self-sufficiency. Those with drug problems would enroll in a rigorous program of treatment and testing. Those living on the streets would move into supportive housing.

How many would participate in this national reentry program, and at what cost?

Employment statistics for prisoners suggest a national transitional jobs program would enroll about 180,000 out of the 700,000 prisoners released each year. Around 200,000 would fill new places in drug treatment programs. Another 100,000 would require housing. A national program of transitional jobs, drug treatment, and supportive housing would represent a significant expansion of the social services available to ex-prisoners. The total cost of this effort would be about \$7 billion each year, roughly one-tenth of total current spending on corrections. In the present climate such a program seems entirely fanciful—how could we pay for it?

One source of funds is the vast treasury expended on large-scale incarceration itself. By cutting the size of prison populations and redirecting some of the spending on custody to community programs, we could dramatically expand services to prisoners after they have been released. Unlocking America, a recent proposal from the Washington, D.C.-based JFA Institute, recommends four ways to reduce the size of prison populations.

First, Unlocking America recommends decriminalizing drug offenses and other “victimless” crimes. The authors argue that arresting drug dealers has no crime reducing effect because new dealers will fill the vacancies opened by incarceration. Since the mid-1990s, prominent conservatives, too, have supported the view that incarceration for drug dealing fails to curb the drug trade. In 1995 John DiIulio and Anne Piehl—the former would become an appointee in the second Bush administration—wrote that their “best estimate of the incapacitation effect (number of drug sales prevented by incarcerating a drug dealer) is zero,” and they therefore “value drug crimes (sales and possession) at zero social cost.” Though the War on Drugs failed to reduce drug use or the prices of drugs, it boosted incarceration and racial disparity. Drug convictions account for about a third of the increase in state prison populations and about three-quarters of the increase in the federal prison population through the 1980s and ’90s.

Second, time served in prison can be reduced. In the mid-1970s prisoners were incarcerated for relatively short periods, given their offenses. Since then, life sentences have become common for violent offenders and those with prior felony convictions. Three-strikes provisions add long stretches of prison time for repeat convicts. Truth-in-sentencing requires felony offenders to serve at least 85 percent of their sentences. These measures serve to lengthen prison time account for about half of the growth in state prison populations over the last twenty years.

Third, the length of probation and parole-supervision periods could also be reduced. People on probation and parole are likely to return to prison, but usually as a result of a technical violation, not a new crime. Unlocking America finds little evidence that lengthy parole and probation terms reduce crime. Probationers and parolees are most likely to fail in the first twelve months. After that first year, the authors write, “supervision is more of a nuisance than a means for assisting people after prison or preventing them from committing another crime.”

Finally, the authors argue that re-imprisonment should be eliminated for technical violations of parole and probation. Parolees and probationers are released to the community subject to a large number of conditions that typically include employment, drug testing, and regular meetings with case officers. When they violate these conditions, supervising officers can send them back to prison. Many parolees and probationers are sent back to prison for failing a drug test or missing an appointment—their reappearance behind bars may have nothing to do with crime. Incarceration for technical violations of parole or probation was a significant driver of state imprisonment rates through the 1990s. In some states, like California, most of those on parole are re-incarcerated for technical violations, adding a year or more to their time in prison.

Of all the proposals to reduce prison populations, restricting re-incarceration for technical parole violators seems most politically feasible. Some states are already trying to reduce parole revocation, sometimes by imposing more intensive community supervision or a few days in lock-up instead of months and years in prison. Kansas now conducts a risk assessment for parolees. Some are assigned to a low-risk group that receives only loose supervision. Case managers place high-risk parolees in special programs, and enforce a variety of punishments short of return to prison. Since adopting these measures in 2003, Kansas has halved the number of parole violators. Half a dozen other states, like Arizona, Illinois, New York, and Texas, have also adopted a system of graduated sanctions to reduce parole revocation. At the national level, eliminating re-incarceration for technical violations would reduce prison admissions by about 30 percent each year. By itself this measure could save much of the funds needed for a national prisoner reentry program.

Eliminating re-incarceration for technical violations would also support a reintegrative model of corrections. Given that over half of state prisoners struggle with problems of drug addiction, we should anticipate that many will fail and become involved again in drugs or miss work or parole appointments. These failures should be viewed as a component of

reentry. Relapse is part of a learning process in which new non-cognitive skills of reliability and persistence develop. If failure is a likely stop on the path to steady work, parole supervision must also allow people to fail and remain in their communities.

So far I have argued that we can edge away from mass incarceration by promoting two kinds of policies: expanding support for the reentry of prisoners into society and scaling down the size of the prison population. The two steps are linked; we expand our support for ex-prisoners in the community by using incarceration more sparingly and revoking freedom less willingly. Money that we now spend on prison can be spent on treatment and jobs.

There are more advocates now for reentry programs than decarceration, but a real policy debate over the future of mass incarceration has barely begun. Though Congress dipped a toe in the pool of reintegrative criminal justice by passing the Second Chance Act, a national large-dose reentry program is a much larger effort. Faced with mounting correctional budgets, governors in Kansas and elsewhere have experimented with parole reform. Some states are also considering sentencing reforms. Commissions in New York and California are now reviewing three-strikes and mandatory minimums. Despite these signs of change, the reform process remains in its infancy. Few correctional facilities have closed, and incarceration rates continue to rise.

While an expanded reentry policy and a revision of the penal codes may stop the growth of prisons, the future of mass incarceration depends very much on its past. A less punitive criminal justice system cannot by itself solve the deep social problems of poor urban neighborhoods. These problems—disorder and addiction largely flowing from chronic idleness—set in motion the politics and policy choices that delivered mass incarceration. As America's meager welfare state failed to prevent school dropout and persistent unemployment among unskilled inner-city residents, prisons and jails expanded to fill the vacuum of social control formerly occupied by the education system and the labor market. The police, the courts, and correctional administrators were charged with solving the social problems of idleness, addiction, and mental illness, while also controlling their natural jurisdiction over serious crime. But they were given just a few tools: the powers of arrest and imprisonment. Mass incarceration contains an unruly population beset with trouble; wholesale confinement makes the population more manageable but leaves their troubles undiminished.

To expect a rehabilitative criminal justice alone to reverse mass incarceration is, in an odd way, to repeat the mistakes of the tough-on-crime movement. We would again be turning to line officers to manage the byproducts of deep social inequalities. While we might spend billions on a jobs program for former prisoners, we would still send them out to look for work in labor markets where half of the young men are jobless. We would still be asking them to stay sober amid a thriving street trade in illegal drugs. This is what prisoners mean when they say they are set up to fail. This is not just a recidivist's special pleading: it reflects the deficiencies of a theory in which society's losers have only themselves to blame.

The police, the courts, and correctional administrators were charged with solving social problems, but their only tools were the powers of arrest and imprisonment.

Reversing mass incarceration will ultimately require that social problems be solved with social policies. The two most urgent priorities are the prevention of school dropout and the creation of a viable and legitimate economy in poor inner-city neighborhoods. Not even the most rehabilitative criminal justice policy can solve these problems. We normally think of education and employment as sources of economic opportunity. In the era of mass incarceration, we also see that they are positive sources of social control, providing order in people's daily lives.

School failure and joblessness, of course, lie deep at the core of American urban inequality. Even if our policy knowledge is equal to these problems, the political will is weak, especially since carceral stigma now clouds the neighborhoods of the urban poor. It seems unlikely under these conditions that communities of concentrated poverty will somehow launch new programs of urban renewal or that middle class voters will discover sympathies for the poor. Are new efforts at social investment impossible?

The upcoming election season holds more promise for an expanded social policy than we have seen in years. The coming debate over national health insurance holds enormous significance for communities most affected by mass incarceration. If a plan emerges that covers treatment for substance abuse, mental health problems, and chronic disease, and if the plan is truly universal, carrying no exclusions for those in prison or with felony convictions, it can significantly improve the lives of those entangled in the penal system. By aiming to cover everyone, national health insurance creates a common cause between the urban poor wracked by mass incarceration and the suburban middle class. We have recently

seen this kind of cross-class support in defense of Social Security—a universalistic and venerated institution operating with great anti-poverty effect. Supporters repelled the threat of privatization not because Social Security slashes poverty among the elderly, but because it guarantees the material dignity of all citizens in retirement.

Policies narrowly tailored only to the needs of released prisoners can at best attract the support of altruists and the poor themselves. The ineffectiveness of these constituencies is reflected in the quality of these targeted policies as they currently stand. But by actively constructing the common citizenship of the poor and the middle class, a universal social policy provides a powerful force for social integration.

Nearly a century ago, Eugene Debs, at his sentencing under the Sedition Act in 1918, offered a moving account of the moral significance of the prison. “Your Honor,” he said, “years ago I recognized my kinship with all living beings, and I made up my mind that I was not one bit better than the meanest on earth. I said then, and I say now, that while there is a lower class, I am in it, while there is a criminal element, I am of it, and while there is a soul in prison, I am not free.” Debs’s vision was radically egalitarian. Because we are joined by a common humanity, the imprisonment of one incarcerates us all.

Be it health care, education, or job opportunities, universal provision in any domain of public policy—and the bonds of citizenship on which that sense of universality is built—joins us to a common destiny, and might be the best chance for the redevelopment of urban schools and labor markets. If the duty of the citizen is to stay in school and go to work, then the political will to maintain good schools and promote employment is woven into the social fabric. This political logic implies that special projects targeting special populations will not do the job. If poor schools are to improve, it is more likely they will do so as a result of an effort to improve educational opportunity nationwide. If we are to promote jobs for unskilled men in the inner-city, the attempt will receive its greatest impetus from a national employment policy that aims to improve the working lives of all citizens.

Clearly we are not there yet. The norms of good citizenship, however, develop in tandem with the institutions of civic life. Political will can grow in small increments led by the promotion of institutions that provide on the basis of Marshall’s “basic human equality.” Such a renewal of an authentically American social citizenship would sweep away the jobless ghetto and the mass incarceration that it has spawned.

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