Corrections: A Critical Approach (3rd edition) confronts mass imprisonment in the United States, a nation boasting the highest incarceration rates in the world. This statistic is all the more troubling considering that its correctional population is overrepresented by the poor, African Americans, and Latinos.

Not only throwing crucial light on matters involving race and social class, this book also identifies and examines the key social forces shaping penal practice in the US – politics, economics, morality, and technology. By attending closely to historical and theoretical development, the narrative takes into account both instrumental (goal-oriented) as well as expressive (cultural) explanations to sharpen our understanding of punishment and the growing reliance on incarceration.

Covering five main areas of inquiry – penal context, penal populations, penal violence, penal process, and penal state – this book is essential reading for both undergraduate and graduate students interested in undertaking a critical analysis of penology.

Michael Welch is Professor in the Criminal Justice Program at Rutgers University (USA). His research interests include punishment, human rights, and social control, and his articles have appeared in journals such as Punishment and Society, Social Justice, and Critical Criminology. He has also authored numerous books, including Crimes of Power and States of Impunity: The U.S. Response to Terror (Rutgers University Press, 2009), Ironies of Imprisonment (Sage, 2005), and Punishment in America (Sage, 1999).
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To my parents

Diane J. Welch

and

Edmund F. Welch

with gratitude
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17 The War on Terror

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ACA  American Correctional Association
ACLU  American Civil Liberties Union
ADDD  Association pour la Défense des Droits des Détenus
AEDPA  Antiterrorism and Effective Death Penalty Act 1996
AFDC  Aid to Families with Dependent Children
AIDS  Acquired Immunodeficiency Syndrome
AIM  American Indian Movement
BIA  Bureau of Indian Affairs
BJS  Bureau of Justice Statistics
BOP  Bureau of Prisons
BT  building tender
CAP  Comité d’Action des Prisonniers
CASA  Court Appointed Special Advocates/
      Court on Addiction and Substance Abuse
CCA  Corrections Corporation of America
CCC  Civilian Conservation Corps
CCPOA  California Correctional Peace Officers Association
CDC  Centers for Disease Control
CO  correctional officer
COINTELPRO  Counter Intelligence Program
CONS  Church of the New Song
DHS  Department of Homeland Security
DIAC  Department of Immigration and Citizenship (Australia)
DOC  Department of Corrections
DOE  Department of Energy
DUI  driving under the influence
DWB  ‘driving while black or brown’
DWI  driving while intoxicated
DYS  Department of Youth Services
EM  electronic monitoring
ERF  Extreme Reaction Force
FAMM  Families Against Mandatory Minimums
FBI  Federal Bureau of Investigation
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<td>FCI</td>
<td>federal correctional institution</td>
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<td>FDA</td>
<td>Food and Drug Administration</td>
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<tr>
<td>GAO</td>
<td>General Accounting Office</td>
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<td>GED</td>
<td>General Equivalency Diploma</td>
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<tr>
<td>GGI</td>
<td>Guided Group Interaction</td>
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<tr>
<td>GIP</td>
<td>Groupe d’Information sur les Prisons</td>
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<tr>
<td>GP</td>
<td>Gauche Proletarienne</td>
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<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<tr>
<td>ICE</td>
<td>Immigration and Customs Enforcement</td>
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<td>IDC</td>
<td>Immigration Detention Center</td>
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<td>INS</td>
<td>Immigration and Naturalization Service</td>
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<td>IRS</td>
<td>Internal Revenue Service</td>
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<td>ISP</td>
<td>intensive supervision program</td>
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<td>IV</td>
<td>intravenous</td>
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<td>JHL</td>
<td>jailhouse lawyer</td>
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<td>JJDP</td>
<td>Juvenile Justice and Delinquency Prevention Act 2002</td>
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<td>LEAA</td>
<td>Law Enforcement Assistance Administration</td>
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<td>LIFG</td>
<td>Libyan Islamic Fighting Group</td>
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<td>MCA</td>
<td>Military Commissions Act 2006</td>
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<td>MCC</td>
<td>Metropolitan Correctional Center</td>
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<td>MS</td>
<td>Mara Salvartucha (Guatemalan gang)</td>
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<td>NAACP</td>
<td>National Association for the Advancement of Colored People</td>
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<tr>
<td>NCJFCJ</td>
<td>National Council of Juvenile and Family Court Judges</td>
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<tr>
<td>NGO</td>
<td>non-governmental organization</td>
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<tr>
<td>NIJ</td>
<td>National Institute of Justice</td>
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<td>OJJDP</td>
<td>Office of Juvenile Justice and Delinquency Prevention</td>
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<td>PC</td>
<td>protective custody</td>
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<td>PINS</td>
<td>person in need of supervision</td>
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<td>PLRA</td>
<td>Prison Litigation Reform Act 1996</td>
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<td>PMS</td>
<td>premenstrual syndrome</td>
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<td>PREA</td>
<td>Prison Rape Elimination Act 2003</td>
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<td>PRL</td>
<td>Patronado de Recluidas y Liberadas (Argentina)</td>
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<tr>
<td>PSI</td>
<td>pre-sentence investigation</td>
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<td>PUC</td>
<td>person under control</td>
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<td>REIT</td>
<td>Real Estate Investment Trust</td>
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<td>RICO</td>
<td>Racketeer Influenced Corrupt Organization Act 1970</td>
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<td>ROR</td>
<td>released on own recognizance</td>
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<tr>
<td>RUS</td>
<td>released under supervision</td>
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<tr>
<td>S&amp;L</td>
<td>Savings and Loan</td>
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<td>SORT</td>
<td>Special Operations Support Team</td>
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<td>SRS</td>
<td>Sex Reassignment Surgery</td>
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<td>STG</td>
<td>security threat group</td>
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<td>TB</td>
<td>tuberculosis</td>
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<tr>
<td>TDC</td>
<td>Texas Department of Corrections</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>VIS</td>
<td>victim impact statement</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>VORP</td>
<td>victim-offender reconciliation program</td>
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<tr>
<td>WAR</td>
<td>White Aryan Resistance</td>
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<tr>
<td>WIC</td>
<td>women, infants, and children</td>
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<tr>
<td>WRA</td>
<td>War Relocation Authority</td>
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<tr>
<td>ZOG</td>
<td>Zionist Occupation Government</td>
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Michael Welch, Criminal Justice Program
Rutgers University
New Brunswick, New Jersey, USA, www.professormichaelwelch.com
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**Figure 1.1**
San Quentin. A view of California’s San Quentin Prison guard lookout tower.
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**Figure 1.2**
Pink boxer shorts.
Maricopa County Detention Officer Rene Ansley holds up one of the pink boxer style underwear male inmates wear inside Sheriff Joe Arpaio’s tent city jail in Phoenix, Arizona May 3, 2010. The inmates also have matching pink socks. This area of the tent city houses misdemeanor offenders.
AFP Photo/Paul J. Richards
Photo credit © Paul J. Richards/AFP/Getty Images
Editorial image #: 98823554.

**Figure 1.3**
Prisoner.
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**Figure 2.1**
Castle window. Indoor shot of a trellised historic window at Wertheim Castle in Southern Germany where light is falling.
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**Figure 2.2**
Galley Slavery (see title: Ships rations)
10 January 1863: The French artillerymen distribute biscuits amongst the galley-slaves in Veracruz, during the war between France and Mexico. In the picture above, cherubs decorate a montage of Parisian landmarks.
Photo by Hulton Archive/Getty Images
Figure 2.3
Source: Scanned from the Postcard Collection of Alex Wellerstein and reprinted with permission. Copyright expired.
http://www.hks.harvard.edu/sdn/sdnimages/

Figure 3.1
An old-fashioned prison.
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Figure 3.2
Ankle shackles. Harsh stark reality of slavery implied by simple monotone composition of ankle shackles worn by slaves in the early 1800s.
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Figure 3.3
Aerial view of Alcatraz Prison.
Creative image #: 78052688
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Figure 4.1
Foucault.
Date created: 1 January 1960
Editorial image #: 52015405
Paris, France – January 1: French philosopher Michel Foucault shown in an undated and unlocated file photo. (Archive) Photo non datée du philosophe français, Michel Foucault.
Photo credit © STF/AFP/Getty Images

Figure 4.2
Head in a jar
Photo by Romano Cagnoni/Hulton Archive/Getty Images
Date created: 1 January 1978
Editorial image #: 74844837

Figure 4.3
Abbie Hoffman Flag Show
Caption: 9 November 1970: American activist Abbie Hoffman (1936–1989), cofounder of the Yippie movement, speaks to a crowd while wearing a shirt made from a US flag during an American flag-themed art show at the Hudson Memorial Church, New York City. Hoffman was charged with desecration of the flag for wearing the shirt.
Photo by Tyrone Dukes/New York Times Co./Getty Images
Date created: 9 November 1970
Editorial image #: 3241269
Figure 5.1
Inmate. Muscular man in trouble shot in old prison setting.
© iStockphoto.com
Stock photo | File #: 13219114

Figure 5.2
Inmates perform pop icon Michael Jackson.
Caption: Inmates perform pop icon Michael Jackson's dance routine during a press preview at Cebu City provincial jail on March 4, 2010. Dressed in tangerine jump suits, the roughly 1,500 convicted murderers, rapists and other inmates perform a series of Michael Jackson-inspired dances that have helped boost their morale while also making them Internet sensations.
AFP Photo/Ted Aljibe
Photo credit Ted Aljibe/AFP/Getty Images
Date created: 4 March 2010
Editorial image #: 97742800

Figure 5.3
French prison.
Caption: View of the courtyard and buildings in the prison of Ensisheim, eastern France, on December 12, 2009 during a visit of a French official.
AFP Photo Johanna Leguerre
Photo credit Johanna Leguerre/AFP/Getty Images
Date created: 12 December 2009
Editorial image #: 94984145

Figure 6.1
Chained leg. A lock and chain around a female with bare feet.
Chained Leg – B&W
Stock photo | File #: 1357242

Figure 6.2
Christmas.
Title: Feminine prison celebrates Christmas.
Caption: Mexico City, Mexico – December 17, 2009: Paola Durante poses for a photograph during a Christmas celebration with prisoners at the Feminine Prison of Santa Marta Acatitla.
Photo by Juan Villa/Jam Media/LatinContent/Getty Images
Date created: 17 December 2009
Editorial image #: 94733241

Figure 6.3
Bolivia.
Title: Inmates in Parmasola's prison.
Caption: Inmates in Parmasola's prison, in Santa Cruz, Bolivia on November 27, 2009. In Parmasola there are some 1,500 prisoners, men and women, who coexist together in the jail's district. Children can remain with their parents until they are six years old.
AFP Photo/Desirée Martin
Photo credit should read Desirée Martin/AFP/Getty Images
Date created: 27 November 2009
Editorial image #: 93466431
Figure 7.1
Troubled teen. Troubled teen boy in close-up behind fence.
© iStockphoto.com
Stock photo | File #: 11317583

Figure 7.2
Moscow.
Title: Daily life inside a Moscow juvenile criminal institute
Caption: Young criminals work at Iksha labor colony for juvenile offenders in Moscow, Russian Federation, February 2, 2007. Russian deputy prosecutor general Sergey Fridinsky noted the previous year that criminality among juvenile offenders had grown by 10% over the last three years. Furthermore, according to reports, major offences among juvenile delinquents had also grown.
Photo by Oleg Nikishin/Epsilon/Getty Images
Date created: 2 February 2007
Editorial image #: 73349829

Figure 7.3
Rwanda.
Title: Youth prisoners accused of the genocide in Rwanda work in field in youth prison in Gitagata, Rwanda.
Caption: Youth prisoners accused of the genocide in Rwanda in 1994 work in a field in Gitagata, Rwanda on April 20, 1995. About one million people were killed in about one hundred days, making it one of the worst genocides in modern history.
Photo © Per-Anders Pettersson/Contributor/Getty
Date created: 4 November 2005
Editorial image #: 200253471-001

Figure 8.1
Prison hands. An African American male with hands hanging out prison bars.
© iStockphoto.com
Stock photo | File #: 11434582

Figure 8.2
Texas prison.
Title: Prisoners walk to work in Texas prison.
Caption: An unidentified Texas department of corrections officer watches over prisoners working outside the prison at Ellis Unit in Huntsville, Texas USA on April 17, 1997. Texas has about 450 prisoners on death row. The state leads all records in executing people around the US. The prisoners are executed by lethal injection.
Photo © Per-Anders Pettersson /Contributor/Getty
Date created: 4 November 2005
Editorial image #: 200253345-001

Figure 8.3
Leonard Peltier.
Title: Leonard Peltier.
Caption: Former AIM activist Leonard Peltier, a Chippewa-Lakota Indian serving a life sentence for the murder of two FBI agents he maintains he didn't commit, writing letter as he sits on his bunk next to sink and toilet in his cell at Leavenworth Penitentiary, KS.
Photo by Taro Yamasaki/Time Life Pictures/Getty Images
Figure 9.1
Armed guards.
Title: Armed prison officials.
Caption: Armed prison officials guard the maximum security prison, Fraijanes II 36 km west of Guatemala City, where inmates rioted April 23, 2010. Two guards of the prison system were held hostage by prisoners demanding better care. In the detention center are held Mexican cartel members of ‘Los Zetas’ gang and the Mara 18. AFP photo Johan Ordonez
Photo credit Johan Ordonez/AFP/Getty Images
Date created: 23 April 2010
Editorial image #: 98641805

Figure 9.2
Chino.
Title: Governor Schwarzenegger tours prison where riot took place.
Caption: The aftermath of a prison riot inside the California Institution for Men prison in Chino, California August 19, 2009. After touring the prison where a riot took place on August 8, California Governor Arnold Schwarzenegger said that the prison system is collapsing and needs to be reformed.
Photo by Michal Czerwonka/Getty Images
Date created: 18 August 2009
Editorial image #: 89881919

Figure 9.3
Guatemala.
Title: The National Civil Police and the prison guards of Pavoncito
Caption: Fraijanes, Guatemala: The National Civil Police and the prison guards of Pavoncito regain control of the maximum security prison, in the department of Fraijanes, 40 km east of Guatemala City, on March 27, 2007. At least 5 inmates were injured during the riot between members of the gang Mara Salvartucha (MS), who were transferred from the El Infierno prison after riots there, and the ‘Paisas’ – common prisoners who are not involved in gangs. The members of MS were first transferred from the El Boqueron prison to El Infierno, a day after the murder of four policemen apparently involved in the assassination of three Salvadoran lawmakers and their driver on February 19.
AFP Photo/Orlando Sierra
Photo credit Orlando Sierra/AFP/Getty Images
Date created: 27 March 2007
Editorial image #: 73719874

Figure 10.1
Guillotine.
Title: To go with AFP story ‘Le “taureau de feu”’.
Caption: A picture from the Criminal Museum in Rome dated 12 January 2006 shows a guillotine used by the Papal State. After 1798 the Roman Republic was proclaimed to be under Napoleonic rule and Pius VI was deported to France. The French introduced the guillotine in the former Papal State. The first condemned prisoner to be put to death with the new instrument was Tommaso Tintori, beheaded on 28 February 1810. The executioner used the guillotine at least six times from 1810 to 1813.
AFP Photo/Alberto Pizzoli
Photo credit Alberto Pizzoli/AFP/Getty Images
Date created: 12 January 2006
Editorial image #: 56592113
Figure 10.2
Gary Gilmore.
Title: Gilmore.
Caption: 17 January 1977: Gary Gilmore executed in Utah State Prison for the murder of two students, the first person to be executed in the United States for over ten years.
Photo by Keystone/Getty Images
Date created: 17 January 1977
Editorial image #: 3295882

Figure 10.3
Electric chair.
Title: ‘Old Sparky,’ the decommissioned electric chair.
Caption: ‘Old Sparky,’ the decommissioned electric chair in which 361 prisoners were executed between 1924 and 1964, pictured 5 November 2007 at the Texas Prison Museum in Huntsville, Texas. From the chaplain who shares the condemned prisoner’s final hours to the guard who attaches the needles and the prison director who orders the fatal injection: the relentless march of Texas executions is taking a heavy toll.
Photo credit Fanny Carrier/AFP/Getty Images
Date created: 5 November 2007
Editorial image #: 97202037

Figure 11.1
Rikers Island.
Title: Aerial view of Rikers Island.
Photo by Todd Maisel/NY Daily News Archive via Getty Images
Date created: 13 February 2002
Editorial image #: 97211808

Figure 11.2
Immigration detention.
Title: Detainees wait to be processed inside Homeland Security’s Willacy Detention Center.
Caption: Detainees wait to be processed inside Homeland Security’s Willacy Detention Center, a facility with 10 giant tents that can house up to 2,000 detained illegal immigrants, 10 May 2007, in Raymondville, Texas. The US$65 million facility was constructed as part of the Secure Border Initiative the previous July and is now where many of the former ‘catch and release’ illegals are detained for processing.
AFP Photo/Paul J. Richards
Photo credit Paul J. Richards/AFP/Getty Images
Date created: 10 May 2007
Editorial image #: 74126357

Figure 11.3
Maricopa County jail.
Title: An inmate inside Maricopa County Sheriff Joe Arpaio’s tent city jail.
Caption: An inmate inside Maricopa County Sheriff Joe Arpaio’s tent city jail walks away from the bulletin board area (L) of the communal air conditioned area inside the complex, May 3, 2010, in Phoenix, Arizona. This area of the tent city houses misdemeanor offenders.
AFP Photo/Paul J. Richards
Photo credit Paul J. Richards/AFP/Getty Images
Date created: 3 May 2010
Editorial image #: 98823334
Figure 12.1
Three strikes.
Title: Joe Davis [Misc.]; Kimber Reynolds [Misc.]; Mike Reynolds
Caption: Three Strikes law crusader Mike Reynolds, the angry dad of murder victim Kimber Reynolds, going through bundles of mail and petitions on his desk while working to pass law to jail repeat offenders to prevent them from committing more crimes (Three Strikes and You're Out), at home.
Photo by John Storey/Time Life Pictures/Getty Images
Date created: 13 January 1994
Editorial image #: 50437215

Figure 12.2
Chain gang.
Title: Female chain gang.
Caption: Female jail inmates are chained together as they bury cadavers at Maricopa County's paupers' graveyard in Phoenix, Arizona, May 17, 2000. Maricopa County Sheriff Joe Arpaio began the first female chain gang. With a reputation of being the nation's toughest law enforcement officer, Sheriff Arpaio said he does not believe in discrimination. As a result, the women in Arpaio's jail are treated exactly like the men.
Photo by Joe Raedle/Liaison
Date created: 17 May 2000
Editorial image #: 2535520

Figure 12.3
Angela Davis.
Title: Black Panther.
Caption: October 1970: Assistant professor of philosophy at the University of California Angela Davis is arrested in New York for her membership of the Black Panther Party.
Photo by Keystone/Getty Images
Date created: 01 Oct 1970
Editorial image #: 2628240

Figure 13.1
Phone calls upon release.
Title: Newly released prisoners make phone calls.
Caption: Newly released prisoners make phone calls as they walk out of Tripoli's Abu Slim prison on October 15, 2009. Libya freed 45 members of the Al-Qaeda-linked Libyan Islamic Fighting Group (LIFG), which first came to wider knowledge in 1995 as it launched an armed campaign against Kadhafi's regime.
AFP Photo/Mahmud Turkia
Photo credit Mahmud Turkia/AFP/Getty Images
Date created: 15 October 2009
Editorial image #: 91910240

Figure 13.2
Parole Board.
Title: Parole Board.
Caption: The first meeting of the Parole Board set up under the Criminal Justice Act 1967 to advise the Home Secretary on the release of prisoners on license, 7 November 1967. Amongst those meeting at the Home Office are (left to right) chairman Lord Hunt, the Honourable Sir Arthur James (1916–1976, Judge of the High Court of Justice, Queen's Bench Division), criminology lecturer Roy King and the Honourable Mr Justice Roskill (1911–1996). In the background is Bill Pearce, then Chief Probation Officer for Inner London.
Figure 13.3
Paris Hilton.
Caption: Paris Hilton leaves court after being sentenced to 45 days in jail for violating probation.
Photo by Jean Baptiste Lacroix/WireImage
Date created: 4 May 2007
Editorial image #: 82986578

Figure 14.1
Old prison jail cells. Jail cells with the doors closed at a historic Idaho prison.
© iStockphoto.com
Stock photo | File #: 11528523

Figure 14.2
Guard.
Title: Overcrowded prison.
Caption: Tracy, CA – September 4: Sgt D. Turner watches inmates as they walk down the long hallway on their way out to the recreation yard. Do to the jail overcrowding the inmates get only 4 hours of recreation a week at the Deuel Vocational Institution near Tracy, California.
Photo by Tony Avelar/The Christian Science Monitor/Getty Images
Date created: 4 September 2009
Editorial image #: 90443560

Figure 14.3
Inmate working.
Title: A prisoner works in a workshop.
Caption: A prisoner works in a workshop in the San Sebastian Prison in San Jose, on August 27, 2009. The prison, which houses 653 prisoners, including 150 foreigners, has installed workshops for computing, carpentry, crafts, literacy, to complement high school or college careers, for many Costa Rican prisoners who are preparing for a life of freedom and above all, to help endure captivity.
AFP Photo/Yuri Cortez
Photo credit Yuri Cortez/AFP/Getty Images
Date created: 27 August 2009
Editorial image #: 90172615

Figure 15.1
Corrections Corp.
Title: Corrections Corp. shows crime pays as states turn jails private.
Caption: Signage outside the La Palma Correctional Center in Eloy, Arizona, on May 11, 2010. La Palma, which houses about 2,900 convicts from California, is one of 65 facilities operated by Corrections Corp. of America, the largest private-prison operator in the US.
Photographer: Joshua Lott/Bloomberg via Getty Images
Date created: 11 May 2010
Editorial image #: 99033763
Figure 15.2
Private prison ship.
Title: Prison ships may ease overcrowding in jails.
Caption: A general view of HMP Weare on October 24 2006 in Portland, near Weymouth, England. The floating prison, now closed, was the only one in the UK when it opened in 1997. The then Home Secretary John Reid called on private companies to open and run similar type vessels to alleviate the overcrowding crisis in UK prisons.
Photo by Matt Cardy/Getty Images
Date created: 24 October 2006
Editorial image #: 72258804

Figure 15.3
Convict labor.
Title: Inmates work in a prison of Chongqing.
Caption: Inmates work in a sewing workshop at a prison on March 7, 2008 in Chongqing Municipality, China. There are nearly 5,000 inmates in the prison. China is working to improve education in prisons and help prisoners return to society as law-abiding citizens, with measures to better protect the legitimate rights and interests of inmates.
Photo by China Photos/Stringer/Getty Images
Date created: 7 March 2008
Editorial image #: 80154634

Figure 16.1
Mexico.
Title: Mexican drug war fuels violence in Juarez.
Caption: Medical personnel inspect a bullet-riddled body on March 23, 2010 in Juarez, Mexico. Secretary of State Hillary Rodham Clinton, Defense Secretary Robert Gates, and Homeland Security Secretary Janet Napolitano all visited Mexico that day for discussions centered on Mexico’s endemic drug-related violence. The border city of Juarez, Mexico has been racked by violent drug-related crime recently and has quickly become one of the most dangerous cities in the world in which to live. As drug cartels have been fighting over ever-lucrative drug corridors along the United States border, the murder rate in Juarez has risen to 173 slayings for every 100,000 residents. President Felipe Calderon’s strategy of sending 7,000 troops to Juarez has not mitigated the situation. Out of a population of 1.3 million, 2,600 people died in drug-related violence last year and 500 so far this year, including two Americans recently who worked for the US Consulate and were killed as they returned from a child’s party.
Photo by Spencer Platt/Getty Images
Date created: 23 March 2010
Editorial image #: 97989154

Figure 16.2
Brazil.
Title: Rio’s police occupy Morro do Borel slum.
Caption: A man is arrested as Rio’s police occupy Morro do Borel slum to install a peacemaker police unit to help in the control of drug traffic on April 28, 2010 in Rio de Janeiro, Brazil.
Photo by Guilherme Pinto/Globo via Getty Images
Date created: 28 April 2010
Editorial image #: 98727099

Figure 16.3
Mentally ill inmate.
Title: A mentally ill inmate remains at Tacumbu.
Caption: A mentally ill inmate remains at Tacumbu jail in Asuncion, April 16, 2010. Tacumbu is one of the most overpopulated prisons of the world, which was built originally for 800 inmates and now houses 3,147, of which only 701 have been sentenced.

AFP Photo/Norberto Duarte
Photo credit Norberto Duarte/AFP/Getty Images
Date created: 16 April 2010
Editorial image #: 98516472

**Figure 17.1**

Guantanamo Bay.

Title: Guantanamo prison remains open over a year after Obama vowed to close it.

Caption: Detainees jog inside a recreation yard at Camp 6 in the Guantanamo Bay detention center in Guantanamo Bay, Cuba on March 30, 2010. US President Barack Obama pledged to close the prison by early 2010 but has struggled to transfer, try or release the remaining detainees from the facility, located on the US Naval Base.

Photo by John Moore/Getty Images
Date created: 30 March 2010
Editorial image #: 98167982

**Figure 17.2**

Abu Ghraib.

Caption: Visitor passes by a 285.5 kg patinated bronze sculpture by British artist Marc Quinn entitled ‘Mirage’ and inspired by a picture taken at Abu Ghraib prison during the preview day of Art Basel, the world’s premier modern and contemporary art fair which took place from June 10 to 14, 2009, in Basel. The international art show featured 290 leading art galleries from all continents. 20th and 21st-century art works by over 2,500 artists are on display. More than 60,000 art collectors, art dealers, artists, curators and art lovers were expected to attend the annual meeting place of the art community.

AFP Photo/ Fabrice Coffrini
Photo credit Fabrice Coffrini/AFP/Getty Images
Date created: 9 June 2009
Editorial image #: 88369970

**Figure 17.3**

Waterboarding.

Title: Anti-war activists demonstrate waterboarding.

Caption: Anti-war activists demonstrate waterboarding torture during a demo on October 5, 2009 in front of the White House in Washington, DC. The demonstrators are calling for an end to the war in Iraq.

AFP Photo/Mandel Ngan
Photo credit Mandel Ngan/AFP/Getty Images
Date created: 5 October 2009
Editorial image #: 91460733

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Michael Welch is a Professor in the Criminal Justice Program at Rutgers University, New Brunswick, New Jersey (USA). His research interests include punishment, human rights, and social control, and his articles have appeared in such journals as Theoretical Criminology, Punishment and Society, Justice Quarterly, Journal of Research in Crime and Delinquency, The Prison Journal, Social Justice, and Critical Criminology. Welch is author of Crimes of Power and States of Impunity: The U.S. Response to Terror (2009, Rutgers University Press), Scapegoats of September 11th: Hate Crimes and State Crimes in the War on Terror (2006, Rutgers University Press), Ironies of Imprisonment (2005, Sage), Detained: Immigration Laws and the Expanding I.N.S. Jail Complex (2002, Temple University Press), Flag Burning: Moral Panic and the Criminalization of Protest (2000, de Gruyter), and Punishment in America (1999, Sage). He has lectured and delivered papers throughout the United States as well as in Canada, England, Scotland, the Netherlands, France, Germany, Italy, Spain, Poland, Finland, Thailand, Argentina, Venezuela and Australia. He has served as a Visiting Fellow at the Centre for the Study of Human Rights at the London School of Economics, as well as a Visiting Professor in the Facoltà di Giurisprudenza, Università Degli Studi di Bologna (Italy) and Facultad de Ciencias Jurídicas y Sociales of the Universidad Nacional del Litoral (Santa Fe, Argentina). More recently, he was a Visiting Professor in the Faculty Law at the University of Sydney (Australia). He invites you to visit his website at [www.professormichaelwelch.com].
In the United States, and around the globe, the term *corrections* conjures up sharp images of the back end of the criminal justice system, leaving some people to envision such imposing institutions as Attica and San Quentin as well as an expanding arsenal of supermax prisons. For those people, increased prison construction symbolizes not only retribution but also ‘no-nonsense’ measures aimed at protecting the public from the dangers of crime. For other observers *corrections* brings to mind not the institutions but rather the offenders themselves, particularly those in need of rehabilitation from such ills as drug addiction.

Over the course of American history, the punitive and treatment perspectives on corrections have enjoyed considerable popularity. Presently, the punitive aspect of prisons is the cornerstone of American crime-control policy, especially in view of the escalating wars on crime, drugs, and now terror. However, since crime remains a significant social problem despite massive investments in the criminal justice system, there is growing dissatisfaction with current policies and practices. Many scholars seriously question whether the emphasis on incarceration is capable of solving the nation’s crime problem; indeed, some critics suggest that efforts to do so merely make matters worse.

Mounting frustration with failures of the penal apparatus calls for a close and critical look at punishment. The objective of *Corrections: A Critical Approach* (3rd edn) is to provide such an examination. In sum, it confronts mass imprisonment particularly in the United States, a nation boasting the highest incarceration rate in the world. America’s race to incarcerate is all the more troubling considering that its correctional population is overrepresented by the poor, African Americans, and Latinos.

While throwing crucial light on matters involving race and social class, the book reaches beyond description as it strives to illuminate key social forces shaping penal practice, including politics, economics, morality, and technology. By carefully attending to historical and theoretical developments, the narrative takes into account both instrumental (goal-oriented) as well as expressive (cultural) explanations since together they advance a critical understanding of punishment and the growing reliance on corrections.

**SPECIAL FEATURES**

This book offers several features that are intended to enhance the pedagogical value of the chapters.
• **Chapter-opening features.** Each chapter begins with a chapter outline and learning objectives. Both the outline, which lists the main headings in the chapter, and the questions, which focus on the objectives of the chapter, provide a preview of the topics to be discussed.

• **Vignettes.** Vignettes, case examples, and box inserts provide in-depth looks at pressing issues in corrections. Many of these features discuss cutting-edge and controversial topics. Tables and figures, which appear in many chapters, help clarify important points.

• **End-of-chapter features.** Each chapter closes with a summary, review questions, and recommended readings. The summary provides a review of the topics discussed. The discussion questions encourage further critical examination of the issues covered in the chapter. The recommended readings, many of which are classic works in penology, can be used as sources of additional information on a particular topic or issue.

## ADDED FEATURES FOR THE THIRD EDITION

This revised third edition offers readers several added features that promise to benefit the experience of reading the book. While a critical approach delves into the significance of race, ethnicity, gender, and social class, there is supplemental focus on the role of the media in shaping popular perceptions of crime and punishment. The chapters also engage readers by introducing three types of boxed inserts designed to stimulate critical thought and lively discussion, namely Comparative Corrections, Working in Corrections, and Cultural Penology.

• **Comparative Corrections.** So that one can appreciate the global practice of punishment, a series of boxes titled Comparative Corrections is included in each chapter. Many of these excerpts address growing concerns over human rights abuses that occur in the name of retribution, security, and public safety.

• **Working in Corrections.** In an effort to illustrate the practical implications of a critical approach, most chapters contain a Working in Corrections box that discusses job and career-related issues. By doing so, the discussion sheds light on the sociological – and anthropological – dimensions of working inside the penal apparatus.

• **Cultural Penology.** Allowing for greater reflection on penology, each chapter offers a box labeled Cultural Penology, encompassing an array of cutting-edge topics as they intersect with culture. Whereas the sociology of punishment tends to be overly focused on the instrumental facets of punishment with respect to goals and objectives, cultural penology prompts us to consider the enduring expressive elements of the penal imagination.

The revised edition offers up-to-date coverage of crucial challenges facing the field of corrections. Seventeen chapters fall into five areas of inquiry: Penal Context (e.g. history, theory), Penal Populations (e.g. women, juveniles, and minorities), Penal Violence (e.g. riots, capital punishment), Penal Process (e.g. detention, prisoner rights, alternatives), and Penal State (e.g. the corrections industry, wars on drugs and terror). The subject matter promises to stimulate careful analysis of punishment. Additionally, the text takes aim at the problem of innumeracy by inserting sections titled Critical Analysis of Data in which readers are invited to respond to basic questions about tables and figures containing quantitative information. *Corrections: A Critical Approach* (3rd edn) is ideal for undergraduate and graduate students interested in grasping a sophisticated analysis of penology.
PART 1 PENAL CONTEXT
Introducing a Critical Approach

Today’s problems are the result of yesterday’s solutions (John F. Kennedy)

LEARNING OBJECTIVES

After studying this chapter, you should be able to answer the following questions:

1. What is the overall impact of greater reliance (and spending) on corrections?
2. What is meant by the term penal populism?
3. How does the new penology depart from a traditional approach to corrections?
4. What are the racial implications contained in the new punitiveness?
5. What is the significance of culture within a critical examination of punishment?

As the nation’s worst serial killer on record, John Wayne Gacy was put to death by lethal injection after being convicted of the sex-related killings of 33 young men and boys. Prosecutors told the jury that the victims had been lured to Gacy’s home for sex, killed, and buried beneath the house. Eight of them were never identified: their remains were placed under gravestones that said only, ‘We Are Remembered.’ Gacy received more mail – and methodically answered it – than any other inmate at the prison. Callers of his 900 phone line paid $23.88 to listen to the full 12 minutes of his recorded denial of the crimes. ‘For his last meal, Gacy, who in the mid-60s managed three Kentucky Fried Chicken restaurants in Iowa, asked for fried chicken, fried shrimp, french fries, and fresh strawberries’ (Kifner, 1994: A19).
As a mother of four children – all under the age of eight – Tonya Drake struggled daily to provide for her family. ‘So when Drake, 30, was handed a $100 dollar bill by a man she barely knew and was told she could keep the change if she posted a package for him, she readily agreed ... Drake received $47.70 of it. But unknown to Drake, the package contained 232 grams of crack cocaine’ (Smolowe, 1994: 55). Drake did not have a history of drug use, nor did she have a prior criminal record. Nevertheless, under federal mandatory minimum sentencing laws for drug violations, Drake was sentenced to a ten-year prison term. Even the judge, Richard Gadbois Jr, acknowledged that her sentence was absurd.

As a bored teenager in a conservative Colorado town, Christian Martensen quit a minimum-wage job, packed some tie-dyed clothes, and followed the Grateful Dead band around America. He led a carefree, vagabond life for a couple of years, but then his van broke down and he needed money to keep moving. When a fellow Deadhead, as the fans are known, offered him $400 to find someone who would sell LSD, he accepted. Later, he stared out the window of a narrow cell at the Federal Correctional Institution in Tucson, Arizona. The man he thought was a Deadhead was an undercover agent. Martensen was sentenced to ten years under the mandatory minimum prison term imposed by Congress in 1986. Due to toughened parole requirements, he would serve most of that time. Institutional rules do not allow Martensen to keep Grateful Dead tapes in prison (Johnson, 1993: A16).

INTRODUCTION

In a culture consumed by stories of graphic violence, Gacy emerged as a celebrity – albeit an infamous one. Still, his case is hardly representative of the more than one million offenders currently in prison; rather, most lawbreakers resemble Tonya Drake and Christian Martensen – non-violent offenders convicted of drug violations. As this book stresses throughout, incarceration on a mass scale has clear socioeconomic and racial patterns. Consider the prosecution of Drake, a low-income African-American sent to federal prison at the annual cost of $25,000 a year at taxpayers’ expense. Her imprisonment left behind four young children, 320 miles away. Drake’s attorney wondered: ‘How are you going to teach her a lesson by sending her to prison for 10 years?’ adding ‘what danger is she to society?’ (Smolowe, 1994: 55). While minorities are increasingly overrepresented in prison, whites – especially, low-income ones – also have met the punitive side of criminal justice. Much like Drake, Martensen, who had no previous record, was sentenced to spend a decade behind bars – a penalty that is more severe than those typically imposed on rapists. Baffled by the harsh sentence, his lawyer said: ‘Martensen made a mistake and needed a wake-up call. He didn’t need to have his life ruined’ (Johnson, 1993: A16).

Critics characterize mandatory minimum sentences, such as those applied to Drake and Martensen, as tragic since they tend to devastate the lives of many. ‘None of these people are choirboys, and all deserve to be punished. But for how long, and who should decide [the judges or legislators]?’ asks Julie Stewart, the
INTRODUCING A CRITICAL APPROACH

president of Families Against Mandatory Minimums. Even the former director of the Federal Bureau of Prisons, Norm Carlson, agrees: ‘Prison space is scarce, and you’ve got to use it judiciously … For nonviolent offenders there are often better alternatives than prison.’

Despite those voices of dissent, there are others who adamantly defend the prevailing trend of harsh sentences. ‘You can’t get convicted of a drug law unless you knew what you were doing,’ says Paul McNulty, a spokesman for First Freedom Coalition, a Washington organization founded by former Attorney General William P. Barr who promotes strict drug laws. ‘After everything this country has been through with drug trafficking, it’s very hard for people to look at these supposedly sympathetic cases and say, “Gee, we feel sorry for you”’ (Johnson, 1994: A16). Such support for tougher sentencing is not uncommon. Over the past few decades, a heightened punitiveness has become more mainstream, particularly among political leaders who pander to what the public perceives to be growing social disorder (Clear, 2010, 2009, 1994; Garland, 2001; Harcourt, 2001; Pratt et al., 2005).

Taking a critical approach, this chapter – as well as the entire book – aims to decipher an expanding reliance on imprisonment. While the emergence of a new punitiveness has fueled the race to incarcerate, there are a host of other social, political, and economic forces shaping America’s penal landscape. This introductory presentation, to be sure, merely sketches out a few of the preliminary concerns facing the study of corrections: penal populism, the new penology, the new punitiveness, and the perpetual failure of prisons. The chapter also sets a cultural tone, bringing into relief forms of expressive punishment as they reside in the popular imagination. So as to examine the enormous impact that mass incarceration has on society at large, we open with a critical look at the price of prisons.

THE PRICE OF PRISONS

The United States increasingly has become a society of prisons. Both federal and state correctional systems are remarkable due to their vast size, scope, and continued growth. Altogether America’s prisons held more than 1,610,446 convicts in 2008, producing the world’s highest incarceration rate (952 per 100,000 US residents). That figure has continued to climb since 2001 when the rate had reached 896. Moreover, imprisonment rates are even more pronounced for black males (3,161) and Hispanic males (1,200) compared to their white counterparts (487). Still, those numbers do not include those in jail or under other forms of correctional supervision such as probation and parole. Especially for blacks, the huge increase in the incarceration rate is the result of drug convictions (Sabol et al., 2009; see Gottschalk, 2006; ‘Comparative Corrections: Prison Populations Around the Globe’ below).

Between 1987 and 2007 the prison population nearly tripled, from 585,000 to almost 1.6 million. Much of that increase occurred in states – many with falling crime rates – that had adopted overly harsh punishment policies,
such as the ‘three strikes and you’re out’ rule and drug laws requiring that nonviolent drug offenders be locked away.

The United States, which has less than 5 percent of the world’s population, has about one-quarter of its prisoners. But the relentless rise in the nation’s prison population has suddenly slowed as many states discover that it is simply too expensive to overincarcerate.

(New York Times, 2008: EV1)

Without question, tough-on-crime measures that boost prison populations have proven costly. State spending from general funds on corrections increased from $10.6 billion in 1987 to more than $44 billion in 2007, a 127 percent increase in inflation-adjusted dollars. By comparison, adjusted spending on higher education increased only 21 percent during the same period (New York Times, 2008: EV1).

The California prison system is among the most closely watched, especially as it contends with mounting costs, overcrowding, and the highest recidivism rate in the country (70 percent). Although the drumbeat to incarcerate more felons has yet to fully subside, fiscal reality coupled with a court-ordered reduction in the prison population is giving pause to political leaders. Approximately 11 percent of the budget (or $8 billion) goes to the penal system, well ahead of expenditures like higher education. Each prisoner costs, on average, $47,000 per year. Initiatives to reduce overcrowding include proposals to remove from prisons convicts who pose little or no risk outside the prison walls and those who need regular supervision. That move could save $100 million. Faced with 167,000 prisoners California authorities have vowed to reduce that population by 6,500 – more than the entire state prison population in Nebraska, New
INTRODUCING A CRITICAL APPROACH

Initiatives for early release could be accelerated by having prisoners complete drug and education programs. Curiously, the fiscal crisis has prompted a renewed interest in rehabilitation since, among other things, it offers clear financial benefits (Archibold, 2010; see Auerhahn, 2003; Gilmore, 2007).

Of course, there are those who say that higher incarceration rates produce lower crime rates. Proponents of tough-on-crime initiatives believe that a booming prison population is a small price to pay for public safety; furthermore, they contend that locking up lawbreakers for minor offenses keeps them from committing more serious offenses. Certainly, the incarceration of more than a million felons has prevented some crimes from being committed; however, critics question the ethics and wisdom of mass imprisonment. Criminologist Michael Tonry points out that ‘you could choose another two million Americans at random and lock them up, and that would reduce the number of crimes too’ (Irwin et al., 2000: 139). Criminologists find that jurisdictions with high prison growth do not always experience comparable drops in crime. Between 1992 and 1997, New York State’s prison population grew from 61,736 to 70,026, while its violent crime rate fell by 38.6 percent and its murder rate by 54.5 percent. By comparison, California’s prison population increased by 30 percent, or 270 inmates per week, compared to New York State’s 30 inmates per week. California’s crime control dividends were less impressive: violent crime dropped by 23 percent and its murder rate fell by 28 percent (Irwin et al., 2000; see Barker, 2006). Nationwide crime rates have fallen steadily since 1991 and incarceration rates have risen every year, more than doubling since 1991 and increasing by more than five times since 1973 (Tonry, 2009, 2004; see Blumstein and Wallman, 2006; Lynch, 2007; Zimring, 2007).

Simply put, a greater reliance – and spending – on incarceration does not necessarily translate into lower crime. Michael Jacobson (2005), professor and former corrections and probation commissioner for New York City, concurs: ‘You can’t assume that because you spend more money that you are going to drive down crime. That is a simplistic assumption’ (Butterfield, 2002a: A14, 2002b; Langan and Levin, 2002; Walker, 2001). Likewise, Jeremy Travis, former director of the National Institute of Justice, the research arm of the Justice Department, suggests that it would be fiscally wiser to allocate crime

COMPARATIVE CORRECTIONS

Prison Populations Around the Globe

As an added feature to this book, critical attention is turned to correctional practices around the globe. Here we take a brief introductory look at the enormity of penal systems and their incarceration rates. More than 9.8 million people are held in penal institutions throughout the world, mostly as pre-trial detainees (remand prisoners) or as sentenced prisoners. Nearly half of those in are in the United States (2.29 million), Russia (0.89 million) or
control dollars to investments in the local community where crime is taking place. Specifically, money might be more effectively spent on job training, education, and family services in poor neighborhoods with high crime rates rather than ‘exporting those funds to prisons, courts and police officers outside the community,’ according to Travis (Butterfield, 2002a: A14; see Cook, 2009; Useem and Piehl, 2008).

It is important to realize that eventually most prisoners return to the community, where they are forced to pick up life. After years behind bars ex-cons must face the debilitating effects of prison, and with few opportunities to survive in the free world, many resort to crime and a host of self-destructive behaviors including alcohol and drug abuse (see Hirschfeld and Piquero, 2010). Thus mass incarceration as a tactic in crime control is riddled with hardships and contradictions. ‘America has rushed headlong into the use of imprisonment as its primary crime-fighting tool. In doing so, small fries have been locked up at far higher rates than have big fish, at enormous social and economic costs, and with little benefit to show for it’ (Irwin et al., 2000: 141). Robert Gangi, executive director of the Correctional Association of New York, agrees: ‘Building more prisons to address crime is like building more graveyards to address a fatal disease’ (Smolowe, 1994: 55; see Blomberg and Cohen, 2003).

**PENAL POPULISM**

In his timely book *Penal Populism*, John Pratt delivers a robust interpretation of the prison boom occurring not only in the US but in other Western countries as well. Further pointing out that the increased reliance on imprisonment occurs
independently of dropping crime rates, Pratt looks to other forces contributing to what is aptly described as penal populism, the trend toward ‘democratizing’ punishment. The belief that citizens can develop better solutions for crime control than state bureaucrats is fueled by a political culture that panders to popular discourse embodied in grass-roots social movements and media outlets, including tabloid journalism and talk-back radio (see de Koster et al., 2008).

Indeed, the sphere of punishment continues to make contact with a wider political phenomenon known as populism, a form of politics aimed to appeal to people who feel that their views and interests have been left out of the debate over governance. Penal populism narrows those cries for greater security as ‘mad as hell’ citizens demand harsh penalties for criminals perceived as being habitual and particularly menacing. Correspondingly, public referendums such as California’s three-strikes initiative serve as expressions of punishment, advocating a new rationality that ‘prison works.’ From that juncture, Pratt explores the underlying causes of penal populism, notably a declining trust in politicians and the political process. Those conditions give rise to cynical politicians willing and able to capitalize on the thirst for punishment continuously echoed in crime news. With an expanding mass communications that produce a 24-hour news cycle, there is no shortage of stories depicting a ‘dangerous’ world in which we live (Best, 1999; Glassner, 1999; Lee, 2007).

Compounding matters, criminal justice bureaucrats and liberal judges are characterized as naive and simply ‘don’t get it.’ Moreover, standard crime statistics (which actually demonstrate drops in criminal offenses) get tossed out and replaced with emotional obsessions over high-profile (child) victims who become memorialized and sloganized. As penal populism appears to be a growing phenomenon in countries around the world, Pratt insists it is not inevitable. In Scandinavia, for example, punitive campaigns have yet to reach a

Figure 1.2 Pink boxer shorts. Maricopa County Detention Officer Rene Ansley holds up a pair of the pink boxer-style underwear male inmates wear inside Sheriff Joe Arpaio’s tent city jail in Phoenix, Arizona, May 3, 2010. The inmates also have matching pink socks. This area of the tent city houses misdemeanor offenders.

Source: © Paul J. Richards/ AFP/Getty Images.
critical mass due to forms of resistance that place checks against penal populism and the race to incarcerate (Pratt, 2008).

Current research on penal populism greatly improves our understanding of how public frustration over insecurity is channeled into matters of criminal justice (see Carr, 2010; Wacquant, 2009; Whitman, 2003). In Governing Through Crime, Jonathan Simon points to recent political developments that have dismantled traditional approaches to crime control. Over the course of several decades, Simon observes, a pervasive commitment to fighting crime has significantly transformed American society. But rather than providing greater security, new forms of governance have stoked fear of crime which in turn generates a demand for tough-on-crime initiatives. The crackdown on crime embodied in mass incarceration tends to pull the US from its welfarist foundation in dealing with social inequality toward what Simon calls a ‘penal state’, inviting more – not less – government. Moreover, governance is directed by autocratic executives who have succeeded in sidelining both legislatures and judiciaries on important issues facing criminal justice. It is important to realize that governing through crime is not the same as actually governing – or even solving – such problems. The distinction rests in the manner by which the state expresses its power and its particular ambition to manage the population within its territory; along the way, government officials offer scant acknowledgement to the underlying sources of crime and related social problems.

THE NEW PENOLOGY

A critical approach to corrections considers the significance of a phenomenon identified as the new penology. In developing that concept, Malcolm Feeley and Jonathan Simon (1992) present an alternative view of the correctional apparatus, pointing to a new set of terms, concepts, and strategies that has begun to replace traditional penology. Whereas penology originally stemmed from criminal law and criminology and their emphasis on punishing and correcting individual offenders, the new penology adopts an actuarial approach, in which specialists assess the risks of specific criminal subpopulations (e.g. drug offenders) and recommend strategies to control those particular groups. The main objective of the new penology is to improve social-control measures for high-risk and dangerous groups, thereby establishing a greater reliance on containment and imprisonment (see Harcourt, 2007a, 2007b).

To most citizens, the proposed goals and strategies of the new penologists do not appear to be particularly troubling; indeed, to them such approaches to public safety seem to make good sense. However, scholars express unease since the new penology represents a strikingly different course for the future of corrections. An immediate area of concern is that the new penology does not set out to respond to either the individual offender or the adverse societal conditions that serve as the root of causes of crime. ‘It does not speak of impaired persons in need of treatment or of morally irresponsible persons who need to be held accountable for their actions’ (Feeley and Simon, 1992: 452). Rather, the new penology concentrates on maximizing social control – using prediction tables and population projections to streamline the criminal justice system.
Because the new penology takes an actuarial approach, it emphasizes efficiency, management, and control over individual justice and correction. Simply put, that new course for corrections recycles offenders from one form of custodial management to another without attempting to impose justice or reintegrate them into society (Feeley and Simon, 1992; see Gordon, 1991). Moreover, the new penology is riddled with contradictions: among them, its actuarial approach aims to improve public safety without necessarily reducing crime. According to Feeley and Simon:

The new penology is neither about punishing nor about rehabilitating individuals. It is about identifying and managing unruly groups. It is concerned with the rationality not of individual behavior or even community organization, but of managerial process. Its goal is not to eliminate crime but to make it more tolerable through systemic coordination. (1992: 455)

With respect to drug control policy, the new penology is particularly problematic. Because treatment and rehabilitation are significantly downplayed, substance abuse takes on a different meaning. In the new penology, illegal drug use is not viewed as an individual problem that can be remedied; rather, it is interpreted as a factor used to classify the offender into a risk group. ‘The widespread evidence of drug use in the offending population leads not to new theories of crime causation but to more efficient ways of identifying those at highest risk of offending’ (Feeley and Simon, 1992: 462).

The new penology also offers troubling implications for the underclass, the segment of society, typically black and Hispanic, that is permanently marginalized economically and otherwise removed from America’s mainstream. Since members of the underclass as a whole are unemployed, poorly educated, and possess few work skills, they are generally characterized as a threat to society. According to the new penology, that so-called dangerous, high-risk group must be controlled and managed by the criminal justice system. As previously noted, for decades there has emerged a sharp trend toward incarcerating impoverished and minority offenders. As that pattern continues, the actuarial basis of the new penology becomes more evident insofar as social control overrides individualized justice. ‘This, in turn, can push corrections even further toward a self-understanding based on the imperative of herding a specific population that cannot be disaggregated and transformed but only maintained – a kind of waste management function’ (Feeley and Simon, 1992; 469–70; see Welch, 1999b, 1994).

THE NEW PUNITIVENESS

For decades, mass imprisonment has been driven not only by initiatives aimed at getting tough on crime but even more narrowly by getting tough on prisoners. That form of renewed punitiveness has prompted scholars to examine public support for severe sanctions (Clear, 1994; Currie, 1998; Garland, 2001). ‘But beyond the harsh policies behind this mass incarceration, there has ostensibly
been a qualitative transformation in the way Americans talk, think about, and seek to manage criminal behavior’ (Unnever and Cullen, 2010a: 100). That way of talking and thinking is central to one’s worldview, or sensibility. While many Americans favor such liberal programs as rehabilitation, especially for youthful offenders, there is evidence of a wider shift toward conservative calls for retribution (Cullen et al., 2000). Still, many observers wonder whether tougher sanctions are initiated primarily by politicians, the public, or a combination of both. According to Tonry, ‘American politicians adopted unduly harsh policies and the public let them do it’ (Tonry, 2004: 101; see Matthews, 2005; Pratt, 2006; Useem and Piehl, 2008).

Cutting short an otherwise lengthy treatise on the new punitiveness, it is important to consider some of the key elements that make up the growing reservoir of punitive sentiment, most notably hostility toward racial and ethnic minorities. Whereas African-Americans (and Latinos) have achieved greater civil liberties and assurances of due process over several decades, there remain forms of racism that promote punitive worldviews. As we shall see in upcoming chapters, criminologists have shed critical light onto the ways by which crime – and punishment – is racialized (Ogletree, 2002; Peterson et al., 2006; Unnever, 2008).

Figure 1.3 Prisoner. © iStockphoto.com
The racialization of crime is most prominent when scholars consider the ‘picture in the head’ held by members of the public when they think about crime – that is, the image that people have of the typical street-crime offender. Since the 1980s (perhaps starting even earlier with the ‘riots’ of the 1960s), scholars argue that a sizeable proportion of the American public perceives the crime problem through a racial lens that results in an association of crime with African-Americans, especially Black men.

(Unnever and Cullen, 2010a: 106)

From that analytical perspective, harsh sentences are interpreted as being a response to ‘racially tinged perceptions of threat’ and such sanctions represent ‘a means to control or subordinate black people, or they may offer a way to vent anti-black sentiments’ (Soss et al., 2003: 401).

Keeping focus on the United States, Tonry (2009) considers several social forces shaping American punitiveness, namely: political paranoia, Protestant fundamentalism (and intolerance), and a politicization of criminal justice. While each of those phenomena contributes to a unique form of American punitiveness, Tonry elaborates on the significance of race relations, especially given that the overrepresentation of blacks in the prison population has increased substantially since the 1980s. ‘Racial disparities in American prisons are as bad as they have ever been, and nearly all the laws and policies that created them remain in effect ... Once the politics got rolling, American constitutional arrangements presented few impediments, and insensitivity to the interests of black Americans made their formidable human costs both tolerable and ignorable’ (Tonry, 2009: 389, 1995; see King and Maruna, 2009; Miller, 2008).

Evidence of the racialization of crime – and punishment – contained in the new punitiveness is not confined to the United States. Researchers have recently discovered similar patterns of racial and ethnic intolerance in other nations, including Canada, France, Great Britain, Denmark, Spain, Germany, and Austria (Unnever and Cullen, 2010b). Therefore, a racial punitiveness ‘may be a cultural universal in societies with conflicted race relations’ (Unnever and Cullen, 2010a: 107).

Taking a decidedly radical approach to the new punitiveness, Beckett and Sasson (2000) step further into realm of the political economy, especially as it intersects with culture. While also acknowledging that increased imprisonment is not simply the consequence of higher crime rates, Beckett and Sasson tap into the work of Antonio Gramsci, a neo-Marxian political theorist. By doing so, they set out to advance the concept of hegemony, the ideological foundation for social domination by the ruling class. While Eastern (Soviet) states relied on coercion to ensure compliance by its citizens, Western (capitalist) societies depend on different forms of social control. Refraining from force, Western nations turn to cultural mechanisms – hegemony – to secure cooperation and consent (Anderson, 1977). Hegemony is facilitated by highly developed mass media that allow the ruling class to exert its influence over civil society as well as government. As political actors move forward with controversial measures of social control, they launch a media campaign (owned and operated by elites)
in an effort to persuade citizens that new policies are necessary to deal with
a particular social problem (Gramsci, 2008; see Femia, 1981; Herman and
Chomsky, 2002; Newburn and Jones, 2007).

Taking cues from Gramsci, Beckett and Sasson argue that the adoption
of punitive anti-crime measures is best understood as a core component of a
ruling-class hegemonic strategy. In sharpening their critical interpretation, they
observe:

Political representatives of the capitalist class responded to the upheavals of
the 1960s and 1970s by attempting to secure hegemony around a vision
of government that divests the state of responsibility of social welfare but
emphasizes its obligation to provide ‘security’ against foreign and domestic
threats. To mobilize support for this form of governance, these political
actors argued that welfare worsened poverty and crime and they portrayed
the poor as dangerous and undeserving. Policies that cut welfare payments
and caseloads and that lead to the expansion of the penal system reflect the
success of this hegemonic strategy.

(2000: 62; see De Giorgi, 2006)

Departing from a Durkheimian perspective that explains the new punitiveness in
terms of popular reaction to crime, Beckett and Sasson infuse Gramscian analysis
to contend that mass incarceration is initiated by the leadership of the capitalist
class and its political representatives. By use of such cultural mechanisms as the
media, elites depict the poor and racial minorities as being particularly prone
to crime and therefore requiring greater forms of social control. The wars on
crime and drugs are aimed to win the consent of (white) citizens who perceive
the state as acting appropriately rather than unjustly. Televised images of graphic
violence coupled with highly coded racial rhetoric (e.g. drug kingpins, gang-
bangers, welfare queens, crack whores) tap into the emotional reaction to crime.
In the end, the hegemonic project moves to steer public anger toward punitive
measures, creating the illusion that the implementation of harsher sanctions is
somehow the product of democratic policy-making (see Lacey, 2008; Melossi,
1993; O’Malley, 1999; Sasson, 1995).

PERPETUATING FAILED PRISONS

Much like other critical thinkers, Jeffrey Reiman credits the criminal justice
system with a particularly dubious achievement: that is, the degree to which it
has reinforced the notion that the majority of crime is committed by members
of the underclass who therefore deserve harsh punishment. In his book The Rich Get Richer and the Poor Get Prison, he writes about how popular criminal
stereotypes significantly influence the way the penal apparatus operates, especially
with respect to race and socioeconomics. Reiman observes that an enormous
prison population overrepresented by impoverished minorities points to a society
that has failed to come to grips with social, economic, and racial inequality.
That breakdown in democratic society is compounded by the failure of the correctional system that seems to make matters worse, evident in high rates of recidivism. According to Reiman, that failure is not a mere accident; rather, it is built into the logic of American crime control policy. To advance his argument, Reiman presents a curious task: ‘Imagine that instead of designing a correctional system to reduce and prevent crime, we had to design one that would maintain and encourage the existence of a stable and visible “class” of criminals. What would it look like?’ (2001: 3). The vision of a failed penal apparatus includes five basic features.

First, laws would exist that target victimless crimes such as gambling, prostitution, and drug use. Such statutes would make many individuals ‘criminals’ for what they believe is normal behavior, particularly for adults capable of making their own decisions. Furthermore, such laws would contribute to secondary crime – for example, theft committed by drug addicts in need of supporting their habits.

Second, police, prosecutors, and judges would be granted broad discretion in deciding who was to be arrested, convicted, and sent to prison. While behind bars, prisoners would discover others convicted of similar crimes but sentenced to serve less time. Therefore those in prison would experience their incarceration as arbitrary and unjust, perhaps leading to a bitter and antisocial view of the world.

Third, inmates would be subjected to a prison experience that is not only painful, but demeaning as well. Characteristic of the life behind bars would be harsh conditions of confinement alongside acts of violence perpetrated by other convicts as well as the custodial staff, furthering their perception that their punishment is excessive and unfair.

Fourth, prisoners would not be trained in any marketable skill, nor would they receive assistance from the prison officials in securing employment after release. Upon re-entering society and in search of a work, ex-cons would face discrimination by employers due to the stigma of having served a prison term. While enduring the harsh reality of chronic unemployment, some ex-cons would resort to illegal means for financial survival, such as peddling drugs.

Fifth, ex-cons would forever be treated differently from ‘decent’ citizens. They would lose the right to vote and other aspects of their freedom would he curtailed as well. Former prisoners would be subject to routine harassment by police and probation officers, and often considered to be ‘usual suspects’ of other crimes in the community. What Reiman and his students discovered is that when ‘asked to design a system that would maintain and encourage the existence of a stable and visible “class of criminals,” we “constructed” the American criminal justice system’ (2001: 3)! In sum, Reiman maintains, the American criminal justice system fails to deal adequately with crime precisely because the system is designed to fail (see Boonin, 2008; Lippke, 2007; Reiman, 2009).

While Reiman’s approach is both timely and novel, for years intellectuals have wondered about the persistence of failed prisons, most noticeably in the context of social theory. After delivering his sweeping critique of the prison and its intricate methods of discipline, Michel Foucault (1977, 1991a) was left with
the realization that the entire penal project is a miserable failure; nonetheless, it continues to survive both as a model as well as a mechanism for dispensing punishment. The (failed) prison persists, according to Foucault, due in large part because it serves broader political purposes having to do with the distribution of power and domination over certain individuals and groups. Foucault is not alone with that perspective; throughout contemporary history, reformers and penologists have cited the major flaws of prison. The prison has not been abandoned because its advocates believe that there are strong merits in good penitentiary practice and such strategies for crime control ought to be reasserted (see Bentham, 1995; Rothman, 1971, 1980). But Foucault (1977: 271, 1988) argues further that the prison endures due to its immersion in a wider disciplinary apparatus inseparable from modern society. Similar to the more recent analysis of Reiman, Foucault argued that the failure of prison produces a form of social control aimed at the ‘delinquent’ (or ‘dangerous’) class. The persistent threat of a criminal class is met with public calls for coercive measures, a demand the state is willing to fulfill. In the end, there remains a continued investment in the maintenance of an ever-expanding criminal justice system (see Loader, 2009; Melossi, 2008).

As influential as Foucault has become in shaping penological debate, some scholars take exception to some of his conclusions. David Garland offers a full critique of Foucault’s interpretation of the failure of the prison, noting: ‘The prison may thus be retained for all sorts of reasons – punitiveness, economy, or plain lack of any functional alternatives – which have little do with any latent success as effective control or political strategy’ (1990: 164–6). Garland reminds us that the use of prisons in modern society is more than purely instrumental, even if failure is considered to be the goal (see Bauman, 2000; Chantraine, 2008; Harcourt, 2001). As we shall explore in the next passage, imprisonment and other penal sanctions also express deeper cultural imperatives.

**PRISONS, PUNISHMENT, AND CULTURE**

Over the past decade, the study of crime has taken a cultural turn, producing a specialty known as cultural criminology (Ferrell *et al*., 2004; Hayward and Young, 2004). Similarly, the field of penology also has drawn closer to culture as it contours punishment in general and the use of prisons in particular. In *The Culture of Punishment: Prison, Society, and Spectacle*, Michelle Brown sets out to capture what might be understood as punishment in everyday life, exploring the meaning of such activities as watching movies about prisons and touring correctional facilities. She observes: ‘Many American citizens access punishment through cultural practices removed from formal institutions like prisons in a manner which, although largely unacknowledged, massively extends throughout our social foundations’ (2009: 4). That dispersion of punishment certainly echoes Foucault and his description of a carceral continuum (or archipelago) as it reaches out from the prison into the social body. Nevertheless, Brown’s treatment of that form of cultural embeddedness is more layered and nuanced as she attends to the sheer ubiquity of the spectacle in late modern society.
Furthering her analysis, Brown elaborates on ‘prison theory’ and the ‘work of punishment’ by throwing critical light onto the practice of penal spectatorship whereby bystanders look, stare, gape, gawk, and gaze at other people’s pain. Brown insightfully finds parallels with Jonathan Simon’s (2007) commentary on state-building capacities that promote crime control while paradoxically eroding democratic institutions, in part due to a growing populism geared at revenge. So as to deepen her cultural approach to penological theory, Brown pays tribute to not only Foucault but also Durkheim and Goffman, thereby encouraging us to appreciate macrosociological phenomena as they run in tandem with micro (individual) level experience. For instance, in examining a form of penal spectatorship known as ‘prison tourism,’ Brown decodes the emotional attraction of visiting correctional institutions. Indeed, she reminds us that the desire to know is very much part of the individual as well as the social psyche since touring prisons has the potential to be not only a ‘horrific’ personal experience but a collective one as well (see Welch and Macuare, forthcoming).

In reading recent works on punishment and culture, especially alongside the contributions of Foucault, we are sometimes left wondering which theoretical construct is being advanced: the notion of a ‘society of spectacle’ or rather a ‘society of surveillance.’ Recall Foucault’s enduring remark that ‘our society is one not of spectacle, but of surveillance’ (1977: 217). As Boyle and Haggerty (2009) point out, that passage in *Discipline and Punish* was an uncited but unmistakable swipe at Guy Debord and his book *Society of Spectacle*, one that thereby stages a duel between two theories of modern power. Debord proposed that society was transformed into a monolithic spectacle manifested as a totalizing media event designed to feed consumption. Rejecting that formulation, Foucault advanced his paradigm for disciplinary power as it eclipsed the spectacle of the scaffold. So which interpretation is correct? Is it possible that both perspectives accurately convey the nature of power channeled through punishment? The answer probably is yes. Foucault’s strict demarcation between ‘society of spectacle’ and ‘society of surveillance’ is overstated since the two coexist as twin features of modernity. In their examination of ‘spectacular security’ and mega-events (e.g. the Olympic Games), Boyle and Haggerty persuasively argue that the spectacle operates in concert with discipline and surveillance (see Alford, 2000). With that idea in mind, it is important to draw critical attention to the mass audience for which punishment is scripted, thereby enhancing visualization (e.g. television programs, movies) and experience (e.g. prison tours) that in turn reinforces the power of the state as it dispenses pain and suffering (see ‘Cultural Penology: Escape from New York’, below).

Recent interest in punishment and culture has prompted scholars to reconsider Foucault’s central role in penological theory. A critique by Philip Smith (2008) does just that, contending that ‘cultural sociology of punishment’ benefits from a reworking of Durkheim’s writings much more so than what has become standard Foucauldian interpretation. Smith returns to Durkheim’s (1958) late work on socio-religious concepts (e.g. the sacred, the pure, pollution, taboo) to illuminate the expressive and communicative dimensions of penal rituals. In particular, he brings to the forefront the iconic cultural status of the guillotine, the panopticon, the electric chair, and the supermax prison, all of which are surrounded by myth
and legend. Moreover, those penal inventions have become commodified for public consumption as they move into zones for entertainment, including movies and tours of prisons. Smith wants scholars to appreciate the potential for a new Durkheimian approach that draws awareness to the mysteriously dark and dreadful fascination of punishment as it serves to rid society of evil and impure lawbreakers. Smith’s book is decidedly polemical, proposing that ‘power and control’ (Foucault) explanations should be replaced by ‘culture and meaning’ (Durkheim).

Critics of Smith’s work, however, wonder why those different perspectives are described as being mutually exclusive. Certainly, one can locate in the penal apparatus activities that are highly routinized according to rational systems of thought embodied, for instance, in the new penology (Feeley and Simon, 1992). Those emerging bureaucracies that organize punishment do not operate in a cultural vacuum; rather they tend to gain even greater authority in response to penal populism and governance through crime (Pratt, 2007; Simon, 2007). As Garland writes, Smith’s “assault” on Foucault has really been more of a sparring match, a kind of exercise or theoretical work-out, intended to showcase the strengths of Smith’s frame rather than knock out the contending alternative (2009: 265). In the end, Smith seems to concur, proposing a ‘reconciliation’ synthesis in which the new Durkheimian perspective interplays with Foucauldian analysis. Garland comments further: ‘Smith is no doubt correct to insist that penal practice is an ongoing effort to control meaning. But it is also, and at the same time, a massive machine for the control of bodies and behavior and our analytical frameworks should aim to embrace both of these dimensions rather than privilege one at the expense of the other’ (2009: 266).

The recent cultural turn in penology indeed marks an important – and lively – development as we strive to understand the depth of punishment and the rise in mass incarceration. As cultural penology sharpens its capacity to interpret the significance of punishment in modern society, one is reminded to distinguish between an analytical dimension of social relations (‘the cultural’) and a collective entity (‘a culture’) (Garland, 2006; Sewell, 2005, 1999). In the first concept, the cultural is depicted as a causal force shaping punishment, drawing on a wider array of influences: ideas, symbols, values and meanings. Together, those sentiments play a role in determining the image of punishment, such as public hangings; or conversely abolishing the spectacle as it becomes seen as uncivilized (Gatrell, 1994). A culture, the second concept, refers not to different aspects of the whole but a complete entity. Culture therefore signifies a larger universe of meaning, for instance an American culture that is assumed to embody a unique form of social life and way of doing things. Along those lines of reasoning it is generally accepted that punishment is embedded in the cultural aspects of the national environment that creates it (Melossi, 2001; Savelsberg, 2002). As a word of scholarly caution, Garland (2006) points out that there are drawbacks in separating the ‘cultural’ from its ‘culture’; as a useful corrective, he suggests that cultural analysis integrate both perspectives.
CULTURAL PENOLOGY

Escape from New York

The 1981 movie titled *Escape from New York* starring Kurt Russell depicted the future of incarceration. The film is set in 1997, and the once great city of New York has become the one maximum-security prison for the entire country. The plan to convert the island of Manhattan into a penitentiary occurred earlier, in 1988, when the crime rate nationwide allegedly increased 400 percent. That crime wave forced government officials to rethink the traditional penitentiary. As a result, the New York Maximum-Security Penitentiary – Manhattan Island – had become the ultimate futuristic prison. A 50-foot containment wall has been constructed around the island, and all bridges and waterways have been mined with explosives. The United States Police Force is encamped like an army outside the containment wall. Liberty Island and the Statue of Liberty function as the control stations from which surveillance helicopters patrol the harbor. Officers manning choppers have orders to shoot escaping convicts. There are no guards inside the penitentiary, only prisoners and the world they create. There is only one rule: Once you go in, you don’t come out. Convicts sentenced to Manhattan Island, however, are given a choice: either enter the penitentiary for life or be terminated and cremated at the control center.

Kurt Russell plays the role of Snake Plissken, who sports an unshaven face, an eye patch, and a leather jacket – making him look much like a futuristic buccaneer. Although a war hero, Plissken has been sentenced to life for robbing the Federal Reserve depository. As he enters the underworld of Manhattan Island penitentiary, he learns of the harsh reality of survival. Prisoners live in subway tunnels and sewers and rely on heightened vigilance to fend off predatory attacks from street gangs, punk rockers, and crazies, who battle violently over turf. Although *Escape from New York* is an engaging science-fiction exercise, it does address some real issues concerning incarceration. In no uncertain terms, the movie depicts a ‘lock ‘em up and throw away the key’ sentiment that resonates in the public conversation over crime. Similarly, it reflects a major trend in penal policy, namely the construction of super maximum-security penitentiaries designed to contain what the authorities claim to be an increase in more dangerous felons.

CONCLUSION

The critical approach mapped out in this book by no means neglects the importance of culture; nonetheless, it does attempt to bring into relief the significance of power firmly embedded in punishment and the use of prisons. In the forthcoming chapters, the critical perspective will continue to unfold according to key historical, philosophical, and theoretical developments, especially as they inform us of the prevailing rationales (why) and practices (how) of the
penal project. By examining both the ‘why’ and ‘how’ of punishment we are better able to discern what might be called penal discourse. Rather than merely attending to passages of spoken and written statements, a more conceptual use of the term discourse refers to how language structures knowledge and organizes the ways in which things are done (Carrabine, 2004; Foucault, 1972).

Although it is debatable as to exactly how many different discourses exist in penology, there is some agreement that six serve to capture a broad range of rationales and practices. Three of those penal discourses pertain to the ends of incarceration (rehabilitation, normalization, and control) and the remaining three to the means (bureaucracy, professionalism, and authoritarianism) (Adler and Longhurst, 1994; Carrabine, 2000). It is important to realize that those particular discourses are not fixed but rather dynamic, subject to being continually challenged and revised within corrections as well as society at large. In the chapters ahead we shall remain mindful of penal discourse while maintaining an ongoing dialogue over what prisons are for, in a macrosociological sense, and what the prison experience is like, in a microsociological one. Together, those fundamental concerns keep us attuned to both the instrumental (Foucault) as well as the expressive (Durkheim) elements of punishment (see Bosworth and Carrabine, 2001).

SUMMARY

This chapter introduces a critical approach to corrections by questioning the expanding use of imprisonment. Indeed, mass incarceration is not only costly but also fails to significantly contribute to public safety given that a huge proportion of offenders sentenced to prison are convicted of non-violent crimes. Moreover, it is generally unfair – even unjust – to put nonviolent offenders behind bars when they could be punished by alternative sanctions. A critical approach also remains focused on racial and socioeconomic biases evident in a correctional population that is disproportionately poor, African-American, and Latino. By attending to penal populism, the new penology, the new punitiveness, and the reproduction of failed prisons, the discussion sets the stage for upcoming chapters as they delve into such controversies as institutional violence, the death penalty, and the stepped-up wars on crime, drugs, and terror.

REVIEW QUESTIONS

1. Why is it essential to distinguish between typical and celebrity offenders?
2. What are the costs of prisons, financially and otherwise?
3. What is the overlap between penal populism and ‘governing through crime’?
4. How does the new penology shift away from a traditional approach to corrections?
5. What are the fundamental differences between Foucauldian analysis and a neo-Durkheimian perspective on punishment?
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