Speaking at the Twelfth International Conference on Penal Abolition (ICOPA XII) Thomas Mathiesen (2008, p. 58) commented that penal abolitionists should feel neither “desperate” nor “ashamed” that they “could not stop the strong wave towards punitive populism, media panics and rising prison figures”. Abolitionists had not contributed to the expansion of the prison system, they had not been “preoccupied… with system justification” or its refinement (ibid). “Abolitionism”, he stated, “is a stance… the attitude of saying “no”… fostering and developing … a deeply critical attitude to prisons and penal systems as human (and inhumane) solutions” (ibid, pp. 58-59). Thomas Mathiesen argued further that abolitionism “goes beyond the parameters or conditions of existing systems” (ibid, p. 59). Negotiating reform of one “aspect” of the system draws the reformer into the presumption of the “necessity of maintaining the regime” (ibid). In saying “no” to prisons there is no truck with negotiation and no risk of incorporation into the punitive state’s agenda: the ever expanding, global dominance of the prison-industrial complex.

Thomas Mathiesen completed his talk reflecting on the strength of collaborative work between academics, practitioners, campaigners and prisoners committed to building activist networks to resist the tide of penal populism. I turned to my long-time friend Louk Hulsman. Both indebted to Thomas Mathiesen’s (1974) defining text, The Politics of Abolition, we exchanged glances of shared recognition. I recalled reading Rebecca Roberts’ recent interview with Louk. He told her:

In learning about criminal justice I learned about the police and knew about the legislation and then I learned about the prison. I had been in prison because I had been arrested in the war and had been in a concentration camp and had all those experiences. Then, at a certain moment – you understand, I did not know how to organise all that knowledge, I could not do something with all that knowledge in those frameworks. Then I read Thomas Mathiesen – Politics of Abolition… I thought, ‘I have to reorganise all my knowledge about it. You cannot in that language of criminal justice – you cannot discuss criminal justice in the language of
criminal justice’. That was the moment of abolition. I thought ‘I have to do what he is saying there’. (Roberts 2007, pp. 14-15).

Certainly, reading The Politics of Abolition shaped my understanding of prison in the context of the language and administration of criminal justice. At the time I was teaching a criminology class in Walton Prison, Liverpool. I was appalled by the conditions, overcrowding, warehousing and inhumanity of a regime controlled by abusive, aggressive and occasionally brutal guards. A lack of constructive and creative opportunities was compounded by endless hours and days when men were locked down in twos or threes in cells built in Victorian times to accommodate one prisoner. They were compelled to defecate in each other’s presence, the stench so overwhelming that newspaper packages were pushed through the barred windows, dropping to the concrete below. Each morning, prisoners shovelled the contents into wheelbarrows. They were the prison’s ‘shit detail’. How could this place claim rehabilitation? How could prisoners return to their communities in a better physical and psychological state than they entered? On the contrary, prisons were debilitating, damaging and destructive. Prisons failed on their own terms.

The question of what prisons were for went deeper, to engage the social, political and economic constructions of ‘crime’, ‘criminality’ and ‘criminal justice’. In 1986, Louk Hulsman wrote an article arguing against the traditional conceptualisation of ‘crime’ in which ‘criminal events’ were considered ‘exceptional’, ‘criminal conduct’ was addressed as “the most important cause of these events” and ‘criminals’ were perceived as a “special category of people” (Hulsman 1986, p. 63). He continued:

The public debate about the criminal justice system (c.j.s.) and its possible reform, almost always takes place in our (Western) type of society, within this limited framework. Proposals for reform take for granted that the c.j.s. must become better equipped to ‘deal with social problems which are defined as offences’. Furthermore, one should minimize as much as possible the social costs of this method and distribute them as justly as possible. In addition, the impression exists… that the development of the criminal law is one of slowly progressing humanisation (ibid).

Louk Hulsman focused on the silencing of informed debate due to the assumed hostility of intolerant ‘public opinion’, and its popular representation and amplification in the news media. In the U.K., while moral panics occasionally flared, prisons were depicted as soft options providing opportunities for prisoners denied to many outside the walls. Yet, as Louk
Hulsman noted, within the criminal justice system institutional confinement and cooperation between its constituent elements placed it beyond the ‘control’ of those in whose name it operated: “[t]his is particularly alarming, since the typical products of the system are the infliction of suffering and stigmatisation” (ibid, p. 64). How well this resonated with my experiences inside prisons where guards took every opportunity to obstruct any meaningful contact between outsiders and prisoners. Their purposeful promotion of a ‘them’ (criminals / prisoners) and ‘us’ (law-abiding / guards) mentality broadcast an unequivocal message to all who showed the slightest empathy or consideration to the incarcerated. Benevolent, caring outsiders were viewed unreservedly by guards as liberals, as betrayers of the ‘good’ and apologists for ‘evil’.

Yet it is clear, as I felt at the time, that those “involved in “criminal” events do not in themselves to form a special category of people” (ibid, p. 65). In fact, most people at some point contravene the criminal law and would, if caught and prosecuted, be ascribed the label ‘criminal’. Further, “nothing… distinguishes those “criminal” events intrinsically from other difficult or unpleasant situations” (ibid). A “considerable proportion of the events which would be defined as serious crime within the context of the c.j.s. remain completely outside that system” (ibid, p. 66). Thus, he concluded, “there is “no ontological reality” of crime”. As Nils Christie (1998, p. 121) commented some years later:

Acts are not, they become. So it is with crime. Crime does not exist. Crime is created. First there are acts. Then follows a long process of giving meaning to those acts.

Following a sharply critical analysis of and challenge to ‘new realist’ criminology, particularly its subscription to ‘conventional wisdoms on crime’, Louk Hulsman’s (1986, p. 67) endeavour was to “reorganise the debate within criminology and criminal policy” with the intention of achieving “the abolition of criminal justice as we know it”. A central proposition was that in any form, a “criminology which continues to incorporate in its own “language” the concepts which play a key role in this [criminal justice] process, can never take an external view on this reality and is therefore unable to demystify it” (ibid, p. 71). For criminology to be critical it must abandon the “definitional activities of the system” including the “notion of ‘crime’… [which] is not the object but the product of criminal policy” (ibid).
“Criminalisation”, therefore, names and outlaws “a certain occurrence or situation as undesirable”; attributes it to an individual, responds with “social control: the style of punishment”. Its operational location requires a “special organizational setting”: criminal justice. Whatever the criminal justice response, its negotiation sidelines the victim and perpetrator leaving resolution to criminal justice “professionals, whose main interest is not related to the original event, but their daily work in criminal justice” (ibid, p. 72). Nodding seemingly in the direction of Durkheim, Louk Hulsman noted the error in responding to “problematic situations” as if they “could be eradicated in social life” (ibid, p. 73). He continued:

They are part of life. People need problematic situations in the same way as food and air. More important than to prevent problematic situations is to try to influence societal structures in such a way that people can cope and deal with problems in a way which permits growth and learning and avoids alienation (ibid).

Within the broader debate about ‘crime’ and ‘criminal justice’ Louk Hulsman’s contribution to understanding and progressing abolitionism in the context of critical analysis has been considerable. Social action, interaction and reaction are complex. Meanings attributed at any stage of an emerging or consolidating ‘problem’ depend on the location of individuals and collectives. While classical criminological theories focused on causation, critical analyses emphasise context – the ‘frame of interpretation’ and the ‘focus’ of definition. By identifying and understanding the political-economic and socio-cultural contexts of defining, targeting and regulating ‘crime’ critical analyses challenge the pathological model that informs correction and punishment. It reveals the pre-eminence attributed to criminalisation at the expense of real alternatives of negotiation, mediation and arbitration.

In consolidating his critical ‘stance’ Louk Hulsman (1986, pp. 78-79) provided the key ‘tasks’ for critical criminology:

... continue to describe, explain and demystify the activities of criminal justice and its adverse social effects... abandoning ‘behavior’ and deviance as a starting point for analysis and adopting instead a situation-oriented approach, micro and macro. Illustrate... how in a specific field problematic situations could be addressed at different levels of the societal
organisation without having recourse to criminal justice. Study strategies on how to abolish criminal justice... contribute to the development of another overall language in which questions related to criminal justice and to public problems which generate claims to criminalisation, can be discussed without the bias of the present ‘control babble’.

Such ‘problematic situations’ can only be identified, understood and addressed by locating the experiential world of everyday life within the structural relations of power, authority and legitimacy. Critical criminology accepts that people are active agents to an extent mapping in their destinies. They make choices, think differently, act spontaneously, interact responsively and react on impulse or with considered judgement. As ‘agents’, they also resist the imposition of controls and regulations. They organise, campaign and collectivise their actions in social movements. Yet structural relations, along with the interventions of state and private institutions set boundaries to social interaction and personal opportunity. Nowhere is this more evident than in law enforcement, criminal justice and punishment.

Rather than accepting ‘crime’ and ‘antisocial behaviour’ as outcomes of individual pathology, weak socialisation or social dysfunction in a fair, equal and just meritocracy, critical analysis challenges administrative criminology and proposes that the overarching structural relations of advanced capitalism, patriarchy, neo-colonialism and age are inherently conflictual and subjugating. The ownership and control of the means of production and distribution, the politics and economics of reproduction as well as normative heterosexuality, the colonial legacies of racism and xenophobia along with the exclusion of children and young people from active participation, in both private and public spheres, reveal determining contexts that have consequences for all people in society. Power and authority are not limited to material (economic) or physical (force) interventions but are supported by deep-rooted ideologies – a social force of compliance and conformity. The populist appeal of authoritarianism, often connected to folk devils, demonisation and moral panics, is a tangible manifestation of social forces. It smooths the pathway to prison, ensuring that few politicians will acknowledge openly the prison as an indefensible, institutionalised discriminatory utility geared to ‘manage’ marginalised and alienated ‘problem’ populations.

In a later paper, Louk Hulsman (1991, p. 21) commented on the “sad results of the [abolitionist] movement to introduce and develop alternatives to penal sanctions”. Specifically, he noted Stan Cohen’s (1985, p. 37)
observation that, in part, within the criminal justice system “there has been an intensification, complication and extension” of the “early 19th century master patterns… rationalization, centralization, segregation, classification”. Rather, the “alternatives had merely left us with wider, stronger and different nets” (ibid, p. 39). Returning to his central position, Louk Hulsman argued that this reflected a failure to shift the debate on alternatives away from the ‘premises of criminal justice’. Yet he refused to be pessimistic in the face of consolidating authoritarianism. Academics, he argued, “should not strive to play the role of the intellectual-prophet who tells people what they have to do, who prescribes the frames of thought, objectives and means which he/she develops in his/her head, working in the study surrounded by [their] tools” (Hulsman 1991, p. 32):

No, the role of the academic is to show (1) how institutions really function, (2) [identify] the real consequences of their functioning in the different segments of social formations… (3) [identify] the systems of thought which underline these institutions and their practices… show[ing] the historical contexts of these systems, the constraint they exercise on us and the fact that they have become so familiar to us, that they are part of our perceptions, our attitudes and our behaviour. At last (4) he/she has to work with those directly involved practitioners to modify the institutions and their practices and to develop other forms of thought. (ibid).

Louk Hulsman’s objective was not to provide a range of practical interventions as alternatives but ‘to offer a conceptual system’ as a foundation on which ‘to contextualize the ideas on alternatives to criminal justice and the concrete projects developed in many countries which are founded on such ideas …’ (ibid). He concluded:

[T]o make progress in the field of alternatives we have to abandon the cultural and social organisation of criminal justice. Criminal justice is perpetrator-oriented, based on blame-allocation and on a last judgment view on the world. It therefore does not provide us with information and a context in which, in an emancipatory way, problematic situations can be defined and dealt with (ibid).

This position has been associated with the shift towards restorative justice as an alternative to criminal justice. It emphasises negotiated outcomes fully informed by the perspectives of all involved or affected by troubling
behaviour. It moves towards forms of arbitration that focus on harm rather than ‘crime’, on circumstances rather than ‘blame’ and on outcomes other than ‘punishment’.

In my last conversation with Louk Hulsman, I raised the issue of the almost evangelical zeal accompanying restorative approaches linked directly, via police or youth justice agencies, to criminal justice. Concerned by their proximity to the principles of criminal justice, their failure to recognise the structural relations of power and their claims to alternative disposals, I described the adversarial atmosphere in which children and young people as perpetrators can be confronted by victims, their families and community members. Apart from noting the implicit contradiction of setting restorative processes within a criminal justice context, he commented that the practitioners had not made the necessary personal transition to escape the intellectual confines of criminal justice ideology. I was reminded of his interview with Rebecca Roberts (2007, pp. 20-21):

Nearly everybody was raised to believe that those images which are behind criminal justice… are true. So then I begin to… say to people, ‘we are criminal justice’. And abolition of criminal justice is that you abolish that in yourself, in the same way we are doing with racism and in the same way we are doing that with gender differences… You abolish criminal justice in yourself… Abolishing means that you will not anymore talk that language. And if you do not talk that language anymore then you see other things… it’s like that – abolition.

In building ‘strategies of decarceration’ towards penal abolition Angela Davis (2003, p. 103) identifies the “major challenge” of working towards “more humane, habitable environments for people in prison without bolstering the permanence of the prison system”. Abolition, she argues is a “constellation of alternative strategies and institutions” prioritising “demilitarization of schools, revitalization of education at all levels, a health system that provides free physical and mental health care to all, and a justice system based on reparation and reconciliation rather than retribution and vengeance” (ibid, p. 107). Given the resilience of the politics and ideology of incarceration, as well as the global expansion of the lucrative prison-industrial complex it is difficult to envisage significant advances towards Angela Davis’s objectives. Louk Hulsman, however, was not deflected or deterred by the disappointments he had witnessed:
You see, if I look at my own experience… because I live for more or less a century – I am 84 now… You can really say the 20th century is my century… I have judged the things in that century. It’s very interesting when you have such a large space to see all the things… all the things you have seen change. When you look in such a sort of way… you know that things can change very fast... I am firmly convinced that nobody knows about the future… We should certainly not think that criminal justice could not be abolished (Roberts, 2007, p. 36).

When we last met, Louk and I planned for his visit to Belfast during summer 2009 prior to the European Group for Deviance and Social Control’s annual conference. We talked of the thirteenth ICOPA conference in Belfast scheduled for 2010. As ever, our conversations fluctuated between work, travel, families and happy reminiscences. Alongside his intellectual qualities, Louk’s generosity of spirit, mischievous humour and infectious laughter defined him. I was about to leave for Sydney when I received news of the death of my friend. Over the next days he was constantly in my thoughts and, with my partner Deena, we remembered the times we shared. On a cool summer day in New South Wales we walked a deserted strand, the sea thundering ashore.

The 32nd Wave
At Bherwerre where the ocean crashes
Over the solitary five mile strand
I’m sure I heard your voice ...
Beyond the thirty-second wave.
Kayakers will tell you that’s the one
That swells and rises, surely and calmly,
Emerging purposefully with force and passion
Its crest glints sharply with grace and dignity
Dancing ashore to move hearts and minds
That was the moment your laugh was with us
Pitched, as always. above the maelstrom
Generous and warm, forever Louk,
Taking hold of the thirty second wave.
Booderee
NSW, Australia
15 February 2009
REFERENCES


ABOUT THE AUTHOR

Phil Scraton is Professor of Criminology, Institute of Criminology and Criminal Justice, School of Law, Queen’s University, Belfast. His latest books are Power, Conflict and Criminalisation (Routledge, 2007), The Violence of Incarceration (edited with Jude McCulloch – Routledge, 2008), Hillsborough: The Truth (Mainstream, 2009), and The Incarceration of Women (with Linda Moore – Palgrave Macmillan, forthcoming). He is deeply grateful to the editors for the opportunity to write for the Journal. He can be contacted via e-mail at p.scraton@qub.ac.uk or by post at the following address:

Phil Scraton
Queen’s University Belfast
28 University Square – Room 28.102
Belfast, BT7 1NN
Northern Ireland, UK
EDITORS’ INTRODUCTION

Plus ça change ...
Mike Larsen and Justin Piché

We started to write this introduction on August 10, 2009 – the 34th Prison Justice Day\(^1\) (PJD). PJD emerged as a prisoner-initiated day of non-violent strike action to commemorate the August 10, 1974 death of Eddie Nalon in the segregation unit of Millhaven maximum-security penitentiary. It was first observed in 1975, and in 1976 the prisoners of Millhaven issued a communication “To All Prisoners and Concerned Peoples from across Canada”, calling for one-day hunger strikes in opposition to the use of solitary confinement and in support of prisoners’ rights, in memory of Eddie Nalon as well as Robert Landers, who also died alone in solitary confinement (see prisonjustice.ca, 2001). Since that time, PJD has become an internationally-recognized day of solidarity and action, both inside and outside the prison. While PJD is an opportunity for wide-ranging problematization and action related to penal policy, the commemoration of deaths in custody remains a central focus of events. Many of the articles collected in this volume deal with the theme of mortality in carceral spaces.

For us, PJD is also an occasion to observe and reflect upon the current state of penality in light of decades of opposition, ‘reform’ and resistance. The articles in this issue discuss a wide range of themes and touch on a series of policies – three strikes and mandatory minimum sentencing, life without parole and the sentencing of juveniles as adults, for example – that reflect what Garland (2001) describes as the decline of the rehabilitative ideal coupled with a resurgence and populist punitiveness. Most of these articles focus on imprisonment in the United States. Situated as we are in a Canadian context, we cannot help but wonder whether and to what extent the narratives recounted in this issue foreshadow the future of Canadian penality, given the rhetorical and policy trajectory of the current Conservative government of Canada. The Harper government has consistently advanced a law-and-order criminal justice agenda under the heading ‘Tackling Crime’. Its emotive discourse on punishment is rooted in the language and ideology of ‘get tough’ and the politics of fear.

Despite the well-documented failures of the ‘get tough’ approach south of the Canadian border, we appear to be on course to emulate some of the worst examples of American crime control policy. For example, the federal government is currently pushing forward with Bill C-15, which would
impose mandatory minimum sentences for a range of drug offences, while also increasing the maximum penalty for marijuana production (Parliament of Canada, 2009). Although overwhelming evidence indicates that mandatory minimums do not ‘work’ to reduce drug-related crime and despite the preponderance of expert testimony to this effect during the legislative process, the bill was passed through the House of Commons with the support of the Conservative and Liberal parties. At time of writing, the bill remains stalled in the Senate, a situation which the Harper Government characterizes as proof that Liberal Senators, and the Liberal Party in general, are soft-on-crime and “unwilling to stand up for law-abiding Canadians” (Conservative Party of Canada, 2009a). Mandatory minimum drug sentencing was a major factor in the rise of mass incarceration in the United States.

Another example of failed penal policy repackaged as new Canadian policy can be seen in the Conservative government’s ongoing efforts to restrict the availability of conditional sentences for property and ‘serious’ offenses. Bill C-9, which became law in 2007, eliminates the option of conditional sentences for a range of offences, including theft over $5,000 and anything punishable by 10 years or more. The Conservative government has also recently passed Bill C-25, which limits the ability of judges, when sentencing, to give credit for time spent in pre-sentencing custody. Continuing this trend, on October 26, the Public Safety Minister announced new legislation to limit early parole for non-violent and ‘white-collar’ prisoners, in favour of an ‘earned parole’ approach. Additionally, the government has promised to amend the Youth Criminal Justice Act to make it easier to impose adult sentences on youth convicted of ‘serious’ crimes. In responding to criticism that this approach will not facilitate rehabilitation, the Prime Minister argued that “You cannot rehabilitate someone who does not get a message from the system about the serious consequences of what they’re doing” (Clark et al., 2009). It is hard to imagine a clearer illustration of the politics behind the decline of the rehabilitative ideal and the scapegoating of youth as collateral damage of the neoliberal deconstruction of the welfare state (Giroux, 2009, p. 20).

These policies reflect a hard-line approach that, under the banner of “Stronger Laws” (Government of Canada, 2009), appears to have the goal of putting more – and younger – people in prison for longer periods of time. In order to facilitate this, the government has also committed to building more penal institutions in Canada, as illustrated by a projected
“corrections infrastructure” budget of $211.6 million for 2010-11, up from $88.5 million in 2006-07 (Curry, 2009). At the provincial-territorial level, at least 22 new facilities, both jails and prisons, are either in the planning stages or have recently been constructed (Piché, 2009). With the passage of the omnibus Tackling Violent Crime Act (2007), the implementation of the recommendations outlined in the Report of the Correctional Service of Canada (CSC) Review Panel: A Roadmap to Public Safety (Sampson et al., 2007), and the continued push to increase sentences for violent and drug-related offences, it has been acknowledged by current federal Public Safety Minister Peter Van Loan that new federal penitentiaries are also on the horizon (Bailey, 2009). In an October 16 interview with the Globe and Mail, the minister confirmed that the government is considering building large-scale regional prison complexes on the land currently used by the (soon to be cancelled) prison-farm program, in order to handle an influx of new prisoners (Curry, 2009).

Of course, these initiatives are not packaged and presented to the public as ‘old wine in new bottles’, and the (extremely) uninitiated observer would be forgiven for thinking that the Canadian Conservative crime control agenda is characterized by a series of new policies and innovative shifts in direction. In reality, though, this agenda is anything but novel, and its centerpiece policies and discourses are throwbacks to a punitive past.

It is this sense of a blurring of past, present and future that we wanted to highlight at the outset of this issue. On Prison Justice Day, we joined prisoners, ex-prisoners, activists and fellow travelers from around the world in striving in the short-term to improve the conditions inside prisons and in the long-term to reduce the number of individuals subjected to the penal system. One wonders, though, at the prospects for efforts that seek to fundamentally alter the dominant approaches to penal policy advanced by governments suffering from a long-standing addiction to ‘tough on crime’ ideology. The master patterns (Cohen, 1985) are entrenched to the extent that the language has become recycled. By way of example, we present two snapshots below, one from Canada’s punitive past and one from its penal present.

1991

On October 8, 1991, Doug Lewis, then Federal Solicitor General, held a press conference in Calgary, where he announced the tabling of the
Corrections and Conditional Release Act (CCRA). The official Solicitor General news release for the event, entitled Protection of Society the Focus of New Corrections Reform Bill, quotes Mr. Lewis as saying “Protection of society is the primary objective of the Corrections and Conditional Release Act... This bill reflects the government’s determination to restore public confidence in the corrections system” (Solicitor General Canada, 1991a, p. 1). “Canadians”, Lewis remarked, “have told the government that they want their communities to be safer. We have listened and responded” (ibid, p. 3).

Faced with opposition to some aspects of this sentencing bill in committee where amendments were being proposed, the Solicitor General of Canada issued another news release on November 15, 1991 entitled “Public Safety Delayed”. Doug Lewis, now speaking from Ottawa, “expressed anger that the Liberal critic for Solicitor General Canada is evidently delaying the progress of C-36 (The Corrections and Conditional Release Act)” (Solicitor General Canada, 1991b, p. 30). He went on to say that “... this is just a stall […] It’s quite sad to see people calling for these tougher laws, and then turn face and deliberately delay them for partisan ends... I cannot imagine that their constituents will be too impressed” (ibid).

2009

On June 16, 2009, Peter Van Loan, current Minister of Public Safety, stood before Parliament in Ottawa and announced the tabling of Bill C-43, the Strengthening Canada’s Corrections System Act. The official Public Safety Canada news release for the occasion, entitled “Protection of Society to Become Main Objective in Corrections System”, quotes Mr. Van Loan as saying “This Government is taking a new approach to corrections by putting a greater focus on public safety... We are also putting the rights of victims first, by proposing changes to help keep them better informed. [...] We are fulfilling our commitment to make key reforms to the current corrections system so that offenders are more accountable for their actions, rehabilitation is more effective, and safety in our communities is paramount in all decisions in the corrections process” (Public Safety Canada, 2009).

On July 22, 2009, the governing Conservative Party of Canada added a statement on “Liberal Obstruction on Crime” to the main page of its website (Conservative Party of Canada, 2009b). The page states that
Our Conservative government has a proven track record of taking real action to crack down on violent criminals. We have taken action to make criminals face serious time for serious crimes like sexual assault with a weapon and attempted murder. We have raised the age of protection from 14 to 16, to help protect children from sexual predators and we have introduced tougher penalties for drug impaired driving and street racing. 

[...] 
The Conservative government has introduced new legislation to get tough on criminals that manufacture drugs and those that sell drugs to children. These new laws should be in place, protecting Canadians right now. If it weren’t for Michael Ignatieff and his unelected Liberal Senators obstructing the bill, that is. When the media are watching, the Liberals pretend to be tough on crime. But behind closed doors, they will use every trick in their book to prevent this legislation from passing. Michael Ignatieff and the Liberals are proving to Canadians that when it comes to the safety of families and our communities, they would rather play politics.

As part of the same public offensive on political opponents that did not back aspects of its ‘Tackling Crime’ agenda, the Conservatives also released a pamphlet in Bloc Quebecois ridings paid for by Canadian taxpayers that alleged that “Your Bloc MP voted against the protection of children” (Conservative Party of Canada, 2009c, translated from French). The pamphlet depicts an empty swing, with a child being led away by an adult man, with the suggestion being that the “separatist party is soft on pedophiles and child traffickers” (CBC, 2009). The attack ad was a response to the Bloc’s decision to vote against a law creating mandatory minimum sentences in child trafficking cases, a move the Bloc justifies as an effort to preserve the discretion of judges – a point lost in the Conservative Party’s partisan rhetoric.

The essential interchangeability of these texts from 1991 and 2009 is striking. Indeed, it is not so much a matter of ‘old wine in new bottles’ as it is a matter of ‘old wine in old bottles’. To push the metaphor further, we would suggest that this barrage of retrograde punitiveness reflects the inability or unwillingness of Canada’s opposition parties to seriously problematize the ‘vintage’ of the government’s thinking on crime and punishment, much less suggest meaningful alternatives. In part, this stems from a collective
inability to view incarceration as a failure to respond to social problems, rather than the outcome of a successful crime control agenda. There appears to be an unspoken agreement about the rules of ‘tough on crime’ rhetoric, whereby the only politically viable response to the charge “My opponent is soft on crime” is to make vigorous assertions to the contrary, accompanied by gestures towards one’s own ‘get tough’ credentials. For example, even the acknowledged left-of-centre party has recently advocated that the designation of ‘violent offence’ should be applied to auto-theft (New Democratic Party of Canada, 2008, p. 32), revealing the degree in which parties of all political stripes parrot hard-line talking points about crime control and sentencing (Tham, 2001). In large part, though, it has to do with the troubling effectiveness of populist punitiveness, which is a problem that is much larger and more complex than partisan politics.

Carceral Universals and Writing as Resistance

As we reflect on the past, assess the present and look towards the future of penal politics one cannot help but think that we are bearing witness to a runaway train (Hassine, 1995). An emergency break is needed. In the first volume of the JPP, Jo-Ann Mayhew (1988) expressed hope that by “allowing our experiences and analysis to be added to the forum that will constitute public opinion could help halt the disastrous trend toward building more fortresses of fear which will become in the 21st century this generation’s monuments to failure”. While the hope that this disastrous trend can be halted has yet to be realised, it must be noted that the voices of prisoners have played a prominent role in making visible past atrocities and have spurred social change. Without their accounts of the “carceral universals” associated with the deprivation of liberty which transcend time and space (Gaucher, 2008, p. 2), it is unlikely that the abolition of draconian apparatuses of control such as slavery in the United States and the Apartheid in South Africa would have been realised. As other carceral structures have come to take their place, often in the form of prisons, the project of writing as resistance remains vital to the emancipation of all who inhabit this world. It is clear that the current expansionary trajectory of the Canadian prison system is not being effectively challenged by a robust alternative vision in the chambers of Parliament. As is so often the case, resistance, critique, and change will have to come from the grassroots.
This Issue

This issue is prefaced by a dedication to Louk Hulsman, written by his longtime friend and fellow penal abolitionist academic, Phil Scraton. Louk passed away just as Volume 17(2) of the JPP was going to print and we did not have time to prepare a fitting tribute at the time. Phil Scraton’s piece engages with Louk’s many contributions to the field of criminology and specifically with his efforts to expand the theoretical repertoire of abolitionists. Undaunted by the ongoing entrenchment of penal politics, and perpetually upbeat and optimistic, Louk Hulsman’s spirit will continue to inspire those who seek meaningful alternatives to imprisonment, and, ultimately, a paradigm shift in the way we think about and respond to social harms.

Charles Huckelbury opens the main body of the issue with “Talking Points: How Language Functions as a Status Determinant in Prison”. In this wide-ranging article, Huckelbury draws on linguistic theory and personal observations to explore the ways in which language structures identity, membership, and status in prisons. He describes prison as “a linguistic laboratory that identifies and perpetuates a specific social order, in which a descriptive grammar doubles as a prescriptive grammar” (Huckelbury, p. 27, this volume). The consequences of failing to understand this grammar, he notes, can be dire for the prisoner. For the observer on the outside, failing to appreciate the nuances of prison language and vocabulary can lead to a host of ancillary misinterpretations regarding intent and meaning. Huckelbury’s contribution sets the stage for the articles that follow, many of which involve contestations over the meaning of labels.

In “America’s Army of the Incarcerated”, Eugene Dey discusses the intersection of the military- and prison-industrial complexes, drawing on interviews with incarcerated veterans of two generations of American wars. He illustrates the ongoing use of prisons – the quagmire of California’s golden gulags – as an inherently-flawed panacea for dealing with complex social problems, in this case the difficulties faced by soldiers attempting to adjust to post-war social life. Underlying Eugene Dey’s arguments are insightful observations about the underlying racial and socio-economic status similarities between America’s war-fighting and time-serving populations, and about the shared characteristics – lethality, chaos, pervasive violence and enticements to insanity – of the prison and the battlefield.
The notion of the prison-as-battlefield opens up a space for a discussion of mortality and the next four articles engage directly with issues related to death, and life-as-death, in prisons. In “The Other Death Penalty”, Kenneth E. Hartman critiques the notion that a sentence of life without parole (LWOP) is more humane and less lethal than the death penalty. Based on a normative commitment to restoration as a cultural ideal, he argues that both state-sanctioned murder and the slow death of perpetual imprisonment should be opposed in equal measure.

In “Throwaway Kid: A Case of Responsibility of, and for, Juvenile Lifers”, Annette Hemmings and Jerry Lashuay provide a detailed analysis and critique of the American policy of subjecting juveniles to life sentences, grounded in a review of Jerry’s own story as a juvenile lifer. Echoing Kenneth Hartman, they also describe life without parole as a death sentence and they point to the particular injustices of subjecting “throwaway kids” to this fate. They end on a positive note, discussing a number of initiatives geared towards abolishing LWOP for juveniles, including a push for retroactive legislation.

Eugene Dey, in “To Die Well”, recounts his experience of going ‘pro per’, representing himself in a California sentencing court, facing his third strike and the prospect of life in prison. Speaking from a layered insider’s position – that of the prisoner-as-lawyer – and advancing a spirit of resistance, he describes an attempt to impose agency and dignity on a legal process that is designed to ignore the humanity of its subjects while producing forgone carceral conclusions. Eugene Dey (p. 62, this volume) responds to this bureaucratic machinery by “holding the entire system in contempt”, arguing that “[b]y staring down our executioners we let our enemies know we are not afraid”.

The issue continues with “Dear Sanity”, a short letter written by an anonymous Canadian prisoner in solitary. Writing to the titular addressee, he offers a powerful and disturbing account of the struggle to remain sane in an insane place. The inclusion of this piece is particularly important as it demonstrates the persistence and human impact of the psychologically damaging practice of ‘disassociation’ used by ‘correctional’ authorities which triggered the PJD movement.

Following this, the issue begins to move beyond the walls of the prison, with two articles that deal respectively with prisoners’ families and the challenges of post-release adjustment. In “Prisoners’ Families: The Forgotten
Victims”, Richard W. Dyches outlines the difficulties faced by families – and particularly children – dealing with the incarceration of a loved one. He notes the incongruity between the criminal justice system’s rhetoric of public protection and the reality faced by prisoners’ families – theoretically part of that ‘public’ and certainly victims of the penal system in their own right – who must navigate their way through an alien process, often without access to vital information. Richard W. Dyches provides a concise overview of the impacts of this process on families, closing with important recommendations for a Visitor’s Charter that would guarantee minimum standards of treatment.

In “I May Have a Life”, the final article in the main section of this issue, Joe Lekarowicz provides a narrative account of his own post-incarceration experience, covering the days, weeks, and months immediately following his release from a U.S. immigration detention centre and subsequent return to his European homeland. As in his previous work, “Bush” in Volume 17(2), Joe draws attention to the importance of companionship and mutual understanding as sources of resiliency. Emphasizing the theme of a life-in-transition, he speaks about his attempts to recover and reconstruct a sense of normalcy in a life interrupted by the dislocating experience of incarceration.

In this issue we have also revived the Dialogues section of the JPP, which last appeared in Volume 4(2) as a “reply/interchange”. This space has been reserved for prisoners and fellow travelers to reply to arguments made in academic works, including those that have appeared within the pages of this journal. The goal in reintroducing the Dialogues section is to provide a forum where authors can collectively present a critical mass of commentary, advancing knowledge concerning a substantive issue raised by current and former prisoners and/or members of our Editorial Board. The dialogue in this issue centres on the arguments advanced by Loïc Wacquant (2002) on the state of prison ethnography and his use of carceral tours as an approach to field research. Both of these aspects of Wacquant’s research are critically assessed by regular JPP contributors including Jon Marc Tarlor, Susan Nagelsen and Charles Huckelbury, Eugene Dey and Craig Minogue. The Response to this issue comes in the form of a summary of the discussion that followed the reading of several Dialogues papers at the 2009 meeting of the Canadian Society of Criminology.

Following the Dialogues section are a number of Prisoners’ Struggles pieces. We are pleased with the range of topics represented in this section. Jeremiah J. Gilbert discusses the movement against U.S. juvenile life without
parole sentences, an issue that will be fresh in readers’ minds following Annette Hemmings and Jerry Lashuay’s article in this issue. The MTL Trans Support Group provides a detailed discussion of their work, which provides support to gay, queer and trans prisoners through the vehicle of a coordinated letter writing program. Their contribution, which is itself a collaborative inside-outside effort, discusses the need for general convergence in the HIV-AIDS prevention, harm reduction, anti-prison and social justice movements. Cam, from Regina Books Through Bars, describes his organization’s work and explains the important role that access to literature played during his own incarceration. Returning to the special theme of Volume 17(1) of the JPP, UN Special Rapporteur Vernor Muñoz provides a summary of the recent report presented to the UN Human Rights Committee on the Right to Education of Persons in Detention. This report draws heavily on contributions from prisoners and includes a number of important recommendations, which we sincerely hope are embraced by governments. Garrison S. Johnson provides a short account of the continuing legacy of slavery and institutionalized discrimination in U.S. prisons. Julia Sudbury’s contribution comes in the form of an address made before the Twelfth International Conference on Penal Abolition (ICOPA XII). The piece describes the ongoing work of the abolitionist organization Critical Resistance and offers ten lessons for abolitionist organizing, one of which is to “prioritize the voices of the incarcerated and formerly incarcerated people, along with the most affected communities” in debates on and campaigns against imprisonment (Sudbury, p. 181, this volume). It is with this in mind that the ICOPA International Organizing Committee has included a call for contributions in this volume, inviting prisoners and former prisoners to submit papers to be considered for presentation at the Thirteenth ICOPA to take place in summer 2010 at Queen’s University – Belfast, Northern Ireland. The issue closes with book reviews of From the Iron House: Imprisonment in First Nations Writing by Deena Rhymes and Out There / In Here: Masculinity, Violence, and Prisoning by Elizabeth Comack. Front and back cover art commemorating PJD is provided by Neal Freeland.

ON THE HORIZON

The past year has been a busy one for the JPP Editorial Board and for our colleagues. As we release this double issue, no less than three special issues are nearing completion and we want to take this opportunity to let
you know what is in store for the coming year. Volume 19(1) will be a special collection of articles from the Prison Writing Program of the PEN American Center, edited by Bell Chevigny as a follow-up to Doing Time: 25 Years of Prison Writing (Arcade Publishing, 1999). Volume 19(2) will be a special collection of articles on torture and political imprisonment, edited by Christine Gervais and Maritza Felices-Luna. Volume 20(1) is a special issue on women in prison, edited by Jennifer Kilty.

ENDNOTES

The Millhaven prisoners who organized the first PJD strike action on August 10, 1975 and issued the open call for a one-day hunger strike in 1976 used the term “Prison Justice Day”. As Bob Gaucher (1991) notes, this term was used in the original penal press communications about the event. Since that time, PJD has become an internationally recognized day of struggle and resistance, and is sometimes referred to as “Prisoner’s Justice Day” or “Prisoners’ Justice Day” (for example, by the Prisoners Justice Action Committee, PJAC). While the different terms do suggest subtle underlying differences in the objectives for action – justice in prisons vs. justice for prisoners – to the best of our knowledge, the decision to use one term instead of another appears more often than not to be a simple matter of preference.

REFERENCES

Conservative Party of Canada (2009c) 2009 Conservative Pamphlet sent to Bloc Québécois Ridings.


Parliament of Canada (2009) *Bill C-15: An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts* (as passed by the House of Commons version).


Talking Points:
How Language Functions as a Status Determinant in Prison
Charles Huckelbury

Be thy intents wicked or charitable,
Thou com’st in such a questionable shape,
That I will speak to thee…
– William Shakespeare
*Hamlet*, I.iv

Language acquisition is always a part of any socialization process, whether as infants learning to speak or as adults encountering a new environment. That new environment can be something as obvious as a foreign country or as subtle as a new neighbourhood. Both, however, can be equally challenging with respect to communicating with the inhabitants.

Across this social continuum the goal is to master the local method of communication to make one’s utterances intelligible and to effect a degree of assimilation that, it is hoped, will lead to acceptance by the indigenous population, or, if not acceptance, at least an absence of hostility. The formal articulation of this human ability to adapt one’s innate linguistic potential to various situations grew from Noam Chomsky’s (1957) seminal work, *Syntactic Structures*.

Chomsky (1957) elucidates a dichotomy between the intrinsic, often unconscious knowledge people have of their own language and the way in which they use the language in ordinary speech. The former, which he terms ‘competence’, enables people to generate all possible grammatical sentences explaining why children are able to acquire any language. Chomsky distinguishes this fundamental ability from the praxis of transforming this competence into everyday speech, which he calls ‘performance’. Prior to Chomsky’s work, most theories about the structure of language described only the performance aspect and were thus classified as transformational grammars.

Practical examinations of transformational grammars can of course be undertaken to provide a window into a particular culture’s methods of communication. Shifting definitions, argot and non-standard sentence structure often work to describe a particular group’s ethos, thereby requiring a rigorous analysis if a deeper understanding of that group is to result.
Perhaps nowhere is this analysis more rewarding than inside the prison, where linguistic customs serve dual functions: identifying members of a particular group, and preserving that identity through the use of a stylized vocabulary and syntax.

Prisoners tend to fall into distinct categories, broadly derived from their members’ previous contact with law enforcement. For those men and women who led traditional lives, that is, employment within the cultural norms of their society, imprisonment brings with it a bizarre experience that challenges both their values and, for the purposes of this discussion, their ability to communicate in a common language. A word or phrase, for example, with one connotation in the outside world can have a completely different meaning inside prison – and ignorance of this variation can be perilous.

I recall listening to a public radio station late one evening and hearing a short segment about a young gangster in East Los Angeles, who was arrested and sentenced to prison for a lengthy list of crimes. After the feature, the show’s host kept referring to the gang member as a ‘punk’. Unable to restrain myself, I wrote the station and explained the difference in the term as it is used outside prison, versus its more pejorative connotation inside. For those readers who do not know the difference, a punk in the outside world is usually a young person who rejects traditional values and acts egotistically with no apparent regard for the consequences. In contrast, a prison punk is someone who engages in sexual behaviour, either willingly or as a result of persuasive pressure, as distinguished from a victim of forcible rape. On the subsequent show, the host advised his listeners that he had learned something about prison and the way we use language inside.

The lesson was vividly illustrated one evening during a poker game in the block where I was living. A fresh arrival lost several hands and in his frustration called the winner a punk. Without a word, the winner leapt over the table and knocked out the man who had dared insult him. He then went to his cell, returned with a knife and proceeded to turn the unconscious victim onto his back. Straddling him, the man said, “I’ll show you who’s a punk”. He then stabbed the man repeatedly in the chest. This is an extreme example, but it demonstrates the potential for gross misunderstanding if one does not become familiar with the language within a specific environment.

In addition to establishing a dominance hierarchy inside prison, language also serves a politicizing function, separating guards and prisoners into
distinct factions even more effectively than their uniforms, and fostering a cohesive atmosphere that challenges any attempt at assimilation of members of one group by members of the other. The most obvious pattern is the insistence in most American facilities that prisoners use the honorific ‘mr.’ or ‘ms.’ or the individual’s rank when addressing a staff member. Prisoners, however, are customarily referred to by their last names (see also Minogue, this volume), which is often prefixed by ‘inmate’. The clearly political imperative distinguishes men and women who, at least in the eyes of authority figures, deserve respect from those who do not.

Professional titles are similarly proscribed in many institutions. No matter if a man or woman held a medical degree outside, mail coming into the institution generally cannot be addressed to Dr. John or Jane Doe or have the M.D. designation following the prisoner’s name. Academic degrees, such as a Ph.D. or M.A., frequently result in the letter’s rejection, as if prisoners surrendered their academic and professional achievements upon incarceration.

A similar feat of linguistic legerdemain determines how prisoners view themselves in response to the imposed references and how security staff view them in turn. The choices are classically ‘inmate’, ‘convict’ or ‘prisoner’. The first, as Little Rock Reed (1993, p. 119) poignantly illustrates in his poem “No Neutral Ground”, carries the stigma of the mentally infirm “[d]enoting diseased / psychopath receiving treatment”. More recently, I hear the epithet applied to men and women whose attitudes toward security mirror those of Nazi collaborators. Among most experienced prisoners, ‘inmate’ is synonymous with ‘snitch’. By preferentially identifying with guards and prison administrators, members of this group remove themselves from any participation in the broader prison community and advertise their vulnerability to predation by those members whose association they shun.

At the other polar extreme are the ‘convicts’. This anachronistic class, shrinking each year, generally consists of men and women whose careers outside involved illicit activities and who bring those same values with them into prison. These are the cultural anarchists, respecting no authority based on privilege or custodial rank, whose self-identification harks back to an era when doing time brought with it a certain clarity and simplicity. Egocentric and predatory, they readily adopt the ‘convict’ sobriquet and wear it as a badge of honour, actively seeking opportunities to display their status to other prisoners or their keepers.
These are the prison hustlers, men and women most likely to engage in edgy prison behaviour: gambling, loan sharking, drug dealing and physical violence. This group is more prone to use standard prison jargon, including the more baroque terms for prison guards: ‘hack’ or ‘screw’ in most state and federal prisons. Margo Demello (1993, p. 12) summarizes the attitudes – and the class differences – that distinguish the two groups by using the voice of a prisoner: “Fuck the world. I’m a convict, not an inmate”. As Demello explains it, “[t]he difference between a convict and an inmate is respect. For the convict, after being locked up and stripped of everything he owns, respect is the one thing that cannot be taken away. An inmate has no respect. He is a model prisoner, one who bows to the authority of ‘The Man’” (ibid).

Falling somewhere in the middle of this range are those who view themselves as simply ‘prisoners’, a collective noun that, for them, accurately describes both their social rank and their current condition. A more pragmatic approach to doing time characterizes this particular cohort, whose members tend to avoid both prison gangs and other predators as well as the traitors who spend more time in the investigator’s office than they do in their cells. The Journal of Prisoners on Prisons (JPP) has standardized its references to incarcerated men and women by opting for this particular term, a neutral construction that avoids the emotional and often discriminatory baggage carried by the other two.

No matter what a particular man or woman’s philosophical approach to prison might be, existential realities generally demand that he or she will adopt some aspects of prison language, including the extensive use of profanity, if for no other reason than to avoid arousing the undue attention of either peers or staff. All of us know, for example, what a shank is, and sex offenders – ‘skinners’ or ‘rippers’ in New Hampshire, for example – will continue to be objects of scorn and derision, at least in casual conversation. Failure to take the prison idiom for his or her own, even when personally offensive, marks the individual as ‘other’. In the corporate world or social circles outside of prison, men and women attempt to distinguish themselves as a way of advancing. Inside prison, however, only the strongest and most determined can chart a course that ignores the pressure to conform to a code that requires surrender to a group ethos.

In what is a graphic idiomatic example, prison produces some of the most innovative permutations of the common word for sexual intercourse
‘fuck’. Used as a participle, it becomes a universal modifier, describing virtually everything and every activity, and the infinitive form of the verb can take on a variety of meanings, none of which are flattering. Anyone with scruples about using the term will discover them evaporating in a matter of months upon entering prison.

In considering the socializing function of speaking prison jargon, a clear analogy appears to exist between the prisoners’ experiences and that of soldiers. Tim O’Brien (1986) devoted a book to the men and women who served in the United States military in Vietnam. It contained a remarkable passage explaining the callous language often used by the soldiers to describe combat and death of either their enemies or friends. These were soldiers who, like the vast majority of human beings facing an armed, hostile force, were afraid of dying but more afraid to reveal that fear to their peers. As a result, O’Brien (1986, p. 285) tells us, “[t]hey used a hard vocabulary to contain the terrible softness”. This, I think, is the key to many prison vocabularies: an attempt to portray oneself as unafraid in an extremely dangerous environment by demonstrating community with others forced to share the experience, and, as O’Brien has it, to conceal a softer, more human side that would invite criticism or physical attack from that same community.

If O’Brien’s analysis can be extended from the battlefield to the prison, and I think it can, then carceral language is not the “wind-swift motion of the brain” as described by Sophocles (1947), but rather a calculated choice to substitute an acquired lexicon for one’s natural speech patterns. Imagine an educated man or woman entering a maximum-security prison and approaching another prisoner by offering a hand and saying, “Good afternoon. How are you doing? I’ve just arrived here and was wondering if you could direct me to the library, where, I’m told, the complete oeuvre of John Rawls is available”. Contrast this with a curt nod and a “What up?” in passing.

An educated vocabulary projects a life not of the streets, but one of soft hands and softer Weltanschauung, a life unaccustomed to the violence that stalks every major prison. First impressions are those that most strongly resist modification, even in the face of contradictory evidence. The first approach described above thus immediately labels the person as either a naif or a poseur, neither of which contributes to peer acceptance. Even more important, the diction and the overture mark this person as weak in the sense
that he or she is a stranger to violence as a negotiating tactic, which means predators will descend on him or her like lions on an injured gazelle.

The second interaction, however, indicates a level of experience in and awareness of the cut-and-thrust of street action, transferred to the prison environment. By adopting the language of The Life, the prisoner immediately defuses potential trouble by indicating his acceptance of both the vocabulary and mores of the subculture he or she has entered. This shift is thus a conspicuous example of a transformational grammar adapted to a specific environment for a political purpose: acceptance by one’s peer group and, in some cases, survival. Demello (1993, p. 13) has elucidated the identical motivation with respect to the practice of tattooing in prison, where “[t]he process involves marking members as belonging to the same culture as much as it involves distinguishing members of one group from another... in a context where loyalty is often a life or death matter”.

Prison is therefore a linguistic laboratory that identifies and perpetuates a specific social order, in which a descriptive grammar doubles as a prescriptive grammar. Mastering the fundamentals, along with the various nuances, defines a prisoner’s status as an in-group member. Failing that task, or refusing to participate in what is often viewed as a surrender of principle, frequently brings suspicion and ostracism. The bias encountered mirrors that of the real world when someone from another country, or even a separate location in the same country, travels outside his or her traditional domain and reveals different geographical origins with the first spoken words.

If, then, humans are tribal and xenophobic by nature, atavistic tendencies rooted in our genetic heritage, prison’s forced association of strangers amplifies those intrinsic dispositions, with language playing a crucial role in overcoming or, alternatively, exacerbating the regression. The techniques prisoners employ to communicate among themselves therefore largely determine the success of their social adjustment during their incarceration and in extreme cases, their very survival.

**Endnotes**

1. The ethos of contemporary life, survival of the fittest and an inversion of societal norms.
REFERENCES


ABOUT THE AUTHOR

*Charles Huckelbury* was sentenced to life imprisonment – 35 year minimum – at the age of 27 and has spent the last 28 years in prison. Awarded second place in Prison Life’s fiction contest in 1995, he won the PEN American Center first prize for fiction in 2001. A regular contributor to the *JPP* since 1997, Charles joined the Editorial Board in 2001 and is now an Associate Editor. He was one of four featured writers in Shawn Thompson’s *Letters From Prison* (Harper Collins, 2001). His new book of poetry, *Tales From the Purple Penguin* (BleakHouse Publishing, 2008) has received rave reviews from students and academics.
America's Army of the Incarcerated

Eugene Dey

America’s Army of the Incarcerated, standing loud and proud at 2.3 million is the largest assemblage of imprisoned people in the world (Sabol and Couture, 2008). Entering the eighth year of war in the Middle East, a perfect storm is brewing. Soldiers already have a hard time adjusting to civilian life in times of peace, with prolonged and repeat deployments abroad causing even more problems at home. In the era of a two-front war with no end in sight, at-risk veterans are being greeted by a society that embraces an unprecedented culture of incarceration.

The prison-industrial complex, a huge network of justice agencies and industries, will gladly accept a few good men the military no longer needs. With a draconian justice system regularly handing out lengthy and life sentences in the era of the open-ended war on drugs – and people – veterans will continue to be among the many subjected to the all-inclusive ‘lock ’em up’ methodology.

Eric Swisher served three tours of duty in the Middle East. Now serving a life sentence for second degree murder, Swisher is forced to perform a ‘fourth’ tour – as a ‘lifer’. An Aircraft Structural Mechanic and Senior Airman in the Air Force, Swisher, age 27, recounts with pride how “we kept those planes in the air”. Already enlisted when Operation Enduring Freedom brought him to Afghanistan in 2001, Swisher’s next two tours took him “all over the Middle East”.

Swisher’s life had been held in abeyance for six years, the last two due to the Stop-Loss Policy enforced by the Bush administration. When he received an honourable discharge in 2005, Swisher never imagined being buried alive in an asylum mired in sectarian conflict – especially not one run by the state.

The California Department of Corrections and Rehabilitation (CDCR) is packed with murderers, gang members and drug dealers. Two-thirds of the population are addicts of some sort, many of whom are suffering from high rates of mental illness. Relative calmness regularly gives way to all out race and gang-based warfare that provides a steady diet of fights, stabbings, and riots, exacerbated by mind-bending boredom, isolation and hopelessness.

The CDCR is like a nightmare that never ends. Swisher’s new home, the California Correctional Center (CCC) in northern California, is one of two enormous state prisons built right next to each other. Over 10,000 state
prisoners added to the more than 1,000 prisoners in the federal penitentiary in nearby Herlong, Lassen County which has one of the largest concentrations of incarcerated people on the planet, dubbed Prison Town in a documentary about the prison-industrial complex (Galloway and Kutchins, 2006). Illuminated by huge light poles, the razor wire topped fences and evenly spaced gun towers are reminiscent of an enormous military base cut right into a mountainous landscape. This is the setting in which Swisher and other veterans live with American society’s most violent felons.

Small framed and meticulously groomed, Swisher is friendly and polite. Picking his words carefully in an environment where profanity and insanity permeate the atmosphere, Swisher’s route to prison reads like an American tragedy. “A few months after my [military] commitment ended, I took a job as a personal trainer – just a way to work my way through college. I earned an Associate degree in Aircraft Structural Engineering while I was in the service”, said Swisher, who was stationed in Beale Air Force Base in Sacramento. “I planned to earn a BS in Biological Chemistry and take the MCAT [medical competency aptitude test] and enrol in medical school”, said Swisher, who added, “I wanted to be a doctor”. Then all hell broke loose. Swisher hit and killed a pedestrian while driving home from work. With a blood alcohol level double the legal limit of .08, the former Airman found himself facing a charge for which he had no defence. “I tried to go around a slow moving van”, said Swisher, who takes full responsibility for his actions. “It was an accident”.

Rather than a lengthy prison term for vehicular manslaughter, his eventual conviction for murder carried a penalty of 15 years to life. Unless the murder conviction is reduced to manslaughter on appeal, Swisher will likely never get out of prison. In California, life means life.

As of 2004, the Bureau of Justice Statistics reported 140,000 veterans incarcerated nationally. Possessing more education, shorter criminal records and less likely to have used drugs, veterans are locked up at about half the rate of the general population. While they do commit more violent crimes, including sex offences, they also experience more mental problems than prisoners who have not served.

In 2008, the Department of Defense estimated that 30 percent of returning veterans have been afflicted by post-traumatic stress disorder (PTSD) (Saxon et al, 2001), with another 150,000 suffering from mild traumatic brain disorder. Such ailments, if left untreated, can lead to antisocial behaviour
like substance abuse, depression and suicide – factors that also produce trouble with the law.

Veterans For Common Sense, an advocacy group, accused the Veterans Administration (VA) of failing to provide adequate mental health services. Overwhelmed by hundreds of thousands of mental health applications, the group says the VA had become too adversarial in the face of such a crisis. Moving forward on improved mental health screening, services and benefits, the VA claims to be doing the best they can.

With the largest number of soldiers returning from war in history, the high rates of suicides among veterans and active duty soldiers are unmatched. How these tangibles are amalgamating with America’s culture of incarceration have morphed into another sad chapter in a dark opus. Being permanently incapacitated in a violent state prison is a bitter pill to swallow, but man’s will to survive is powerful. Rather than succumb to depression and suicide, many incarcerated veterans, exactly like prisoners of war, must learn to make the best of a bad situation.

Richard Dolmer, a sergeant in the Army during the era of Vietnam, now serves a life sentence for murder. Still a physical specimen at 56-years old, Dolmer is college educated, articulate and as friendly as he is enormous. “We remind everyone that we might be stinking felons now, but served our country honourably”, said Dolmer, the leader of a veterans’ self-help group at CCC. Service, honour and patriotism are foreign concepts to many prisoners. People of colour, the poor and the systemically disadvantaged, many of whom embrace critical views of America, are overwhelmingly represented in the nation’s correctional facilities. Incarcerated veterans, however, do not share those values. Despite spending the last 20 years in prison with no end in sight, Dolmer is still proud to be American. “I don’t truly understand how anyone could not be patriotic. I love my country so much that I gave my favourite son to its military”, said Dolmer. His son, Christopher, 23, served two tours in Iraq as a sergeant in the Calvary Division of the U.S. Army.

Dolmer, a respected elder in the prison subculture, long ago made the psychological transition into a lifer. Swisher, by contrast, is still a new guy at the beginning of a bad trip. “I hate prison”, Swisher uncharacteristically blurted out. “Even if you had to basically put your life on hold in the service, you can still move forward in your life and career in some fashion”. Swisher happens to be in one of the few prisons with a pilot college program.
Working in the education department as a college tutor while studying for an Associates degree in Liberal Arts, Swisher takes some comfort in the fact he “can help others and myself at the same time”.

Just like during war, doing hard time is more about physical and psychological survival, not mainstream goals like college degrees and personal accomplishments. Prison is a full-blown war zone that explodes on a regular basis – no heroes are forthcoming, only waves of chaos and insanity. On the precipice of being placed into federal receivership due to murderous medical and mental health practices this overcrowded hellhole is made worse by the nation’s highest rates of violence, recidivism, and suicide.

The gulags of the Golden State are a quagmire. “No matter how bad it got in the Middle East, at least we were in it together”, said Swisher, in reference to the horrid environment of the CCC and CDCR. “Everyone is ready to take you down a notch, but even worse is the fact I am not trusted”. “The military is more like a brotherhood”, said Swisher. And the brotherhood of the U.S. Armed Forces is stretched thin due to open-ended engagements in the Middle East. Already utilizing a stop-loss statute to keep servicemen beyond the low end of their commitments, as well as trying to entice recruits with bonuses, benefits and money for college, the need for ‘fresh’ troops is paramount.

In 2008, the Pentagon expressed a desire to expand the Marines by 27,000 and the Army by 65,000. Moreover, the Obama administration believes it is necessary to deploy a greater number of troops to Afghanistan. Further, during the summer of 2008, military recruiters began interviewing prisoners at CCC for possible service when they parole. “These felons will never be able to serve in the Combat Arms Division”, said Dolmer, “but they could serve some valuable roles”. Swisher may be of the same opinion that “some could serve”, but wonders “how beneficial the service would be for them”. Like Dolmer, Swisher believes “being able to serve is a privilege” while recognizing why “the military should try and maintain a standard”.

Wars are fought by the same people of colour and disadvantage who populate the nation’s correctional facilities. Swisher, understandably, is more “concerned about servicemen who become convicts”, especially after serving their country. “For me, it was somewhat difficult to make the transition into a civilized [life] after putting my life on hold for six years”, said Swisher, who didn’t have PTSD or problems finding a job. “I know
other servicemen who had a much more difficult time”, Swisher explained, like the tank operator whose training left him ill-prepared for employment. “Most military jobs just don’t transfer into a commercial world”.

The global recession that lead to double-digit rates of unemployment in the summer of 2009 has enabled the military to exceed previous recruitment goals. Some of these economic refugees, however, are destined to serve in America’s Army of the Incarcerated.

Failed relationships and financial strains are the leading causes of anxiety and depression, exacerbated by repeat deployments and PTSD. These soldiers are ideal candidates for homelessness, prison and suicide. All the while, the nation remains fully engaged in the domestic war on drugs – and people – that voraciously consumes lives and resources. The fact so many at-risk veterans find themselves entombed in these correctional asylums is a national tragedy.

“I think the bigger, more important question we should be asking is why are so many in prison and what is our responsibility to them?”, asked Swisher. In the spirit of brotherhood, Swisher remains concerned about his comrades rather than fixating on self.

ENDNOTES

* Editors’ note: As a phenomenon, the incarceration of veterans of the campaigns of the so-called war on terror is not limited to the American context. For example, as part of its summer 2009 ‘War at Home’ series, the Toronto Star ran an article entitled “An Afghan Veteran’s Rage: When Canadian Military Training Backfires … On Us”. The article, written by David Bruser (Toronto Star, June 13, 2009), tells the story of Private Matthew Charles Keddy, a veteran of Canada’s war in Afghanistan who has had a series of encounters with the law stemming from his difficulties adjusting to post-deployment civilian life. During a recent court appearance, a judge expressed frustration that the military had not sent a representative to take responsibility for Private Keddy, particularly as regards his need for psychological assistance. The article goes on to describe several examples of returning veterans coming into conflict with the law and the lack of support provided for these individuals by the government.

1 The Stop-Loss Policy allows the U.S. government to retain soldiers beyond the terms of their contract in times of a national emergency.

2 Due to the high number of incarcerated veterans the Department of Veterans Affairs has introduced ‘incarcerated veterans re-entry specialists’ at each of the 21 Veteran’s Integrated Service Networks.

3 The authors note that the percentage of incarcerated veterans who suffer from PTSD is higher than non-incarcerated veterans.
On February 9, 2009, in *Coleman / Plata v. Schwarzenegger* (2009 WL 330960), the United States Court of Appeals, Ninth Circuit, issued a tentative order that overcrowding has made it literally impossible to bring constitutional medical and mental health treatment within a humane level of care. The court indicated a population cap is forthcoming and the state has said they intend to appeal.

**REFERENCES**


**ABOUT THE AUTHOR**

*Eugene Alexander Dey*, serving a life sentence for a non-violent drug offence, is incarcerated at the California Correctional Center in Susanville, California. Dey is a freelance writer, a self-taught appellate practitioner and a college educated activist. Above winning three writing awards from PEN American Center in 2006, 2007 and 2008, Dey has placed numerous pieces in the *JPP* and previously served as an inside reporter for the *Metroactive Newslink* from 2004 to 2006. To see some of the links to Dey’s published works, please go to www.myspace.com/eugenedey.

To write:
Eugene Dey (P-37864)
P.O. Box 2210 (L2-116)
Susanville, CA 96127-2210
U.S.A.
More than 29 years ago I killed Thomas F. in a drunken, drugged-up fistfight. I was sentenced to death. Not the more controversial death penalty, the one with high-powered lawyers and celebrities willing to stand in the fog outside San Quentin State Prison in all-night vigils of protest. No, I was sentenced to the quieter and ‘less troublesome’ death penalty, the one too many of those well-meaning activists bandy about as the sensible alternative to state-sanctioned execution: life without the possibility of parole.

Though I will never be strapped down onto a gurney and have life-stopping drugs pumped into my veins, be assured that I began the slow process of my execution some time ago – an execution in the form of a long and deliberate stoning that goes on for as long as I draw breath. My connections to the free world will be shattered as the daily humiliations of prison life beat me down. The endless rounds of riots, stabbings and lockdowns, the punitive searches and petty losses that characterize the life of a prisoner will, ultimately, batter me to death. Because I entered the prison system a couple of months after my 19th birthday, the stoning won’t come to full effect for 50, maybe 60 years. I have often wondered if that 15 or 20 minutes of terror believed by many to be ‘cruel and unusual’ would not be a better option.

There is more to it than the mere physical act of imprisonment, much more. The 3,864 life without parole prisoners in California enter an unforgiving and bleak existence (CDCR, 2009). We are condemned to serve out our lives in the worst maximum-security prisons, which are specifically designed to be punitive. This means that rehabilitative- and restorative-type programs, the kinds of programs that can bring healing and meaning to a prisoner’s life, are generally not available to us. The thinking goes that since we will never get out of prison there is little point in expending scarce resources on dead men walking.

Similarly, the prison reform community, with a few shining exceptions, cannot seem to run far enough away from us. On the one hand, there are the dedicated anti-death penalty advocates – who all too often advocate for this excruciating and grinding death penalty, and unwittingly legitimize the sentence – and on the other hand, those who are mostly concerned with re-entry programs. Needless to say, we do not fit into either category. Contrary to myth and legend, no one serving a sentence of life without parole in California has ever been released (Sundby, 2005, p. 38).
What this means is dissipation – a gradual disappearance into the ever-expanding concrete and razor-wire Empire of California’s prison system. Family and friends run out of patience, out of hope and out of our lives. It is understandable, though no less painful to experience. Imagine a close relative diagnosed with a terminal illness forced to stay at the hospital. Now imagine they hang on for years. They grow old and removed, and maybe a little bitter. Plus, this hospital is surrounded by lethal, electrified fences, and the windows are barred so tightly the light has to sneak in lest it be smothered by the shadows. At some point even the most kind-hearted, the most dedicated family members and friends will desire to be pardoned, paroled from being forced to touch this darkness.

I am a lot older now, and I am far removed from the reality of the free world. Truthfully, though I accept full responsibility for my predicament, and feel a crushing sense of remorse and guilt, I can barely remember the details of that terrible night all those years ago. Years that have moved on, stained by tears dried up in the hot wasteland of a life misspent. My own family abandoned me early on, perhaps sensing the torment that lay ahead. Both of my parents have passed and with them my hope for reconciliation. I have watched the world change so radically as to be unrecognizable. I have also watched, and suffered, as the prison system turned the screws on life without parole prisoners, gradually and inexorably squeezing us into a corner – not simply denying us release, but annihilating possibility itself.

Natan Sharansky (1988), himself a former prisoner, once observed that as hard as it is for man to come to terms with meaninglessness and infinity, it is impossible to adjust to infinite meaninglessness. I can think of no better way to describe the intent of a life without parole sentence. It is an exile from meaning and purpose, and from hope. Inevitably, as the years roll by, bitterness begins to overtake even the strongest of men, fuelled by this banishing from all that is human. I fight the bitterness with all my might, faith, and love. But without hope, even these mighty forces seem inadequate to the task.

I agree that state-sanctioned execution is morally repugnant. I do not agree that a life devoid of any possibility of restoration is a reasonable or humane alternative. It simply is not. A death penalty by any other name is as cruel, as violent and as wrong. While some prisoners may not be able to earn their way back into the graces of society, none should be wholly denied the chance. At the very core of our culture resides the concept of restoration, like a harbour light to the lost – extinguishing this light for anyone darkens
everyone’s journey. It diminishes all of us and blesses the basest of human instincts.

All forms of the death penalty need to be discarded in a truly just society.

ENDNOTES

* Editors’ note: A version of this article was originally published on http://theotherdeathpenalty.org as the founding document of The Other Death Penalty Project, which began in 2008.

1 According to The Sentencing Project there were 33,633 life without parole prisoners nationwide in 2002-03, the last year good figures were available. This number has surely increased. Of the national total, according to the Equal Justice Initiative (2007), 2,225 were sentenced for crimes committed as juveniles, and 73 of these were sentenced for crimes committed at the ages of 13 or 14. According to Human Rights Watch (2008), as of February 2008, in the rest of the world, not a single prisoner was serving life without parole for a crime committed as a juvenile. For more information see (Mauer et al., 2004).

REFERENCES


ABOUT THE AUTHOR

Kenneth E. Hartman has served over 29 continuous years in the California Department of Corrections and Rehabilitation on a life without the possibility of parole (LWOP) sentence. He is an award-winning writer and
prison reform activist. He is the author of *Mother California: A Story of Redemption Behind Bars* (Atlas & Co., 2009), a memoir of life in prison. He was instrumental in the founding of the Honor Program at the California State Prison – Los Angeles County, and is currently leading a grassroots organizing campaign, conducted by LWOP prisoners, with the goal of abolishing the other death penalty. He can be reached by e-mail at prisonhonorprogram@hotmail.com or at TODP@live.com. His webpage is www.kennethehartman.com.
Several years ago, my husband, Bill, read a newspaper article about a young man named Jerry Lashuay who at age 15 had been convicted in a Michigan adult court of first-degree murder and sentenced to mandatory life in prison without parole (LWOP). He was appalled by the notion that a criminal justice system could do something like that to a boy so young. He began a relationship with Jerry that included letter exchanges, annual visits, weekly phone calls and tuition support for a correspondence college degree. Bill’s unwavering support lasted until his death in October 2004.

Jerry and I became very close friends after Bill’s death. Our relationship has deepened over the years partly because I am a university professor interested in the plight of adolescent working-class, low-income, racial and ethnic minority students who are not well served in public high schools (Hemmings, 2002, 2004). Jerry was a troubled boy who was not served well in the Michigan criminal justice system. He is now a man in his forties serving a LWOP sentence in a system that has not changed since his incarceration in the early 1980s. He and I decided to collaborate on this article to show how the criminal justice system in Michigan is indicative of a larger trend that has transformed the United States into a prison nation that, among other injustices, has inverted universal standards regarding the responsibilities of, and for, juveniles. We tell Jerry’s story in this article as an example of how kids are being thrown away in a prison nation where states refuse to give them a second chance to experience good, productive lives. We agreed that I would write Jerry’s story based on phone conversations, letters, autobiographical writings, newspaper stories and court documents. We also decided that I would include reviews of published research on the United States as a prison nation, universal standards of responsibility for children, Michigan law, and how the Michigan criminal justice system mistreats juveniles. We also felt it was important to include examples of other juveniles with LWOP sentences in Michigan.

Jerry read the drafts of this article and I made revisions based on his feedback. Our joint intent is to reveal the terrible injustices that he and other juveniles with LWOP sentences have endured. We also built a research-based case for criminal justice systems in the United States to adopt more responsible, and just, means to intervene on behalf of troubled youths so they do not become throwaway kids.
Since the early 1970s, there has been a 500 percent rise in the number of human beings incarcerated in the prisons and jails of the United States (Mauer, 1999). According to the 2003 semi-annual report on the prison population issued by the U.S. Department of Justice’s Bureau of Justice Statistics (Harrison and Karberg, 2003), the nation’s adult prisons and jails housed 2,019,234 prisoners in midyear 2002, and more than 100,000 minors under the age of 18 were being held in juvenile facilities and lockups. When these figures and the nearly 4.5 million individuals on probation and parole were added up, the Justice Department arrived at a grand total of 6,627,322 individuals under the supervision of the U.S. criminal justice system. Many of these individuals are young, poor, people of colour, and/or children who were victims of abuse and neglect.

The fiscal cost of this trend to local, state and federal governments has been astronomical. Just over $49 billion was spent on the criminal justice system in 2002, an amount that exceeded the federal Department of Education budget by $7 billion (Elsner, 2004). Budgets for prisons have doubled in the past two decades with an 823% increase in spending between 1988 and 1995 (Dohrn, 2000). The vast majority of states now spend at least one and a half times as much on prisons as they do on education, and the budgetary gap is growing (Ambosia and Schiraldi, 1997; Dohrn, 2000).

The transformation of the United States into a prison nation began decades ago when, as Elsner (2004) observes, the country became “transfixed” by what appeared to be a violent crime wave spurred on by illegal drug use and trafficking. A war on drugs was declared that generated a radical shift in the treatment of offenders from rehabilitation to incarceration which “moved so forcefully and seemingly inexorably… that it resembled nothing so much as a runaway punishment train, driven by political steam and fueled by media-induced fears of crime” (Elsner, 2004, p. 19). Politicians regardless of their party affiliations boarded the train with various tough-on-crime policies. These policies proliferated in the 1980s when Republicans aired a television advertisement portraying a Black convict, Willie Horton, who raped a White woman while on furlough from a Massachusetts prison. This ad, along with other media images and stories, inflamed White middle-class anxieties and racial prejudices and moved the issue of crime squarely into the forefront of political campaigns. Politicians simply could not afford to appear soft
on crime, and many of them sponsored and ultimately passed the hard-line, anti-crime legislation that turned the United States of America into the most punitive democratic nation on earth.

More significant and incalculable than these figures is the human cost. Statistics do not reveal the sheer brutality of prison life characterized by widespread abuses and violations of human rights as hundreds of incarcerated men and women are harassed, raped, beaten, and stabbed by fellow prisoners. Thousands of mentally ill prisoners receive little or no treatment, and prisoners are routinely subjected to sensory deprivation and social isolation that can exacerbate or even cause mental illness (Grassian, 1983; Grassian and Friedman, 1986; Haney, 2003). Not only are prisoners subjected to inhumane conditions, but corrections officers risk daily assaults, poor health, broken marriages and premature deaths (Elsner, 2004). In terms of the cost to people living and working in prisons, the situation more often than not is one where human losses outweigh societal gains.

The most disconcerting consequence of the expansion of the prison nation has been its impact on children. There has been a steady criminalization of children’s behaviours, especially those of adolescents. Adolescent acts such as fistfights, petty theft and vandalism, which used to be handled by parents, teachers and other adults, are now being prosecuted in courts with dire, long-term repercussions for many kids. The most troubled teenagers, many of whom are impoverished children of colour, are being demonized as predatory criminals beyond the reach of rehabilitation, intervention and education. The criminalization of youthful indiscretions has, as Polakow (2000, p. 2) points out, led to “grave violations of children’s human rights in a juvenile justice system run amuck; rapidly eroding social-citizenship rights to a childhood free from poverty, destitution, hunger, and homelessness; [and]… deprivation of educational rights”. Rather than protect children and their rights, states all over the country have lowered minimum ages at which youngsters may be tried as adults and have adopted ‘zero tolerance’ policies as they waive hundreds of children into adult courts where many of them end up being sentenced to adult prisons (Polakow, 2000). The increase in public and political pressure to criminalize, prosecute and incarcerate juvenile offenders as adults has been accompanied by a notable decrease in legislative support for funding juvenile crime prevention programs (Prothrow-Smith, 1991). This has not only contributed to the burgeoning costs of the criminal justice system, but, even more troubling, has eroded
the moral fabric of society. The trends in criminal justice have produced injustices which have greatly undermined universally understood standards regarding the most ethically responsible ways to take care of young people especially those who are prone to get into trouble with the law because of poverty, lack of good educational and economic opportunities, as well as problems at home and other life areas (Polakow, 2000).

**Responsibility of, and for, Juveniles**

No society anywhere on the globe holds juveniles to the same standards of responsibility as adults than the United States. While mature adults are held accountable for the choices they make, it is widely assumed that the choices of children and adolescents should be restricted and revocable because of the immaturity of their judgments. This certainly has been true in the United States where children under the age of sixteen are considered too young to live on their own, drive cars, forego formal education and make medical decisions, and where adolescents cannot legally use alcohol, serve on juries, negotiate contracts or be drafted into the military until they are eighteen (LaBelle et al., 2004). Research on juveniles arrested for crimes indicates that children fifteen years and younger lack the cognitive capacities to stand trial, negotiate plea agreements, make informed, voluntary confessions, and otherwise be held fully responsible for their alleged offences (Cauffman and Steinberg, 2000; Fagen and Zimring, 2000; Grisso and Schwartz, 2000).

Given the immaturity of their mental and emotional development, kids simply do not, nor should not, have the same level of culpability as adults.

All societies hold adults responsible for protecting and nurturing the young. This universally recognized obligation has not only been the basis for laws that carry severe penalties for child neglect and abuse, but is also affirmed in international human rights agreements. Among these agreements is the 1989 United Nations Convention on the Rights of the Child (CRC) which issued an instrument meant to protect and ensure children’s rights and hold countries accountable for enforcing these rights (United Nations, 1989). Article 37(a) of this instrument expressly forbids life imprisonment for children under age 18. It states:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment
without possibility of release shall be imposed for offences committed by
persons below eighteen years of age.

There are also longstanding cultural understandings that recognize and
address the developmental challenges associated with transitions from
childhood to adulthood. Among these understandings is the widespread
belief that young people, especially adolescents, need direct adult guidance
in order to become productive, integrated members of their communities.
Such guidance is becoming increasingly crucial in the United States, where
teenagers are bombarded with conflicting cultural pressures and many are
confronted with poverty, catastrophic events, abuse, and other challenging
circumstances. Troubled youths with little or no adult guidance are more apt
to get into trouble, sometimes to the point where they break the law.

There was a time in the United States when adolescents who committed
crimes were considered less blameworthy precisely because they lacked
the self-control and social sensibilities expected of adults. The customary
course of judicial action was to give errant youths a chance to reform
themselves under the direction of adults. These were the customs that for
decades guided a juvenile criminal justice system that was geared towards
rehabilitation and reintegrating youthful offenders into the community
rather than throwing them away.

But times have changed and so, too, have adult commitments to juvenile
offenders. Inherent in universal standards is a moral commitment on the
part of adults to take responsibility for the behavioural, emotional, and
social growth of errant adolescents in ways intended to rehabilitate and
reintegrate them into society. But this moral commitment has been inverted
in ways that have released adults from this responsibility. Adolescents are
now blamed and held primarily responsible for their actions with little or no
recognition of adult responsibility.

The moral inversion of understandings that used to ensure the just
treatment of kids arrested for crimes have taken their toll. Juvenile offenders
across the United States are now being held to the same standards of
responsibility as adults, and adults are abdicating or being excused from their
responsibilities for the protection and nurturance of juveniles. The result is
that literally hundreds of kids are now being tried, convicted and punished
as if they really are adults with sole responsibility for their actions.

Legislatures have fuelled the inversion with the passage of bills that
have allowed states to waive more juveniles accused of homicide and other felony crimes into adult court. In 14 states, there is no minimum age limit for waiving children to adult courts. That means any child at any age can be convicted as adults and receive sentences that differ from juvenile court sentences in two critical ways: they are determinate and significantly longer (Dohrn, 2000). Such unforgiving sentences are banned in Canada, Austria, Ireland, Japan, Switzerland and the United Kingdom where “the importance of treating children like children is upheld” (LaBelle et al., 2004, p. 21). But they are allowed, and indeed, encouraged in the United States by legislators catering to middle-class fears despite the alarming financial, human and moral costs of incarcerating kids. It is noteworthy that while 142 nations ratified the CRC instrument that protects, ensures and enforces children’s rights, the United States was one of only two nations that did not.

The inversion of universal standards of responsibility went largely unchecked until cases like that of Lionel Tate attracted media attention. Lionel was a 12 year old Black boy who received a LWOP sentence in the state of Florida for beating a 6 year old playmate to death. Everyone agreed he had committed a heinous crime. But there was public outrage that a boy so young had been given a sentence that used to be reserved for the most hardened or truly culpable adult offenders. Fortunately, the Florida judicial system revisited the Tate case and reduced the boy’s sentence. But other states have yet to rectify such injustices or provide effective intervention programs for juvenile offenders. This is the situation in the state of Michigan where Jerry Lashuay has been locked up in an adult prison since he was 15 years old.

**MICHIGAN LAW AND JUVENILE LIFERS**

In their compelling report, *Second Chances: Juveniles Serving Life without Parole in Michigan Prisons*, LaBelle et al. (2004) detail the facts and alarming outcomes of Michigan’s tough-on-crime stance on juvenile criminal justice. Michigan is one of the states with no set lower age limit for waiving juveniles to adult courts. In 2003, there were 307 juvenile lifers incarcerated in Michigan adult prisons, 45 of whom were 15 years old or younger at the time of their convictions. While all of these kids were convicted of offences involving homicide, a large proportion of them were not the ones who actually caused the death. About half of the juveniles given LWOP sentences were convicted of “aiding and abetting” a first-
degree murder which involved adult co-defendants. An example is the case of a 16 year old Black boy named Henry Hill. Henry and two of his friends were in a park one summer day where they got into an argument with an acquaintance. He left the park after which his 18 year old friend shot and killed the acquaintance. Despite the fact that Henry neither pulled the trigger nor was physically present when the crime was committed, he was arrested, waived to adult court, convicted of aiding and abetting the murder, and given the same LWOP sentence as the adult shooter. He has been in prison for over 25 years.

The Second Chance report also documents glaring racial, social class and gender inequities. Nearly 70 percent of juvenile lifers in Michigan are Black and almost all of them come from low-income families. As LaBelle et al. (2004, p. 6) explain:

In the juvenile justice system, minority youths are more likely to be arrested, detained, committed to residential placements, and waived to the adult criminal justice systems than their white peers. Class bias intersects with race and results in harsher treatment of children of single parents, low income and working families… Along with perceptions of African-American and Hispanic youth as ‘dangerous’ or ‘gang-involved’, the lack of resources and access to counsel all contribute to the resulting inequities in the treatment of juveniles.

Girls given LWOP sentences in Michigan endure special hardships. Most were convicted of aiding and abetting homicides committed by their boyfriends or other men. One of them is Amy Black, a White girl, who was sexually abused when she was seven, repeatedly ran away from home as a young teenager and at age 16 got involved with an older man. She was present when her boyfriend got into a fight with another man and stabbed him to death. Amy helped to clean up the mess and agreed to take the blame after her boyfriend convinced her that she would not be charged as an adult. But rather than be tried in juvenile court, this abused and disturbed teenager was waived to adult court where she was sentenced to LWOP. After her sentencing, Amy was sent immediately to an adult women’s facility. Not only are juvenile girls in adult prisons at much greater risk of harm from fellow prisoners, but they are also more vulnerable to sexual assault by custodial male guards (Moss, 2007; Buchanan, 2007).
Jerry’s story is different in that he actually committed the homicide for which he was convicted. But the injustices he has experienced in the Michigan justice system are just as egregious.

**JERRY’S STORY**

**Crimes of Abandonment**

Jerry was by all accounts, especially his own, a deeply troubled youth. He was born in 1968 to teenage parents who were too young and immature to raise an infant son on their own. His father exuded an adolescent machismo that manifested itself in acts of domestic violence such as a beating incident during which Jerry was injured so badly there was blood in his urine. In 1979, he threatened to kill Jerry’s mother, prompting her to flee with her two children in the middle of the night. Jerry, in an autobiographical account he sent to me, recalls that terrible night and his father’s rage in vivid detail:

We had left home [and gone to my grandparents’ house] without my father knowing about it. Dad [came that night] and I got up and went to the front porch and found my mother and grandparents already there. They faced my father on the lawn below. My father’s manner was strange and I was puzzled by it. His words conveyed an intensity to my small ears which were finely attuned to my father’s every word and action. While I sensed his anger, this was secondary to something greater, something I couldn’t recognize in him. Here was something unknown about my dad. And so I watched my father and struggled to make sense of the words that buzzed above my head. He wanted my mother to come with him so they could go somewhere and talk. She refused, afraid of being beaten.

His parents got divorced and Jerry’s father moved to another state where he met and married another woman. Despite the abuse he had suffered, Jerry remained attached to his father and wanted to have a relationship with him. But visitations did not go well and Jerry grew increasingly angry.

Jerry’s mother, who was now a working, single parent with two children, relied on her oldest son to assume the role her ex-husband had vacated. The adult responsibilities were too much for Jerry and he lashed out by getting into trouble in school and eventually with the law. When he was 13, the police picked him up for breaking and entering into churches. He
became a temporary ward of the court and his probation included biweekly meetings with a probation officer who recognized Jerry’s problems with role confusion. “In assuming an adult, parent-type role”, the probation officer said, “Jerry became confused and when his mother did exercise parental control, Jerry resisted” (Schwinkendorf, 1984).

The probation officer recommended that Jerry be placed in a residential program but the request was not accepted by the court. The behavioural problems continued and in May 1983, when the presiding judge realized that Jerry was not going to get any local help, the case was sent to the state. Before a juvenile offender in Michigan can be placed in residential facilities, local jurisdiction of the child must be turned over to state jurisdiction, a psychological evaluation must be completed, applications sent to facilities, and final decisions made regarding the location and length of placements. It took the state several weeks to complete the approval process after which Jerry was finally accepted into a camp for juvenile delinquents. Unfortunately, the first opening in the camp was not until early fall which meant that a whole summer was to go by before Jerry would get the adult assistance he desperately needed.

It was during that summer that Jerry’s pent-up rage came to a head. His father came to town but Jerry did not see him because of a dispute. Jerry turned fifteen in July and in August he got into an argument with his mother who evicted him from the house. He went to live with his paternal grandparents who had a 12 year old son (Jerry’s uncle) named Nicholas. Jerry was quite fond of Nicholas and the two boys usually got along quite well. On the day he moved into his grandparents’ home, he absolutely had no intention of hurting his uncle much less taking his life.

Then something went terribly wrong. The two boys were playing in the basement and got into a minor tiff. Jerry exploded. He hit Nicholas with a baseball bat then stabbed him several times with a knife. In less than a minute, Nicholas’s life was lost in a fit of rage fuelled by the abandonment of an abusive father, an overwhelmed mother and a juvenile justice system that did not have the inclination or means to provide an obviously troubled kid with responsible adult intervention. A year later, another young life would be lost.

The Waiver
Jerry left the scene of the crime on a bicycle and was arrested that night in the home of an acquaintance. Two months later, his case was waived to adult
circuit court where he was charged with first-degree murder, which carried a mandatory sentence of life in prison without parole. If Jerry’s case had been adjudicated in juvenile court, the judge would have had more flexibility in sentencing. Depending on the seriousness of the crime, children convicted in juvenile court are sentenced to state juvenile facilities and released at 19 or given blended sentences that allow them to serve time in juvenile facilities first and then undergo re-evaluation at the age of 21 with the possibility of extended sentences in adult prisons. The problem in Michigan is that children over the age of 14 who commit serious offenses can be waived to adult circuit court. When prosecutors in Jerry’s case waived the 15 year old to adult court and charged him with first-degree murder, they were essentially guaranteeing that if convicted he would spend the rest of his life in prison.

There is an important distinction to be made between indeterminate and determinate sentencing in the state of Michigan. Guidelines for indeterminate sentences include minimum and maximum years judges can consider in their sentencing decisions, and those for determinate sentences have a set number of years. The legislature sets the maximum in both types of sentences. With indeterminate sentencing, judges make decisions partly on the basis of points assigned to defendants. The point system takes into account a variety of factors, such as prior criminal records, and ensures that everyone convicted of a given crime does not necessarily get the same sentence. Determinate sentences, in marked contrast, do not take defendants’ age, criminal records or other factors into account. A first-degree murder conviction in Michigan carries a determinate sentence of LWOP. Nothing about an individual defendant matters in sentencing decisions, nor do specific facts about the case. There are no exceptions.

The local probate judge was troubled by the waiver of Jerry’s case into adult court and felt the crime could have been prevented if she had the authority to place the boy in an out-of-home facility months earlier. “We as probate judges have the responsibility for all these children”, she maintained, “but we’re not given the authority to do what’s necessary to help them. We could avoid waivers if we had the authority to sentence a child to [a residential facility] for as long as it takes to rehabilitate him” (Gray, 1984). She was adamant that the system should be changed so that probate judges who actually know juvenile offenders have more sentencing alternatives for those under the age of 18 including the ability to work
with kids who require assistance beyond a rigidly defined age. But such changes have yet to be made in Michigan where time-consuming placement procedures remain bogged down in a justice system that does not provide local officials with the flexibility they need to intervene on behalf of local kids. The only hope for kids like Jerry was a trial verdict that somehow recognized his youth and childhood circumstances. There was, as it turned out, no hope of that at all.

The Trial
Jerry was still only 15 years old when his trial began in May 1984. He looked even younger with his slender build and medium-length, parted blond hair. He exchanged a furtive smile and wave with his mother when he entered the courtroom then appeared to remove himself from a scene from which there was no escape. For most of the trial, he kept his eyes downcast with one hand propped up under his chin.

In order to convict Jerry of first-degree murder, the state had to prove he committed homicide with specific intent. His court assigned attorney could not legally address the issue of specific intent with an argument based on the fact that juveniles have immature cognitive capacities. So he used a diminished capacity defence included in the definitions and procedures of insanity defences. This rarely used defence claims that the accused, while not necessarily insane or mentally ill, lacks the capacity to have specific intent to commit a crime. This was his way of sneaking in an insanity (juvenile) defence without labelling it as such.

The prosecutor claimed the murder was premeditated because the victim’s wounds were inflicted with at least two weapons. He argued that Jerry had time to think about what he was doing after the initial attack and therefore had specific intent to commit the murder.

Although neither side appealed to notions of juvenile and adult responsibilities during the trial, both eluded to them during closing arguments. The defence attorney maintained that the crime was committed in a ‘frenzy’ and could have been prevented if Jerry had gotten the help he needed. “We’re all guilty… all of us who turned our backs and don’t have a place for young Jerrys”. The prosecutor countered with the inverted view that society cannot be held accountable for what juveniles do. “Society is society”, he said. “We all have problems. We didn’t all kill Nicholas” (Schwinkendorf, 1984).
The jury deliberated for slightly more than two hours and found Jerry guilty of first-degree murder mostly because there was no hard, legal evidence to support the diminished capacity defence. Jerry’s mother cried when the verdict was read. The defence attorney took off his glasses and lowered his head into his hands. Jerry registered no emotion and stared blankly into space. Everything seemed unreal as police officers led him out of the courtroom, clamped handcuffs on his wrists and prepared him for transport to a prison facility where he would begin to serve his mandatory life sentence with no possibility of parole. Jerry wrote about his final encounter with the jury as he walked out of the room:

The courtroom had gone suddenly silent, but the silence lasted only a few seconds before the usual rustle of the courtroom began again, punctuated by the sobs of my mother. I stood as the jury filed out of the courtroom. They had to walk within three feet of me to reach the door, and only one of the 12 would look me in the eye. It was the jury foreman, a man I’d had heated words with the previous year during a baseball game at the high school. I didn’t want him on my jury… but, hey, the attorney… knew more about these things than I did… and, unfortunately, my naivety and trust… landed me the life sentence.

When the trial was over, just about everyone involved in the case decried the outcome. The prosecutor who had eschewed societal responsibility during the trial told a newspaper reporter that the juvenile system is “ridiculous” and that state officials should never have tolerated the kind of behaviour Jerry displayed. “There’s got to be some sort of interim way of dealing with young people”, he insisted. “I don’t like to see them thrown in jail” (Gray, 1984). The presiding judge concurred:

This [case] indicates we have a weakness in the system when we feel we can treat an individual of such tender years as if they were adults, when we don’t treat them as adults in any other instance. It makes you wonder whether our system is sufficiently sensitive because here we are sentencing a 15 year old boy to life imprisonment. This is not a result a sophisticated society should be led to.

Several letters to the editor registered indignation towards the state justice system in general and support for Jerry in particular. One woman wrote, “To
place such children in prison is a crime in itself, as some of us realize that one of the largest crimes of society lies in our prison system” (Waterman, 1983). Another letter was written by a woman who actually knew Jerry. She wrote about how much he had helped her when she was pregnant with her third child. “Jerry volunteered to watch my two small sons and refused any payment. The boys adored him… and, thanks to Jerry, I now have a healthy two year old daughter”. She pleaded with the system:

Please search your hearts and if need be, place yourself and your families in this situation. Don’t find child abuse, which prison is, as an answer, find love. If Jerry had found this, this might not have happened. Don’t let this happen to any more children. Let’s look for an alternative (Crawford, 1984).

But there were, and continue to be, no alternatives in the state of Michigan for children like Jerry sent to prison for the rest of their lives. Given this state of affairs, Jerry thinks judges should tell the full truth to juveniles sentenced to LWOP. They should stand up in court, look convicted juveniles in the eye and say:

I hereby sentence you to the rest of your natural life without the possibility of parole in prison, where your age, stature and immaturity will work to your detriment; where you’ll be preyed upon physically, emotionally and sexually by the bigger, stronger, and more sophisticated adult prisoners, thereby stunting your emotional and intellectual development, thereby rendering you incapable of rehabilitation, thereby validating the effectiveness of our juvenile waiver system, thereby validating the need to imprison you for life.

**Life in Prison**

When Jerry entered prison, he was strip searched, given state-issued clothing and assigned a bed in a tiny cell. He quickly learned that his existence would be regulated from the moment he woke up in the morning to the time lights were turned out at night. Rules were stringent and even minor infractions could land him in ‘the hole’ – solitary confinement – for a couple of weeks. Maintaining contact with family members and
friends was going to be difficult because of visitation restrictions as well as extremely high charges for fifteen-minute, collect phone calls. Despite security procedures designed to control prisoner behaviour, Jerry knew he had to be tough and ever vigilant because of the real threat of sexual predation and other kinds of attacks. He described the first few years in prison this way:

My life was characterized by a feeling that I’d been tossed into a pit of madness, a cannibalistic den of animals with voracious appetites who fed upon human misery. Prison was a place where there were no comforting, motherly arms and no place to hide. It was a place where safety could only be had by breaking the very rules that were supposedly there for my protection.

More effective “rules of the game”, according to Jerry, requires deceptive lying, intimidation, the ability to put on a tough public mask, effective seduction, sly talk, aggression, and, when all else fails, a willingness to fight. His “martial skills”, Jerry explains, “improved quickly”.

I took my lumps in the beginning. In addition to the expected black eyes, bruises and lacerations, I had a broken eye socket, a cracked sternum, and had my jaw broken twice in two places.

Despite his existence in a “pit of madness”, Jerry gradually began to strive for a life he might have lived if he had been given another chance. It took awhile before the anger that consumed Jerry dissipated. He did a lot of soul searching as the rough edges of his adolescence smoothed out over time. When my husband Bill began to correspond with him in 1989, Jerry had earned his GED and was working on an associate degree in business. He was mistrustful at first because he could not understand why anyone would take an interest in him. I remember him asking Bill, “What’s in it for you?” and Bill’s efforts to convince him there actually are people in the world willing to reach out to others on the basis of principle including the universal principle of assuming responsibility for the young. Jerry thought Bill would eventually lose interest, but he never did. So the relationship deepened and proved invaluable as Jerry plunged ahead with his own remarkable self reformation.
Jerry became a “good man”, as my late husband liked to say, who is even tempered, thoughtful, considerate of others and at peace with himself. Now in his forties, he has amassed an impressive record of accomplishments. After finishing his associate degree, Jerry enrolled in a bachelor’s degree program offered by the Ohio University’s College Program for the Incarcerated. This program has been a major provider of opportunities for prison prisoners to earn college credits and degrees by correspondence. Jerry also has extensive vocational training and employment experience. He taught computer skills to prisoners scheduled for parole and worked as a clerk for the school in his facility. His supervisors have always given him high marks on their evaluations of his work performance. He has been actively involved with the Jaycees and has taken the lead in programs designed to help prisoners pass GED exams, adopt an anti-violence outlook, and participate in other self-help efforts. His most remarkable accomplishment is the development of his exceptional skills as a writer. Jerry has written several short stories, poems and a draft of a book that presents a fictional portrayal of a prisoner. Of all of the cards and letters I received after Bill’s death, the letter that Jerry sent was especially thoughtful. He explains in a powerful passage how he has had to “compartmentalize” our relationship and his roles.

While you and Bill have been my friends for a long time, you also have been far away, and our contact was limited to weekly phone calls, Bill’s frequent letters and mailings, and yearly visits. We didn’t have daily contact, so you weren’t a part of my daily life. This is both good and bad: it’s good because that kept you both separate from the garbage that I deal with everyday; it’s bad because, like everything else that I don’t deal with daily, I compartmentalized you, taking you down from your shelf when it was time for interaction, thus allowing me to switch my roles, putting away the convict and pulling on the cap of the student, friend, and young man in search of direction. And since I don’t wear that cap regularly, I feel Bill’s loss only a bit at a time. Perhaps it’s better that way, I don’t know. Conflicting roles is a way of life for me. It was a fact of life when I was an angry teenager and remains so as a convict. More than anything else I believe this is responsible for the emotional depth I’ve developed.

It struck me that each and every juvenile in our society ought to be a “student, friend, and young man [or woman] in search of direction”. But
when they are sentenced to LWOP, they become convicts, public enemies and kids who confront huge obstacles even if they are determined to turn around the direction of their lives. They become ‘garbage’ to be thrown away.

Nothing about this account is intended to suggest that Jerry should not take some responsibility for what happened. He certainly should and has. He feels genuine remorse for taking Nicholas’s life and agrees with the majority of people in this country that a high price ought to be paid for crimes like that. He also understands how important it is to consider the terrible loss suffered by the victim’s family. Acknowledging the impact a crime has on families and communities in sentencing decisions is a critical part of ensuring justice in justice systems.

But there is injustice in a criminal justice system that no longer adheres to universal standards that ensure juveniles are not held to the same kinds and levels of responsibility as adults, and where adults are held responsible for the protection and nurturance of juveniles. When these standards are inverted as they have been in the case of many juvenile offenders, then adult society is ultimately responsible for taking the lives of children and adolescents who are tried, convicted and sentenced as adults to LWOP. It is responsible for throwing away their lives even when young people try hard to take responsibility for turning them around.

**Reversing the Inversion**

The inversion needs to be reversed and, fortunately, there has been some movement in the right direction at the federal level. In March 2005, the United States Supreme Court under the Eighth Amendment ruled in *Roper v. Simmons* that sentencing juveniles to death is unconstitutionally cruel. While the ruling does not include juveniles who have been sentenced to life in prison without parole – a virtual death sentence, it did acknowledge the fact that children and adolescents are not mature enough to be held fully accountable for homicides as well as other crimes. As Justice Anthony Kennedy wrote in the majority decision:

> When a juvenile commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity.
While such rulings are a step in the right direction, much more needs to be done to rectify the injustices experienced by juveniles in the criminal justice system. The United States, like other democratic countries all over the world, should ban mandatory LWOP sentences for children under the age of eighteen. State legislators should implement judicial reforms that give local judges the authority to send juvenile offenders to residential facilities for as long as it takes to rehabilitate them. Such decisions should certainly be subject to review by state appeals courts in order to ensure local judges are not wildly inconsistent, unfair or unreasonable in their sentencing. But it makes much more sense for these decisions to be made by local officials who actually know the kids, their families, the families of victims, along with the sentiments of the community.

There also needs to be a more widely-supported understanding that preventing juvenile crime very much depends on the availability of effective intervention programs. Unfortunately, tough-on-crime politics have incited many legislators and politicians to attack or vote against crime prevention programs for youths. Such programs, they claim, were implemented in the 1960s and generally failed. In point of fact, however, as Currie (1998) explains, most of the measures criminologists, child-development specialists and others called for were never launched. They were stymied by widespread scepticism, political paralysis, and, most notably, by the voracious fiscal demands of the Vietnam War. In the few instances where innovative youth crime prevention programs were implemented, results indicated that they worked more often than not. Unfortunately, the same scepticism and budget priorities that prevailed in the 1960s exist today. This is true even though we know that crime prevention programs for young people can work in ways that are, in every sense, less costly than the continued reliance on incarceration as the first defence against violent crime.

Implementing crime prevention programs is a crucial part of efforts to help juvenile offenders. Currie (1998) identifies four priorities for such programs: 1) preventing child abuse and neglect; 2) enhancing children’s intellectual and social development; 3) providing support and guidance to vulnerable adolescents; and 4) working intensively with juvenile offenders. All of these priorities boil down to adults taking responsibility for the protection and nurturance of juveniles. Funding for programs should be a high priority for legislators not only because they save money, but, more importantly, because they save the lives of children and adolescents.
Even if changes are made, juvenile lifers like Jerry will remain incarcerated unless retroactive measures are enacted. An effort to legislate such measures in the state of Michigan is being spearheaded by the Juvenile Life without Parole Initiative – an organization working with state legislators willing to sponsor bills that contain retroactive clauses that would give juvenile lifers the ability or option to petition for sentencing changes. The organization is also compiling a list of juvenile lifers whose appeals have been rejected. This list will be included in a petition that will be sent to the InterAmerican Commission on Human Rights (IACHR) established several years ago to promote and protect human rights in North and South America.\footnote{While there are no guarantees that any of these efforts will lead to reform or rectify injustices in the near future, they do provide some hope that justice for juvenile lifers will be served. Until justice is restored in the criminal justice system, there will be nothing but hopelessness for juveniles like Jerry who wrote in 1996 about prison as a place where… 

…someone tells me when I can eat and what I can eat, when I can use the bathroom, when I have to go to sleep and when I have to get up. I can only see my mom when someone else says it’s okay. I can’t have a puppy or a bike and there are a lot of people here who would like to hurt me or steal things from me. I’ll never be able to get married and have children of my own. [Where] I have to spend the rest of my life in a dark place.

Where, in other words, throwaway kids given LWOP sentences are sent to die.

\textbf{Endnotes}\footnote{We would like to thank Barbara Levine, Executive Director of the Citizens Alliance on Prisons & Public Spending (CAPPS), for the valuable help and information she provided on the finer details of Michigan law and the state judicial system.}

\footnote{The \textit{Second Chance} report was made possible with the support of the Justice, Equality, Human Dignity, and Tolerance Foundation (JEHT), ACLU of Michigan, Open Society Institute, and a Senior Soros Justice Fellowship. It can be obtained in its entirety by logging on to http://www.aclumich.org/pubs/juvenilelifers.pdf.}

\footnote{The Inter-American Commission on Human Rights (IACHR) is an autonomous organ of the Organization of American States (OAS) that was established in 1948 after the adoption of the American Declaration of the Rights and Duties of Man. One of the principal functions of the IACHR is to promote the observance and defence
of human rights. The Commission carries out this mandate by receiving, analyzing and investigating individual petitions which allege human rights violations including violations of children’s rights.

REFERENCES


**ABOUT THE AUTHORS**

*Annette Hemmings* holds a PhD in Educational Policy Studies from the University of Wisconsin – Madison. She is a Professor in Educational Studies at the University of Cincinnati where she teaches courses on qualitative research methods, social theories in education and cultural differences. As a researcher, she has conducted several studies on African American student achievers, student youth culture, adolescent coming of age processes and other topics.

*Jerry Lashuay* holds an Associates Degree and is completing a Baccalaureate Degree correspondence program at Ohio University. He has taught computer skills and writing classes, served as a GED tutor, developed anti-violence initiatives for youth and has been actively involved in Jaycees and other community clubs. He currently resides in Saginaw Correctional Facility in Michigan.
“Dey, wake up. You have court today”. Finding myself locked up in county jail again is bad enough, but having the jailers wake me up on the morning of sentencing is somehow extra humiliating.

With a past distinguished by deviance, ironically my crimes of yesteryear dwarfed those of the present, but that didn’t matter in this era of drug war justice. I was not much of a criminal anymore. I had become addicted, not so much to drugs, but to the lifestyle of easy money, free dope and loose women.

To me, in my skewed way of thinking, drugs were not a big deal – simply a way to have fun. Unfortunately, Sacramento’s law enforcement community did not share my enthusiasm to get high. Though my involvement in the local drug industry barely even registered in the scheme of things, I had become a man trapped by his own past.

Still in my prime at 33 – this being Sacramento, California in May of 1999 – ‘three strikes and you’re out’ had me entombed like an enemy of the state. California’s three strikes is by far the toughest version of this controversial law in the nation. Those who have two or more serious or violent convictions are eligible for a sentence of 25 years to life for ‘any’ third felony, no matter how minor.

In my weaker moments I tried to convince myself this was not real, wanting to see the friendly face of my mom in the morning, not a deputy sheriff. Instead, because I had been found guilty of possessing and transporting methamphetamine and marijuana – a felony and a misdemeanour – I faced 25 years to life in prison. While not my first rodeo, this would likely be my last.

“Go to hell you fucking pigs”, I felt like saying when the jailers woke me up. But my fight is not with the deputies, who do not respond well to disrespect. “Yeah, I’m awake”, is what I said. The cops, from the safety of the control booth, heard me through the intercom but did not reply.

**METAMORPHISIS**

Being sent to prison with a life term is like being buried alive, a form of social death. The individual is removed like a malignancy to make society healthier. But society is not some vague thing that does not feel absence. Comprised of our families, friends and loved ones, the pain at our removal
is more acute because we are not really dead. Imprisoned, we can no longer go home at night, hug our mothers or have meaningful interaction with those we hold dear. In practical terms, we are deceased.

For a very few, and ‘we’ know who we are, all we want to do is die well. By staring down our executioners we let our enemies know we are not afraid. Since unchecked fear is almost worse than death, strength under fire is power without equal. After three months of undergoing the indescribable rigors of a three strikes prosecution, all I wanted to do was bring this abominable manifestation of American justice to a conclusion.

During these three months, under the shadow of spending the rest of my life in prison, I determined to learn everything I could before my exile to the penitentiary. Choosing to represent myself provided an opportunity to take a crash course in criminal justice. With the heart of a gunfighter I would go out in a blaze of glory, but I would be shooting from the lip, not the hip. Rather than allowing the administrators of draconian justice to cast me aside like a piece of societal trash, I chose to redefine the parameters of my departure.

Nietzsche had it right when he wrote: “That which does not kill me, makes me stronger”. No matter how hopeless the situation or crippling the pain, transcendence is made possible through tenaciousness. Being a warrior at heart, I would go out in the appropriate fashion: on my shield. Walking proudly into death’s chamber, I would make my own miracle by finding resurrection in the exercise of execution.

The jailers woke me after my late night of reviewing various aspects of three strikes, sentencing procedures, and my ideological position of absolute defiance. My mind raced with nervous anticipation as I calmly washed my face and brushed my teeth. While gathering various legal notes and documents arranged before falling asleep, life’s memories flashed before my eyes. With a heavy-heart my kinfolk came to mind. They would be in attendance for the family gathering from hell. Parents should not have to see the life of their only son come to an end. Mixed emotions and memories long forgotten swirled about as I prepared to say goodbye. “Any last words, sir?” asked the phantom executioner. “Mom, I love you”.

This day was inevitable. I had spent the last seven months in a pod – a two-tiered housing unit containing 30 to 40 two-man cells – where the stream of those eligible for a life sentence seemed to have no end. The jail itself is an eight story, three strikes super jail. Seeing them come and go, I
realized my turn had arrived. With the game on the line and the count full, I would take a final swing.

My resolve stiffened like the rock-hard jail bed on top of which I sat and waited. Knowing the path to resurrection passes through death’s door, I had to die well. Since I still harboured a glimmer of hope that the judge would hand down a sentence proportionate to the crime, the task at hand was all the more difficult. Man’s will to survive is unmatched in nature. No one in his right mind wants to die – I didn’t.

‘Pro Per’

Once I expressed my desire to represent myself – known as going ‘pro per’ in the legal community – Judge Roland Candee of the Sacramento Superior Court repeatedly tried to convince me to take another lawyer. I would not listen – I had grown weary of a passive role while officers of the drug war judiciary droned on in their pre-programmed vernacular. After being convicted, with nothing to lose and everything to gain, I had things to say as well. I waived my right to counsel.

When prisoners represent themselves in a post-conviction matter, the appellate courts are required to afford them wide latitude. For non-capital prisoners, appointment of counsel only extends to a one-time review of the transcripts. Since due process guarantees that prisoners will be afforded the opportunity to litigate their claims, the courts are forced to generously apply their skill and expertise to make sense of poorly written appeals by semi-literate prisoners. This is called ‘liberal construction’.

Trial courts are much different. They are under no obligation to liberally construe anything – ‘pro pers’ will be afforded no leeway whatsoever. A criminal defendant had the constitutional right to be represented by counsel – whether or not he or she has funds – at every stage of the proceedings, including sentencing. Judges have little patience for defendants who waive their right to be represented by an attorney. Considered a menace in the eyes of the court, ‘pro pers’ tend to waste scarce judicial resources fumbling to make a point or arguing motions with questionable merit – offences real attorneys would never commit.

During my short tenure as a lawyer with a fool for a client, I transgressed on a myriad of levels. In my month practicing law without a license – or any training whatsoever – I failed miserably to move the court on a number
of issues. The judge must have envisioned a circus as he brushed aside my arguments. Despite being college educated, an experienced activist and a published writer,\(^1\) I did not have the necessary legal experience to impose my will on an unsympathetic judge who made short work of my litigious efforts.

Judges want to see remorse, not attitude. I had none of the former and plenty of the latter. While being more or less guilty of the drug crime, I fixated on what I perceived as an unfair trial and a punishment that far exceeded the severity of the situation. Because I faced a life sentence for the relatively inconsequential act of driving down the road with drugs in my vehicle, I generously shared my displeasure with the courts by holding the entire system in contempt.

While I could have been more tactful in my legal manoeuvres, I simply did not care anymore. All this had gone on long enough. Any chances I had to pull on Candee’s heartstrings and convince him I fell outside the spirit of three strikes were abandoned during numerous passionate disagreements leading up to sentencing. My fate had been sealed and I expected the judge to do his worst – he would give me no quarter.

Though my legal performance fell well short of the mark, psychologically I felt I had chosen the correct tactic. After months of intense stress and making everyone miserable, including myself, I had control of my destiny again. Finally, I had a chance to comprehensively express my opinions about three strikes, the war on drugs and what I thought of those who pounded the pulpit of prisondom. Sick and tired of being a prisoner, my metamorphosis would begin today.

Refusing to go out in a manner of my enemy’s choosing, I took a path less traveled. That day I took the high ground.

**BEHIND ENEMY LINES**

For those locked up in the county jail, getting ready for court is like preparing for a day of torture. “Welcome to Abu Ghraib, enemy combatants. This is the war on terror, resistance is futile”. Deemed incorrigibles, it is do exactly as they say or suffer instantaneous police brutality.

One of the primary duties of the deputy sheriffs who operate the Sacramento County Jail is to ensure the multitudes of defendants are transported to court on time. They accomplish this task through fear of
force. By virtue of the sheer volume of defendants created by the lock ‘em up methodology, people are herded and driven like cattle to the nation’s courts on a daily basis. Just like the jailers at Guantanamo Bay – or even Nazi death camps – domestic agencies of law enforcement hone their skills through institutional dehumanization.

Regardless of the nature of our crimes, we are still people. Since no one likes being treated badly by a perfect stranger, the end result is ‘us against them’. They hate us and we hate them right back. It is a vicious cycle and both sides do their part to keep it going. This unwritten detestation results in fierce beatings of individuals like Rodney King as well as prisoners in places like Pelican Bay or Corcoran by out of control cops and guards.

Other than failing to embrace sobriety, what fuelled my anger was how I could have avoided this whole ordeal. After posting bail and being out for 10 short, stress filled days, I was railroaded right back into custody – not because of my current drug offence, but because of my past. Having been a fugitive before – and it’s no fun – I still wish I had jumped bond. Living a life on the run would have better than being punished for crimes for which the time had already been long since served, buried alive by my addictions.

Being transported from the jail to court is something I would not wish on my worst enemy. Conditions at the jail are intentionally made so deplorable, the trip to court so agonizing, that defendants become anxious to plea-bargaining away their right to trial – prison being slightly more tolerable than jail. After going back and forth to court enough times, many will agree to anything just to make it stop.

On the day of court, they wake up the accused at the crack of dawn. They do so over the intercom right after breakfast, which comes even earlier. From this moment onward, the defendants are herded from one holding area to another, eventually chained together like a road gang.

We are packed sardine style into a small transportation vehicle. Sitting shackled inside a cargo van or bus, all too easily calls to mind a coffle of slaves chained together in the bowels of a slave ship. Along for the bumpy, shackled ride from the jail to court, those accused of crimes both small and large – while suffering from various levels of shock and desperation – are frequently depicted by filmmakers. But pictures cannot capture the utter helplessness such ceremonies of oppression inflict on the psyche. The hollow, empty and frightened look of these prisoners is something I will never forget, especially the reflection of myself glimpsed in the window.
SHOW TIME

Seeing no need to wake up my cellmate, I quietly conduct my affairs within the nine-by-nine confines of my concrete coffin. On numerous occasions I had shared with him my enormous anguish. As if others did not have their own problems, at one time or another I shared with whomever I could trap into listening to how I felt. That is what we do in jail, we bellyache. We become a community of complainers. With my stress level through the roof, I spent hours discussing convoluted constitutional theories with often toothless, tattooed semi-literates who probably thought I had gone insane. Yet I loved them all for putting up with me. Their kindness in a time of difficulty inevitably helped me prepare for my dissertation of defiance.

“Good luck, Eugene. Give ’em hell”, my celly said from the warmth of his jail bed. “You can count on it”, I assured him, genuinely appreciating his support. In this horrible little cell, the poor guy had listened to me drone on and on for weeks. “A walk through the park, bro. A piece of cake”.

As is so often said, “one cannot judge a book by its cover” – this is especially so in my case. Everyone in the pod thought I had nothing about which to worry. They assumed because of my boyish charms, college education and contractor’s license, not to mention writing credits, that any judge would automatically show leniency. But this book had become a dark opus in the eyes of the judiciary. Though significant minorities of non-serious three strikes defendants were getting non-life sentences in Sacramento, I knew that I would not be among them.

In order to secure such a deal, a defendant would have to sit ‘quietly’ in the jail for a year or more – in some cases many years. These deals usually involved something along the lines of six to eight years, with a minimum of 80 percent of the sentence to be served. This is called ‘striking a strike’ in the interest of justice.

Such tactics of delay are common when an acceptable deal is not immediately forthcoming. One basically clogs up a court’s calendar, which usually relies on plea bargains to move defendants along in an expeditious manner. The prosecutor and judge, in their overworked state and facing constitutional time limits, simply have to offer deals to clear their caseloads and make room for the next wave of defendants. In order to secure a favourable deal, one must be willing to rot in jail for as long as it takes.
will not begrudge someone a chance to secure a lesser sentence, but I would not employ such a tactic. Exercising my right to a speedy trial, I determined I would not volunteer to be held indefinitely in this wretched gulag. Either I would beat the case outright or take one right in the heart. Since my fate had been sealed, I prepared to go out with my dignity intact.

As I stepped out of the cell, a flood of emotions kept me in an over-stimulated state of jittery anticipation, buttressed by an inability to relax. Thoughts, memories and regrets played games with my tired mind. For a lifetime of failing to completely conform to the norms of the majority, I would be removed from the land of milk and honey – exiled to a factory that produces hatred, hopelessness and subjugation. Welcome to hell. “Good luck Eugene. I’ll be praying for you”, yelled out a guy I befriended in the jail’s 12 step, chemical dependency programs.

This pod had a rather large contingent of similarly situated unfortunates facing life sentences for minor transgressions, in addition to the regular assortment of deviants from every criminal category imaginable. Sharing the common bond of targeted elimination, the enslaved collective showed their support and solidarity for a comrade about to suffer permanent incapacitation. I had given similar salutations on many occasions. Every time I meant what I said and I knew they did too.

“Thanks bro”, I said while smiling, raising my fist in a show of strength. God had a lot of friends in jail and I even feigned a half-hearted foxhole conversation. But the extent to which I would go to appear worthy of a break only went so far. “Prayers ain’t gonna help me now, bro. No worries, I’ll be just fine”.

While I sat in the dayroom, occasionally someone appeared to give me a nod or a wave through the small glass window in the door of his cell. Never before had I felt more alone: like David going up against an army of Goliaths. Except for the handful of us going to court, the dayroom was empty – and none in my shoes. Months of suspended free fall had turned fatal as my chute failed and the ground was coming up quickly.

The silence is deafening. I had never really understood what that meant until now. In our post-slumber states of quasi-consciousness, this pre-court session of tranquility is the quiet before the storm – like being on the freeway just before the morning rush hour begins. Regardless of our personal circumstances, while sitting in that dayroom where 20 or 30 prisoners at a time later play cards, use the telephone and engage in conversation, the
bigger picture did not escape me. This demonstration of American justice played out on every working day of the year, in every county jail in the country: forever.

**DEAD MAN’S WALK**

As if on signal, like a pack of Pavlov’s dogs, we all responded to some sound, a click of sorts, made by one of the deputies over the intercom, then off we went to the control booth to confirm our identities. Once they – the button-pushers, turnkeys, and gatekeepers – decided they have the correct assemblage of unfortunates, it is off to the elevator for the contemporary drill in psychological torture.

Incrementally, each stage takes us that much further away from the familiar surroundings of the pod and into the waiting arms of the machinery with which justice is administered in Sacramento. “Hurry up and wait” is the program from here on out as we undergo a series of moves from tanks and cells of various sizes, shapes, and degrees of separation. “Hurry up and move when we tell you, dirt bag”, are the marching orders, balanced by “Hurry up and shut up” – and they mean it too.

Despite my anarchist disdain for the nation’s drug laws, the necessity for law and order is not lost on me – it should be used to protect those unable to protect themselves. In my youth, I had been in real trouble and understood the consequences of criminal misconduct. I took my chances. Sometimes I won and went home. Other times they won and I went to jail. After a four-year spree of outlawry, I served a sentence of six years on 12 and deserved it.

“Dey”. “Yeah, right here”, I said from one of the jam-packed holding pens in the courthouse. “You have court in department 17 with Judge Candee”, said one of the two escorting deputies. For potentially volatile occasions, like when a jury is done deliberating or when someone is to be sentenced, they come in pairs. “It looks like you’re being sentenced”. “Excellent”, I thought to myself. Having already made the metamorphosis, I disregarded the furtive looks by my fellow defendants at the deputy’s confirmation of my fate. My nerves were steadied, and face emotionless.

Neither mad nor sad, I willingly allowed my captors to place restraints on my wrists for the mind-bending walk through the labyrinth-like corridors
of the courthouse. I had made this trip many times during my sham of a trial, and the kangaroo court hearings before, during and after. While technically a public building, the trails we blaze are beyond the view of non-court personnel. As we make our escorted sojourns through the underbelly of the building, we become a silent symphony of defendants under guard – to and fro we go like patients in an asylum.

“Are you being sentenced?” said the deputy who, by departmental policy, kept a hand on one of the restrained appendages while his partner backs him up from a few feet away. “Absolutely”, I say casually, as if unconcerned. “What’s the charge?”, good cop asks while bad cop appears uninterested. “It’s just a drug charge. But it’s a third strike, so I’m facing a life sentence”. “Serious? I thought they already changed that”, he said, appearing genuinely confused by my dilemma.

That is the point I have been making for years (Dey, 2004a) – and why I will never quietly accept my punishment. Three-strikes had been sold to the public as a way to target those who murder, rape and molest. Even though these deputies do this everyday, seeing a decent looking, well-mannered guy about to get life for drugs did not make a lot of sense on the face of it. Yet here I am, under escort by my death row deputies.

It made perfect sense to me. Going into court with the weight of the world on my shoulders, I knew that justice had become my enemy. “I’m not trippin’”, I say, as if I knew something they did not. “Judge Candee can go right ahead and strike me out for all I care. This law and order crap isn’t going to go on forever”.

Taking a second for my words to sink in, regardless of the initial confusion my individual situation created – believing in what they do, this being their profession – both looked at each other and grinned. Inside I laughed while outwardly holding my head up high, peacock proud. Preparing to go out like a gunfighter, I could not care less what they thought.

Despite their professionalism and politeness, my escorts are from the wrong side of the tracks – going to all the wrong schools. While I am no angel, for all practical purposes I am not the devil, either. Ever since three strikes dominated the national debate on crime and punishment in 1994, I have vigorously participated in the discourse. I have argued it at every level – in the media, at the university and now for my life.

I am a warrior.
IN MEMORIAM

Through the process of being sentenced to 26 years to life I metastasized into a political prisoner. While challenging Judge Candee to do the right thing, it became obvious he did not have the strength to break ranks. My conscience, however, is crystal clear. I died well. All the while, reforming California’s three strikes methodology, like the death penalty and the drug war, has proven to be an impossible task. In 2003, the Supreme Court held that giving life sentences to minor offenders does not run afoul of the Eighth Amendment of the United States Constitution, that prohibits cruel and unusual punishment (Ewing v. California, 2003; Lockyer v. Andrade, 2003; see also Dey, 2004b).

Further, in 2004, California voters rejected a hotly-contested, state-wide ballot initiative that would have granted relief to thousands of non-violent three strikers (Dey, 2006). As a human being serving a life sentence for a non-violent drug crime, I argued in favour of the three strikes initiative for my hometown newspaper (Dey, 2004c; Poochigian, 2004).

Taking the pro-side of an editorial debate against a state senator – a Republican, no less – resulted in numerous attacks from the proponents of heavy-handed justice (Scully, 2004; Lundstrom, 2004). My booking photo mysteriously appeared in an array of mug shots used in a last minute television campaign designed to scare, not enlighten, the electorate (Furillo, 2004; Dey, 2004d). Fear is a powerful political tool.

My sojourn has now entered a second decade. As of May 2009, ten years later, I continue to fight the good fight. Winning cases for fellow prisoners does take some of the sting off of an unjust life sentence. Rejecting the mindset of the institutionalized “lifer”, I regularly chronicle the inequities that flow from the Golden State’s vast penological landscape.

Litigating a myriad of topics in the courts of appeal, public opinion and now academia, I am fully engaged. I am alive.

ENDNOTES

to work with the Prisoner’s Rights Union once I complete my prison term. From 1994 to 1996, I served the PRU as a member of their Board of Directors, as well as Associate Editor for their publication, *The California Prisoner*. Moreover, common among the non-profit organizations, I also did a multitude of duties and tasks.

This piece opens with an intense three strikes debate in which I participated while studying criminology in the Sociology Department at the California State University – Sacramento in 1994.

---

2. *People v. Dey*, published in 2000 (84 Cal. App. 4th 1318), launched my career as an appellate and habeas practitioner out of necessity when my conviction and sentence were affirmed. On April 27, 2009, the United States Supreme Court denied my Petition for Writ of Certiorari (*Dey v. Barnes* (08-8851), effectively ending a ten year struggle to win relief.


---

**References**


ABOUT THE AUTHOR

Eugene Alexander Dey, serving a life sentence for a non-violent drug offence, is incarcerated at the California Correctional Center in Susanville, California. Dey is a freelance writer, a self-taught appellate practitioner and a college educated activist. Above winning three writing awards from PEN American Center in 2006, 2007 and 2008, Dey has placed numerous pieces in the JPP and previously served as an inside reporter for the Metroactive Newslink from 2004 to 2006. To see some of the links to Dey’s published works, please go to www.myspace.com/eugenedey.

To write:
Eugene Dey (P-37864)
P.O. Box 2210 (L2-116)
Susanville, CA 96127-2210
U.S.A.
Dear Sanity

Anonymous

Hell…oh! Yes, I am still here Cassa Diablo and your twin with the prefix ‘in’ keeps pounding on the door for me to come out and play forever more. As I begin another year trapped in the horrorism of this daymare, it gets more and more difficult to tell what is real because there is nobody here to tell. In this stone and steel dungeon of solitude only you could know the apartheid in which I exist 24/7 alone in a space barely twice as wide as a coffin.

I know we are all born enslaved to the passions flesh is heir to. With pleasure and pain, the two masters we must serve upon this sin-stained glob of clay we call earth, perdition wails to me a hallow threnody in bondage to the black hole of time. Memories of betrayal and losses gather confusion and sorrow all into one and I am at the climax of my impotence. Such an autopsy of the past now renders me silently to reap “I won the hearts of no one” in life’s playground of the lost and found.

There was a time when the Fates wove us together. For a moment we shared laughter now washed away by years. Time marched on and we walked apart. As survival dictates, questing humans always cling to those who feed our wants and needs – on and on we go. In a culture of deception and desperation weighed down by the unseen gravity of sin, clouds of pride and vanity blind us all. We tolerate evil influences of apostatizing friends and join in the collective ignorance to live in a state of diffused awareness where nothing lasts forever. In vain, we prostitute ourselves to a god in exchange for that ticket to heaven we want!

Now, as I wither without beauty in the sunset of my life, like a broken vessel tossed dead and useless to the world, I have become as humbled as the stardust from which I came. In such a void of desolation beyond the lunatic fringe, there can be no warmth of voices here, not even a mirror to acknowledge I exist. So, I drift in gothic darkness where no sunlight can touch my grave as the world spins further and further away.

To you, Adieu.
Forever I Am,
A Canadian Prisoner in Solitary.

About The Author

Anonymous is a prisoner in maximum solitude at Warkworth (Medium) Institution.
Someone’s kicked the bottom out of your world and you are falling through this black tunnel and you’ve got nothing to put your feet on. It’s a harrowing experience, the emotions you go through, it was like a kaleidoscope.

— A prisoner’s wife

In 2005, approximately 2.2 million people were committed to custody resulting in an all-time high prison population for the United States. The figures show few signs of abating. As a result, an ever-increasing number of families find themselves with the experience of having a family member in prison and many of them are in touch with the criminal justice system for the first time.

**The Criminal Justice Process and Prisoners’ Families**

It is not possible to fully understand the total vulnerability experienced by the families of people in prison by only looking at the prison system. The prison forms but one part of a criminal justice system and the process through which the families of an accused person find themselves marginalized, silenced and treated as ‘guilty by association’ (Carlson and Cervera, 1992; Codd, 1998; Fishman, 1988, 1990; Silverstein, 2001). Indeed, these individuals become extensions of the ‘criminal’ label, viewed by correctional officials as prisoners’ families, rather than individual members of a family who, through no fault of their own, find themselves intrinsically linked to someone in prison. This association renders them vulnerable to a system that, while ostensibly there to protect the public, differentiates the general public and legitimate victims from offenders’ families – the forgotten victims. The lack of public understanding and the largely unsympathetic media coverage place additional strain on families, some of whom find themselves hounded by media at their homes or having to move their children to different schools to avoid victimization or harassment.

Prisoners’ children are at particular risk. Over 1.5 million children per year are estimated to have a parent in prison and the impact of this experience can have long-lasting effects (Codd, 1998; Jamieson and Grounds, 2002; Murray, 2007). For a child, the arrest of a parent or sibling means a central
figure in their lives has suddenly – and often inexplicably – been taken away from them. Many arrests take place in the home and in the middle of the night when the police are able to surprise the suspect. In these situations it is important to consider the experience from the perspective of a child whose home is abruptly, noisily and sometimes aggressively entered by the police, who then take away one of their parents. For example, a prisoner’s child stated with respect to their mother’s arrest: “When the police came, I thought I was never going to see her again”.

An experience such as this can then lead to possible antipathy towards other figures of authority such as teachers and prison officers (Jamieson and Grounds, 2002; Murray, 2007). Furthermore, the arrest marks the beginning of a complicated and often lengthy experience, characterized by uncertainty – something with which children in particular have difficulty coping. Negative media coverage that demonizes the offender as an ‘evil monster’, hounding by the press and off-putting reactions of people around them are particularly distressing to children. All of this can have a detrimental effect on children, for example, threatening their educational performance and future life-chances. Many children experience bullying or teasing, and while they are often worried about their teachers’ prejudices, they frequently still want to be able to talk with teachers or an appropriate support person about what is going on.

For parents, what to say and when to speak to their children about their possible incarceration is one of the hardest issues they have to face. Many find the task too daunting and choose to make up stories instead. They, along with their children, need advice and support to help them through the experience, but most never receive that kind of specialist help. Moreover, the uncertainty and distress caused by being processed through the criminal justice system adds to people’s feelings of vulnerability. In court, the defendant’s relatives receive none of the, albeit meagre, support or protection given to the victims of crime. Particularly unnerving for the families of both the victim and the defendant is the fact that they often find themselves seated together in the public gallery, where they sit as prey to the frequently unscrupulous behaviour of the media, hungry for the latest salacious crime story. Some families even have to go into hiding to escape the Press (Jamieson and Grounds, 2002; Murray, 2007). Perhaps the most difficult part of the criminal justice process for the families of those inside is that they must listen to accounts of people they love that are beyond their recognition:
We didn’t recognize in any of the things we heard or saw in the son or brother we knew. We know that he wasn’t perfect, but we recognized nothing in him of what we were being asked to accept.

– A prisoner’s family member

Once the accused is remanded or sentenced to custody, the family has no right to see them in court, and are left to fend for themselves, both practically and emotionally. Many families find their lives dominated by what is happening around them as they then try to face the consequences, such as stigma, shame, isolation, financial hardship, guilt and stress. The very reasons for their needing help and support, namely their experiences and feelings of shame and stigma, often prevent them from asking for help. At present there are very few organizations offering specialist support to prisoners’ families and many of these are small voluntary groups usually set up by someone who has been through the experience. Each year a number of people try to start up new groups. However, due to the complexities of getting such an organisation established and the recognition of the enormity of the task ahead, many fail to come to fruition.

Parents of prisoners, in particular, try to find answers as to how their child came to be imprisoned by looking at themselves, thinking they must be to blame. A prisoner’s father remarked, “I thought to myself, well I have fallen by the wayside here, am I to blame for this, is my wife to blame for this?”.

All of these problems are compounded by the lack of basic information given to prisoners’ families at each stage of the process, which frequently leaves them in the dark as to what is happening, and unaware of the availability of help and support. Yet, maintaining strong family and community ties is one of the most significant factors that can affect the likelihood of further offending after release (Fraser and Squiers, 1998; Silverstein, 2001; Petersilia, 2003). If the destructive impacts of imprisonment are to be reduced so that the prisoner is less likely to re-offend, it is critical that, wherever possible, the prisoner is able to maintain their links with both family and the community.

A review of the literature relating to recidivism and family ties in the U.S. supports the notion that the quality of a prisoner’s relationships with his partner and the degree of influence which partners can bring to bear can be pivotal in his decision to desist. Despite this, little is done to support,
sustain or strengthen family relationships while the prisoner is incarcerated. We live in a society which considers itself to be one that cares for its less fortunate members – a core principle of any religious doctrine – yet it would seem that for many, prisoners’ families are undeserving of sympathy or support. Does the paucity of support available present a challenge to church congregations to address the needs of those with a family member in prison? What answer is available to the question “Is the church the first place or last place to which a family in trouble will turn?”

**THE PRISON SYSTEM**

Let us now turn to the prison system itself, and the interface between prisons and the visitors to them, on whom the prisons so readily depend.

The day-to-day work of the prison system is governed by a series of standing orders that relate to their operations. It is one of the roles of the prison system to ensure that the socially harmful effects of a prisoner’s removal from normal life are minimized and that his contacts with the outside world are maintained (Fraser and Squiers, 1998; Petersilia, 2003). Outside contacts should therefore be encouraged between a prisoner, his family and friends. However, these connections are rare.

The importance of visits to prisoners is widely acknowledged (Brooks-Gordon and Bainham, 2004). Family visits provide prisoners with support and thus contribute to the safety and stability of the prison. It is highly desirable for the stable running of a prison and for the ability of the prisoner to lead a law-abiding life after release that he should be accommodated as near to his home and community as possible. The problem of holding prisoners in remote locations far from their homes and potential visitors often times emerges as a factor during prison disturbances and behavioural problems.

I argue for the need to strike a balance between custody, care, and justice, if the prison system is to achieve its goals of protecting the public, preparing prisoners for release and treating prisoners as well as the people visiting them with humanity. However, as with so many aspects of prison policy, external political considerations affect the opportunity for family contact in the prison system. Families find themselves caught in situations outside their control or understanding, but which have potentially enormous consequences for them. These difficult situations include, for example, changes in policy led by government dicta that emphasises security and
punishment rather than rehabilitation. Moreover, the degree of discretion afforded to prison wardens along with the subsequent variation in the application of operational procedures, practices and policies between different facilities not only centralizes power over the daily functions of the prison but it fails to take into account the impact such discretion will have on prison visitors.

There is very limited information made readily available to families that can help direct them to appropriate services, support or financial assistance. As a result, many families face the period of a loved one’s imprisonment unaware of any services that may be available to them. The vulnerability of prisoners’ families is aggravated by their love for the person in prison and their feelings of loyalty to the prisoner. Many feel an obligation to visit, yet are given little, if any, information to help them prepare for the stressful experience of visiting. For example, many families have costly, arduous journeys to the prison, which could involve several changes of transport often with young children in tow. On arrival at the prison, they may have to wait a considerable amount of time before going in, while many prisons still do not have a visitors’ centre or waiting area. The visiting process itself is frequently stressful, and many families find prison procedures and attitudes of correctional staff demeaning. More disturbing, is that the visit experience is unnatural, in that often neither party – prisoner and visitor – want to worry the other by discussing what is actually on their mind. “We would talk about how we are both coping. But I don’t tell him everything. I don’t want him worrying” (a prisoner’s wife).

With respect to children, the prison visit is a stark reminder of how imprisonment simultaneously punishes prisoners’ families. It is essential that prisons attempt to meet the needs of children by providing suitably staffed, as well as equipped play areas, holding family days, and ensuring some mechanism that allows a meaningful relationship to develop between an imprisoned parent and their child. Meeting the needs of prisoners’ children also benefits the other visitors who do not want to be constantly disrupted by the presence of bored or unsettled children.

Despite the fact that the prison system readily acknowledges the importance of visits both to the prisoners’ morale and prison stability, there still appears to be an inherent prison culture which sees prisoners’ families as at best a resource, and at worst a threat to security or a nuisance. The treatment families receive by officers and gate staff can dramatically
impact the prison visiting experience. Prison policy often increases the family’s emotional vulnerability to the demands of the prisoner. Some types of incentives and earned privileges should be formed on the premise that families obligingly meet the ‘rewards’ on offer. However, because they do not want to let the prisoner down, many prisoners’ families cope silently with the pressure of making an extra visit or providing clothes, possessions and private cash, even though it might be more than they can manage. Conversely, a prisoner’s correctional level designation can change rapidly, thus altering their entitlement to familial visits. However, the family may not be informed of this change before arriving for a visit of one or two hours only to be told that it will only last for half an hour – if they are permitted to visit at all. Such changes might be reasonable from the prison’s point of view, but the family may well have spent several hours getting to the prison expecting a longer visit.

The same issue applies when a prisoner has been placed on a closed (no contact) visit. Security measures and anti-drug strategies, while ultimately in everyone’s best interest, frequently disregard the position of families. A prisoner who fails a drug test will generally be put on closed visits, but it is rare for the prison to give families advance notice of this change in status. This kind of information is vitally important to families, especially if they are planning to bring children with them on the visit. Many families choose not to visit at all under closed conditions, so as not to subject their children to this form of visitation. While it would be wrong to suggest that families do not bring drugs into prison on visits, they may be doing so as a result of extreme psychological and emotional pressures of having a loved one incarcerated. Fear over what might happen to the prisoner or even to their children should they fail to comply and bring drugs causes some individuals to obey such requests. However, it is problematic to suggest that only prisoners’ families bring drugs into prison.

**The Way Forward**

There is no question that prison visits provide a real opportunity for quality contact between prisoners and their families. However, the more visitors are prepared to visit, the greater the chance that visits will be positive experiences. The prison system should publish a general information leaflet giving guidance to prison visitors. However, prison information is primarily
left to the voluntary sector to ensure such material is both written and made available to families, if provided at all. More information on preparing children for visits is absolutely essential. I suggest that correctional services create a kind of Visitors’ Charter that calls for the following minimal standards of treatment:

- Clear, up-to-date information should be made available to all visitors to prisons prior to their first visits and whenever procedures or circumstances change;
- All prison staff who come into contact with visitors should receive training on the issues facing prisoners’ families and on general customer relations;
- The needs of children visiting prison should be recognized and appropriate provisions made;
- Visitors should be consulted about visit provisions and facilities;
- A complaints procedure should be drafted and made readily available to all visitors; and
- Visits should be organized in such a way as to allow the best possible contact between prisoners and their visitors.

Families should also have access to a dedicated information person at every prison that can help with their queries and concerns. In the absence of such a post being created at all prisons, it is worth considering, at least in the short term, whether there is a role here for the Prison Chaplaincy, and what issues this would raise both for chaplains and families. For chaplains, their existing responsibilities already more than fill the time available. Therefore, I suggest that either chaplains’ assistants and/or volunteers be trained to assist in this manner. It may be more amenable to families of other faiths, those with no religious affiliations and those with an antipathy to any church-based provider of services who may be reluctant to seek help of the prison chaplaincy to be served by a dedicated volunteer.

Our model of justice regards offences as being committed against the state thus failing to recognize the needs of either victims or the families of offenders. So what would be required to ensure that the needs of prisoners’ families were automatically included in the responsibilities of the prison system and other criminal justice agencies? The concept of restorative justice sees crime as a fundamental violation of people and
interpersonal relationships. It recognizes that crime harms both victims and the community, who are all in need of restoration. The family of an offender should be considered a primary or secondary victim, as well as witnesses who are also directly affected. Restorative justice attempts as far as possible to put right the wrongs, to restore relationships, to mend and to heal the damage caused by the offender (Zehr, 1990; Escholz et al., 2003). The concept engenders hope for the future. Within this model, the families of prisoners would be recognized as an indispensable part of the process. Their vulnerability would be reduced by their acceptance as important to the prisoner, as suffering because of the offender’s actions and as being part of the community.

Furthermore, the community and the criminal justice system should recognize families as a positive resource in the fight against crime. They should be given the opportunity to be involved throughout the prisoner’s sentence – in the induction program, sentence planning and preparation for release courses. It is only by seeing families in this way that their own vulnerability will be minimized and the prisoner be given an improved chance of leading a law-abiding life on release. Until then, families will continue to live in the shadows of the offender’s action, marginalized by a system that depends on them, ostracized by the community around them, and vulnerable to the many pressures and demands put upon them.

ENDNOTES

* An earlier draft of this article was featured as an Editorial on the website Illinois Prison Talk (www.illinoisprisontalk.com) in September, 2006. This website provides a valuable discussion forum and resource hub for Illinois prisoners and their families. The revised and edited version presented here is printed with the permission of the author and Illinois Prison Talk.

REFERENCES


**ABOUT THE AUTHOR**

*Richard W. Dyches* is a widely published, award winning author of children’s books and articles dealing with prisoners’ families. He has three books set for release in 2009 for children with a parent in prison. Richard W. Dyches, PhD, has been incarcerated for over ten years and can be contacted at:

Richard W. Dyches, Ph.D., K68728
2600 N. Brinton Ave.
Dixon, IL 61021
U.S.A.
Would you please leave the blanket?”, the American Airlines steward asks me in a friendly-bored voice as I am leaving the airplane. “I’d love to”, I reply, “but how could I?” Now his eyes are on me, observing that I have neither bag, nor coat. “I’d love to”, I repeat, “but it’s freezing outside and these clothes”, I continue, pointing at my short-sleeved summer shirt, “these clothes won’t do a very good job in keeping me warm”. He gives me a critical look but lets me pass. So I pass, only to be welcomed by the federal police.

“Lekarowicz?” one of them inquires, “Dr. Joe Lekarowicz?” “Yes”. “We have been notified of your arrival by U.S. Immigration and Customs Enforcement. We have received your passport from the pilot. Would you please follow us?”

With a scarlet AA blanket tightly wrapped around my emaciated body, I follow them. Where I come from, the one hour I was entitled to by law to spend outside has been enough to give me a profound suntan. Where they sent me to, deported me to, is Northern Europe in winter, and even here, in the artificiality of the sterile and antiseptic airport building the cold seems to bite through the blanket and to penetrate my shivering body. We have arrived in the Feds office where they are checking my passport and the documents they have received from their U.S. colleagues. They are neither friendly nor unfriendly, rather amazed. “And for that they threw you in jail?” one of them asks me. Focusing in on his federal police badge, I keep quiet. “And then deported you”, he continues, more to himself than to anyone else. And, looking up, “So you are a professor, university professor you are?” “Yep”, I reply, relieved to receive my passport and eager to leave the Fed’s office. “I have no axe to grind with them guys”, I think, “but neither do I have anything in common with them”. “So that’s how it’s gonna be, Joe?”, I think to myself. “From now on it’s gonna be ‘we guys’ and ‘them cops?’” “Shut up”, I snap at myself, not sure whether in thoughts or in words, “Shut up. This is not a fancy kind of intellectual game you are playing. You have been deprived of everything that has ever been important to you. You have been deported from the country of your choice, from your job and from the people you once surrounded yourself with. So shut up. You are under shock. All that counts now is that the shock doesn’t take over. Steady yourself. Steel yourself. Apply the lessons you learnt in jail. The here-and-now is only about survival. Not more and not less. No time for intellectual hair-splitting. So fuck the Feds and get your own ball rolling”.

I May Have a Life *
Joe Lekarowicz

“W
“A bank”, I think. Next thing a car rental. “No, honey, I won’t return the car at this branch. 500 miles up north, rather”. Get down the highway at 120 mph. This is a country without any speed limit, where tail-gaiting is not an offence, but a part of the game in this small and overcrowded stretch of land. Up north, to the city where I used to live years ago, the city that used to be so familiar. Upon arrival I return the rental car. Where to go now? Where to turn to now? The city is so familiar, yet so strange. This used to be my life. I know every alley here, every back yard, every single cobble stone. But it all feels so remote. Why do I have to be here? Why? Why?

“Joe”, she says, as she opens the door, “Joe. What the hell are you…” but stops mid-sentence as her eyes find mine. “Come in” she says in a soft voice, “do come in”. She is good. Good and very intuitive. She doesn’t know what has happened – how could she? – but seems to understand all there is to understand. Never taking her eyes from mine, she leads me to her bedroom. “Come” she says, and undressing me, undressing herself, she leads us to her bed. Her warmth. Her smoothness. Her womanliness. And I, resigning myself to the generosity of her body. Waking up in the morning, she kisses me. For one fugitive moment her lips are on mine. Knowing nothing, she is asking nothing. “I can see that you have to go now, Joe. I can see it in your eyes. Come back if you are in despair”, she says, and kisses me good-bye.

“She has been good to me” I think to myself, walking the early-morning streets of an awakening city, “she has been good to me. It’s only that I have lost the right to goodness”. An ex-con, condemned by society, locked away by law enforcement, not entitled to goodness. Standing in the cold morning wind, seeing nothing, feeling nothing. Staring at the blinking neon signs until the letters start to blur. Blurring and giving way to another world. The unbelievable brutality of a Mexican border town. The fatally dangerous police patrols. The arrival at the U.S. border and the relief of being back in my country of choice. My groggy mind hardly noticing the ID check and the custom officer’s questions. And then, all of a sudden, everything going wrong. An interrogation cell now, and me being searched, yelled at, accused. Still thinking that all this is just a misunderstanding, that a simple computer check will bring up my passport, my employer, my valid working visa. I see myself being brought to a holding cell, being handcuffed to the wall. Hours later two officers come to get me. “Where are we going?”, I am asking. “To the camp”, is the only answer I get, “to the camp”.

And the camp it is, every single day, and every single night for the next weeks and months. Though ‘Immigration Detention Center’ is the official name, it is nothing more than a jail. The brutality of the concrete and barbed wire architecture matched only by the brutality of incarcerating and incarcerated men. And being in jail, you learn to do the things you have to do in order to survive. Things you have to do to in order not to submit, not to break. Break like some of the other men. But you don’t break. Not in there, at least.

Forcing myself away from the tormenting memories, I am heading for the university. My former university, the best professional and personal environment I ever could have asked for in my early years as an emerging applied linguist, before I left it for good. Back now, I meet my former friends and colleagues. “Look Joe”, one of them says after having listened to my brief account of recent events. “This”, he says, with outstretched arm and index finger, “is your office, your computer, your keys. From this day on and as long as you will need it”. Five minutes later I am sitting at my desk, beginning my 14-hours-a-day-be-a-good-linguist thing. Accessing information, building knowledge, struggling for understanding. Later on, my American friends and colleagues will send over all my digital files. But right now, I just sit down and from memory I continue writing my most recent research paper at the very sentence where I stopped it before. Before one stupid slip of the tongue entitled a law enforcement regime to lash out at me. Before one ill-considered false word set off a whole avalanche of traumatizing events. Before everything turned into garbage.

The university is my Monday to Friday refuge. “You look very tired”, my friend and colleague would occasionally say, or “you have lost weight”. Most of the times when we meet, however, he says things like “you are all smiles and laughs, Joe. How can you be so positive, and so confident?” And me, I don’t know what to answer. To my mother who experienced World War II, I say “It was not you who destroyed the cities. It is what others did to you. But neither did your mourning rebuild all the houses”. And then, yesterday evening, I find myself on a bus, on my way home after a day’s work. As people turn their heads and watch me I am becoming aware that I am joyfully singing and smiling. Now how can I smile, in my situation? I lost a country, a job, a whole life. And then I begin to understand. Yes, I have lost a whole life, but I have also survived jail. I am released, free. Free to work 14 hours a day, and after that, free to do whatever I like. Free
to go where I want to go. Free from being detained, locked-up, controlled, patted down, bullied, yelled at, abused and humiliated. I always knew that, stripped of all its fancy, superficial glitter and clutter, the bottom line is that life is about eating and drinking and clothing and housing and mating. But never before have I been so much aware that one of the most basic, most fundamental human rights is the right to one’s dignity, to personal liberty. Freedom of movement. Nor have I ever been more aware what being deprived of these freedoms can do to you, to you as an individual, and to society as a whole, to a society that is too readily subscribing to the practice of incarcerating individuals in what they call correctional facilities. Facilities that alter everything in you, but correct little.

These alterations I now see myself fighting every day. During weekdays, the 14-hours-applied-linguistics-routine helps. But what after sunset, what about the weekends? How to confront the ghosts and demons manufactured by a post-traumatic mind?

One of these weekends, I am cruising the nocturnal city with my friend Gregg. The nth bar we enter is the Freedom. We have a gin, talk to the right and to the left, and meet Nathalie. Nathalie is sweet. Tall, slender, with a fine face, long black hair and a high voice. And lips so soft you couldn’t imagine them to exist. Bending over, she kisses me, and asks Gregg “do you mind if I fuck your friend?” “No, go ahead as you please”, he replies. “But sweetie”, I say, “we can’t do that now. Gregg has come over from far away just to visit me. I won’t leave him on his own”. “What about a quickie?”, Nathalie suggests with this ever so sweet voice and these lips so tender on mine. “What about a quickie?”, and presses her cock against mine. “Patience, sweetie”, I reply, “not a quickie now, but a slowie next time”. “Okay”, she finally agrees, “next week, same place, same time”.

And the same place, same time it has been ever since then. For the six months that I will spend in this city, the Freedom becomes my weekend home. But neither the quickie, nor the slowie ever happens. Not for lack of opportunity, but for a surplus of respect. Leaning against the bar, I turn around and smile at Anastasia who is sitting next to me. Have I ever seen such a beautiful girl? A slim face with fine lines, high cheek bones, long platinum blonde hair, fine and slender fingers. I look at her and touch her, gently, as if she could break. But she doesn’t break, she is just superhuman. Supernatural, she unites all the beauty of men and women. “You know, Joe”, she commences, listening to the ancient Wurlitzer juke box while downing
another gin, “you know, I am not sure whether I should really do it. I have started this” – and with these words she points to her own body – “I have started this years ago. And now it’s nearly accomplished. But I am not sure whether I should do the last step. You never know. After the final cut I may not have any physical sensations, neither male, nor female ones”.

This evening, I begin to understand why I have found a refuge in the transgender hooker community. These girls know what it means to be in transition. Know what it means to live at the fringes of society, to be marginalized and discriminated against. I begin to understand that I use the Freedom as a therapy. After all, under the half morbid, half glamorous surface of the place, what are lurking in every dark corner are the same ghosts and goddesses that also reigned in jail: brutality, violence, money, sex and drugs. I am therefore not astonished to see that Nathalie understands. “Where did you come from, Joe”, she is joking one night, “I have never seen you around and now you are virtually living here. Have you been parachuted or something?” Looking directly at her, I say “I come from jail, Nathalie. Directly from jail”. And returning my look, never wavering, she says in a soft voice, her face close to mine “I am sorry, Joe. Very sorry. Jail’s not a good place”. And that is the one and only time that we talk about it. This one sentence is enough for her to understand and is enough for me to make myself understood.

Outside the Freedom and in the light of day, matters are more complicated. My friends listen to me and give me all the support I could ever have hoped for. But this readiness will be wearing off soon. Maybe they understand that these kinds of experiences are not just pronounced and spelled out once and then done with. They are certainly aware of this, but who could ever blame them for not wanting to listen to prison stories over and over again? What they are curious about, the more spectacular aspects of life in prison, those commonly displayed in the media, I am reluctant to disclose. The more persistent and intangible psychological implications of life in jail, they are reluctant to hear. So, perhaps understandably, many are extremely repelled by my weekend escapades. To them, the Freedom and all that it stands for is straightforwardly disgusting. And my eagerness to share it with them, to me a main part of the therapy, is taken as completely incomprehensible: a once so nice bohemian guy now pushing it way too far. While some try to keep their distance, Eric, another nice bohemian guy and one of my dearest friends, dissociates himself from me completely.
Eric is my most valued, most reliable support in my early days of post-traumatic struggle. Being a writer, he takes me along to an art fair vernissage. We drink, talk and flirt with the girls. One of them is doing fancy hair cuts for free. So I queue up, asking her whether I could leave and come back in half an hour, while keeping my place in the line. “Sure”, she says, “no prob, Joe”. Some time later I come back and sit down on the bench reserved for her customers. As the guy next to me gives me a critical look-over, I feel obliged to tell him that it is me who will be next in line, as this is what the hairdresser girl and I have agreed upon. “Where I come from”, he starts at me, “if you give up on a queue you’re gone for good. No way of reclaiming your place!” “And where I come from”, I reply, standing now, legs apart and arms slightly spread out, “where I come from you fight for your place. So either you just fuck off, kid, or you will get hurt. And if you get hurt, you will get hurt badly”. And the kid, as young and muscular as they come, backs up, terrified not by my narrow frame, but by the frenzy of hate in my eyes.

As the belligerence ebbs gradually away it leaves me as horrified as the kid I just scared off. I turn around and face my friend Eric. Has he eye-witnessed the entire scene? “Eric”, I address him in a voice hoarse with desperation, “What is happening with me? Only a minute ago, I was utterly determined to get at the kid’s throat. Without a moment’s hesitation and in cold blood. I am afraid, Eric. Frightened of what I have in me. Can you help me? Can you please help me?” But of course we both know that this is not within his power. He leads me away to a quiet bar, and stays with me for the rest of the night, watching me drink, and I am so relieved, so happy that my friend keeps me company during one horrifying night. As the sun rises we get on our way home, Eric to his atelier and me to the Freedom. In front of the bar, he wishes me all the best for my future, takes his farewell and is gone. Gone and never coming back to me, as I understand later.

Six months after my arrival, my time in the city is coming to an end. A university in the U.K. has offered me a position. One last big party with all my friends and some of the Freedom girls, then I grab my few things and head for London. And London it has been for more than one year now. An academic environment as professional as I would never have dared to ask for. The wheels well-oiled, all procedures functional and in place, the whole institution designed for high performance. And a private life as empty as it can get, devoid of most feelings of joy or passion. But I will get there.
Yesterday I have switched the spellchecker of my word processor back from ‘U.S.’ to ‘U.K.’. Today my first non-linguistics piece has been accepted for publication. The sun always rises. Nothing is accomplished yet and a long way of healing lies ahead. But after all, I may have a future. I may have a life.

**ENDNOTES**

* Editors’ note: It is with profound sadness that we inform you of the sudden and unexpected passing of Joe Lekarowicz. He passed away from complications arising from an infection on September 3, 2009. We first met Joe in the summer of 2008, when he submitted his first *JPP* article, “Bush”, published in Volume 17(2). During the short time we were fortunate to know him Joe impressed us as a compassionate and insightful author with an amazing talent for narrative writing. His two contributions to the *JPP* are simultaneously powerful explorations of the disorienting and transformative effects of incarceration, and testaments to the strength and resilience provided by the bonds of friendship. While the hopeful tone with which he ends this article adds to the tragedy of his passing, it also serves as a fitting illustration of his spirit and positive outlook. As he says, “the sun always rises” – even when we are no longer there to rise with it. Joe will be missed.

**ABOUT THE AUTHOR**

At the time Joe Lekarowicz (pseudonym) became arrested and detained in a United States immigration detention center, he was employed by an American state university, and held a valid working visa. He has described his time in the center in a story entitled “Bush” (see *JPP* Volume 17(2) published in 2008). Shortly after his release from detention he returned to Europe. At the time of writing, Joe had been working as a linguistics professor at a university in the United Kingdom.
In 2002, Loïc Wacquant wrote an article titled “The curious eclipse of prison ethnography in the age of mass incarceration”. Professor of Sociology and Research Associate at Boalt Law School’s Institute for Legal Research at the University of California Berkeley, Loïc Wacquant is author or editor of 12 recent books translated into a dozen languages. He has collaborated with the most prominent sociologists and anthropologists of the late 20th century, including Pierre Bourdieu (1992) and Nancy Scheper-Hughes (2002). Co-founder of the journal *Ethnography*, Wacquant’s research explores connections between urban poverty, racialization and the proliferation of carceral spaces in neo-liberal societies. Having documented how new criminal justice policies and practices of imprisonment are diffusing from the United States to Western Europe (see Wacquant 1999), his research emphasizes ethnographic data collection strategies (for instance, see Wacquant 2004) yet is truly global in its scope as well as its influence.

As the introduction for a special issue of the journal *Ethnography* on “Dissecting the Prison”, Wacquant (2002, p. 371) begins the piece by taking “the reader inside the Los Angeles County Jail, the largest detention facility in the ‘Free World’, to give a ground-level sense of how the entry portal of the US detention system operates”. He accomplishes this by unpacking his observations gleaned from tours of the facility led by jail staff and drawing on information about the institution, as well as the California Department of Corrections and Rehabilitation.

Based on this encounter with the carcelar, Wacquant notes that one of the salient features of imprisonment is “the total subjection to the permanent and pervasive gaze of others who are themselves subjected to the same ongoing visual and sensory penetration” (ibid, p. 382). Having contributed to this “denial of any ‘backstage’, of any ‘territory of intimacy’” as a tourist in the Los Angeles County Jail, he then expresses a sense “of embarrassament, of ‘dirtiness’, to have infringed on the dignity of human beings by the mere fact of having been there and seen that place, and thus to have treated its
denizens as one might the occupants of a zoo” (ibid). Despite the sentiments outlined above, Wacquant maintains that “it is indispensable to go see, touch, feel” (ibid). Building on this argument, the second half of his paper focuses on the need to conduct ethnographic field work, arguing that there has been a decline of such research in recent decades, a claim that has been made by others including Simon (2000) and Piché (2008).

This provocative article prompted us to send copies of his piece and write letters to past *JPP* contributors asking if they would contribute to a *Dialogue* responding to Wacquant’s widely-cited piece. In response to our call for contributions, we received a number of submissions including a piece from Jon Marc Taylor on the role of prison writing and prisoner ethnography today. In his article, he puts into question the existence of a “curious eclipse of prison ethnography in the age of mass incarceration” by pointing to the presence of scholarly works authored or co-authored by prisoners in recent decades. This article is then followed by a contribution from Susan Nagelsen and Charles Huckelbury who draw on classic works in the field of anthropology to illustrate how carceral tours fall well short of providing an ethnography of the prison.

Pieces written by Eugene Dey, Charles Huckelbury and Craig Minogue also focus on the merits and limits of utilizing carceral tours as an ethnographic research method. Drawing on how they themselves – as prisoners – experience and make sense of the rounds upon rounds of bureaucrats, administrators, architects and academics who enter carceral spaces to cast their gaze for various purposes, the authors also critique the ethics of a practice in which they are, in more cases than not, unwillingly objectified research subjects whose voices are omitted. In response to the issues raised in one of these pieces, an anonymous reviewer noted:

> Few academics – and even fewer prison visitors for that matter – ever reflect on ethical issues vis-à-vis the prisoners they are likely to encounter while circulating within the spaces of a prison. This manuscript puts everyone against the wall and forces them to rethink their purposes and their selves.

Given the continued frequency of carceral tours and the likelihood that such a practice will continue to be a part of the prison enterprise for years to come, a discussion on how carceral tours can be run in an ethical manner
that does not objectify prisoners is long overdue. The contributors in this issue provide some suggestions to this end.

The Dialogues section is a forum to facilitate an interchange of ideas amongst prisoners and fellow travelers. As such, a number of the contributions were shared with conference participants at the 2009 Meeting of the Canadian Society of Criminology who attended a panel organized by the JPP. The Response is based on discussions which took place at the event. We also invited Loïc Wacquant to respond to the critical commentaries regarding his widely-cited article and he graciously accepted our invitation. His contribution will appear in Volume 19(1) of the JPP.

Our hope is that this exchange will foster future discussions regarding the status of prison ethnography and also the place of carceral tours, which have and continue to be a staple in criminological education. Moving forward, we invite suggested topics for future Dialogues which will appear in upcoming issues.

**References**

When the editors of the *Journal of Prisoners on Prisons (JPP)* described the revived “reply/interchange” section, renamed “Dialogues” and requested a submission, I was honoured and intrigued. Honoured to be sought for my opinion – something a prisoner is rarely asked for – and intrigued to be able to engage in academic comment and analysis within the academy – something a convict is definitely never asked to do. In preparation the editors sent the prolific Loïc Wacquant’s (2002) special issue introductory piece, “The curious eclipse of prison ethnography in the age of mass incarceration”, seeking my reaction to the author’s recommendation for jail tourism as a means of bridging the void of ethnographic research. Research moreover, Wacquant alleges, that has been absent in the penal milieu for the past thirty years. “A survey of the recent sociology and anthropology of carceral institutions”, he writes (p. 371), “shows that field studies depicting the everyday world of prisoners in America have gone into eclipse just when they were most needed on both scientific and political grounds following the turn toward the penal management of poverty and the correlative return of the prison to the forefront of the society scene”.

Having personally been incarcerated the previous thirty years in three various prisons for a tripartite of design eras in two different states\(^1\), I have observed occasional “tours” of the human equivalent akin to the drive thru wildlife animal parks. It is not these generally negative anecdotal experiences though, shaping my opinion of the viability of jail tours as realistic ethnographic excursions that I wish to render comment. My critique, rather, focuses on Wacquant’s apparent obliviousness of the very ethnographic quality studies he so laments having dissipated at the very time of unprecedented growth of the use of incarceration in the United States.

One of the many blessings in my life has been the opportunities, means and motivation to pursue higher education while incarcerated. In fact, for nearly as long as I have been doing time, I have been “doing school” as well.\(^2\) Without realizing it at the time, I became a Convict Criminologist as eruditely defined and passionately promoted by Richards and Ross (2003).\(^3\) In reflexive humility, I am extensively published, my work referenced by others and recognized with writing honours.\(^4\) It is by virtue of these broad brushed qualifications with which I wish to make my nuanced observations of Wacquant’s much needed clarion call on the paucity to near-complete absence of ethnographic writings – provided some commonly overlooked
exceptions – from the American gulag archipelago during the latter half of the twentieth century.  

**REVIEW OF THE PREMISE**

To begin with, Wacquant’s (2002, p. 385) millennial accusation of the overall academy’s failure to produce “observational studies depicting the everyday world of inmates all but vanished as the United States was settling into mass incarceration” is not only reductionistically redundant but a decade tardy as well. In a 1995 *Journal of Contemporary Criminal Justice* article, the author and co-researcher Richard Tewksbury (p. 119), surveyed similar and more holistic complaints of criminal justice and criminological (CJC) studies: “These criticism, justified or not, have ranged from qualitatively deficient CJC curriculums (Korn, 1992) to selective exclusion of controversial or minority issues (Barak, 1991) to obfuscation of current knowledge (Bayley, 1991) to lack of relevant research (Wallace, 1991)”. Even a decade earlier to these complaints, Conrad (1982) and Palmer (1983) commented on the mediocre to questionable methodological quality of much of CJC research (Berry, 1992).

Moreover, it was Taylor and Tewksbury (1995) who also noted a litany of similar observations, from the 1967 Presidential Commission on Law Enforcement and Administration to the infamous Martinson (1974) to the critical DiIulio (1991), calling for more quantity and quality of research in prisons. Thus, Wacquant’s highlighting of the morbid, if not near non-existent, state of penal research was a little late and surprisingly parochial in its scope.

Parochial in the sense that while indeed citing the traditional iconic ethnographic works such as Abbott (1978), Clemmer (1940), Connover (2000), Goffman (1961), Irwin (1970), Rideau and Wikberg (1990), Sykes (1958) and Wynn (2002), the vast majority of the article’s bibliography was composed of texts with few (4 out of 74 citations) CJC-centric, conventionally the source for more abundant and up-to-date research, journal articles. Additionally, none of the articles were from journals that historically report on the paradigm and practicum of American penology, and more specifically the very publication that illuminates what the ethnographic lamenter is longing for – the JPP. Nor were any of the contemporary and prolific convict criminologists (e.g. Gaucher, 1991), prisoner ethnographers.
Jon Marc Taylor

(e.g. Huckelbury, 1999) or imprisoned writers (e.g. McMaster 1999a) of the past thirty years referenced by their milieu-centric articles.\(^8\)

The absence of the JPP from Wacquant’s (2002) research, by the way, is simply an inexplicable omission by the penological ethnographic champion. Founded by Canadian academics in 1988, as of this writing, the peer-reviewed and edited journal has published 27 issues averaging 100 pages a piece, and is presently published by the University of Ottawa Press (Piché, 2008).\(^9\) The journal was created as a means for the accounts and analysis of prisoners “to bring the knowledge and experience of the incarcerated to bear upon… academic arguments and concerns, and to inform public discourse about the current state of carceral institutions” (Gaucher, 1988, p. 54). With its growth, the JPP has been regularly used in university courses, cited in academic works and reprinted in books, including its own anthology (Gaucher, 2002).

From the beginning, as founding Editorial Board member Howard Davidson (1988/89) comments in the second issue, the emphasis is:

…on publishing new kind of research: research which is not about something happening ‘out there’ but which is a closer look at ‘where we are’. Much has and will continue to be written about crime and punishment from a distance. What is needed is that ‘insight and analysis of people for whom imprisonment is or has been the reality of their daily existence’.

A decade and a half later, Gaucher (2002, p. 10) writing in the JPP anthology concluded that “[c]ollectively these essays represent an ethnography of the prison-industrial complex in North America in the 1990s” (emphasis added). In other words, exactly what Wacquant (2002) was looking for. Perhaps the oil in the anthropological lamp required replenishment or the light simply needed to be shined in another direction.

**By Way of Example**

Many from the public to academia continue to ponder – some not so politely – the value to verity of prisoner ethnography. Even with Wacquant’s (2002, p. 371) chronicled obliviousness of the JPP and its contribution to the common body of knowledge, he called for the reinvigoration and internationalization\(^10\) of the ethnography of the “carceral universe understood both as microcosm
endowed with its own political material and symbolic tropism and vector of social forces, political nexi, and cultural processes that traverse its walls”.

To bolster the authenticity of JPP as just such an ethnographic endeavour, Gaucher (2002, p. 25) concluded in his extensive survey introducing the journal’s anthology with the observation that “our contributors have kept me connected to the current realities of prison life and aware of vital issues as they arose, often long before (if ever) they surfaced in the mass media or were addressed [in other] academic journals”. By way of example, what follows are excerpts from Gaucher’s introduction citing my own contributions in support of his analysis, as fulfillment of Wacquant’s ethnographic social-political-cultural nexi. These citations are categorized by the anthology’s various topic headings, with the extended excerpts providing examples of the specific analysis, observations and insights that Wacquant decries as mission from the common body of knowledge.

Control of the Dangerous Classes

…prisoners address the growth and development of the crime-control industry, and identify the marginalized as its preferred targets / designated criminals. In doing so, they provide ample evidence of the health of its entrenched biases and discriminations. Jon Marc Taylor analyzes “The Resurrection of the ‘Dangerous Classes’”, a product of the shift from social welfare to punitive criminal justice state policy as an industrialized crime-control response to threats to capitalist social order posed by a growing surplus labour group composed of the marginalized and disenfranchised (Gaucher, 2002, p. 13).

Resistance Strategies for Survival

…Experienced long-term prisoners understand the futility of anti-institutional violence and, wherever possible, try to avoid the prison’s long-term repressive response to it. The growing disorder and instability of the maximum-security Indiana State Reformatory and the open combat between prisoner and guard gangs that characterized the facility in 1991 provide context for Jon Marc Taylor’s “The Unity Walk”. In his essay he analyzes prisoners’ attempts to transform the situation that is ripening towards rebellion into a peaceful and socially responsible demonstration.
of prisoners’ grievances and solidarity. In Taylor’s account, the role and calming influence of older convicts (many of whom had educated themselves in prison) created the consensus needed to produce a responsible and non-violent response to increasing repression. The institutional response to their efforts – defining the older, moderate prisoners trying to cool out the situation as “criminal predators” and subsequently segregating and isolating them – suggests that institutional authorities have an interest in maintaining a threatening and violent prison atmosphere (Gaucher, 2002, p. 19).

Talking Back: Counter-inscribing the Prison-Industrial Complex

… In “The American Correctional Association: A Conspiracy of Silence”, Reed and Denisovich [12] attack “the fraudulent” and “profitable” process of accreditation of prison institutions provided by the ACA. The accreditation of the penitentiary in Lucasville, Ohio, shortly before a major riot in that institution (see Perotti, Part V) forms the backdrop for their analysis. The authors explore that connecting lines of interest of the ACA executive and locate them as major players in the prison-industrial complex in the U.S.A. They note that their careers and their businesses are advanced by this industrial association (Gaucher, 2002, p. 22).

… Jon Marc Taylor, who in the 1990s established himself as an authority on prison education issues in the U.S.A., analyzes the passage of legislation eliminating Pell Grant support for prisoners’ pursuit of higher education, and warns of the ramifications for prisoners and society. Taylor counters the rationales that justified these cuts by establishing the extent of educational need among prisoners, and the past success and future promise indicated by academic research that has assessed the effects of college education on post-release reintegration. In opposing these misguided and counter-productive cuts, he reveals the mean-spirited mindset of those on the American right who advocate the “get tough on crime” ideology that dominated the decade (Gaucher, 2002, p. 22).

In a subsequent essay, “Where Have All the Superpredators Gone?” Taylor deconstructs the decade-long moral panic over youth crime. In his analysis of the pronouncements of the “foreboding prognosticators”, the “prolifically vocal triumvirate of the ‘lock ’em up and through away...
the key school of criminology” (professors J.A. Fox, J.Q. Wilson, and J.J. DiIulio), he notes that the “impeding tidal wave of dangerousness, violent superpredators terrorizing an unprepared nation”, which was predicted in 1994, had failed the test of time. Fox defined this addition to the “dangerous classes” as “the young and ruthless”. Taylor notes that though the evidence indicates a steady decrease in youth involvement in violent crime since 1993, the moral panic still served to justify increasingly repressive legislation, higher rates of transfers of youth to adult court, and higher rates of imprisonment… Taylor’s example also illustrates that moral panics constructed to forward repressive political agendas of the punitive right continue to have serious impacts on public discourse and legislation, regardless of how groundless the fears generated may be (Gaucher, 2002, pp. 22-23).

THE VALIDITY OF THE MODEL

“[G]iven the scientific and civil salience of [the] institution”, Wacquant (2002, p. 386) set forth to present the special issue of *Ethnography* on “Dissecting the Prison”. The goals of which were to reinvigorate field studies, highlight the microcosm of the setting, provide a holistic template of the vectoring forces of society and to internationalize the ethnographic discussion. Given this present response so far, I will contend that not only has traditional penological research continued – while concurring that methodological problems always existed and a degree of retreat occurred due primarily to increasing systemic restrictions – the quality and quantity of the ethnographic work by prisoners, however, had proliferated beyond where it had ever been by either barometer. These contributions to the overall discourse are due in large measure to the vehicle of the *JPP*, but also with the support, encouragement and partnerships with the same academics and their journals. A progeny of this evolution is the previously mentioned Academy of Criminal Justice Sciences recognized New School of Convict Criminology (Richards and Ross, 2001).

A fundamental advancement in practicum leading up to formation of convict criminology was the exact same paucity Wacquant lamented; except the history of this ‘awakening’ predates this debate. Zunin and Barr (1970) emphasizing the most understudied facet of criminal justice being the prison, proposed facilitation of such research by suggesting that states should build
their future prisons on college campuses “right smack in between the law school, medical school and social sciences building; next to the campus chapel”. Two decades later, Korn (1992, p. 24) postulated that the governing principle in the transformation of criminal justice education and understanding “must occur simultaneously and within the heart of the problem: the prison itself”. And yet contemporary academics even then (Peak, 1985; Unnithan, 1986) cited numerous hindrances to correctional research.

From this position the author and Tewksbury (1995, p. 122) advanced in our article, “From the Inside Out and Outside In: Team Research in the Correctional Setting”, a modulate though practical strategy.13

As partial solution to the problems of research in the rich correctional setting, we propose a marriage of resources so far largely untapped, that can produce a synergistic result beyond the knowledge gained from, and value of, the basic research enterprise. We suggest that a partial remedy to the myriad of correctional research difficulties today can be addressed by a team research approach, combining qualified offenders working from the inside with professional researchers collaborating with a view from the outside in. The team approach allows the strengths of both parties (i.e., inmates’ knowledge of institutional procedures, mores and values and the researchers’ training in methodologies, access to resources, and professional standing, etc.) to be combined and yield data that most likely could/would be circumvented, corrupted or co-opted using traditional approaches.

Lockwood (1991, p. 199) noted that “when prisoners become advanced students in the behavioral sciences, they themselves can carry out research on the topics such as sociology, and psychology of the prison and the causes of recidivism”. His observation is well substantiated not only by the author’s vitae, but the already noted library of JPP, as well as a host of other prisoner writers, academically trained or not. As Gregory J. McMaster (1999b, p. 46) scribes about “ink slingers” within the keep, they are ethnographers too. “Even when prison writers attempt to expound the nuances and intricacies of their caged existence it is as if they are on the outside looking in, narrating the emotions and experiences of someone else” (ibid).

The inside-outside team research suggested and conducted by Taylor and Tewksbury (1995) is also found in the earlier work of Schmid and Jones
In studying the prison adaptation strategies of prisoners and other correctional culture issues, Jones, as the internal researcher/student and Schmid, as the external researcher/instructor, provide insightful and academically sound analyses of prison structure and processes.

Taylor and Tewksbury (1995, p. 125) cite an example that is particularly cogent to this critique. They note that Thomas et al.’s (1980) analysis of Jacobs’s (1977) classic Statesville, in which the reviewers were primarily college students incarcerated at the very same prison, combined the inside perspective of the prisoners with the outside perspective of sociology students under the direction of their instructor. While overall admiring the work, these critics pointed out, among other issues, Jacobs’ claim of “insider status” was not only flawed but did not adhere to established methodological definition. As such the evaluators noted the problem of traditional social research studying sub-populations, cogently arguing that

...by giving us little more than a picture of the appearance of the world, we receive a partial, one-sided and distorted view of prisons that simply perpetrates misunderstanding, false images and ignorance of the source of both the structure of institutions and the philosophy underlying them as a component in the reproduction of social control (Thomas et al., 1980, p. 49).

Such observations tend to validate Bohm’s (1993), along with Reppucci and Clingempell’s (1978, p. 737) views that “the subject should be enrolled as ‘informant’ and active participant in the exploration of his/her behavior”.

This leads me back to my overarching thesis on Wacquant’s ethnographical requiem – that if not with the best of intentions – of a calculated straw man argument, his article’s preparatory research was woefully insufficient, if not professionally clumsy. Besides the plethora of specific citations and general references already made herein, he somehow overlooked one of the most prolific imprisoned intellectuals and social commentators today, Mumia Abu-Jamal (1996; 1997; 2000; 2002; 2003a; 2003b; 2004; 2009). Abu Jamal is arguably the most internationally famous and nationally infamous American prisoner, whose voice has literally been routinely heard on the radio, as a commencement speaker, in an HBO documentary, and as a regular columnist for the German newspaper Jungle Welt. How in a critique of penal ethnography, even if its primarily by book citation, is he not cited?
DISCUSSION

“For the paramount priority of the ethnography of prison today”, Wacquant (2002, p. 386) declares, “is without contest to just do it” (original emphasis). Doing it is what I think I have been writing about. True, none of the references cited in this rebuttal have been from anthropological or sociological journals, though what has been referenced in support of my thesis have been distinctly vetted to be from publications prior to and from the era of Wacquant’s article. It is, however, these divergent sources of academic journals, representing complimentary though distinct endeavours of academy, where I believe the crux of the problem lies: parochialism, perhaps with a dash of superciliousness sprinkled on top for didactic panache.

There is little doubt in my mind that Professor Loïc Wacquant is an esteemed and talented academic. With decades of state-imbued insidious institutionalization and convict-inculcated hesitancy to step out of my comfort zone and aggressively challenge whom society considers my “betters”, as I reread Wacquant’s essay and thought of what I believe to be the inadvertent and unknowing slight to the arduous work of decades of convict criminologists, prisoner ethnographers and prison journal writers, the more my intellectual hackles were raised.

As I have ventured into the realm of the academy, I have been exposed to glimpses and views of the all-too-human failings of departmental politics, professional jealousies and field of study competitive arrogance over their academic colleagues. And I think this is the impetus for the parochialism of the problem herein. The more focused study of criminology and criminal justice have (d)evolved from sociology and political science, while the praxis of ethnography is a sociological school – which all social sciences utilize to a degree – and a fundamental tool of cultural anthropologists. Thus, when one refers to ethnography the initial assumption is of anthropological and sociological field studies. Keep in mind that these again are broad brush strokes of generalized description that lightly sketch the lay of the Land of Academia.

The strict concentration of study, however, was the opposite contextualization of my enlightening and life-invigorating experience as a student. What I gradually discerned as an undergraduate was the design behind the seemingly divergent liberal arts curriculum.
Literature classes resounded with examples from history, psychology, even anthropology. In one poignant memory, I recall a Russian literature class where the striking realization dawned on me that all imprisoned men, no matter what dungeon may be called in the society’s popular lexicon, shared a brotherhood in the all-too-similar experiences of survival in the gulag.

In other cases, geography, political science, and art history courses blended with the cross-pollination of wide-ranging studies. On more than one occasion, coalescing ideas from disparate sources, a student or students built erudite rationalizations challenging the conventional prescripts presented in class. Lively, often raucous debates resulted, sometimes including the professor, fueling self-empowerment and self-discovery. Once, during a lecture on Picasso’s work *Guernica*, the students pushed beyond the limited confines of the artist’s expressive choice of mode and medium being presented by the lecturer, and expounded upon the painter’s insight in presaging the horrors of the London Blitz, the bombings of Hamburg and Dresden, and the nuclear devastation of Hiroshima and Nagasaki – all to the professor’s consternated delight. What I realized from all the dynamic experiences was that the varying schools of thought, philosophies, and subjects approached from differing perspectives taught the essence of what a college education is all about: how to question; how to think. (Taylor, 1994a, p. 127).

What I learned of the professionalism of the academy is the opposite of holistic, cross-cultural intellectual learning. Specialization of each field instead tends to cloister the research. Consilience among the big fields is a contemplative effort, not a reflexive discovery. Even cross-pollination of criminology and criminal justice studies can be more of happenstance, with theorists of the former condescendingly considering teachers of the latter mere practitioners of bureaucracy. It may not be a complete paradigm shift for the enveloping field of sociological studies to think holistically within its branches, but such inclusive research accumulation – at least when it comes to publishing their findings – is more the exception than the norm.

This, then, is what I theorize. Loïc Wacquant, the sociologist, succumbed to the lamentable, though all-too-common stove piping of the academies and basically failed to extend his research into the fields of criminology and criminal justice publications wherein he would have discovered a wellspring
of ethnographic research. Then, again, if he had, his thesis would have had to be rewritten and perhaps called for the whole special issue’s theme to be scrapped. To disassemble such a professional opportunity championing an intellectual call to arms to bravely assail the ramparts of the prison-industrial complex would have taken academic courage to pass on lifting one’s self-knighted gauntlet upon the steed of valiant ethnography sallying forth into the Borneo of Statesvilles. This would have been a truly courageous, self-sacrificing act. This also would be an essentially anonymous immolation that only he, as the journal’s editor, would have been cognizant of when assembling his introduction.

All of this is but mere speculation, discernment of what was advocated by Wacquant justified by his seemingly narrow reading. Yet there is one piece of evidence uncovered by my own extremely limited, literally structurally confined research having no access to the world-wide-web or even the stacks of a university library. It is of an article already previously referenced. Schmid and Jones’ (1993) piece “Ambivalent Actions: Prison Adaptation Strategies for First-time, Short-term Inmates”, is clearly an example of ethnographic work. The proverbial smoking gun of this evidence, moreover, is the article’s publication in the *Journal of Contemporary Ethnography*.

In my opinion, this is a publication that definitely should have been even within Wacquant’s apparently limited scope of preparatory research. The significance of this article in this rebuttal is not only its example of the inside-outside team research methodology, but the key it provides opening up further avenues of research that would have exposed the whole world of prisoner ethnography, and the attendant ongoing criminological and criminal justice studies of the carceral world of the late twentieth century American penology.

This revelation I cannot explain. Was it an oversight? Was the thesis research itself perfunctory, with the professor already knowing his theme, not wanting to confuse the situation with contradictions? Was it purposeful omission in commission of straw man construction?

**Conclusion**

What I know may surprise the reader. I concur with the professor. More research needs to be conducted in our cloistered communities. More perspectives need to be explored by more disciplines in our death-fenced
compounds. Many factors contributed to the academy’s overall retreat from penology during this era. Anthropologists, sociologists, political scientists, and a host of other fields need to rejoin those relatively few criminologists, criminal justice academes and correctional educators that remained behind and continued to creatively infiltrate the king’s keep. To remove the millstone of the corrections behemoth from around the body politic of the American public will require concerted socio-political effort supported by the acumen provided by the academy.

What I also know is that I feel slighted by Wacquant’s omission of the whole field of study briefly outlined in this article. I invested the effort and gambled the potential ramifications of my critical discourse to stand up for my fellow prisoners who endure the tribulations of incarceration and risk the – sometimes literally physically dangerous – consequences of their writings, and my brethren academics who engage in many struggles above and beyond the call of standard research as well to carry the lamp illuminating the gulag archipelago of the largest penal system in the history of the world.

What we do is important. What we contribute is impressive. What is needed is a variation of what Wacquant (2002, p. 371) “concludes by suggesting that getting ‘in… [but not out]… of the belly of the beast’ offers a unique vantage point from which to contribute to the comparative ethnography of the state in the age of triumphant neoliberalism”.

On the other hand, I could be full of it. It would not be the first time. The academic literary deconstructionism presented here could just be so much of my own sturm and drang. Yet, over the years I have grown to be more right than wrong. It is amazing the disassociative distance provided by incarceration amidst the very society enlightening the perception of the interned. In too many instances to readily reprise, I have called what is coming down the pike days, weeks, months if not years ahead of the media arbitrators, commentators and debating pundits. All deduced nonetheless from the venue of a Midwestern, maximum-security prison cell analyzing the data available to the average informed citizen.

In other words, turning the tables by conducting ethnographic studies of the larger society once a part but now removed (i.e. an exile in their own land), while the informative stimulus of a myriad of forms of media allows the ensconced social scientist to watch the world flow by in all its lunacy, hypocrisy and cruelty, as well as with its counterpoints of rationality,
justice and agape, can produce discerning and illuminating cultural insights. Perhaps this critique is another of those more focused instances?

**Endnotes**

* Diogenes (412-323 BC), a Greek philosopher of the Cynic School, did not believe that a good birth, riches and honour helped people lead virtuous lives. He is best known to history as a man carrying a lamp in daylight seeking an honest man. It is quite likely an apocryphal story, though, perhaps apropos to Wacquant’s mythical quest as well.

1 Not in chronological order of my personal odyssey, I have been ensconced in the Missouri State Prison – initially designed and built in the 1830s, the Indiana State Reformatory – built in the 1920s, now rechristened the Pendleton Correctional Center, and the Crossroads Correctional Center – built in the 1990s. As the adage of form begets function, the design philosophy of penal institutions influences their operations and thus the particular milieu of each. In this example, and in rough sketch, I have been through progressively the physical manifestations of the Auburn style, reformatory system and warehouse operation.

2 Enrolling in my first quarter in the fall of 1982 via Ball State University’s on-site extension program at the Indiana State Reformatory, in addition to consecutively attending via distance education five other universities, I have progressed from freshman to Doctor of Philosophy. Altogether, I have accumulated nearly 250 semester credit hours, with in-press preparations to commence a graduate degree in criminal justice studies.

3 Reprising their earlier article in *Social Justice*, Richards and Ross (2001) outline the development of the New School of Convict Criminology. In order to appreciate the context of Convict Criminology, it is necessary to understand the steps taken to arrive at this juncture. Four interrelated movements, factors and methodologies led to the birth of Convict Criminology: theoretical developments in criminology, the failure of prisons, the authenticity of insider perspectives, and the centrality of ethnography (Richards and Ross, 2004 – emphasis added).

4 Sampling among the citations of my publications: The Office of Correctional Education U.S. Department of Education, “The Impact of Correctional Education on Recidivism Excerpts/Abstracts”; various bibliographical article listings in the *Journal of Contemporary Criminal Justice, Justice Quarterly, Corrections Compendium, Social Justice*, and the complete article reprinting in the *Congressional Record* to reference a few. Writing honours include consecutive Runner-Up and First Place awards in the student essay contest by the American Society for Public Administration, Section of Criminal Justice Administration; *The Nation*/I.F. Stone Award for Student Journalism & Robert F. Kennedy Journalism Award on the Problems of the Disadvantaged (aka: “the Poor People’s Pulitzer”); with multiple PEN American Center Writing Awards for Prisoners among others. A range of my publications is set forth in this article’s bibliography as well.

5 These curriculum and publication vitae references are not cited out of vainglory, but rather as well-worn battle scars from the *debate de la politique pénitentiaire*. As the
insightful Victor Hassine (1992, p. 40) has written, “[b]ecause common criminals lack the moral high ground it is difficult for us to have our voices heard”. Over the years, I have had a criminal justice professor laugh in my face because of the presumed worthlessness of my opinion formed from prisoner experience, various editors ignore or criticize the validity of my submissions – that were all eventually published elsewhere, sometimes in more esteemed publications such as *The New York Times* – based solely on my convict status, and have had innumerable scathing responses of the “how dare he” type “because he is nothing but a felon!” rebuttals to a U.S. Congressman (Gordon, 1995) dismissing my arguments simply because I was required to wear a registration number on my chest. The voice of the marginalized and oppressed is rarely heard in the great debate, and when it is, as Gregory J. McMaster (1999b, p. 49) observes, “[o]ur credibility is questioned through the most basic character assassination. Who are you going to believe”, a convict or common perception? It is for the purpose of establishing my bona fides with which I set forth these informed – literally from the inside out – qualifications to critique another academic.


Generally these would include anything with “Criminal Justice” or “Criminology” or some related derivation in the title, and some more specifically by example *Corrections Compendium, Crime and Social Justice, Criminal Justice Review, The Criminologist, Critical Criminology, Journal of Correctional Education, Journal of Crime and Justice, Journal of Criminal Justice, Journal of Offender Rehabilitation, Justice Quarterly, Social Justice*, and *The Prison Journal* – which was founded by Benjamin Franklin, and in one form or another is the oldest criminal justice journal in the Americas – to cite some of the journals the author, as a convict criminologist, is more familiar with referencing and conversely those strikingly absent from Wacquant’s critique.

While Burton-Rose, Pens and Wright (1998), Hassine (1993), Irwin (1970; 1984), Rideau and Wikberg (1990) were cited by Wacquant (2002), and all had been or were incarcerated at the time of their writings, these again, however, are texts, and arguably not the more likely frontier of research as published in journals. Even when illuminating work particularly substantive to the study is mentioned, it’s all but dismissed. Ironically one prisoner ethnography of the first quality, Victor Hassine (1993) is listed in Wacquant’s (2002) bibliography, but beyond a mere citation, the author’s observations as well as the whole field of prisoner ethnography, is ignored. In Bruckert’s (1999, p. 132) review of *Life Without Parole: Living in Prison Today*, she writes that Hassine’s work “is an important and timely contribution to prison literature, providing us with an insightful ethnographic account of modern prisons” (emphasis added). The review goes on to explain the unique insight the author brought to his observations. Hassine, middle class and with a degree in law, was not a typical prisoner and it was perhaps his particular location as an ‘outsider within’ that allowed him to seize perceptions that might escape more acculturized individuals. The result is a rich and detailed account punctuated with illustrative stories and enlivened with people that allow us to vicariously share Hassine’s journey
of discovery as he sought to survive and make sense of his new environment.

9 JPP’s previous publisher was Canadian Scholars’ Press, with the journal bouncing back and forth across the Great White North’s academic presses mainly due to financial reasons.

10 Over the years, JPP published extensive articles, and sometimes whole special topic issues, on Australian, Canadian, First Nation, Irish Republican, Japanese, Nigerian and Palestinian prisons and prisoners. By any measure this meets Wacquant’s call for international carceral ethnographic analysis – and may quite well exceed such work published by any other journal in North America.

11 The irony of this encompassing argument is that if Wacquant had executed an affective keyword search for “dangerous classes” – a term he specifically emphasized in his article, (see p. 381) – this article should have come up listing JPP as the source and thus could have made all this sturm und drang moot.

12 Ivan Denisovich is my carceral nom de plume. Given the incendiary exposé challenging the legitimacy of the millions of taxpayer dollars purchasing essentially meaningless certifications and as I was serving time in a state where one of the corrections department’s top ranking officials also held executive positions with the ACA, poking the dragon in the eye with my register name did not seem to be a prudent thing to do. Thus, the nom de plume. Now, I no longer give a damn. More importantly, or disgracefully depending on one’s perspective, this article is still the seminal investigative piece on the ACA accreditation scandal. Something the mainstream media has yet to cover in fifteen years.

13 I wish to thank my co-researcher, author and friend, professor Richard Tewksbury of the School of Justice Administration at the University of Louisville, for the liberal citations from our joint work.

14 Persuasive in the sense that while Wacquant (2002) listed Jacobs’ (1977) work in his bibliography, he failed to cite the Thomas et al. (1980) piece published only three years later, which critiqued the ethnographical study by the very subjects the iconic text studied. Curious. Then, again, the article was published in another of those journals with “crime” and “justice” in the title.

15 The Professor Emerita of History of Consciousness at the University of California, Angela Davis, once on the F.B.I’s “Ten Most Wanted List” and popularizer of the “prison-industrial complex” concept, provided the introduction for Abu-Jamal’s (2009) most recent book, Jailhouse Lawyers. Her comments, though written years after Wacquant’s essay, are still of themes Mumia has consistently expounded upon and those salient to this thesis discourse. These excerpts make it even more inexplicable as to why Abu-Jamal’s contributions to penal ethnography were not even cited. Davis (2009) writes: “One of the most important intellectuals of our time, Mumia Abu-Jamal has spent more than twenty-five years behind bars, the majority of them on death row… [H]e has used his abundant talents as a thinker and writer to expand our knowledge of the hidden world of jails, prisons, and death houses in which he has spent the last decades of his life… I have been especially impressed by the way his ideas have helped to link critiques of the death penalty with broader challenges to the expanding prison-industrial complex. He has been particularly helpful to those of us – activists and scholars alike – who seek to associate death penalty abolitionism with prison abolitionism… Mumia reminds us that what is now
known as “prison law” was pioneered by prisoners themselves… Thus he connects the 1996 passage of the PRLA [Prison Reform Litigation Act] under the Clinton Administration to the disestablishment of the welfare system, locating both of these developments within the context of rising neoliberalism [an added emphasis that is of particular topical concern to Wacquant’s overall thesis as well]… He allows us to reflect upon the fact that transformational possibilities often emerge from where we least expect them”.

16 Consilience: the unity of knowledge. As the inestimable E.O. Wilson (1999, p. 326) engagingly postulates, “[t]he search for consilience might seem at first to imprison creativity. The opposite is true. A united system of knowledge is the surest means of identifying the still unexplored domains of reality. It provides a clear map of what is known, and it frames the most productive questions for future inquiry”.

17 In a recent documented instance, as a member of the institution’s NAACP (#4003) branch, I steered a resolution to national ratification calling on the state’s legislatures to form task forces on long-term prisoners studying ways to alleviate needless overcrowding of their system. As part of the lobbying process, I produced an 18-page pamphlet, titled “Slammer State”, chronicling the situation in situ via the State of Missouri. In outlining the causes of the correctional crisis, one I cited was “the lack of [legislative] institutional memory, the consequences of term limits that has eviscerated the political consequences, that now plagues the Show-Me-State”(Taylor, 2006, p. 11). Three years later, the Kansas City Star’s political reporter ran near back to back pieces citing an in-state university political science professor that “there is a ‘looser’ atmosphere in the Capitol these days. He blamed the implementation of term limits” (Kraske, 2009a) and a state representative commenting that “the problem with term limits is their unintended consequences” (Kraske, 2009b). As a diligent reader to the paper, these were the first issue-specific analyses of the consequences of term limits I had come across since the passage of the legislation years earlier. So surprising where these discernable examples, I noted them on my manuscript copy of the pamphlet.

18 From the margin notations made a decade ago while reading Huckelbury’s (1999, p. 35) article, “Writing on the Walls: It Isn’t Just Graffiti”, commenting on the author’s reversed inside-outside observational dialectic theme, I scribed: “Ethnography requires personal dissociation with the milieu being observed. Then aren’t prisoners by their isolation from mainstream culture, but once being a part of said culture, well positioned to offer ethnographic critiques of the society?” As further exemplified in this essay, I think so.

REFERENCES


**ABOUT THE AUTHOR**

Prior to Bronislaw Malinowski’s innovative approach, anthropologists utilized a detached method for studying a particular culture, remaining on the periphery of that culture and selecting members who were willing to become translators and sources of information. Anthropologists accumulated data and drew conclusions based on their observations and statistics gleaned from their informants. Although these men and women often provided much useful information, anthropologists quickly learned that they brought to the discussion personal biases that people typically have in explaining their own cultures.

Malinowski (1926) avoided this methodological constraint by becoming the first to employ the participant-observer approach. Between 1915 and 1918, Malinowski lived with the people of the Trobriand Islands. Not content to remain a disconnected observer relying on translators, he learned the Trobriand language and explored the various facets of the islanders’ religion, magic, gardening, trade, as well as social organization. Although his choice of adjectives to describe the Trobriand Islanders he studied jars contemporary sensibilities, the participant-observation approach he devised remains the most effective and accurate methodology for investigating a given population.

Margaret Mead’s seminal work, *Coming of Age in Samoa* (1928), in which she emulated Malinowski’s technique by becoming a member of the culture under investigation, soon followed. Mead also immersed herself in the society she was studying, focusing primarily on child care, adolescence and sexual behaviour. We can therefore conclude from Malinowski and Mead that without full immersion in a subculture, a complete explanation of its mores is impossible.

In spite of this, ethnographic examinations of the prison often have been reduced – and continue to be limited – to the pre-Malinowski method of relying exclusively on informants, whose descriptions and interpretations continue to be burdened with their personal biases. Efforts to examine a given cohort of state or federal prisoners using this superficial methodology – tours and visits – will therefore prove unsuccessful in describing fully both the physical treatment of those prisoners and their interior lives, which incarceration demands they keep concealed as a defence mechanism against the persistent attempts to co-opt or injure them.
The degree to which the public is frequently complicit in promoting and affirming this limitation, is evinced by a Canadian journalist who asked for and received permission to spend a weekend inside a Canadian prison in order to get a feel for imprisonment to augment a story he was planning. He was given a cell in a segregated part of the prison and was never in contact with any prisoners. As part of his preparation, he requested advice from other prisoners, including one of us (Huckelbury), on how to “do his time”, an illogical request, given his ability to leave at any time he wanted and the absence of any physical danger. And yet his comments both before and after his ‘sentence’ indicated that he thought his experience had provided an accurate window into the prison experience.

This is not to say that no valid information can be gleaned from conversations with prison staff and other appointed representatives, and given the nature of incarceration, opportunities for serious study are often limited to prison tours. In epistemological terms, why the observations and conclusions of the staff and tour members differ from those of the prisoners themselves is easily explained by the radical difference in perspectives. “[W]here perceptions differ, [we] can explain the difference by a difference in situation or perspective” (Becker, 1970, p. 312). Certainly the existential realities of prisoners versus tour members produce disparate interpretations. “Reports may vary because individuals are differently situated in space and time… One observer or the other may lack a requisite aid to perception [and] there may be a discrimination between ‘the same’ perception and interpretation of that perception” (Shapin 1994, pp. 31-32).

Prison tours can therefore never be more than cursory introductions to an institution that remains essentially opaque, even to those who fund its operations. Even staff members without a preconceived agenda frequently have their objectivity dulled by years of tedious routine. One of us (Huckelbury) has worked in a variety of prison assignments in which supervisors leaving on Friday have wished him a “good weekend” and promised to see him on Monday, as if they were both heading home from the office for two days of rest and relaxation. A few have even complained about the morning or afternoon commute, shopping and various other things prisoners cannot experience, thereby confirming Montaigne’s (1995) observation that “[h]abituation puts to sleep the eye of judgment”. If this inability to relate, to walk in the shoes and lives of the prisoners is often obscured from staff members who spend their working hours interacting
with prisoners day in and day out, then to think that prison tours could offer more than a brief look, similar to walking through a factory to see how the operation is run, is a mistake.

At the opposite end of the perceptual spectrum is the attitude encountered in the Texas Department of Corrections, where the staff consistently referred to the prisoner as either ‘inmate’ or ‘the offender’. At Angola in Louisiana, the warden betrayed vestiges of the Old South by calling the prisoner ‘boy’ (Nagelsen, 2008). This depersonalizing refusal to acknowledge both identity and humanity functions in concert with the prison environment itself to produce an ethos that fundamentally ignores the profoundly destructive effects of incarceration. If prison staff, with years of experience, commit perceptual errors regarding prisoners, tour-centered interpretations of prison and prisoners’ lives must display similar misconceptions.

One of us (Huckelbury) has spent the last thirty-five consecutive years in maximum security prisons and seen a wide variety of tours come through the facilities where he was imprisoned: legislative committees, law enforcement groups, criminal justice classes, curious citizens and court-ordered diversion programs. The majority of these tours permitted no contact with prisoners and resembled a flock of sheep being herded by uniformed staff acting as border collies to keep predators and undue influences at bay. None gathered sufficient or accurate information to reach a valid ethnographic conclusion, other than prison is not someplace they want to go.

One notable example was a diversion program, modeled on the ‘Scared Straight’ philosophy of intimidation, at the New Hampshire State Prison. Young men with early arrest records and probation sentences came into the prison under court order and suffered verbal abuse intended to frighten them into a conversion experience. The hype and implied threats did not work for two simple reasons: the audience knew the prisoners could not hurt them and they were going home at the end of the show. Since the performances of the prisoners were not indicative of the reality behind the walls – and the tour members knew it – even this tour came away without a valid concept of imprisonment and its effects, as subsequent post-tour questionnaires confirmed.

Complicating ethnographic analysis inside prisons are the unequal – and often incomprehensible – restrictions a given facility places on access to its prisoners. One of us (Nagelsen) arranged interviews in eleven separate prisons as part of research for a book on prison writing and the conditions
that produce it (Nagelsen, 2008). The subsequent tours spanned the carceral spectrum from being escorted directly to the scheduled interview to a broader, more general exposure to the physical plant itself, albeit with the standard security provisions prohibiting contact with any other prisoners.

An interview scheduled with two prisoners in Soledad, a prison in the California system, offered Nagelsen a unique opportunity to meet with a group of prisoners who were part of the Arts in Corrections Program. One-on-one interviews with prisoners in the California system are prohibited – these encounters may take place only if the prisoner is involved in a group. While there, Nagelsen was able to speak with a number of prisoners, but under the constant supervision of the head of security, and it was patently obvious that most of the men were expected to act as though they were entertaining guests for the day. The lieutenant was cordial as he ushered the visitors through the prison, much as a docent providing a tour of an art museum might: he stopped to point out the highlights along the way, relating the history of Soledad, answering questions about the number of prisoners, how the population had changed over the years, and explaining the day-to-day life of the prisoners. But once the interaction with the prisoners began, the tenor in the room was akin to that of a new kid on the block: the prisoners were thrilled to see a new face, to have something different to engage them for the morning, and the benefit for the prisoners was just that – a gap in the boredom of prison. In Soledad, there was at least an attempt to provide a window, which was not the case in other prisons.

As part of a national conference in corrections, Nagelsen also entered the prison in Graterford, Pennsylvania. This was an amazing feat, as there were two hundred twenty people attending the conference. The warden graciously arranged for the attendees to spend the day at this facility listening to prisoners talk about their contributions to the Mural in Arts Project in Philadelphia. After listening to a number of prisoners talk about the impact art has had on their lives, the group was invited to the cafeteria for lunch with the prisoners involved in the program. It was a wonderful day, filled with upbeat stories that demonstrated the rehabilitative powers of arts in corrections. The prisoners were preaching to the converted and everyone left feeling great. But the invitees only saw what the powers that be wanted them to see. They were only allowed access to the chapel and the cafeteria; the view was circumscribed; access was limited, and there was never any doubt, at least as far as most prisoners were concerned, that they had better mind what they said and did or they wouldn’t have the opportunity to
participate again. This became clear when Nagelsen in later correspondence with prisoners learned more of the inside protocols associated with taking the program.

And yet, noted researchers like Loïc Wacquant (2002) persist in treating abbreviated, controlled exposures to the prison subculture as reliable. Describing the Los Angeles County Jail’s treatment of its prisoners, he expresses his physical aversion to “the instantaneous and irresistible negation of self endured by the prisoners” (Wacquant, 2002, p 378). True enough, but another telling entry into his daily log reveals the limitations of his research: “Nothing is theirs here. It’s obvious in the manner we walk by without addressing them... We do as if they were mere pieces of furniture” (ibid – our emphasis). Treating research subjects as furniture is hardly conducive to an accurate ethnographic characterization. Even worse is the prisoners’ eventual acceptance of their imposed status and the pathological adjustment to it, subjects ignored by Wacquant and others, whose contact with their research subjects has been restricted by the authorities controlling the tour.

Wacquant does, however, bring a vivid description of the physical plant to his analysis, providing a comprehensive picture of the racial composition of the jail’s prisoners and the gangs that prey on them, even quoting the warden’s boast that the jail is “the largest penal colony in what used to be called the Free World” (ibid, p. 372). Wacquant’s subjective response to what he sees adds poignancy to the professional detachment: “A sentiment of embarrassment, of ‘dirtiness’, to have infringed on the dignity of human beings by the mere fact of having been there and seen that place, and thus to have treated its denizens as one might the occupants of a zoo. But it takes that, it is indispensable to go see, touch, feel” (ibid, pp. 381-382). His research was disappointingly limited to tactile impressions of the environment’s design and construction, omitting a more empathetic touching and feeling of the prisoners themselves, which would have provided a more expansive database, along with a far more complete analysis of both the prison subculture and the larger culture that produces and sustains it.

A caveat is in order here. On rare occasions when prisoners are permitted to speak to tours, the selection process frequently winnows those whose narratives are not congruent with the administration’s or the tour guide’s. This often reduces the prisoner to little more than a shill for the system that controls his every move. As Wacquant relates, the deputy escorting his tour indicated a prisoner near them washing a wall. The deputy then summoned
the man with a harsh order, “Trustee, come here!” After a brief introduction, the prisoner was permitted to tell Wacquant how much he enjoyed washing walls and described the benefits that accrued from that position, such as a quieter dormitory and a large-screen television (ibid., p. 378). This type of selective intimidation does nothing to further ethnographic studies of prisons and jails, other than to reinforce stereotypes of both the guard and guarded.

As an example of what can be accomplished, even by a layman, when the focus shifts to the prisoners themselves, consider Norman Mailer’s (2009) descriptions of his research for The Executioner’s Song (1979), his Pulitzer Prize-winning book about Gary Gilmore’s execution. “[T]he elements of the story are so exceptionnal and painful and funny and occasionally noble, and occasionally sordid” (Mailer, 2009, p. 27). His understanding of Gilmore, the murder he committed and his subsequent death by firing squad were enhanced by his epistolary relationship with Jack Abbott, another prisoner at the time. “[T]here are numerous echoes of [Gilmore’s] prison experience, and part of my understanding of that experience has come from [Abbott’s] letters” (ibid). At the same time, Mailer recognized his limitations in plumbing the psychological depths of prisoners like Abbott and Gilmore. As he testily admitted to Abbott in a letter, “[j]ust as I don’t know what it means to be a convict, you the fuck don’t know what it is to be a Jew” (ibid).

These two competing methodologies, then, illustrate the necessity for immersion into the subculture under examination, whether the working poor or nouveau riche, prisoners or police officers. Even the best intentioned observers will find their work restricted to only observations (e.g. Wacquant’s zoo analogy) if they rely on the standard tour offered by prison officials. The subsequent reactions and conclusions will be descriptively accurate but not definitive.

The fundamental problem with using prison tours as vehicles for ethnographic research therefore remains the restricted contact with the prisoners themselves, making participant observation impossible. One potential solution to the dilemma is securing employment inside the prison, perhaps as part of a sabbatical project or graduate study. This strategy puts the investigator into direct contact with both prisoners and staff, providing a more balanced data collection and objective evaluation (Conover, 2001).

Our experiences and research have led us to conclude that only prisoners know precisely what happens when the cell doors slam shut behind them,
and they therefore must be the primary source for ethnographic studies inside prisons, an approach actively discouraged by modern tours. And yet, given the profound scepticism of many prisoners regarding the attitudes and motivation of the public in general, gaining and maintaining the trust of those men and women can present an insurmountable challenge. As Steven Shapin (1994, p. 36) puts it, “[t]he distribution of trust is therefore coextensive with the community, and its boundaries are the community’s boundaries... those who cannot be trusted to report reliably and sincerely about the world may not belong to our community of discourse”.

Given the perceptual and philosophical dichotomy of observer and observed in the context of prison tours, as well as the reluctance of prisoners to permit any outsider to colonize their minds, it continues to take trained academics and professionals to gain the trust of those prisoners over time in order to evaluate, organize, and place their experiences in an intelligible and accessible format to educate the public.

The revelations of Abu Ghraib and Guantanamo came as shocks to most Americans, most of whom believed their government’s policies were reasonable responses to external threats. This naive worldview is also prevalent in discussions of domestic prisons, thus requiring a dedicated messenger to correct the philosophical and existential errors. The messenger is, however, only as effective as his information. For those seeking to encourage critical analysis of the prison, they must look beyond the quotidian tours offered by prisons and jails.

**ENDNOTES**

1 Gilmore was the first person executed (1977) following the resumption of capital punishment in the United States after a five-year moratorium.

**REFERENCES**


ABOUT THE AUTHORS

Susan Nagelsen is Director of the Writing Program at New England College in Henniker, New Hampshire, where she has taught for twenty-five years. She is an essayist and a fiction writer as well as the author of two writing manuals. She teaches first-year courses as well as advanced essay writing courses such as the art of the essay and content based writing. She also teaches in the Criminal Justice program where her course focuses on teaching students about prison from the point of view of prisoners. Her most recent published fiction can be found in the fall 2005 edition of the Henniker Review, Tacenda, Bleakhouse Review and in the Journal of Prisoners on Prison Volume 14(2), an issue addressing aging in prison. She is a frequent contributor to the JPP and is currently Associate Editor. She is also the editor of an anthology of work by incarcerated writers entitled Exiled Voices, Portals of Discovery (New England College Press, 2008). The book features 13 incarcerated writers with an introduction to each written by Nagelsen and is being used as a textbook in courses focusing on criminal justice issues.

Charles Hucklebury was sentenced to life imprisonment – 35 year minimum – at the age of 27 and has spent the last 28 years in prison. Awarded second place in Prison Life’s fiction contest in 1995, he won the PEN American Center first prize for fiction in 2001. A regular contributor to the JPP since 1997, Charles joined the Editorial Board in 2001 and is now an Associate Editor. He was one of four featured writers in Shawn Thompson’s Letters From Prison (Harper Collins, 2001). His new book of poetry, Tales From the Purple Penguin (BleakHouse Publishers, 2008) has received rave reviews from students and academics.
Prison Tours as a Research Tool in the Golden Gulag

Eugene Dey

As the only participant from California, the capital of mass incarceration, I believe the lack of unfettered and confidential access between prisoners and the public enables government malfeasance to go unchecked – impeding the possibility of meaningful reforms. Since much of Loïc Wacquant’s (2002) evidence about ‘the carceral’ originates from the Gulags of the Golden State, I enter the JPP’s Dialogue about the viability of prison tours as a research tool from the perspective of being a California prisoner.

INTRODUCTION

In the California Department of Corrections and Rehabilitation (CDCR), prisoners are not afforded access to the public, except under extremely controlled circumstances. The right to confidential access to the media and researchers was taken away in 1996 (Dey, 2004). The truth in all its ugliness is now hidden behind layers of legal vernacular like ‘safety and security’ and ‘penological interest’. Secretive by virtue of its closed nature, the public is not privy to the truth of the penitentiary.

Back in the day, I was advised to “watch, listen, and learn” in order to learn the ropes. If it takes a ‘new guy’ about a year or more just to learn the basics of doing time, then how long will it take for a researcher to understand how we act, interact and react? Some are better than others, but only part of the tale is being told. Due to this lockdown on free speech, rarely are the circumstances favourable to generating meaningful written works about the ‘belly of the beast’ – points underscored in California.

Professor Wacquant’s hellish trek through L.A. County Jail was predictably adverse. Jail is always worse than prison, but the snapshot generated by this tour still made a powerful impression. The professor’s “sentiment of embarrassment, of dirtiness, to have infringes on the dignity of human beings” (Wacquant, 2002, p. 381) hammers home the point that America is a prison-police state. From the ‘belly of the beast’, it is common knowledge L.A. County Jail is considered the worst jail in the state.

While I appreciate the professor’s quest to get “in-and-out”, the fear permeating from his article only adds another facet to the body of written works about the prison-industrial complex that “were written without even interviewing or talking with prisoners” (Richards et al., 2007, p. 114).
The last thing we need is more fear. What Wacquant’s piece needed, and the professor would undoubtedly agree, are the first person accounts by prisoners to balance the escorting deputy’s commentary and analysis.

Wacquant’s tour of the jail, however, does provide me better insight into the cultural shock outsiders feel when they see, hear and smell how many of us are forced to live. What the professor experienced in his tour of the jail is damning evidence of how such conditions serve to prepare a prisoner for the corrupting influence of the ‘beast’.

THE BEAST

An overcrowded hate factory packed to the precipice of overcapacity, the CDCR harbours some of the nation’s most violent felons. A myriad of racial, gang and geographic lines of overlapping demarcation maintains an atmosphere permeated with intolerance, conflict and hate. Peace is always temporary and life is cheap. Paranoia and suspicion rule the day.

I walk among the warring factions like a veteran war correspondent while vigorously practicing law without a license. Permanently incapacitated in a region mired in sectarian conflict, I am a product of my environment. Forced to survive, I live by the code of the convict. I approach my jailhouse journalism and lawyering like my activism, as a lifetime member of a voiceless demographic.

To prisoners, institutional tours are an aberration. In the last ten years, I have interacted – completely spur-of-the-moment – with only a handful of ‘tourists’. I find tours to be hypocritical because I experience them from afar. Since I often hear about them after they have passed, I am left with the feeling some fraud has been perpetrated. Those who operate the Gulag Archipelago have their view and we have ours. The truth is always somewhere in the middle. Often the truth is lost due to layers of denial, rhetoric and misdirection. The problem is that we never get the chance to participate in the debate. They get to shape the direction of the ‘dialogue’.

I have a skewed view from the ‘belly of the beast’. It is to the victors in this war on drugs, crime and deviance that go the spoils of controlling the ‘dialogue’. They define who we are as people. They speak for us to the media. As an oppressed person, I reject anything and everything that ever comes out of the mouths of my oppressors – even when it is the truth. It is a sad state of affairs.
As a ‘jailhouse’ journalist, litigator and activist, I embrace a code of ethics loyal to my cohort. I refuse to compromise my values. They lie and break the rules as much as we do. While we are convicted felons, they have taken an oath to uphold the Constitution. The captains of the prison industry, like the overzealous agencies of law enforcement regularly prostitute the integrity of their professional and ethical codes. Justice is a façade. When the lawman’s disdain for the law is so blatant, who then is the criminal? I can admit I am a lawbreaker, can they? Never.

**The State of the State**

With a media embargo firmly in place, the CDCR is an out-of-control agency of unprecedented proportions (see Wacquant, 2002, pp. 379-381). A number of converging class action lawsuits covering the unconstitutional conditions of medical and mental health deliver in the CDCR has the state facing a prison population cap. If the prisoners’ class prevails and a mass release takes place, the capital of mass incarceration could inevitably lead the nation into a new direction on crime and punishment. It is a struggle of epic proportions.

If the embargo on free speech is lifted or dramatically amended, a tour as a tool could begin to serve a vital role within a larger reform movement. From death row to the Security Housing Unit (SHU) – both of which are in abundance in California – from Level IV to Level I (maximum to minimum), ample exposure to all levels of wards is required. Exposing the public to the society of incarcerated men, women and children offers a rare glimpse into what has literally become the unknown.

Thriving in spite of these impediments is the Alternatives to Violence Project (AVP) (Dey, 2008a). The community volunteers who donate their time to AVP have no ties whatsoever to the CDCR. They make a huge sacrifice by investing meagre resources to facilitate workshops in non-violent conflict resolution. Rather than “in-and-out”, AVP facilitators spend three days conducting intense workshops. Anger management is hard work and the process of learning is a reciprocating practice that takes time. Over a period of years, we learn to learn to trust each other.

In order for a tour to become a viable research tool, concerned parties must be given confidential access to a wide range of prisoners. Groups like AVP invest years training prisoners to become facilitators, a method rooted in trust. The lack of effective scholarly activity is due to an absence of long-term and intensive fieldwork.
A TOUR LADEN IN ETHICS

Despite these conditions – and my acidic views – I would participate in a tour if certain minimum requisites were met. In order to produce meaningful results, the main condition would be confidential sessions with researchers in a secure part of the institution. However, staff cannot handpick the convicts – ever! Otherwise, the ethical integrity of the tour has been compromised. Purely on philosophical grounds, I reject all prisoners suggested by prisoncrats. In fact, prisoners the prison administration despise – gang members, jailhouse lawyers and others they deem troublemakers – would better serve observers.

Answers to scholarly questions do not necessarily lie within the hearts of hardened individuals, but these people are some of the prison’s most reliable sources of accurate information. Too often the most disruptive prisoners are also the most vociferous. Prison officials prefer their captives subservient, complacent and docile. Those who resist are frequently targeted for elimination and jailhouse lawyers are at the top of this list (Dey, 2008b).

Every prison has a department that handles prisoner grievances. One of the most direct paths to uncovering the realities of any correctional facility can be found in these ‘appeals’. These litigants who file these grievances are an excellent source – I should know as I am one of them. The rest are my ‘colleagues’ who come to me in droves for assistance and advice as the resident expert on prison law. Incarcerated activists are one of the last bastions of resistance to the myriad injustices of ‘the carceral’. While such conduct is legal behaviour, many members of a prison’s staff hate jailhouse lawyers and the feeling is mutual.

An ethical prison tour, at least from my perspective, would include prisoners we deem trustworthy. If researchers endeavour to better understand what the government has created over the last few decades, then unimpeded access to prisoners is imperative. The carceral is a multifaceted topic, and the vastly different views between convicts and guards could produce interesting tangents to underreported subjects.

PENOLOGICAL DARK AGES

In their present form, researchers would be poorly served by a prison tour in the CDCR. While Convict Criminologists could produce meaningful works
(see Richards et. al, 2007), too few educated ex-cons exist to consider this an acceptable option. If the researcher is not street smart – prison smart – and only book smart, then, at best, s/he will add yet another chapter to the body of criminal justice (mis)information that often misses a key ingredient: the prisoner.

The *JPP* and Convict Criminology regularly present first person views of the carceral from prisoners, ex-prisoners and academics. However, they are the exception. Moreover, those of us who contribute to various publications from the CDCR do so in spite of the media embargo and often do so at great personal risk. Like the Convict Criminologist, the educated convict is also a rarity. An academic who is not ‘street smart’ is not likely to produce anything of consequence due to the impediments imposed during the Penological Dark Ages.

Much is written about the carceral. The average prisoner is not cognizant of this body of published works, let alone an active participant in the creation of this knowledge. Prisoners like me struggle as a voice for the voiceless. From the bowels of the beast, activist prisoners are anomalies. For the small number of us who exist, we should be at the forefront of a reform movement. But to the narrow-minded prisoncrat, ‘prison activist’ is synonymous with ‘prison assassin’. I take pride in the fact they would deny this ‘fact’. I am the criminal, yet they stand fast in their refusal to admit the truth.

**ILLUMINATION OF PRISONDOM**

The restoration of unfettered and confidential access to the ‘media’ and ‘academia’ is the key to undoing the “eclipse of prison ethnography”. When researchers are allowed to do their work, then the restoration of accountability and human rights can begin. Tours are worthless when the officials who advocate carceral ideologies control them.

The people who run and operate prisons, like any law enforcement agency, are a tight-knit community. They do not like it when outsiders tell them what to do or how to do it. To them, maintaining the status quo of 2.3 million prisoners is mere collateral damage in the war on domestic terrorism. Arrogance founded on fraud, the success of their industry is built on a body of lies. Elitists always dehumanize the masses of lower classes.

Due to these conditions, the realities of prison remain hidden from the public. Whether it is Eugene V. Debs at the beginning of the 20th Century
(2000), George Jackson in the middle (1994[1970]) or Prison Legal News at the turn of the millennium, the flow of horrors and oppression transcends time. Once the embargo is lifted as part of an overall movement, then meaningful work that transcends the ‘oppression’ and ‘horrors’ can begin.

I am unconvinced this free flow of information will begin anytime soon, but anything is possible. However, the “Dialogue” is imperative. With the ‘man’s’ jackboot on our collective throats, I fight the good fight as I await the beginning of a Renaissance of Reformation.

ENDNOTES

1 “News media and non-news media representatives shall be allowed to interview inmates in person in accordance with the visiting requirements of sections 3170 and 3176.3” (California Code of Regulations, Title 15; 15 CCR 3261.5(b)). “During an interview conducted pursuant to subsection 3261.5(b), news media and non-news media representatives shall be allowed to bring up to three (3) pens, three (3) pencils and one (1) pad of paper into the facility” (15 CCR 3261.5(b)(2)). “News media and non-news media representatives may be permitted random face-to-face interviews with inmates… such interviews shall be conducted as stipulated by the institutional head” (15 CCR 3161.5(f)).

2 Coleman v. Schwarzenegger, Nos. CIV S-90-0520, C01-1351, 2009 WL 330960 (E.D. Cal. Feb. 9, 2009) – a tentative order for the release of large numbers of the State’s prisoners due to unconstitutional mental and medical health conditions. Kelso v. Schwarzenegger (2009, DJDAR 4554) – the state unsuccessfully appealed the actions of the court appointed receiver. These are the latest decisions in an on-going saga in the federal courts that could change how government deals with corrections. Under the Prison Litigation Reform Act, the state intends to appeal all of these interwoven matters directly to the United States Supreme Court.

REFERENCES


ABOUT THE AUTHOR

Eugene Alexander Dey, serving a life sentence for a non-violent drug offence, is incarcerated at the California Correctional Center in Susanville, California. Dey is a freelance writer, a self-taught appellate practitioner and a college educated activist. Above winning three writing awards from PEN American Center in 2006, 2007 and 2008, Dey has placed numerous pieces in the JPP and previously served as an inside reporter for the Metroactive Newslink from 2004 to 2006. To see some of the links to Dey’s published works, please go to www.myspace.com/eugenedey.

To write:
Eugene Dey (P-37864)
P.O. Box 2210 (L2-116)
Susanville, CA 96127-2210
U.S.A.
Tour de Farce
Charles Huckelbury

Prison tours are always choreographed performances, but that does not prevent perceptive participants from gaining a little insight into the operation of the physical plant they are visiting. The prison administration and its representatives naturally want to put the best face on an unpleasant situation, striving, in Sarah Palin-esque fashion, to put lipstick on a pit bull. It is therefore imperative for anyone interested in ethnographic studies of the prisoner demographic to look beyond the dog-and-pony show for more subtle indications of what actually transpires before they arrive and after they leave. Those observations, however, hardly qualify as valid full ethnographic studies.

Such investigations are difficult, made even more so by the restrictions placed on members of the tour, often involving the prohibition of any contact, including conversation, with the prisoners. Indeed, some tours are even conducted during lockdowns for count to facilitate this isolation. Such tours can also make prisoners feel like zoo animals before the viewing public. And, of course, those doing the viewing can no more form a coherent schema of what life in prison is like than ethology students can assess an animal’s behaviour by watching it pace back and forth in its cage.

Alternatively, tours can be far more constructive when selected prisoners are provided the opportunities to speak, an occasion that can put a human face on what would otherwise be merely a statistic. A caveat to this strategy is the tendency of staff to select prisoners who are not disruptive and will function as little more than shills for the administration. This tactic shifts the discussion from an operational basis to a more favourable personal one, with the chosen exemplar demonstrating the successful transformation from miscreant to citizen.

Another possibility for face-to-face encounters may be created by the administration’s desire to showcase a particular program. At the New Hampshire State Prison, for example, until its recent demise, I was part of a program that trained service dogs for physically and emotionally challenged men and women. The dogs lived with their trainers in our cells and were matched with companions upon graduation. All tours that entered the housing unit received introductions to the program and several prisoners were assigned to provide a brief overview. And, of course, the tour members met our dogs, an experience that never failed to break the tension and win
smiles. The tour members saw the cells, showers and common area, but in every case, the emphasis was on the dogs, to the exclusion of their human trainers.

Without such a program, however, the standard tour gets only a cursory look behind the walls, which unfortunately often evokes either a sense of outrage that prisoners are living a leisurely life in a cushy environment or promotes an unrealistic assessment of the carceral experience as a genuinely rehabilitative exercise. One personal incident continues to stand out three decades later.

A tour entered a prison in Florida in the mid-1970s and walked into the cellblock I was living in at the time. I had done a few things to make the cell slightly more comfortable – a little painting, a few pictures on the wall, a small medicine cabinet, radio playing – all of which caused one of the group to take a step inside, look around for a few seconds, and pronounce that “this isn’t so bad”. He was standing in a six-by-ten concrete and steel cage, a ‘home’ smaller than his bathroom, and this man said it wasn’t “too bad”. The meagreness of such an ‘ethnography’ is obvious.

This is not to say that academics and other professionals would draw the same inferences. Obviously, a tour composed of such men and women would appreciate the damage that confinement in a large closet for decades would entail, on both the body and the mind of the prisoner, and could frame the attending arguments in coherent terms. But for the general public, prison tours are a study in superficiality, having no more basis in reality than, say, a tour of the battlefield at Gettysburg, which cannot begin to impart a grasp of the horror that was the Civil War. For prisoners, it is a minor disruption in another boring day.

Can, then, prison tours function as a laboratory for ethnographic studies? Yes, but only very incompletely, and the only with adequate training for observers prior to the tour. For the public in general, a tour of the physical plant led by uniformed guards, and seeing the obvious control of the prisoners inside, remain a nostrum designed to promote an acceptable rationale for the expenditure of their tax dollars and to relieve some anxiety about the predators who are feared to populate their cities. A concomitant to that proposition is the persistent belief in the necessity of such facilities, which, when you think about it, just might be the motivating force behind the organization and availability of such tours.
ABOUT THE AUTHOR

Charles Huckelbury was sentenced to life imprisonment – 35 year minimum – at the age of 27 and has spent the last 28 years in prison. Awarded second place in Prison Life’s fiction contest in 1995, he won the PEN American Center first prize for fiction in 2001. A regular contributor to the JPP since 1997, Charles joined the Editorial Board in 2001 and is now an Associate Editor. He was one of four featured writers in Shawn Thompson’s Letters From Prison (Harper Collins, 2001). His new book of poetry, Tales From the Purple Penguin (BleakHouse Publishing, 2008) has received rave reviews from students and academics.
begin this article by arguing for an important matter of style by identifying
the sociological position from which I write and justify my ideological
position with reference to the modality of work done by Michel Foucault.
In examining prison tourism, I will criticize the work of academics like
Fred Alford and Loïc Wacquant who do not critically engage with the
power relations of the prison, but rather allow themselves to be co-opted as
privileged actors when they tour prisons. I argue that academic objectivism
translates as an act of hubris when one side of a knowledge-producing power
relationship is joined by those participating in prison tourism. I conclude
this paper with a discussion on how Michel Foucault’s thesis of the specific
intellectual provides an example of a modality of work that can allow the
possibility of prison tours to be run ethically under certain circumstances.

ACADEMICS AND POSITIONALITY

Firstly, to that matter of style which needs to be addressed. I will refer to
people throughout this essay by their full proper names, for as Paul Ricoeur
(1992, p. 29) says in his seminal Oneself as Another, “the privilege accorded
the proper names assigned to humans has to do with their subsequent role in
confirming their identity and their selfhood”. In most academic disciplines
it is common practice to refer to one’s fellows in professional journals and
other written work by the collegial use of second names only. This practice
is no doubt a kind of shorthand, but I read it as a type of elitism and thus
a language of exclusion. Discipline does not end in the academy, for as a
verb the word ‘discipline’ means the practice of imposing obedience and
punishment on another person. This discipline is a personal rebuke and in
these types of disciplinary systems the person who is rebuked is most often
stripped of his or her social and human character and objectivised in a way
to suit the particular disciplinary project, be that of the prison, the military or
other total institutions like English public schools. My academic discipline
is that of the humanities, of philosophy, applied ethics and morality. I write
however from within the physical discipline of the prison where the loss
of the horrific “Mr” along with the loss of one’s first name are not at all collegial experiences for me, but excluding, objectivising and dehumanizing ones. For these reasons I try to break with this particular academic tradition of using second names only whenever I can in my work; perhaps as you read you will see the humanizing effect which I think this achieves.

Like every person, I view and analyse my situation from within particular frames of sociological and ideological reference. Sociologically I am positioned as a highly differentiated and marginalized other, that is a person serving a life sentence for a serious crime I committed almost a generation ago – a crime that lives on and, in fact, has a life of its’ own in the public imagination through sensationalist news and infotainment media.

Through my peer reviewed publishing, court actions and other jailhouse lawyer activities I am also positioned as an academic and an activist. Dylan Rodríguez (2006, p. 110) would say that I am an ‘imprisoned radical intellectual’. Black Panther Marshall Eddie Conway would say that I am a ‘political prisoner’. Henry Giroux (2005, p. 190) would say that I am an ‘oppositional academic’. Of course, the prison administrators think I am a ‘troublemaker’ (Carlton, 2007, p. 155, 236). Ideologically I see myself as what Michel Foucault called a ‘specific intellectual’, that is a person who works ‘not in the modality of the ‘universal’, the ‘exemplary’, the ‘just-and-true-for-all’, rather he or she works “within specific sectors, at the precise points where their own conditions of life or work situate them” (May, 1993, p. 6 and Foucault, 1980, p. 126). As Todd May says:

Rather than standing above or outside their society, ‘specific intellectuals’ are immersed within it. They cite, analyse, and engage in struggles not in the name of those who are oppressed, but alongside them, in solidarity with them, in part because others’ oppression is often inseparable from their own. This type of intervention allows them to embrace the oppression that ‘universal intellectuals’ used to analyse and to understand it better than the latter did, because rather than pronouncing on the fate of others from on high or outside, they carry with them an experience of the kind that belongs to the oppressed themselves (May, 1993, pp. 6-7).

I argue that universal intellectuals, those who believe that they can stand outside of power relations and make pronouncements about the practices found there are engaged in an act of intellectual hubris and indignity.
Gilles Deleuze said that Michel Foucault’s work demonstrated that there was an inherent ‘indignity’ associated with ‘speaking for others’, as well as with intellectuals taking a universal and objective view from the outside of power relations. Again Todd May best summarises this position highlighted by Gilles Deleuze when he says of Michel Foucault’s work that when

…it came to strategies for action, he preferred to listen to the oppressed rather than to act as the standard-bearer for their ‘liberation’. Instead he offered specific historical analyses that were useful for their struggle. The name he gave to one who performed this type of work was the ‘specific intellectual’ (May, 1993, p. 6).

Before I make the distinction between a specific and universal intellectual clear, it needs to be kept in mind that the prison is a knowledge-producing discourse, especially when it comes to the emergence of a sense of good self and bad other.

A specific intellectual works ethically with others by subjectively asking in an engaged way: “What would it be like in the prisoner’s shoes?” To consider the interests of others as if they are your own subjective interests is at the heart of modern secular ethics and morality. The specific intellectual thus views the prison from the perspective of the powerless and this vantage point cannot help but to open up possibilities in the otherwise closed normative sense of good self as oppositional to the bad other.

The universal intellectual works by objectively asking in a neutral way: “What are the facts of the situation?” So to tour a prison with a guard at one’s side and penetrate prisoners with one’s silent gaze as if they were occupants of a zoo, the universal intellectual is only able to hear one side of the knowledge producing discourse of power relations. The universal intellectual, a good self who goes home at the end of the day, thus views the prison from the perspective of the powerful. From this vantage point, he or she cannot help but to perpetuate a normative sense of good self as oppositional to the bad other people who are not allowed a voice like those others in the zoo.

I approach the issue of prison tourism from my personally and particularly engaged perspective as a prisoner, not from that of a privileged academic researcher. That some leading academic researchers do not understand their
privileged position is staggering. Working in the American prison system, academics like Fred Alford (2000, p. 142) boast of their position in the prison as one like “an unpaid staff member with an official position, that of researcher… [with] a staff badge”. A sharp distinction needs to be made here. I am not a privileged actor with a ‘staff badge’ and the freedom to roam around the prison at my self-directed will. My piece of plastic identifies me as ‘Prisoner’ and this is a categorization that serves to restrict every bodily movement does not open doors like Fred Alford’s ‘staff badge’. My badge, my label closes doors and spaces on me and from me, for as a prisoner I am a person against whom disciplinary power is directed. Fred Alford not only implicitly rejects the modality of the specific intellectual; from his privileged position in an unequal power relation, he explicitly argues that Michel Foucault got it all wrong (Alford, 2000).

Loïc Wacquant writes in his ‘field notes’ of a guided tour of a prison that he feels like “a voyeur, an intruder” and that he “would like to say, ‘I’m sorry to disturb you,’ [to the prisoners] but it would be incongruous” (Wacquant, 2002, p. 378). Yes, it would be incongruous, that is, it would be out of place because he is a privileged actor in an unequal power relationship. With a prison guard at his side and the freedom to leave when he chooses, Loïc Wacquant’s position is apart from and above that of the prisoners he gazes upon; he is co-opted and positioned by the prevailing power relations and his view and understanding cannot help but be shaped by this positioning. Loïc Wacquant’s feelings of horror at the “ongoing visual and sensory penetration” that the prisoners are suffering and which turns them into objects, has in his own words, “infringed on the dignity of human beings by the mere fact of having been there and seen that place, and thus to have treated its denizens as one might the occupant of a zoo” (Wacquant, 2002. p. 378, 381). So, Loïc Wacquant concedes that prisoners are humiliated, stripped of humanity and objectivised by prison tours like the ones he participates in, but he seems to take a ‘how could it be otherwise’ attitude.

Perhaps things would have been different if, when Loïc Wacquant felt this horror and this infringement of the dignity of others, he had stopped, squatted down on his haunches and stuck his hand through the bars to a man on his bunk and said “Hello I am Loïc Wacquant, an academic doing research about the prison, how are you doing?” If Loïc Wacquant had done this, it is my guess that his gaze would not have been so penetrative. Perhaps when he made eye contact with that person behind the bars on the
bunk he would have created a space for humanity. Perhaps when grasping that other person’s hand he would have created a “territory of intimacy” and acted against what he obviously thinks is the wrong way to treat others (Wacquant, 2002, p. 378). Loïc Wacquant seems to understand that he is not a neutral or objective actor. Rather, he is a subjective participant in the unequal and unjust power relations, but he simply laments the fact that he can not give ethical character to his actions, precluding discussion on how the situation could have resisted or how it could have been made otherwise.

By working in this way, Loïc Wacquant joined with the normative values of the dominant discourse of the inequitable power relations of the prison. And this joining was done, no doubt, for the sake of being objective, but the problem with the objective view taken is that the dominant normative discourse is the default position from which one takes the view. That the discourse and the knowledge he is analyzing emerged from the power relations of the guard at his side, the institution, the law, the State, popular opinion, a pop-cultural gorging on crime TV, and finally of the prisoners behind the bars and solid doors of their confinement seems to have escaped Loïc Wacquant. To be fair, he does ‘feel’ the problem, he does experience the ‘embarrassment’ of people being treated as if they are “occupants of a zoo” (Wacquant, 2002, p. 381). But what does he do? What ‘action’ is this feeling translated into?

To make matters worse, Loïc Wacquant then misreads Michel Foucault as a ‘historical diagnosis of the present’ in materialistic and objective terms, and says ‘he could not have been more wrong’, having missed the genealogical method and the subjective approach that Michel Foucault took in Discipline and Punish (1977) in relation to exploring the emergence of a disciplinary subject; that is of a sense of the self as compliant (docile) to the disciplinary project of the carceral (Wacquant, 2002, p. 384). Foucault’s Discipline and Punish is not about prison buildings, it is not a history of punishment or the prison, it is not about the activities of the prisoners therein. What it is primarily concerned with is “a correlative history of the modern soul [self] and of a new power to judge” (Foucault, 1977, p. 23). This power to judge and the construction of a sense of self and other is one that emerges through the public discourse of normative values around crime and punishment. That the emergence of a sense of self through the dominant discourse is the main focus of Michel Foucault’s work throughout Madness and Civilization (1965), The Birth of the Clinic (1973), and Discipline and

Punish (1977). The point about the emergence of self is highlighted in the History of Sexuality Volume I an Introduction, where it is demonstrated that a normative dominant discourse of heterosexual relations creates a culturally specified discursive imperative against homosexuality by not allowing homosexuality to be seen or heard in its own light (Foucault, 1980a).

Intelectuals like Fred Alford and Loïc Wacquant position themselves to tell others about the experience of their oppression rather than drawing from the lived situation at hand and analyzing its particular truth and its particular place in the lives people actually live (May, 1993, p. 7). A good example of the work of Michel Foucault’s specific intellectual, that is one that draws from a lived situation, is Drew Leder’s (2004) Imprisoned Bodies: The Life-World of the Incarcerated. The task of the specific intellectual is to stand, as Todd May put it so well:

In solidarity with those whose situation forces them to struggle. The task confers upon the intellectual no privileged status. The intellectual has no more authority than the doctor or the lawyer to speak the truth or the meaning of others’ struggles, and certainly no more than those who face their oppression daily. He or she is one of them in his or her own oppression, and beside them in theirs. It is a role of the walk-on, not the director (May, 1993, p. 7).

A ‘staff badge’ makes one a director, just as the silent penetrative gaze of people of prison tours contribute to prisoners being treated as objects. These activities position the academics who are touring prisons on the all-powerful side of unequal power relations and limits their understanding of the situation, and makes the situation of the oppressed worse. The way in which academics like Fred Alford and Loïc Wacquant’s work highlights “the two contrasting pictures of knowledge that Michel Foucault identifies in Discipline and Punish” (May, 1993, p. 72). Again, as Todd May explains so well:

…the traditional liberal view, which holds that knowledge occurs in the absence of relations of power; the other is the genealogical view, which sees knowledge arising as a product of power/knowledge. From the traditional perspective, the subject of power lies at the source of knowledge, giving rise to knowledge and subsequently to power: hence, subjective
foundationalism and the importance of the mind. For genealogy, on the other hand, the subject comes later; it is a product of power-knowledge relationships, of the matrices formed by the interplay between knowledge and power, not their source (ibid).

The ‘liberal view’ that Todd May talks about here is that of the universal intellectual who works in what he or she presumes is a neutral modality and reports on the facts as they appear. The ‘genealogical view’ is that of the specific intellectual who looks past the way things are and asks how they became the way they are perceived to be. The specific genealogical intellectual asks how a sense of self emerged from the power/knowledge relations and seeks to expose those processes of emergence. The universal neutral/objective intellectual presumes that self is already formed and that power/knowledge act upon that sense of self and other. I believe that I have made a good case for the serious problems associated with academic tours and work in the prison, especially when academics ostensibly try to be objective. In actuality, they are co-opted by the dominant normative discourse of the power relations found in the prison, and the subsequent emergence of a sense of self and other for the prisoners and those who are penetrating them with their gaze.

NOTES ON THE MERITS AND ETHICS OF PRISON TOURS

In my 2003 JPP article, “Human Rights and life as an attraction in a correctional theme park”, I exposed my feelings of objectification and my experiences of prison tourism and its inequitable power relations, so I will not repeat those facts and that analysis here (Minogue, 2003, pp. 44-57). I will, however, now move on to address the other specific issues that have been raised by the JPP about prison tourism.

Before I answer the specific questions put by the JPP on prison tours and make suggestions for how an ethical tour can be run, I need to secure the position from which I will do that. The work of Michel Foucault illuminates this position. While he does not provide a program of action to resist unjust power or wrong, Michel Foucault provides a mode of analysis that allows the people concerned – prisoners and people working with them in this case – to develop their own program. This illustrates the issue of pronouncements that has been mentioned a number of times and
which has perhaps not been fully appreciated. The universal intellectual makes an objective sounding pronouncement: this is what is happening and this is what should be done about it. A specific intellectual says: I have immersed myself in the power/knowledge relations in solidarity with the oppressed and I have excavated a genealogy that indicates how things have come to be perceived as being this way. That analysis is then made available to the oppressed and they can see how their situation has come to be, and then use that understanding as a tool to develop a program of resistance for themselves. To criticize Michel Foucault for not providing a program, misses the distinction of his modality of work from that of the universal intellectual to the specific intellectual who seeks to empower people who’s sense of self emerges through the power/knowledge relations like those found in the prison.

Can a Prison Tour Be Run Ethically?
The short answer is ‘yes’, but there is a ‘however’. Before arguing for how a prison tour can be run ethically, I need to define my terms. Put simply, ‘ethics’ deals with considering the morally relevant interests of people in relation to an intended action which will affect their interests. Although there are interests that are common to all people, like avoiding unnecessary pain and suffering – I say ‘unnecessary’ because pain and suffering can be necessary like that associated with a medical procedure to save one’s life – then there are specific interests in relation to issues of, say, gender, religion, culture, and yes those interests associated with being a person imprisoned by the State.

The reality is that there are some interests which are intruded upon as a necessary implication of the processes of mass imprisonment of millions of people as a punishment (not all in the one place yet). There is a discrete and a discreet nature to these things, which are shared within the environment by prisoners and the guards. The first thing that comes to mind is the interest of privacy. For example, conducting ablutions in front of other people is not only undignified but because of the bad design of some prisons, it is a necessary indignity and a shared indignity. The interest that people have in not making this type of indignity worse or more public than it already is by the circumstances of imprisonment is an important one and it is one indignity whose violation I have experienced as a result of prison tourism (Minogue, 2003, p. 45).
Loïc Wacquant rightly claims that prison tours offer “a propitious vantage point from which to contribute to the comparative ethnography of the state” (Wacquant, 2002, p. 389 – original emphasis). But, for a prison tour to be run ethically the outsiders participating in it must give consideration to the morally relevant interests of the people involved. Loïc Wacquant clearly identified the problem of his penetrative gaze and the infringement inherent in his presence in the prison and how he later felt dirty and embarrassed (Wacquant, 2002, pp. 378, 381). One important way that moral consideration can be given so the tours are conducted ethically is to allow the people who are the ‘subjects’ concerned, to speak for themselves. In Australia and North America, and I am sure other regions, those people who are imprisoned such as radical intellectuals, political prisoners, oppositional academics, and the plain old prison activist or specific intellectual, are well known to lawyers, law faculties and social justice NGOs. So if a tour is contemplated, those people should be contacted and asked how a tour could be ethically conducted, that would respect the interests of the people in the prison. Once advice has been received, those wanting to tour would then write to the prison administration and say that they consider the prison to be a remote and isolated community that has particular norms and sensitivities, and as such they have approached people incarcerated in the prison and asked for their thoughts on how a tour could best be conducted so as not to offend their morally relevant interests. Then set out the concerns that have been expressed and ask that the prison administration enter into a dialogue about how to best meet those concerns, as well as the concerns and requirements of the administration. If the prison administration is not willing to enter into this dialogue or consider the morally relevant interests of the people in their prison then this should speak very loudly against any tour being able to be ethically conducted or being of any academic or sociological value.

Can Prison Tours be an Effective Strategy to Reveal the Realities of Imprisonment?
The short answer is ‘yes’, but again there is a ‘however’. If the people in the prison are involved in the process, if there is a dialogue before, during and after the tour, then I believe that there can be an enormous benefit in revealing the realities of imprisonment. Of course a lot depends on which prisoners are part of this process. Anyone wanting to have a tour would need to be sceptical of the prison administration nominating prisoners to be
involved. In the prison system here, prisoner representatives and those who are allowed to talk to visitors on tours are selected by the staff. There is no ‘application form’ or process of prisoners deciding who their representatives are. Prisoners can apply for Peer Educator or Peer Supporter roles, but the staff decide who is employed in those positions. Prisoners who unofficially do this work, like me, are targeted by the prison administration for retaliation (Minogue, 2008). The activist, who is ideologically and morally committed to his or her actions in resisting the unnecessary inequalities, will do so despite, or perhaps in spite of, being targeted for retaliation by the prison administration.

Do Prison Tours Have Any Merit?
The short answer is ‘no’, not as they are currently run, but there is a ‘however’ here as well. If prison tours were run with appropriate prisoner consultation beforehand and participation during the tour and then after, tours could have merit.

What Do I Foresee as an Ethical and Meritorious Prison Tour?
I have touched upon this issue above, so I will restate in point form that which has already been mentioned and then add more substantively to that which has not yet been dealt with. An ethical prison tour would look something like this:

• Make contact with the appropriate prisoners – if those wanting a tour are unable to make this contact then I would question how relevant the tour can be if the people wanting to tour are so out of touch with lawyers, law faculties and social justice NGOs working around prison issues;
• State the purpose and the aims of the tour;
• Ask for advice as to how a tour could be conducted in such a way as it gave proper consideration to the legitimate interest of the people incarcerated in the prison;
• Approach the prison administration requesting a tour and a dialogue about how that tour will be undertaken with consideration to the advice received from prisoners; and
• Re-contact the prisoners and advise them of the outcomes of the dialogue with the prison administration in relation to how the tour is
to be conducted and ask if they are willing for the tour to go ahead under those circumstances.

If academics or students were to be visiting say, a remote indigenous community or an isolated religious community that lived apart from the modern world, then it is my expectation that such a process of consultation would be undertaken with the leaders of people in those communities – leaders who have been empowered by the community and not appointed by people outside the community. Would a university ethics committee allow a tour of a remote indigenous community on the approval of the local governmental authorities only or would the committee require some type of consultative process like I have suggested? I think and hope the answer would be “yes, a consultative process is required”, so why should it be any different for the prison? I have found that, here in Australia, there is no ethics committee process for academics and students who engage in prison tours; the universities reason they are not responsible as the prison lets them do it (Minogue, 2003, pp. 53-54). That the State malevolently holds people by life threatening levels of force does not exclude normal ethics committee involvement, rather it should make it an imperative. I have argued this before in my 2003 JPP article but the point can do with being restated. Think of the way in which prison tours have and are being run, and transfer that modality to any other remote and isolated community with members who are vulnerable to their interests not being properly considered by outsiders who are visiting and this will illustrate the problem of inadequate consultation, as well as the real need for it to be done ethically. Imagine an academic touring a remote indigenous community with the authority of the local police officer and no community consultation beforehand; no academic who wanted to keep their job would do such a thing. However, so accepting of the normative discourse of prisoners being less than human, being animal-like creatures who have forfeited any moral consideration of their pain and suffering, academics do in the prison what they would not think of doing in any other situation. How can they not see this? What value does their work hold if they are so myopic?

But How Would the Tour Be Conducted in Practice?
It is my view that the prisoners who were contacted for advice should meet the people doing the tour at the closest point possible to their entry and
then accompany the group or individual and escorting officer on the tour of prisoner areas. If this was the case the prisoner could:

- Introduce the people on the tour to prisoners he or she feels may have something relevant to say or ask relevant questions of prisoners to initiate a dialogue between the visitors and the prisoners;
- Suggest areas to visit;
- Pause on the tour and include historical information about particular areas from a prisoner’s point of view;
- Draw attention to particular problems in situ; and
- Engage in a dialogue with the group in response to the commentary of the escorting officer.

The dialogue is of the utmost importance. I do not know about the scripts for prison tours by prison administrators in North America, but I know that in Australia the “passing of verbal communication” (the prisons’ words) by prisoners to persons on a tour is considered to be like the “passing” of contraband to prisoners (Minogue, 2003, p. 47). Prisoners are not allowed a voice – they are like children of old, to be seen but not heard.

Would the prison allow such an interactive participatory process? I think that most people reading this essay would laugh and answer “no way, man”. If that is the case then what does this say about the tours as they are now conducted? This should then be the focus of academic inquiry: to consider why the prison wants to control the outcome of a tour, and then to critically assess the value of the tour as “a comparative ethnography of the state” (Wacquant, 2002, p. 389 – original emphasis).

After the Tour

The people on the tour should reflect on the tour, along with what was said before and after prisoners joined the tour group or individual. Did the escorting staff member seek to preface or undermine issues that prisoners raised? Did the prison officer seek to “play the man and not the ball” in relation to the issues raised by prisoners? If so, then those who undertook the tour need to reflect on what that means, and then communicate with the prisoners again and ask for their point of view. After this process, then consider the whole picture and what was gained from the tour.
These suggestions for how prison tours can be conducted ethically depend largely on the prisoners who are approached for their advice, and on whether or not prison authorities will allow them to participate in this way. If prison authorities will not allow this type of prisoner participation and balk at the approach taken by the people wanting to do a prison tour, then this speaks to the type of tour that they would experience if solely conducted by prison authorities – unethical and unmeritorious. If prison authorities balk, then the experience of trying to arrange an ethical tour can be written up for a journal article or an opinion piece in a progressive newspaper. A complaint can be made also to an appropriate authority or the political branches of government. The issue also can be agitated around the openness and accountability of public institutions. What should not be done is for the tours to continue as they are now; that would be truly incongruous, because when an academic thinks “how could it be otherwise” they are not really thinking and the unthinking academic should have no place in the public dialogue about imprisonment.

– Somewhere in the carceral archipelago.

ENDNOTES

1 English ‘public’ schools are what the rest of the world would call a ‘private’ school.

REFERENCES


**About the Author**

*Craig W.J. Minogue* has survived prison since 1986. His release date is in 2016. Completing a multi-disciplinary BA (Honours) in 2005, which was his first formal educational achievement, he is now working on his PhD in Applied Ethics at La Trobe University. Craig is a social justice advocate who assists fellow prisoners with equitable access to courts, information about the law, educational programs and health services. By necessity, he is also an unofficial volunteer crisis and acute mental health care worker. Craig is a regular contributor to community legal education projects and he has peer-reviewed publications in the fields of philosophy, literature, criminal law, human rights and prison issues. He also creates art when he can and he has a number of works hanging in public buildings in Melbourne, Australia. He is currently in custody at Marrongoneet Correctional Centre and can be contacted at craig2016@bigpond.au.
RESPONSE

Dialogue on the Status of Prison Ethnography and Carceral Tours From the 2009 Meeting of the Canadian Society of Criminology

The first issue of the Journal of Prisoners on Prisons (JPP) included articles written by prisoners presented at the Third International Conference on Penal Abolition (ICOPA III) in Montreal. This longstanding practice of sharing the work of our contributors at academic and activist conferences continues today.

On October 3, the JPP hosted a 90 minute panel discussion entitled “Prisoners on Prisons: Problematizing Carceral Tours and Prison Ethnography” at the 2009 Meeting of the Canadian Society of Criminology hosted by the University of Ottawa. Chaired by Dawn Moore, Editorial Board member and professor of law at Carleton University, excerpts were read from Dialogue contributions sole-authored by prisoners including Craig Minogue, Eugene Dey, Charles Hucklebury and Jon Marc Taylor. The panel was well-attended by a range of conference participants, including undergraduate and graduate students, as well as professors – some of whom are involved with the journal.

After 15 minute excerpts from each of the articles were read to the audience along with a brief commentary by each of the readers, a lively 30 minute discussion period facilitated by Dawn Moore ensued, covering a range of issues raised by the contributors. In keeping with the title of the panel and the theme of this issue’s Dialogues section, carceral tours and prison ethnography were the central topics of debate.

While the meaning of the term ‘ethnography’ is contested, generally, it is understood that this approach to social research involves the sustained immersion of the researcher in a given milieu that allows for up-close observation and participation in a particular cultural setting. From the outset, it appeared that there was a consensus in the room that carceral tours – as a cursory, temporary, distanced and partial form of immersion into the prison fraught with power imbalances – do not represent a form of ethnographic research. That said the question was posed: what other sociological purposes can carceral tours serve? It was suggested that an image of imprisonment is being (re)produced through this practice. Thus,
for researchers this production ought to be an object of examination in and of itself.

As flawed as prison tours are, carceral tours were advanced by some professors in attendance as a means to bring their students into contact with people and places that can only be treated abstractly in the university classroom. It was suggested, that to not participate in carceral tours might reflect a refusal to look at and acknowledge the pain of others. However, it was also recognized that these practices can be injurious to prisoners who are often subjected to tours without being given the opportunity to influence their design or content, a point noted frequently by *Dialogue* contributors. While the need to witness atrocity was maintained by some in the audience, there was a concern that carceral tours, as they are most often conducted, are voyeuristic. To avoid this pitfall, discussion participants emphasized that persons on carceral tours need to recognize that there are ethical imperatives they ought to follow such as acknowledging prisoners they encounter or refusing to enter spaces of prisons where they would violate the privacy of prisoners. It was also noted that an ethical approach to carceral tours should take into account the subject positions of both the prisoner and the tour participant.

With this in mind, audience members began to explore how they could put into practice the recommendations made by Craig Minogue, Eugene Dey and Charles Huckelbury about how carceral tours could be conducted in an ethical fashion. Two of the panel participants who have filled requests under the federal Access to Information Act and obtained Correctional Service of Canada (CSC) penitentiary tour regulations and scripts, suggested that carceral tours in Canada can be highly contrived. It was also noted that one of the *Dialogue* participants, Craig Minogue, had previously submitted such requests in Australia yielding similar results. By bringing this information together with the guidelines provided by *Dialogue* contributors, it was recommended that interested parties could attempt to arrange federal penitentiary tours in concert with prisoners and then approach CSC to push for the arrangement. One audience member stated that she would attempt to undertake such an initiative and intends to report back through the *JPP*.

Judging by the nods of those present as the contributions were being read, most seemed to agree with the majority of points presented. That said, some disagreed with the position of a number of the *Dialogue* contributors regarding participation in tours led by prisoners chosen by the administration. While the contributors suggest that prisoners hand-picked
by staff would likely paint a rosy picture of the state of carceral affairs, some conference participants wondered whether limiting tours to those led by oppositional prisoners would represent a privileging of certain voices based on a subjective judgement of whose voice is authentic. Such an approach might risk the silencing of an important segment of the prison population. Could tours not be conducted in a way that would capture a wide variety of voices inside?

On this issue of representation, some audience members pointed out the lack of knowledge about tours in women’s prisons, or how tours in jails – where sometimes male tourists and male prisoners cast their gaze upon women prisoners – affect the experiences of women in carceral spaces. It was argued the voices of women prisoners need to be part of the \textit{JPP Dialogue} in the future.

As previously mentioned, prison ethnography was also a focus of discussion amongst conference participants. Based on Jon Marc Taylor’s contribution to the \textit{Dialogue}, a number of issues were raised. Central to the discussion was whether academics positioned externally to the institution could conduct ethnographic research that would excavate the realities of imprisonment. One participant, who had previously conducted interviews with female prisoners in the Canadian context, noted that research with ex-prisoners is often preferable as they seem to be more comfortable divulging information outside the prison setting where confidentiality can be better protected and risks of retribution from ‘correctional’ authorities for participating in studies are significantly diminished. Noting the many access barriers faced by those wishing to conduct critical research inside Canadian prisons, another conference participant noted that academics from her university were working with their research ethics board to pressure CSC and other penal institutions to remove the current blockade keeping social scientists from entering the carceral system for the purposes of academic inquiry.

Attention then turned to discussing alternative modes of knowledge pertaining to imprisonment. Prisoner writing found within the academic journals such as the \textit{JPP}, scholarly books, novels and plays were all suggested as viable forms of knowledge to be mobilized by researchers to understand incarceration and its role within society.

Conference participants also discussed the ramifications of the prisoner / academic co-researcher model described by Jon Marc Taylor. Of particular concern was whether academics involved in such a research configuration
would be placing their imprisoned co-researcher at risk of retaliation from prison administrators and frontline staff who may not appreciate the critiques directed at their institutions or work; the implication being that if the risk is too great, academics ought to pull the plug on the collaboration to protect their co-researcher. A professor responded that, ultimately, it is the prisoner in the position of co-researcher who is best situated to assess the risks they may encounter as a result of their participation, and thus, they must be empowered to make the choice as to whether or no they wish to participate in a collaborative study. Given the many examples of successful collaborative ‘inside-outside’ efforts, including the contribution by Susan Nagelsen and Charles Huckelbury to this Dialogue, the co-researcher model is arguably one worth promoting and expanding. As one conference delegate noted, the approach interrupts the researcher-subject relationship – with associated power imbalances – that characterizes other forms of research. This collaborative arrangement recognizes the diverse locations of authority (inside and outside), de-centres the ‘ivory tower’ and its tendency to observe the ‘other’ from a distance, and introduces the prisoner to the scholarly debate as a partner. Additionally, insofar as this form of collaboration is covered under freedom of speech laws, it represents nothing more and nothing less than an exercise in collaborative research and expression. It therefore offers a means of working around institutional barriers to access, both in the prison and the university. This was cited as being important because just as academic colleagues often collaborate to share expertise, so too can academics and prisoners co-author important works.

It should be noted that each of the contributions were received positively and the degree to which the audience was engaged during the question period was arguably unlike anything else seen or experienced at the conference. As the Dialogue on Prison Ethnography and Carceral Tours continues, we encourage and look forward to contributions from other prisoners and fellow travellers on additional issues concerning imprisonment and punishment.
PRISONERS’ STRUGGLES

‘The Same as a Death Sentence’:
Juvenile Life without Parole

Jeremiah J. Gilbert

My name is Jeremiah James Gilbert. I am currently serving a Life without Parole sentence (Hassine, 1996) for a crime I committed when I was 15 years old. I will be 31 on November 27 of this year. I would like to share with you some of the facts concerning Juvenile Life without Parole (LWOP). In doing so, I hope to raise awareness about this sentencing procedure in the United States and the possibly for change.

On February 16, 1995 the United States signed an International Human Rights Treaty called the Convention on the Rights of the Child (CRC). In June 2006, the United Nations admonished the United States for not ratifying the treaty. Of the 130 plus countries to sign on, only the U.S. and Somalia have refused to ratify.

An estimate by the Human Rights Watch (2005) shows that over 2,228 juveniles are serving LWOP sentences in the U.S., whereas there are only 12 in the rest of the world. In 11 of the 17 years between 1985 and 2001, a juvenile was more likely than an adult to be sentenced to LWOP for the same crime. Of these children, 59 percent were sentenced to LWOP for their first ever convictions (Human Rights Watch, 2005). Sentencing children to life is also highly racialized since almost 60 percent of youth serving time in adult state prisons are African American, although this group only comprises 15 percent of the youth population (Building Blocks for Youth, 2000).

In March 2005, the U.S. Supreme Court ruled that juveniles possessed a diminished culpability and therefore could not be sentenced to death (Human Rights Watch, 2008). The same reasoning ought to apply to Life without Parole. In the U.S., Life without Parole does not have a release date. It means one is in prison until their death, making it the same as a death sentence.

The average cost of incarceration in the U.S. for a male prisoner in maximum security is at least $45,000 per year (Austin et al., 2001). The average male life expectancy is now close to 75 years. As mentioned previously, I came to prison when I was 15. Should I reach the average life expectancy the tax paying public will have paid at least $2,800,000 for my imprisonment!
Hundreds of thousands of teenagers under the age of 18 are sent to the adult penal system across the U.S. each year, according to the Coalition for Juvenile Justice (2003) in Washington, D.C.. If you, or anyone you know, would like to help all of us who as children were told that we were beyond redemption, please go to my website at http://walterkarp.tripod.com/jeremiahgilbert/index.html.

Should you wish to add your name to the online petition to abolish Juvenile Life without Parole or research for yourself some of the facts I have stated, the favourite links page will direct you to various groups to assist you in doing so. Thank you for your time and consideration.

REFERENCES


ABOUT THE AUTHOR

Jeremiah Gilbert is 32 years old and has been in prison for over half his life. He continues to serve a Life without Parole (LWOP) sentence. He has recently released a book of poems called A Convict Cries, which is available online. Half of all proceeds of the book will be donated to various charities.

To write:
Jeremiah J. Gilbert #709551
Clallum Bay Corrections Center
1830 Eagle Crest Way D-I-10
Clallum Bay, WA 98326
U.S.A.
‘You Improvise to Survive’:
HIV Prevention, Survival Strategies
and Queer Cultures of Self-Defence*

MTL Trans Support Group

WHY IMPROVISE

I can’t really offer advice about having ‘safesex’. I don’t practice it. I practice ‘being careful’. In my own way. It does not involve use of things, plastic, rubber, etc. Mostly avoid body fluids, which is the main way of transmission. That is tricky, but hey, it’s the life. You improvise to survive. That’s all I can offer.

– Amazon

In two years of coordinating a letter writing program between incarcerated and non-incarcerated gay, queer and trans communities, the Prisoner Correspondence Project’s outside collective – itself comprised entirely of gay, queer and trans folks – forges strategies to support our penpals, friends, contacts and allies on the inside. We aim to intervene on carceral landscapes of structural anti-gay and anti-queer violence. In response to violently anti-queer prison and policing regimes across the U.S. and Canada, and to the sexual and emotional health risks faced by our inside penpals, the Prisoner Correspondence Project has begun to coordinate a series of resources, ranging from educational strategies including literature and information, to physical resources like condoms and lube. Such resources address harm reduction strategies directly relevant to the lives and survival of gay, queer and trans prisoners.

Filling the Gaps

While many critical resources do exist in support of prisoners and prison abolition, there remains a troubling gap surrounding issues that have particular relevance among gay, queer and trans prisoners. Through the coordination of our letter-writing program, the Project affords us the opportunity to identify how the criminalization of homosexuality within the prison system, as well as the targeted policing and incarceration of gays and queers more broadly, poses a daily threat to the physical and emotional well-being of those inside. The work that we do is accordingly rooted in the belief that forging informal, personal circuits of communication and exchange is essential in supporting our communities both inside and out.
Thus in tandem with the penpal program, we organize a library of writing and information related to queer and trans survival in prison, addressing topics ranging from health and harm-reduction (HIV and Hep C prevention, safer fixing, drug and hormone injection, safer barebacking), to broader forms of emotional and sexual survival. Through the dissemination of information is about queer health and survival, our anti-prison politics are put into practice by demanding self-determination and sexual freedom for queer and trans prisoners, critical in sustaining broader emotional and physical well-being. As such, the development of these resources is unfolding in close dialogue with the motivations, desires and anti-prison politics of prisoners which are at the root of the project itself.

As we began supplying pre-existing educational and informational resources to our penpals inside, we came to recognize the ways in which these resources – and our interventions – were lacking. Many existing resources – addressing topics including safer sex, coming out and so on – not only failed to account for the realities faced by incarcerated communities, but failed to acknowledge them altogether, effectively writing gay, queer and trans prisoner realities out of existence. Responding to this context of violent erasure and of prison systems failing to meet the most basic needs of those housed within their walls, we decided to facilitate the development of informational resources that were both directly relevant to the needs and which reflected the lives of our incarcerated penpals. Acknowledging this original shortcoming forged an opportunity to build interventions and strategies not only to promote physical health and survival, but also to affirm what it means to be queer or trans behind bars.

These omissions and gaps in resources reflect the lack of discourse and community dialogue about gay, queer and trans prisoners. They reproduce the invisibility of queers inside prisons, and the perpetual violence of anti-gay correctional mandates. We consistently came up against the reality that resources emerging from queer and LGBT community contexts were virtually irrelevant to parts of these communities inside prisons. Similarly, many resources emerging from prisoner support contexts failed to acknowledge realities of sexual desire and pleasure inside prisons. For instance, while a broad spectrum of resources exist concerning HIV-prevention, nearly all of this literature presumes consistent access to condoms – a reality we cannot assume exists in prisons. As a result, we decided to take up the task of creating resources that begin to acknowledge how these gaps and the larger
invisibilities they reflect affect not only safer sex practices, but the very survival of queer and trans people who are incarcerated.

**Anchoring the Project in Collaborative Work and Anti-Prison Politics**

To anchor these new resources in the lived desires and needs of our inside penpals, we foregrounded the stories, experiences and anecdotes of incarcerated participants in the project. The resources are based on a harm reduction model that acknowledges the presence of risk in everyday behaviour, in stark opposition to models which identify and isolate behaviours upon which to intervene. Our intentions extend beyond the mere distribution of information, reflecting our desires to: a) politicize exiting resource and service provision by refusing to assess risk and need as discrete from the structures that create/enforce them; b) anchor the resources in an affirmative politics of (queer) desire and of pleasure, and in so doing, refuse the way that many existing sexual health resources are evacuated of an analysis of desire or the meanings gay and queer communities derive from sex, inside and outside of prisons; as well as c) root the resources themselves in the collaborative process, building broader networks of resistance and support through months of sustained collaboration. In doing so, we acknowledge that histories of resistance and organizing among marginal communities – prisoner, queer, HIV positive – have come about through grassroots, by-and-for efforts by incarcerated folks in dialogue with communities outside and with one another, not from efforts imposed from without.

These resources, most importantly, continue to develop as a work-in-progress, as they evolve and change based on our still-limited but growing access to the voices of those on the inside. We intend for these resources to link gay, queer and trans people between institutions and across national borders. We intend that these resources act not only as a model for harm reduction and education, but also as an indispensable tool for community building and self-preservation.

**Navigating Joint Legacies of AIDS and Mass Incarceration**

I was last out in the end of 1980 – the AIDS virus was not known then, and sex was a lot more prevalent and carefree. At least compared to post-AIDS scare times.

—Amazon
By not providing condoms, it doesn’t discourage sexual behaviour and promiscuity, but rather only threatens to give a world-wide epidemic a lot more momentum.

– J.A. Brown

The Early Days of Community Disappearance

While the lived needs and desires communicated through our ongoing correspondence with our penpals have been the central motivation for the development of these resources, they have mobilized entire cultural, political and sexual histories in the process – histories which have directly structured the landscapes of violence faced by gay, queer and trans prisoners. Those historical legacies which have structured queer realities in the most explicit and violent ways remain: the war on drugs – which represented the beginning of massive carceral expansion – and the AIDS crisis.

When we speak of the AIDS crisis, we must understand it not only in terms of the virus itself at play, but as the host of cultural and political forces which occurred alongside the disease: hysteria, quarantining, renewed homophobia, medical incarceration, contact tracing, mandatory testing and extensive surveillance. Each of these instances of structural anti-queer violence cannot be understood as separate from the epidemiological conditions that devastated our communities and sexual cultures.

The war on drugs emerged at the same time as the onset of the AIDS epidemic. While the war on drugs, as a U.S. project, was ravaging communities of colour south of the Canada-U.S. border, it emerged in only a marginally diluted form several years later under Canada’s Mulroney government. We must see each of these histories as having unfolded alongside one another, each reinforcing the mandates of the other. Both AIDS and the war on drugs served to: a) target specific communities, working in tandem to ensure the removal and disappearance of the same communities already targeted along lines of race, class, sexual orientation and gender, and b) play a central role in interrupting and demobilizing militant gay and black liberation movements. In revisiting such histories, one can observe how officials in power structured and exacerbated the course of the epidemic by allowing HIV to spread among those same communities already targeted by policing and incarceration, actively nurturing the conditions for “the right people” – to borrow the words of Ronald Reagan – to transmit the virus. Once inside, many among these same communities, jointly devastated by AIDS
and mass incarceration, found themselves without treatment, medication or adequate healthcare.

This Landscape as it Exists Today:
The Correctional Mandate and Anti-queer Violence*

Here in prison, or at least this prison, there is no such thing as safe sex. It is against the rules.

– Matt Jones

As we received submissions, anecdotes, feedback, and suggestions from our contacts inside, we came to realize the extent to which these histories still represent some of the key narratives structuring their daily lives and interactions in prisons. Today we see these histories as diffuse, naturalized and embedded in our negotiations of queer and trans desire, risk, pleasure, as well as survival. These negotiations are directly structured by expressions of anti-queer violence in carceral settings:

(a) Sexual expression and intimacy between prisoners is – in almost all cases – explicitly criminal, resulting in punishment, extra-legal beatings, administrative retaliation, solitary confinement / isolation and increased sentencing. In the process, consensual queer sex between prisoners faces the same sanctions as instances of sexual assault, rape and sexual violence.

(b) Tangible and consistent condom access in prisons – federal and provincial / state, north and south of the US-Canada border – does not exist, revealing the profound discrepancies between institutional policy and the lived realities of individuals. Over the course of the past two years, incarcerated project participants have recalled a spectrum of experiences with respect to alleged condom availability, ranging from condoms being rationed at a rate of one per month, to the nursing station having “run out” for a nine consecutive month stretch, to an array of structurally coordinated disincentives in accessing condoms or lube. In many cases, condoms can only be accessed by asking administrative personnel and in contexts where queer sex is criminal, meaning that condom access hinges upon directly incriminating oneself, or potentially “outing” yourself as
gay or queer. Where in the U.S. the landscape is characterized by almost total lack of access nationwide, in Canada this landscape is characterized by the myth of consistent and unobstructed condom access.

(c) Prisoner-led organizing, including the emergence of prisoner-run HIV prevention and peer-health education programs in the late 1980s and early 1990s, has been criminalized inside prisons over the course of the past twenty years across the U.S. and Canada, most explicitly under the purview of alleged ‘anti-gang’ reform. This shift demobilized an emerging prisoner AIDS prevention movement, ensuring the continued rise in infection rates among communities on the inside.

(d) Queer or explicit safer sex information, literature and resources are routinely censored, seized or returned under the purview of anti-pornography policies. Just as the U.S.-Canada border obstructed the passage of such materials in the 1980s when AIDS was decimating our communities on the outside, prison mailrooms and administrations continue this role of censorship and gatekeeping as diffuse borders mapped onto existing national ones. As a result, prevention and health knowledge on the inside is now often five, ten or even fifteen years behind what is on the outside, further inhibiting queer survival.

(e) There exists a lack of consistent access to HIV medication and anti-retroviral drugs among HIV positive communities who become incarcerated, as well as among prisoners who contract the disease while incarcerated. These intentional and structural gaps in access create new and more virulent strains of HIV that are medication-resistant in the bodies of queer, trans and other HIV positive prisoners. This last instance of the bodily management and regulation of prisoners comprises an instance of structural anti-queer violence that not only mobilizes historical legacies of entire communities being permitted to die, but which actively nurtures the conditions for a second cohort to the epidemic that may prove itself even more resilient than the first.

In our desire to revisit each of these intertwining narratives, not only do we situate ourselves historically, but we come to understand that the
realities we face today reflect the lived effects of legacies of 30 years of AIDS decimation and carceral expansion. That these knowledges emerge through our correspondence and resource development reveals the extent to which, in becoming naturalized, these histories exist in people’s very bodies, emerging in the most minute and daily negotiations of violence, risk and sexual safety.

Navigating the Spectre of Death

Men who died I never knew, just saw here every day, no longer here, vanished in a single breath. It rubs off from the way cops think about us, like cattle. We start thinking of ourselves that way too. It just happened that last night I heard another one of my best friends and cellmates died of O.D., a real beautiful young transsexual woman.

– Amazon

Alongside this array of structural and policy-level conditions lie personal negotiations of histories of death, mourning and disappearance. These are experiences that cannot be assessed discretely from the material conditions of incarceration to which gay, queer and trans communities are subject. As such, they directly impact the form and content of the resources and the resource development process. For many among our community on the inside, this negotiation of death presents itself as a second cohort of mourning, loss and disappearance. While gay, queer and trans communities were decimated from AIDS on the outside throughout the 1980s and early 1990s, many inside today are experiencing a second wave of death from suicide, overdose, medical negligence, along with AIDS. We must ensure that our work is directly informed and impacted by these overlapping traumas.

While few of these negotiations of death, trauma or history emanate directly from carceral structures, they interact with people’s experiences of incarceration, and are actively reproduced through the material conditions of queer/trans incarceration and punishment. These encounters with anti-queer violence are not only reproduced in the omissions of existing HIV/AIDS prevention discourse and materials that fail to account for the lives of communities inside prisons, they are also reproduced through much of existing abolitionist and prison activist agendas, as well as their
discourses which fail to account for the lives and realities and desires of gay, queer and trans communities inside prisons. We cannot assess the lack of relevant prevention resources as separate from the lack of discourse or discussion about sexuality, gender or queer desire. In the process, these very omissions, silences and erasures become folded into the very landscape of anti-queer violence coordinated by the prison system itself. As such, the very navigations of loss, trauma and community decimation are reproduced, unfolding alongside the invisibility that characterizes incarcerated gay, lesbian, queer and trans experience.

**Facilitating Collaborative Resource Development Across Prison Walls**

Safe sex is always important in or outside of prison to me. But the only difference is, on the outside, I have a choice. I, for one, am particularly glad you mentioned the issue of barebacking, because it is – without doubt – long overdue.

– J.A. Brown

**Dialogue with Communities on the Outside**

The initial impetus for the development of resources emerged directly from acknowledging the gaps and omissions in existing resources, along with the series of in-depth personal statements sent to us by a host of inside collaborators, outlining their negotiations of risk, safety, survival and their encounters with anti-queer punishment. To this end, by foregrounding these encounters and ongoing realities, we hope to acknowledge and honour existing discourses emanating from inside communities on these negotiations, while at the same time bringing these experiences to dialogues within communities we are a part of on the outside – prison abolition, gay/queer/trans and so on.

Our first opportunity to share these contributions with members of our communities on the outside came in the context of a workshop we facilitated at the AIDS Committee Ottawa as part of Snowblower, an annual health and wellness festival for gay men. Entitled “Fucking without Fear: Sexual ‘Safety’ Inside and Outside Prisons”, this workshop allowed us to discuss more concrete ways prisoner support and anti-prison movements, along with gay and queer prisoner support initiatives in particular, can work toward
meaningful, collaborative work with existing AIDS service and advocacy organizations. The process itself reflected our investments in: 1) contributing to the creation of outside gay, queer and trans resources that acknowledge criminalization, policing and incarceration as the daily realities among many in our community; and 2) insisting that prisoner justice and prison abolition become re-prioritized by gay and queer community organizers. In the process, we seek to contribute to queer cultures that resist containment in the broadest of terms.

In both workshop settings as well as other contexts, using the submissions and contributors’ negotiations of risk, violence and safety as a point of departure, we consistently encounter the continuities which exist between landscapes of anti-queer violence inside and outside of carceral sites. Forging space to reflect critically on the continuities which exist inside and outside of prisons where gay, queer, and trans communities are concerned, enable an understanding that the circumstances of incarcerated members of our communities exist as part of larger homophobic and transphobic, as well as racist and anti-poor systems that function beyond carceral environments. The targeting by law enforcement of queer youth, and in particular queer and trans youth of colour, as well as the barriers in accessing resources and support among rural gays and queers, and the recent criminalization of HIV transmission in Canada culminating in a recent murder conviction, represent but several instances in which this landscape of isolation and the regulation of gay, queer and trans survival does not begin or end with carceral sites, but travels across them.

Encounters with Prevention Work: Building Relationships between Anti-prison and HIV Prevention Communities

Emerging jointly from the omissions and exclusions identified in existing prevention materials and from the negotiations of anti-gay, anti-queer correctional mandates faced by communities inside, we were then faced with the task of forging partnerships with allied healthcare workers, prevention workers and nurses working for AIDS service providers, as well as other community health organizations in Montreal and beyond. The emerging focus regarding the content of the new resources themselves was established jointly through both the experiences recalled to us through the submissions received, as well as our own experiences as non-incarcerated gays and queers in encounters with medical negligence,
information gatekeeping, and homophobia at the hands of healthcare providers. These priorities consolidated around ensuring resources a) which are not overly medicalized and made inaccessible through medical terminology, b) which do not pathologize sexual decisions or practices, honouring the sexual choices made by communities inside, and c) which depart from a tradition of the de-sexualizing of prevention materials, and that integrate affirmations of queer sexual cultures inside prisons in the face of sexual violence and deprivation. In this regard, passages from the submissions we have received will be embedded within the resources themselves as a means of ensuring that the information necessary for risk reduction and protection is not divorced from community and individual encounters with this landscape.

If today we see these individual and collective histories of incarceration, AIDS devastation, and anti-queer violence as embedded in our negotiations of desire, risk, pleasure and survival, then it is these experiences we seek to reflect in our materials and work as a collective. Through this process, we have been able to forge more expansive and relevant models of risk or harm reduction, understanding harm reduction as it relates both to health and bodily agency, and as it relates to encounters with the penal system. The mandate at the core of these resources remains: to affirm sexual desire in the context of its’ punishment, to celebrate sexual cultures in the context of their erasure, to equip people with the tools for survival in the context of being set up to die, and to honour individual and community survival as resistance.

**CONCLUSION:**

**PICKING-UP WHERE THESE HISTORIES LEFT OFF BY CREATING NEW TACTICS FOR SELF-DEFENSE**

I took a tremendous amount of chances in my day, but never again. I will not test my destiny or fate. It takes experience to be able to navigate the prisons sexually and make the best choices. I have 28 years behind me and intend to stay negative the rest of my life.

– Amazon

Within this landscape of violence and omission, there also exist movements nurturing resistance, survival, and queer cultures of self-defence. Alongside
these histories of queer containment and epidemic risk, there exists histories of community resilience comprised of gay and queer solidarities emanating from both the inside and the outside. Organized historical movements include the ACT UP in-prison committee, the Bedford women’s prison ACE (AIDS, Counselling, and Education) collective, and AIDS service organizations advocacy for condom access, treatment, education, and clean gear inside prisons based out of Toronto and Montréal. There also exist longstanding histories of prisoner-run peer-health prevention programs and early gay liberation organizing against police entrapment, bar raids, the policing of queer sex, and the criminalization of our lives. It is these histories from which we seek to learn, to honour and to use as a point of departure in forging new strategies for survival against shifting carceral mandates. Archiving our own work, including the stories of resistance and survival emanating from communities inside must remain the core of our interventions, and stands as a refusal of the erasure of queer histories.

It is these intertwining historical legacies – of AIDS devastation, of prison expansion, and the disappearance of entire segments of our communities – that demand we ask questions about what it would look like to integrate our anti-prison or justice work with our prevention work. If we acknowledge the critical role that prisons play in ensuring continued and rising seroconversion rates, what would it look like for every AIDS service organization to integrate as part of its mandate a decrease in the number of people locked up behind bars? To declare a national moratorium on incarceration? Through a process of revisiting these histories and assessing them against experiences of queer and trans incarceration today, we reveal the profound overlaps between anti-prison and AIDS prevention mandates, and the potential for more effective and meaningful resistance among gays and queers. Further, by creating resources and coordinating collaborative projects between inside and outside communities that integrate and honour joint legacies of AIDS and mass incarceration/prison expansion, we move closer to creating gay, queer and trans cultures of self-preservation, community affirmation, and self-defence.

**Endnotes**

* Thank you to Amazon, Matt Jones, Todles, J.A. Brown, Patrice and Denzial, whose stories, submissions, anecdotes, and ongoing feedback in the face of mailroom
censorship, punitive surveillance, administrative retaliation, and anti-gay, anti-queer violence, have been the core of this project and continue to be the inspiration for our organizing.

**REFERENCES**


**ABOUT THE PRISONER CORRESPONDENCE PROJECT**

The Prisoner Correspondence Project invites any incarcerated and non-incarcerated people who do work on the inside and who would like to be involved with resource development and outreach – in and out of prisons – to get in touch with us. In particular, we invite incarcerated gay, lesbian, bisexual, transgender and queer folks to get in touch with feedback or to collaborate on upcoming projects. We are also always looking for new penpals, inside and out. You can reach us at:

Prisoner Correspondence Project  
c/o QPIRG  
1455 de Maisonneuve W.  
Montréal, Québec  
H3G 1M8  
www.prisonercorrespondenceproject.com  
queertrans.prisonersolidarity@gmail.com
CALLING ALL
GAY AND TRANS
PRISONERS

The Prisoner Correspondence Project coordinates a penpal program for all gay, lesbian, bisexual, transgender, and queer prisoners. We pair you up with a penpal from these same communities outside of prison, for friendship and support.

The PrisonerCP also coordinates a resource library on gay and trans survival inside prisons, including:
- safer sex
- safer drug use and fixing / clean needle care
- safer tattooing
- emotional coping and survival
- writing by gay, queer, and trans prisoners across the US and Canada

By sharing stories, resources, and learning from each other, we hope to build new strategies for survival and build stronger community between our communities inside and outside of prison.

Whether you are serving a short or long sentence, please get in touch with us for more information about our resources, being matched up with a penpal, or anything else.

PRISONER CORRESPONDENCE
PROJECT
1455 DE MAISONNEUVE W.
MONTREAL (QUEBEC) H4C 2A1

APPEL AUX
PERSONNES GAYES ET
TRANS INCARCÉRÉES

Le Projet de Correspondance pour Prisonniers a coordonné également une bibliothèque de ressources sur la survie gay et trans en prison. Les thèmes abordés comprennent:
- la procréation
- la réduction des risques
- l’amélioration de l’approvisionnement aux réseaux
- le transport de médicaments
- l’accès à la soins de santé
- la protection des droits des prisonniers gay, lesbienne, bisexuelle, et trans

En partageant nos histoires, nos ressources et en apprenant l’un de l’autre, nous espérons partager de nouvelles stratégies de survie et bâtir des liens solides entre nos communautés à l’extérieur et à l’intérieur de prison.

Que vous complétes une peine de durée ou de courte durée, SVP reconnaissez-nous pour plus d’information sur nos ressources, pour être mis en contact avec un correspondant, ou pour quoi que ce soit d’autre.

PROJET DE CORRESPONDANCE POUR
PRISONNIERS
1455 DE MAISONNEUVE W.
MONTREAL (QUEBEC) H4C 2A1
Reading in the Pig Pen of Repression
Cam, from Regina Books through Bars

My name is Cam and I live in Regina, Saskatchewan. Along with a couple of friends, I helped form Regina Books through Bars (RBTB) in 2007. In the past two years, the group has collected thousands of used books and sent these, plus thousands of dollars worth of newer books to prisoners free of charge.

I got involved with RBTB because I saw first-hand how books can ease the grind of prison life. A couple of years before forming the group I was stuck in an Italian penitentiary for taking part in an “illegal demonstration” against the rise of fascism. I was incarcerated at Bergamo penitentiary, referred to as the “italiano Abu Ghraib” by fellow prisoners. Bergamo penitentiary is a mega-prison that warehouses thousands. I was locked in my cell for 21 hours a day. Like most prisons, it was boring as hell with nothing to do except watch television and chat with homesick cellmates. The majority of the prisoners at Bergamo are migrants from outside of Italy who will be deported to “their country of origin” once they have completed their sentence.

One day I was complaining to my cellmate Vaz about how bored I was. Vaz is serving an 18 year sentence for possession of a quarter pound of hash. He suggested I check out Bergamo’s prison library and told me how it was an oasis in this pig pen of repression. He explained how the books provide him an educational outlet he needs at times. The next day I found the library and went inside. To say I was pleasantly surprised would be an understatement. The library was flush. It had been built up over the years by the local anarchist black cross network and was brimming with books. I borrowed a couple books that day and started to read and read and read some more.

The books helped pass the long days and I soon made a promise to myself: when I got out of there I would start sending books to prisoners and never stop. Once I did get out of Bergamo, I came back to Canada and moved to Regina. I started to research the prison libraries in Saskatchewan. The news was quite grim. The libraries, if they existed at all, were in rough shape. The books that prisoners were given access to were a hodgepodge of westerns, harlequin love novels, readers’ digests from the 1960s and newer faith-based books. So I decided to organize a book drive and write a couple grant proposals. Today, the project is still going strong as our work continues.
CONTACT INFORMATION

Cam, from the Regina Books through Bars crew.
reginabooksthroughbars@gmail.com

RBTB
Regina Public Interest Research Group office
Riddell Centre 124
c/o University of Regina Students’ Union
221 Dr. William Riddell Centre (UofR)
Regina, Saskatchewan
S4S 0A2
The Right to Education of Persons in Detention: Summary of Report Presented to the UN Human Rights Committee in June 2009

Vernor Muñoz

In 1998, the United Nations established the mandate of the “Special Rapporteur on the Right to Education”. A Special Rapporteur is an independent expert appointed by a body of the United Nations, the Human Rights Council, to examine and report back on a country situation or a specific human rights theme. I was appointed Special Rapporteur in 2004 and although I recognized that numerous children and adults alike are denied their right to education generally, I felt it appropriate to focus attention on groups traditionally marginalized and vulnerable to discrimination. I have sought to establish the causes and circumstances surrounding such discrimination and the challenges that must be faced in order to promote the realization of their right to education. Persons in detention constitute one such highly marginalized group, facing daily, sustained and endemic violations of that right. This article offers a brief summary of the recent report titled “The right to education of persons in detention” presented to the Human Rights Council in June 2009. It may be found in full at:

http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm

It was particularly important to hear and understand the views and experiences of prisoners themselves. Their willingness to share these has been invaluable and, as noted below, their views should be sought as a matter of course in deciding penal education policy and its implementation.

BACKGROUND TO EDUCATION IN DETENTION

The provision of education for persons in detention is inherently complex and, where it does take place, it does so in an environment inherently hostile to its liberating potential (Scarfò, 2008). Frequently inadequate attention and resources – human and financial – dedicated to adequate education, combined with the damaging impact of detention, exacerbate often low levels of self-esteem and motivation of learners, creating major challenges for prison administrators, staff and learners alike.

Nonetheless, there is a growing recognition of the benefits of education as a vital element in addressing the ability of prisoners to develop and
maintain skill sets that will enable them to take advantage of social, economical, and cultural opportunities. While this recognition is welcome and necessary, it should be noted that the nature, provision, quality, and participation rates of education in detention vary significantly between and within regions, States, and even individual institutions. While this variation in education too often tends to oscillate between the ‘poor’ and ‘very poor’, full acknowledgment must be made of the number of educational programs of exceptional quality which, from prisoners’ own observations, are the result of individual initiative and extraordinary commitment, rather than necessarily the product of State or individual institutional policy.¹

**CONFLICTING PHILOSOPHIES AND ASSUMPTIONS:**
**ROLE OF PRISONS VS. “CORRECTIONAL” EDUCATION VS. THE RIGHT TO EDUCATION**

The role of education within places of detention must be examined against the broader objectives of penal systems, which are inherently institutions of coercion, serving a set of complex and mutually conflicting objectives. They reflect to differing degrees prevailing societal calls for punishment, deterrence, retribution and/or rehabilitation, as well as a managerial focus on resource management and security.

Opportunities for education should be commonplace in detention (Morin and Cosman, 1989), not simply an add-on should resources ‘allow’ it. It should be aimed at the full development of the whole person requiring, amongst others, prisoner access to formal and informal education, to literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sport, social education, higher education and library facilities.² Prisoners should have a say in how these opportunities for education are designed. Respect for the human dignity of all within the community – whether in detention or not – presupposes genuine participation in decisions impacting our lives, including those relating to educational provision.

**INTERNATIONAL LEGAL AND POLITICAL DEVELOPMENTS**

Criminal justice issues are principally the concern of domestic policy and legislation that reflect their historical and cultural context. Nonetheless,
there has been a long standing concern of the international community about the humanization of criminal justice, the protection of human rights, and the importance of education in the development of the individual and the community. This, combined with the acknowledged particular vulnerability of those in detention to State action and its consequences, has led to the development of international standards that aim to confront the challenges of stigma, indifference and marginalization that so often characterize education in detention.

Unlike many other ‘groups’ that endure discrimination, people in detention do not benefit from a dedicated legally binding text. In 1990, however, the General Assembly usefully synthesized the basic principles for the treatment of prisoners. In particular, it noted that:

• All prisoners shall be treated with the respect due to their inherent dignity and value as human beings;
• Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants; and
• All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

There are many other international instruments that deal specifically with prisons and conditions of detention and offer guidance for good prison management but other than the 1990 General Assembly resolution noted above, perhaps the most prominent for the purposes of this report are the Standard Minimum Rules for The Treatment of Prisoners (1957) and the Standard Minimum Rules for the Administration of Juvenile Justice (1985). Both insist upon the provision by States of a wide reaching education for those they have sought to detain.

The development of binding international law and guidance pertaining to education in detention is of course welcome and helps inform the international debate about the treatment of prisoners, especially in their
access to education. Even though States have had the pre-eminent role in setting these standards however, full compliance remains poor and until the international community fully endorses the underlying principles, these standards will continue to have limited impact.

The right to education is now generally accepted as encompassing the provision of an education that is, at the very least, available, accessible, adaptable and acceptable. No text allows for forfeiture of this right and, more essentially, forfeiture is not necessitated by the fact of incarceration.

**The Reality of Prison Education**

**Global Detention: Levels and Trends**
Existing data suggests that over 9.25 million people are detained globally, either as pre-trial detainees or as sentenced prisoners. Almost half of these are in the U.S. (2.19m), China (1.55m) or Russia (0.87m). Prison populations are increasing in an estimated 73% of States, a figure mirrored in overcrowding which has reached, for example, 374.5% of capacity in Grenada, 330% in Zambia and 108% in the U.S.

**General Barriers to Education in Detention**
Public opinion, often indifferent to and ignorant of detention can sometimes be perceived as the main barrier in fulfilling the potential of education in prison although the main responsibility rests on the State through its public policies of education. These attitudes are fuelled by an often equally ill-informed and ill-advised media which, when reporting on criminal justice ‘stories’, focuses almost exclusively on unrepresentative individual violent events. The too ready willingness of politicians to reflect these fears in penal policy has led to a reluctance to embed prisoners’ right to education in legislation, and to develop models of education and delivery consistent with the full development of the human personality. Within this context, and while recognizing that each person is unique in their learning needs and experiences, barriers to education in relevant literature are often broken down into three categories: dispositional, institutional and situational.

Barriers external to the learner, institutional and situational in detention, are perhaps best detailed by learners themselves. Their list is long, globally relevant and includes: troubling examples of education interrupted or
terminated on the personal whims of prison administrators and officers, and by frequent lockdowns and abrupt transfers between institutions; the absence of libraries; the absence and confiscation of written and educational material generally; waiting lists of up to three years for courses; limited, and often complete absence of, access to and training in IT and related skills necessary in today’s IT-driven community and specifically linked to this, of a perceived focus on education linked to prison management rather than the specific needs and rights of prisoners.

Staff shortages lead to cancelled or untenable mixed ability classes and absence of staff to invigilate exams; of poor timetabling; of inconsistent and poor quality tuition; of too basic, irrelevant and/or inappropriate curriculums; of vocational courses which are dated paths to nowhere; of teaching skills that are no longer in demand; of absence of safe and stable spaces in which to learn; indifference to needs associated with specific disabilities; of withdrawal of educational ‘privileges’ as a punitive measure; of the absence and/or withdrawal of public funding for, particularly, higher education along with the prohibitive costs of self funding; of financial ‘penalties’ incurred if education is pursued in place of prison employment; of discriminatory access to education based on place of detention, sentence length, and/or security category; and as will be detailed below, discriminatory, inappropriate and inadequate education for women, minorities and those with learning difficulties.13

The Experience of Specific Groups in Detention

Whilst recognizing the real risk of ‘grouping’ people, one reason being that no group is homogenous, certain people do appear to experience similarities in their educational needs and experiences. Foreign nationals may, for instance, have no command of the language of instruction and/or persons with learning disabilities who face stigma and discrimination generally, and in education specifically,14 are frequently made yet more vulnerable by penal systems that invariably fail to recognize, understand or support their specific needs.

Children, including juveniles, who constitute a particularly vulnerable group also as perpetrators of crimes,15 often find themselves in justice systems with few guarantees of access to education, and even where provided, are in receipt of one that is not adaptable, is inadequate and ill-suited to their needs.
Women represent a small proportion of the global prison population worldwide. Available figures suggest the rates, which are now increasing, to be between two and nine percent,\textsuperscript{16} with the global average standing at roughly four percent (Walklate, 2001). In many States where educational attainment is assessed upon entry, it is often not assessed by sex. Nonetheless, where figures do exist it would appear that women have lower levels of educational attainment than men, reflecting pervasive gender discrimination generally. In many States there are fewer and lesser-quality programs offered to women compared to those offered to male detainees.\textsuperscript{17}

**Engagement of States in Preparation of Report**

In early October 2008 a questionnaire was sent to all Member States of the UN, along with a number of intergovernmental and non-governmental organizations working on issues related to the right to education and education in the context of detention.

**State Responses**

As State responses to the questionnaire differed markedly in detail and transparency, comparisons were difficult to assess with confidence. Nonetheless, a number of notable themes are apparent, the first of which is a general acknowledgment that the right to education enshrined in Constitutions or legislation applies equally to persons in detention, although this is not explicitly guaranteed.

While most States indicate that education is one of the main components of their criminal justice management strategy, almost all emphasized its role in employment, rehabilitation and reintegration upon release. These are of course vital objectives but the frequent focus on employment prospects remains somewhat narrower than that required by the right to education.

The imperative of security is the principal reason given for restricting access to education and the frequent limited access to computers and/or the internet. More specifically limited access to computers does of course impact upon the relevance of educational provision in this technological age, and in turn impacts upon the increased significance of well stocked, accessible and relevant libraries. Most, but not all, prisons do have libraries of some form, although it is clear that some rely to differing extents on the efforts of NGOs in their sourcing, financing and maintenance.
In the majority of responding States, education is offered free of charge to the detainee, at least with regards to primary, secondary (where provided), as well as vocational training. The cost of higher education where offered whether by distance learning or personal attendance is more usually borne by the detainee and/or financed by private grants.

Participation of diverse actors, such as detainees, prison officers, the outside community, NGOs and families in the design, delivery, and monitoring of educational programmes is known to impact positively on their relevance and outcome. Despite this a number of States make no formal provision for participation of detainees or others directly impacted.

Although most States acknowledge the diverse background and needs of persons in detention, they offer little indication of how this diversity is reflected in programmes and curriculum offered, other than for instance referring to the provision of special language classes for non-nationals.

It is clear that a number of States are at the early stage of developing a coherent policy for education in detention, others are midway through, while others build upon past efforts. State replies to the questionnaire do not generally leave the impression that this is currently the case despite, with regard to best practice in particular, receipt of information concerning a number of very interesting and innovative programs from States, individuals, and organizations alike.

Replies by Intergovernmental Organizations, NGOs and Civil Society
Without the active involvement of dedicated individuals, academic institutions and NGOs, education in detention would be far poorer than is currently the case or, in some institutions, even non-existent. They are all well placed to contribute to the quality and relevance of the global debate on education for even where they do not actively provide educational services themselves, they see and/or specifically experience the practical day-to-day realities of life in detention, as well as legislative and policy implications, together with their long-term consequences.

The responses represent a wide geographical spread and provide independent comment on the provision of education for those in detention in specific States, filling some of the gaps in information provided by States themselves. Further they offer a very different perspective to that of States, often highlighting consistent patterns of denial of the right to education, details of which have been incorporated in the text above. Their credible and
important perspective clearly suggests the need for States to involve such organizations/individuals closely in legislative and policy developments, along with their practical implementation.

CONCLUSION AND RECOMMENDATIONS

Persons deprived of their liberty remain entitled to their inherent human rights – including their right to education. The challenge before us is to create an environment for those who are detained that enables human dignity, capacity and positive change. The provision of accessible, available, adaptable and acceptable education is one vital element in this environment. The principle obligation to provide this education is upon States. Nonetheless we must come together with the shared aim of fulfilling the right to education for persons in detention to a far greater extent than now seems to be the case.

1. To this end I direct the following recommendations to States:
   (a) Education for persons in detention should be guaranteed and entrenched in Constitutional and/or other legislative instruments;
   (b) The provision of education for persons in detention should be adequately resourced from public funds; and
   (c) Compliance in the standards set forth in international law and guidance pertaining to education in detention should be ensured.

2. To domestic authorities in charge of public education I recommend that they should:
   (a) Make available to all detainees, whether sentenced or in remand, educational programmes that would cover at least the curriculum of compulsory education at the primary and if possible, also at the secondary level;
   (b) Together with the institutions of detention, arrange comprehensive education programmes aimed at the development of the full potential of each detainee. These should aim also to minimize the negative impact of incarceration, improve prospects of reintegration, rehabilitation, self esteem and morale;
(c) Systematic and appropriate screening of all prisoners upon entry to places of detention should become the norm. Individual educational plans with full participation of the detainee, should result from this screening, and be monitored, evaluated and updated from entry to release;

(d) States should identify the dispositional barriers to education, and subsequently ensure adequate assistance and resources to meet their challenge;

(e) Education programmes should be integrated with the public system so as to allow for continuation of education upon release;

(f) Detention institutions should maintain well funded and accessible libraries, stocked with an adequate and appropriate range of resources, including technological, available for all categories of detainees;

(g) Teachers in places of detention should be offered approved training and ongoing professional development, a safe working environment, and appropriate recognition in terms of working conditions and remuneration;

(h) Evaluation and monitoring of all education programs in detention should become the norm and a responsibility of Ministries of Education. States are encouraged to investigate which practices pervade their prison estates, to recognize them and take prompt steps to address them;

(i) Educational programs in detention should be adequately based on current, multidisciplinary and detailed research. To this end the international community should establish cooperation and exchange mechanisms between States to facilitate the sharing of such research, and examples of best practice and their implementation;

(j) The diverse background and needs of persons in detention indication, and how this diversity is reflected in programmes and curriculum offered is also an area where the sharing of research, best practice and experience would generate particular dividends, and is therefore specifically and strongly encouraged; and

(k) The production and delivery of adequate pedagogical material with the necessary and active participation of all persons in
detention, and more specifically those from marginalized
groups, should also be encouraged.

3. In specific respect of children and women in detention and other
marginalized groups:
   (a) Special attention must be given to ensuring that all children
   subject to compulsory education have access to, and participate
   in, such education;
   (b) Curricula and educative practices in places of detention must
   be gender sensitive, in order to fulfill the right to education of
   women and girls; and
   (c) Attention should be also given to persons from traditionally
   marginalized groups including women, minority and indigenous
   groups, those of foreign origin, and persons with physical,
   learning and psychosocial disabilities. Education programs
   for such groups should pay close attention to accessibility and
   relevance to individual needs, and the barriers to continued
   education upon release should be addressed and properly taken
   care of.

Deprivation of liberty should be a measure of last resort. Given the
considerable negative long-term economic, social and psychological
consequences of detention on detainees, their families and the community,
considerably greater attention should be paid to implementing alternatives
to detention for children and adults alike.

ENDNOTES

1 Contributions from detainees. Letters on file with the author.
2 Article 3 (b) ECOSOC Resolution, E/1990/69.
3 Ibid.
4 Article 1 Basic Principles for the Treatment of Prisoners: Adopted and Proclaimed
   by General Assembly resolution 45/111 of 14 December 1990.
5 Ibid, Article 5. The right to education forms a core element to instruments specified
   and many ‘other’ UN covenants.
6 Ibid, Article 6.
7 See also for instance the publication of the United Nations, Human Rights and
8 See E/CN. 4/1999/49 and General Comment 13, Committee on Economic, Social
The USA also leads the tables in the proportion of its population it detains; 738 per 100,000 followed closely by Russia at 611 per 100,000; see R. Walmsley, *World Prison Population List* (seventh edition), London: International Centre for Prison Studies – Kings College London.

Ibid.


Information provided by prisoners and former prisoners: on file with author.


**References**


For the past twenty two years, I have been imprisoned in America and this experience has been both positive and negative. What I shall attempt to explain cannot truly be comprehended unless you are an African American incarcerated in the United States. That is because you would feel that what you may have been imprisoned and punished for is related to the colour of your skin as opposed to the crime you were convicted for. This is difficult to articulate. However, prior to my placement in prison – at the age of 21 – I was illiterate but became self-educated through reading various books. I read about how slavery was practiced in the 1700s, how the slave owners operated their slave plantations, which has many parallels to how America runs its prison system in the 21st century.

For instance, African Americans are the majority of the prison population in the United States. The prisons are run and staffed primarily by White and non-Black personnel. The prison guards and management appear to be racially prejudiced against Black people. They innately implement racial segregation policies governing prisoners. African American prisoners are frequently beaten and subjected to the use of excessive force by prison guards whereas others are not. When a single Black prisoner is involved in some sort of prison disturbance the entire African American prison population is punished. I currently have litigation pending trying to abolish that practice. The case is Johnson v. Sullivan et al. case no. 1:06-cv-1089-ALA. If you are familiar with the history of slavery you will see the contrast. When an African slave ran away from the plantation the slave owner would punish all the slaves to deter the others from running away.

In my experience, the U.S. prison system is allowed to be a dictatorship inside of a democracy because there is no civilian oversight and prison administrators are given a green light to manage their prisons without interference from the courts. The ships continue sailing across the transatlantic, the Pinta, the Nina and Santa Maria’s, dropping off human cargo at the gates of America’s prisons for economic gain and job creation. There are no reforms or rehabilitations, only harsh taskmasters subjecting their cargo to hidden prejudices.
ABOUT THE AUTHOR

Born in October 1964 in Philadelphia, Garrison Johnson grew-up in a single parent household with five siblings. His mother struggled to make ends meet so decided it best to move to California for employment. Living in California as a boy was difficult and confusing because of the issues that plagued the poor communities in Los Angeles. There was a dividing line between those who had and those who had not. Garrison discovered that he had a learning disorder, which resulted in his inability to read and write throughout high school. Submitting to the negative environment around him, Garrison chose a life of crime. In and out of juvenile facilities, he has been serving a life sentence since 1987. In attempting to gather evidence suppressed from his last trial, Garrison became self-educated inside prison walls. Some of his poetry has been included in a self-published book called Poems from the Inside, which is available at his website www.garrisoncorrespondenceinc.com.
Building a Movement to Abolish Prisons: Lessons from the U.S. *

Julia Sudbury

In 1983, a visionary group of activists came together in Toronto, Canada for the First International Conference on Prison Abolition, with the goal of building an international movement to end imprisonment as a response to social problems. Twenty-five years after that first gathering, the prison population globally has exploded. In the U.S. alone, the number of women and men held in cages has grown from around half a million in 1980 to over 2.3 million today. Despite our best efforts, the use of imprisonment as a catch-all solution to social problems – from poverty to addiction – has become more, not less entrenched. It seems like a good time to pause, to celebrate our victories and reflect honestly on our failures, to rethink our strategies and to identify new ways of organizing that may be more effective in the future.

Anti-prison activists in the U.S. are in the midst of this process of reflection. It is ten years since Critical Resistance (CR), an international conference and strategy session was held in Berkeley. The event brought together 3,500 activists, artists, educators, radical lawyers, young people, indigenous people, immigrants, former prisoners and their families, determined to challenge the policing and criminalization of poor communities and communities of colour. CR marked a turning point in abolitionist work in the United States. From that moment, we participated in the growth of a vibrant movement dedicated to building a country and a world without prisons. In September 2008, thousands of people came together in Oakland, California to assess the state of the movement and to explore the challenges we need to overcome to make our vision a reality. The build up to that event included fundraisers, music and poetry events, activist parties, outreach events, documentary film-making and discussion circles across the country. In other words, it was not just about organizing a conference, it was about engaging in an active process of movement building.

Critical Resistance has created a new language to talk about imprisonment, which has become standard in activist, progressive media and academic circles in the United States. Rather than thinking about imprisonment as a response to crime, we began to explore the ways in which prisons had become embedded in the political and economic landscape, creating numerous interest groups – from politicians to private prison contractors – who profit from and are dedicated to continuing mass incarceration. We
argued that since prisons clearly do not create safety or prevent crime – and the U.S. has to be the perfect case study for that reality – then the massive prison expansion we have been witnessing must exist for some other function. We found that function in the prison-industrial complex (PIC) – a symbiotic relationship between politicians, corporations, the media and government. This symbiotic entity generates mass racialized incarceration as a supposed solution to the social problems caused by globalization and the state’s retreat from social welfare. A so-called solution, which of course only exacerbates the problems it claims to resolve, therefore perpetuating its own existence.

A classic example of this is the war on drugs, which has hugely increased the number of people in prison – in particular African Americans and Latinos – while draining public funds, which could have been used to fund treatment and to tackle the social problems leading to drug use. In East Oakland, where I live, incarcerated people with addictions are released with little to no recovery, into a community devastated by racism, poverty, violence and drugs – a situation rooted in three decades of neoliberal economic reforms – and then recycled back into the system when they relapse. Even in states like California which have passed laws mandating drug treatment rather than prison for certain drug offences, the criminal justice system remains the gatekeeper to drug treatment, ensuring that low-income drug users, particularly people of colour will continue to keep the prison beds filled and the prison machine generating profits.

The concept PIC makes visible the money involved in the prison build-up, where it comes from and whose pocket it ends up in. It is therefore a powerful basis for mobilizing opposition by everyone who believes that their taxes should be building schools, hospitals, youth programs, treatment centers and women’s shelters, not warehousing people in cages. In other words, it is a powerful coalition-building tool. The PIC also shifts our focus from prisons to the entire web of policing, control and state violence that assaults poor communities and communities of colour everyday. This is the reason that many activists in the U.S. have shifted from talking about prison or penal abolition to PIC abolition. Critical Resistance’s vision of PIC abolition is as follows:

We work for PIC abolition because we do not believe that any amount of imprisonment, policing, or surveillance will ultimately make our
communities safer or more self-determined, prevent “crime”, or help repair the damage that happens when one person hurts another. We believe, instead, that access to basic necessities like food, shelter, meaningful work and freedom as well as alternative systems of accountability create the conditions for healthier, more stable neighborhoods, families, and our wider communities.


PIC Abolition is not about creating alternatives to incarceration, it is about social and economic justice. That means that we cannot simply dismantle prisons, jails and detention centres, we must also build self-determining communities that are fully resourced to meet their members’ needs. This is why the theme of CR10 is Dismantle, Change, Build. To create a world where prisons are obsolete – to quote Angela Davis (2003) – we must also change the inequalities that cause harm at interpersonal and institutional levels, and build a society governed by the principles of social and economic justice.

Put simply, a world without prisons is also a world with safe affordable housing, good nutrition, healthcare, a quality education, and opportunities for creativity and healing for all. Put even more simply, a world in which everyone is valued enough to be treated as a human being, cannot also contain the violence and separation of imprisonment.

10 Lessons

I want to briefly share some lessons from our movement assessment process and from my own experiences of abolitionist organizing during the past ten years. I identified 10 lessons.

A Movement vs. a Non-profit

The first lesson we have learned is the critical importance of building a mass movement. A movement is not a non-profit or voluntary organization, although these may contribute by providing infrastructure and staffing helpful to movement work. The radical women of colour organization, Incite!, recently published a book called The Revolution Will Not Be Funded, which pointed out the fundamental error in thinking that the non-profit model of organizing can ever bring about radical social change. Voluntary organizations can and do influence government policies, but they cannot generate the people-power
necessary to create the kind of fundamental social and economic reorganization necessary to make prisons obsolete. Abolitionist Dylan Rodriguez argues that alongside the PIC, we now have a non-profit industrial complex that manages and controls dissent, turning grassroots discontent into policy papers and consultation meetings palatable to the state. This non-profit model of social change limits grassroots mobilizing because it tends to produce paid experts who are seen as having more legitimacy than directly affected communities. But as Arundhati Roy (2004) says: “Real resistance has real consequences. And no salary”. To confront state violence, in the form of the overpolicing and criminalization of poor communities, we need a mass mobilization similar to the mobilizations against the war in Iraq. Only then will we begin to see real change.

**Beyond “Preaching to the Choir”**

I am calling the second lesson: ‘beyond preaching to the choir’. Often as anti-prison organizers we find ourselves speaking to each other at small gatherings of like-minded people. If we are going to build a mass movement however, we need more than a couple hundred dedicated abolitionists. CR has worked to mobilize large numbers of people by reaching out to people who might not initially oppose prisons. For example, many African Americans from low-income communities feel that the criminal justice system is the only thing between them and the chaos of drugs and gun violence. At the same time, most will have at least one loved one who has been in conflict with the law, and they also experience overpolicing and harassment. CR has shifted people toward embracing abolition in these communities by creating conversations about what the community would need to feel safer – whether after school programs, better lighting, cleaned up parks and so on – and then asking how people would spend the billions of dollars it costs to incarcerate people from these communities. We need to get out of our comfort zones, and talk abolition in immigrant communities, unions, classrooms and elsewhere. We also need to demonstrate that we are all impacted by the PIC and we all have a stake in dismantling it.

**Thinking through Race, Class, Gender and Nationality**

The third lesson is the importance of putting an analysis of the intersections of race, class, gender and nationality at the center of our work. This means that we need to understand the ways in which our activist spaces
can mirror the systemic inequalities that fuel the PIC. For example, who are our spokespersons? Do they include formerly incarcerated people? Black people? Queer and trans people? Immigrants? Refugees? Or are we replicating the prison system, with white middle class activists acting as ‘movement wardens’? Are we speaking about people in prison and their communities, or are directly affected communities speaking for ourselves?

**Leadership by the Most Affected**
The fourth lesson is that prioritizing the voices of incarcerated and formerly incarcerated people, along with the most affected communities involves mindfulness and proactivity. Much of our organizing involves using e-mail. How does this impact recently released members who may not have a computer easily available? Where are our gatherings located and how accessible are these spaces to low-income communities of color? What are the dynamics of our meetings? Do university-educated members know when to step back and create space for others to speak? Those of us who have class and race privilege can support initiatives like the Leadership Training Institute which trains recently released women in public speaking and organizing, and All of Us or None, a civil rights organizations for former felons in the U.S. to develop new leadership for movement.

**Mobilizing Youth**
The fifth lesson is that any movement that is going to be vibrant and create lasting change must involve the mobilization of young people. In the U.S., young people have taken the lead in the abolitionist movement. At the first CR conference, over 2,000 school children staged a walk out to demand that a new youth jail not be built. Young people as well as educators have organized under the banner of education not incarceration, as well as denouncing the school-to-prison-pipeline. These campaigns have brought together teachers unions, young people, parents and abolitionists to challenge education cutbacks, fee increases, school exclusions, and school closures, as well as to make the link between spending on policing and prisons, and cuts to education.

**Art as a Tool of Resistance**
The sixth lesson is the importance of the arts and culture, in particular music. Music has always been an important part of the new abolitionist movement
in the U.S.. The hip hop movement – and underground or grassroots hip hop in particular – can carry a political message in a far more powerful way than any talk or paper. At CR events, we’ve had the support of international popular musicians such as M’shel Ndegeocello and Mos Def. But possibly more importantly, local artists, musicians, youth dancers, and others have created art that expresses a radical abolitionist vision and uses art as a vehicle for social change.

**Spirituality, Healing and Recovery**
The seventh lesson is the importance of incorporating spirituality, healing and recovery into our movement work. When we organized the first CR, the organizers really abandoned our own well-being for the good of the movement. After the event, we were burnt out and many of us were in relationship break-ups! We have learned that that is not a sustainable way to organize. We also know that the PIC is a violent and brutalizing system, so if we want to include those directly affected by it, we need to make space for people to heal from the violence. At CR10, we had AA and NA meetings, yoga and meditation, a healing space, counsellors and body movement workshops. We also had an interfaith breakfast, where people from different faith backgrounds explored what it means to bring their spirituality to the work. This is very different from the missionary work of early abolitionists who were dedicated to helping others. It is about using spirituality as a source of strength in our efforts to liberate ourselves and our communities.

**Cross-movement Coalitions**
The eighth lesson is the importance of building cross-movement coalitions. In the U.S., abolitionist spaces include those whose primary focus is organizing against the war, globalization and domestic violence, for immigrant and indigenous rights, economic and environmental justice, sexworker rights, Palestinian solidarity, the military out of Puerto Rico and so on. In this way, we infuse abolitionist politics into all of our progressive movements. As we do so, we also need to work on building a shared analysis, so that we can avoid undermining each other’s work. For example, we need to ensure that those working against the criminalization and detention of Arabs and Middle Eastern communities do not use the rhetoric that “they do not belong in prison”, suggesting implicitly that
black and poor people do belong in prison. Similarly, we need to make sure that black communities understand how the war in Iraq is tied to the policing of black communities at home.

**The Transnational PIC**

The ninth lesson is the need for global analysis and coalition-building. Although there is a long history of internationalist organizing in the U.S., many activists struggle to see beyond U.S. borders. In the past decade, however, it has become clear that the PIC is transnational, with cross-border links existing between corporations and pro-prison politicians in the U.S., Canada, Mexico, Central America, Europe, Iraq, Afghanistan and elsewhere. Like a many-headed hydra, if we cut off the head in one country, it can re-emerge and flourish in another. This is what happened when private prison corporations that were beginning to struggle in the U.S. spread to South Africa and Europe. That is why ICOPA is such an important forum in challenging the transnational PIC.

**Abolition NOW**

Our final lesson is that we can and must live abolition NOW. Abolition is a way of living and organizing in our families, communities and work, not just a vision of the future. Living abolition means re-examining our everyday assumptions about how to deal with conflict and harm in our lives. It means seeking transformative approaches to create accountability in our lives. Organizations like Creative Interventions in the U.S. have started to build alternative forms of community accountability, rooted in gender and racial justice that we can use right now. We may know a family member who is violent or a member of an organization who is sexually harassing another member. Community accountability strategies encourage us to take responsibility for tackling harm collectively, in ways that honour all involved. Living abolition also means challenging the systemic inequalities that the PIC is built on in our everyday lives. This might mean examining how race or class privilege operates in our lives and in our organizing, and taking action to create more horizontal relationships. Ultimately the promise of abolition is that we can live a life without blaming, punishing or inflicting violence. And that is a life we can live right now.
ENDNOTES

* An earlier version of this piece was presented at the Twelfth International Conference on Penal Abolition which took place in July 2008 at King’s College London, England.

REFERENCES


ABOUT THE AUTHOR

Julia Sudbury is a leading activist scholar in the prison abolitionist movement. She was a co-founder of Critical Resistance – www.criticalresistance.org, a national abolitionist organisation that popularised the concept of the “prison-industrial complex” in the United States. She is now Professor of Ethnic Studies at Mills College, a women’s liberal arts college in California.
Call for Contributions:
ICOPA XIII – Thirteenth International Conference on Penal Abolition
Belfast, Northern Ireland

ICOPA International Organizing Committee

The expansion and normalization of imprisonment as a tool for dealing with a wide range of social problems has led to the entrenched perception of prisons as seemingly permanent fixtures of the modern landscape. In most academic and political circles, debates about prisons and penal policy are limited to discussions of ‘reform’, with little serious problematization of the underlying structure. Penal abolitionism – as a perspective, theory and international movement – presents a vital alternative to this penal inertia. Abolitionists reject the presumed inevitability of the prison and actively seek to oppose and dismantle the prison-industrial complex, while advancing community-based and non-punitive alternatives to imprisonment as part of a broader strategy of social transformation.

The voices of prisoners have been central to past abolitionist debates, and have helped to shape the theoretical and political terrain of the international abolitionist movement. The Journal of Prisons on Prisons (JPP) itself emerged out of the proceedings of the Third International Conference on Penal Abolition (ICOPA III), held in Montreal in 1987. Since that time, the JPP has dedicated two thematic issues – Volumes 1(1) and 17(2) – to the topic of abolition. Moving forward, we hope to reinvigorate abolitionist thought and action by once again placing the voices of those most affected by the system at the centre of the debate.

The JPP is seeking original submissions on the theme of penal abolitionism, for the purpose of preparing a special issue or Dialogues section. Papers on a wide range of topics related to abolitionism are welcome. In particular, we invite contributions that deal with:

1. Theoretical engagements with penal abolitionism – engagements with classical abolitionist texts and discussions of new directions for abolitionist theory.
2. Abolitionist practices and the penal abolitionist movement – discussions of the “how” of penal abolitionism, the scope and nature of the movement, and especially on the roles played by prisoners. Papers might engage with art, writing and expression as resistance in
3. Reflections on the goals of contemporary penal abolitionism – reconciling abolitionist goals (both short- and long-term) with the current state of the carceral, and engagements with the question “what is to be abolished?” For example, contributions could touch upon issues such as access to health care, mental health care and harm-reduction in prisons, political imprisonment, immigration detention and torture, gender and sexuality, youth incarceration and mandatory minimum sentencing, and the role of private enterprise.

4. Why abolition, why now? – works that ground discussions of abolitionism in the experiences and accounts of prisoners.

Please provide us with a draft article by no later than March 1, 2010. Selected papers submitted by that time may be considered for presentation, read by the author or a delegate, at the Thirteenth International Conference on Penal Abolition (ICOPA XIII) to take place in summer 2010 at Queen’s University – Belfast, Northern Ireland.

Submissions can be sent by e-mail to jpp@uottawa.ca or by post to:

Journal of Prisoners on Prisons
c/o University of Ottawa Press
542 King Edward Avenue
Ottawa, Ontario, Canada
K1N 6N5
BOOK REVIEWS

From The Iron House: Imprisonment in First Nations Writing
by Deena Rymhs
Reviewed by Susan Nagelsen

The impact of prison and the residential school on the recent histories of the Aboriginal people is considered by Deena Rymhs as she reviews writing by authors who have been or are incarcerated, and by authors who have written about life in the residential school. The first work of its kind, this volume offers a window into the similarity between the life of the incarcerated and the residential school: they are all too familiar, almost to the point of same. Rymhs reminds us in From The Iron House that for many prisoners, writing offers an opportunity to play a more vital, personal role in their representation. Writings by prisoners are often an exposé of the failings of the criminal justice system and an attempt to find the voice that many feel has been silenced by the system. In their writings, which often take the form of apology, the writer has the chance to provide data that would not have been permitted during the trial – the writing becomes an attempt for the author to regain a sense of autonomy. Writings from these institutions have served to shift public attitudes and provide concrete changes in law, giving Aboriginal belief systems a sense of legitimacy in the judicial system.

In Part One of the volume, Rymhs explores the use of genre in the prison setting, ranging from autobiography to memoir, poetry and essay, and even considering oral forms of text. She questions the ways in which authors adapt different forms to their specific context and ponders the consideration of audience as an effective tool for the intended message. She also questions how the prison writer’s role of self in relation to his or her community helps shape the writing that is produced. Rymhs proves, through her use of Prison Writings by Leonard Peltier, Inside Out: An Autobiography by a Native Canadian by James Tyman, and Stolen Life: The Journey of a Cree Woman by Yvonne Johnson, that the need for a public audience beyond the constraints of law is an underlying theme in much prison writing. The author’s need to “structure an alternative hearing, one that resists legal scrutiny and the singular judgment it imparts” (p. 65) is overwhelming.
Another form of prisoner writing, prison collections and periodicals, provide a window into prison life that often takes the form of resistance. These forms incorporate oral traditions from the prison culture, combining them with the Aboriginal mores, providing a unique way for prisoners to react to prison life and “their experience with this institution as one of resistance rather than ‘rehabilitation’” (p. 81).

*Part Two* of the volume looks at the use of genres by residential school writers, and the tendency for the authors to use their writing to develop a voice that allows for defiance against the school’s control of their identity as well as development as autonomous beings. There was a conscious attempt by authorities to thwart the cultural development of the charges under the control of the residential school in an attempt to marginalize the voices and history of the Aboriginal people. The authors in this section take memoir and the elegy, forms that are rich in the cultural tradition and use them to their own advantage for the telling of their stories. According to Rymhs, residential accounts have provided a venue for “collective healing and affirmation” (p. 126), as evidenced in both Rita Joe and Isabelle Knockwood’s work.

*From The Iron House: Imprisonment in First Nations Writing* demonstrates the need for voices housed behind bars to be set free, even if the bodies that contain them remain isolated from the communities they wish to reach with their words. Deena Rymhs eloquently reminds the audience that these are not just texts, but lives, and the words on the pages require our attention as a matter of social conscious.

**About the Reviewer**

*Susan Nagelsen* is Director of the Writing Program at New England College in Henniker, New Hampshire, where she has taught for twenty-five years. She is an essayist and a fiction writer as well as the author of two writing manuals. She teaches first-year courses as well as advanced essay writing courses such as the art of the essay and content based writing. She also teaches in the Criminal Justice program where her course focuses on teaching students about prison from the point of view of prisoners. Her most recent published fiction can be found in the fall 2005 edition of the *Henniker Review, Tacenda, Bleakhouse Review* and in the *Journal of Prisoners on Prison* Volume 14(2), an issue addressing aging in prison. She
is a frequent contributor to the *JPP* and is currently Associate Editor. She is also the editor of an anthology of work by incarcerated writers entitled *Exiled Voices, Portals of Discovery* (New England College Press, 2008). The book features 13 incarcerated writers with an introduction to each written by Nagelsen and is being used as a textbook in courses focusing on criminal justice issues.
Feminist critiques of crime have always questioned gender in relation to women’s criminalization and positioned it at the centre of the analysis, so why, Comack asks, have we not done the same to understand men’s experiences of criminalization? This question leads her to conduct in-depth interviews with 19 incarcerated men in a Manitoba prison. Drawing on feminist standpoint methodology, this account is grounded in the detailed personal histories of the incarcerated men interviewed.

The first section of this book focuses on ‘bringing masculinity into view’. Comack locates the incarceration of men within the context of neoliberal restructuring, which has rolled back social services and simultaneously invested resources into expanding prisons and crime control. Comack does not position violence as an inherently male characteristic, rather she frames male violence as a response to the ‘social anxiety’ exacerbated by neoliberal restructuring, which has heightened social inequality. By examining the current socio-political context and how it shapes everyday interactions, Comack moves beyond popular pathological and psychological explanations for crime and violence among men. To understand the experiences of the men interviewed, Comack draws on the theoretical work of criminologist James Messerschmitt, who she views as one of the few scholars attempting to highlight the relationships between men, masculinity and crime. His theory positions men’s crime as “doing” masculinity – essentially claiming that we perform our gender, it is not an inherent, static or natural part of ourselves, but rather a performance based on societal norms and expectations.

Sections Two and Four of this text, explore the interviewee’s experiences within broader society, both as children and as adults respectively. In both of these sections Comack highlights the ways in which institutions propagate violence. In some cases, interviewees convey how hegemonic masculinity acts as a resource and strategy for both boys and men to negotiate institutionalized violence. The third section looks at men’s experiences as children, in what Comack refers to as “the care/custody mangle”. Drawing on the men’s narratives, this section explores their negotiation of masculinity growing up in state institutions, as well as how these institutions, such as foster care and detention centres, perpetuate violence. The fifth section focuses on how men negotiate masculinity within prison, illustrating how
prison, as well as other institutions perpetuate and normalize structural violence. The final section discusses resistance and explores other ways of “doing” masculinity.

The key thesis of this book is that violence is not an inherently masculine quality. Thus, it is important to look at the systemic violence that men have experienced, as well as how “prison itself is a gendering space, one in which violence figures prominently. It is also a gendering experience in which the pressures on men to ‘do’ masculinity are even more intense and exaggerated” (p. 10). Highlighting the narratives of her research participants to connect male violence with forms of structural violence they have experienced in youth and adulthood makes Comack’s contribution original and insightful.

At times I found it difficult to read the men’s accounts of their violence, particularly against women. However, by telling the stories of these prisoners, Comack questions dominant societal assumptions about what kinds of men reside in prisons, demonstrating that ‘they’ are more similar to ‘us’ than most wish to believe. Situating men’s violence – both in and outside of prison – within the larger socio-political context,

Comack is able to balance humanizing the male prisoners who make up her study, while not excusing their actions. I would recommend Comack’s book to men who have experienced criminalization, along with those who work with incarcerated men in and outside of prisons to gain perspective on structural violence.

**About the Reviewer**

Krystle Maki is currently a PhD student at Queen’s University in the Department of Sociology, where she also completed her MA. Her MA thesis is titled *Guilty Until Proven Eligible: Welfare Surveillance of Single Mothers in Ontario*. Krystle’s research interests include surveillance, feminist political economy, poverty and welfare policy.
Neal Freeland is a Saulteaux artist and poet who spent 17 years in prison, and is currently living in the city, going to college, as well as continuing to work on his graphic novels and poetry. He is also writing a screenplay for his second short independent film. During his imprisonment he learned to write poetry, honed his skills as an artist and went to school. He also spent a large portion of his time as a peer counsellor, both professionally and as a volunteer. He has recently taken up swimming again (his first love), discovered movies all over again, and loves to watch almost any movie on the big screen. In September, he began his first of two years in a college Social Work program.

**Front Cover:**  “PJD” – 1995 pen and ink illustration
Neal Freeland

The medium is pen and ink. The picture shows a man leaning against the bars, with cuffs on his wrists. It was originally drawn in 1995 and used for T-shirts in Stony Mountain Institution. The piece has since been redrawn with additional shading details using newer pen and inks.

**Back Cover:**  “City of Desolation” – 2001 pen and ink illustration
Neal Freeland
We have prepared the following notes on a few areas of *JPP* policy in response to a number of recurring questions. Please do not hesitate to contact us with any questions regarding these policies.

**Submissions**

Prisoners and former prisoners are encouraged to submit original works that fit the submission guidelines published at the front of each issue. We ask that prospective contributors do not concurrently submit their works to other journals or publishing venues. From a strictly legal standpoint, if we decide to publish an article that has, unbeknownst to us, previously been published elsewhere, it may constitute an infringement of copyright. A sole-submission policy also acknowledges the work that our Editorial Board puts into providing feedback on an article in order to facilitate publication. If you are considering publishing an article with us and in another venue (for example, a personal blog or newsletter), we ask that you inform us as soon as possible, so as to avoid surprises down the road.

**Article Copyright and Acknowledgements**

The *JPP* holds joint copyright of published articles, alongside the article author(s). It is our policy to always support contributors who wish to re-publish their articles elsewhere. Contributors do not need to contact us to obtain permission in order to re-publish their articles – though we always like to hear about it. However, we do ask that re-published articles include a footnote acknowledgement along the following lines:


This includes articles re-published online and in anthologies or edited collections.

**Reproductions and Permissions**

Occasionally, the *JPP* will re-publish an article that has been published elsewhere or publish an excerpt from a larger work. We can only do this if we
have the express written permission of the individuals and/or organizations that hold the original copyright to the work in question. Accordingly, previously published works will only be considered for inclusion in the *JPP* if we are notified of their status at the time of submission and if we receive written permission from the copyright holder(s). It is our policy to include a footnote acknowledging the original publication venue of such articles. Please note that this policy extends to online publications including blogs and forums.