

Editor's Introduction

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It is perhaps unfortunate, from a moral and pragmatic point of view, that the United States is not on the verge of revolution. But until a revolutionary situation exists in the United States, conventional politics has the undeniable advantage over *armchair* revolution in that it can accomplish some positive changes. If prison reform groups are to have any real hope of modifying the prison system in the foreseeable future, they must begin to focus their energies on established political institutions, for in the foreseeable future it is through these institutions that change must come. (Wright 1973, 279; emphasis in original)

With hyper-segregation firmly established in public education and housing, chronic unemployment in already impoverished communities, and ongoing cuts in public welfare and public health, I cannot imagine meaningful reform in the prison system until carceral issues are incorporated into a broader agenda for social justice and economic equality. (Platt 2015, 188)

THE WIRE, CREATED BY BALTIMORE SUN JOURNALIST DAVID SIMON, famously dramatizes the human suffering associated with urban crime and violence as a boon for various stakeholders: Lawyers, jailers, philanthropists, drug lords, preachers, scholars, journalists, educational bureaucrats, and—not least—politicians all figure into the drama. In a trope reminiscent of Émile Durkheim, Simon turns the commonplace understanding of crime on its head, portraying urban crime as the indispensable grist for large government bureaucracies, neoliberal rent seekers, lawyers and bondsmen, left-leaning journalists and professors, and all those who—let's face it—make a living responding to crime. From a certain vantage point,

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the complex of interests served by the de facto mismanagement of America's urban crime problem is vast: for-profit prisons come to mind, but also the nonprofit industrial complexes selling nominally therapeutic modalities that promote incrementalist concepts like rehabilitation.

As noted by Wright and Platt above, the scope of any truly ameliorative agenda for prison reform must extend well beyond the traditional purview of criminal justice. Solutions to the problem of crime, quite simply, lie well beyond the reach, scope, authority structure, and resources of the US criminal justice system. As such, the scope and complexity of required civic action is extremely broad—often to the point of overwhelming all practical attempts to respond to the prison crisis. Indeed, grappling with a growing and paralyzing sense of dread about the complexity of late-modern environmental and social collapse has become its own essential preoccupation (Bauman 2004, 2006). However, dialogue and hope must be kept alive—especially given that conditions have so dramatically worsened. That agendas for meaningful prison reform must begin with broader questions about economic justice, race, democracy, gender equality, and human rights should not be allowed to intimidate our efforts nor thwart hopeful dialogue.

This special issue of *Social Justice* expands previous editions' explorations of emancipatory justice and incarceration. Citizens who find themselves in US prisons today are no longer the simple victims of penal welfarism—that is, of a correctional regime that promoted rehabilitation and failed. Today's inmates have been subjected to a much broader and more pernicious and aggressive regime of neoliberal mass incarceration, featuring human warehouses that fetishize security and austerity and have no agenda for human uplift. Put succinctly, I'm sick and tired of “losing the revolution” even as the long-term effects of mass incarceration have compounded and amplified the conditions of previous correctional failures (Rose & Clear 1998, Wacquant 2001). We need direct action, and we need it now. Today's correctional crisis is arguably deeper and more complex than it has ever been. In my home state of Florida, for example, roughly 65 percent of inmates serving time in Florida Department of Corrections institutions have a sixth-grade achievement level.¹ Basic realities of widespread functional illiteracy, documented histories of child abuse and mental illness, and serious familial entropy amid high poverty and unemployment have rendered the corrections morass more complex than any previously faced. Human beings who end up in US prisons today are more profoundly and more systematically disenfranchised than ever before (see Mauer this volume). For an increasingly

large percentage of US citizens, particularly those who have been incarcerated, levels of psychosocial habilitation and prospects for full employment at living wages have essentially disappeared (Wacquant 2001). According to the US Department of Justice prison policy initiative, mental illness now affects over one-third of citizens caught in the US carceral net, and rearrest after release is the norm rather than the exception (Bronson & Berzofsky 2017, Gottschalk 2015). In short, virtually nothing *correctional* is currently taking place in American prisons.

Transcarceration: Coming to Grips with the Crisis

Disenfranchised by felony convictions, traumatized by lengthy incarceration, and marginalized by an urban poverty that both precedes and exceeds the duration of a typical sentence, many criminal justice-involved citizens experience not just mass incarceration but massive transcarceration—the experience of having one's status as a *former* inmate rendered meaningless by conditions of intense surveillance and exclusion from anything but precarious labor upon their return to society (De Giorgi 2013). Zip codes themselves have become prisons, just as for-profit outsourcing and neoliberal privatization have constricted resources for primary education and health care (Hallett et al. 2017). The late-modern crisis we face is acute and transcends the traditional policy boundaries of the criminal justice system. It involves violations of basic human rights, expanding and caste-like economic inequality, systematic political disenfranchisement, and racial and gender discrimination.

Just as the ethnic minorities of the Warsaw Ghetto were scapegoated for purposes of maintaining political hegemony in the mid-twentieth century, today's criminal justice system produces exclusion through intense cultural shaming as well as physical detention. Destructive criminal justice practices are built upon a selective reading of history and criminological research, and they tout a dysfunctional and incrementalist program for change that is both reifying and iatrogenic. Informed citizens must resist and confront this hegemony by highlighting injustices and promoting alternative practices and structures. When viewed holistically, at-risk (read: culturally risky) populations are further marginalized by the very organizations, complexes, and structures deigned to manage them. To quote prisons scholars Gilligan and Lee (2006), we need to get "beyond the prison paradigm" to an approach that prioritizes forward progress as the baseline precondition for continued funding and political legitimacy.

As sociologist Zygmunt Bauman and others suggest, prisons have become late-modern “zombie institutions”—no longer holding relevance for solving the problem they are purported to solve, and instead further exacerbating the political disenfranchisement and marginality of the citizens under their control in the context of predatory capitalism (Bauman 2000, 6; Giroux 2010). One need look no further than the US Department of Justice’s official recidivism rate of 80 percent rearrest within five years after release—and the data showing that the longer someone spends in prison the more likely they are to reoffend—to perceive Bauman’s (2000) point. Clearly, therefore, a central requirement of any emancipatory justice agenda is that new programs are located outside the authoritative purview of criminal justice stakeholders. Just as school resource officers are not trained teachers and probation officers are not trained therapists, emancipatory justice requires both new practices and new practitioners—focused upon resourceful prevention and aftercare responses that are ameliorative and nonpunitive (see Johns this volume).

It is not that criminological research has failed to reveal approaches that leave offenders better off (see Duwe 2017); rather, it is that criminal justice policy is dictated more by the politics of race and class than by determined attempts to apply, and devote needed resources to, what works. In fact, a persistent and willful ignorance arguably characterizes much of the US criminal justice policy, including, for example, US Attorney General Jeff Sessions’s decision to reauthorize the war on drugs despite overwhelming evidence demonstrating the failure of such policies and their disproportionate and negative impact on minority citizens (Kennedy 2017).

In short, this special issue of *Social Justice* begins with the premise that addressing structural violence is the greatest single challenge to establishing mechanisms of emancipatory justice—that is, justice that improves the lot of both offenders and victims and that employs an informed praxis about intersectionality in the lives of those who end up in US prisons. To explore the beginnings of an agenda for emancipatory justice, this issue picks up where previous editions leave off, scoping out a broad terrain for inquiry and action, with each entry concluding with a specific agenda for activism and citizen mobilization. Above all, a truly emancipatory justice agenda must offer programs and resources that leave citizens better off by vesting them with high levels of personal control over their own recovery; such programs must also be performance based. That is, as a condition of perpetuation, emancipatory justice programs must improve the station of the citizens they purport to be helping—as articulated in their own words by those affected or their legitimate guardians.

Looking beyond Prisons to Solve the Prison Crisis

In sum, we begin with an alternative thesis: that one cannot understand the depth and breadth of the US prison crisis merely by looking inside prisons. Current criminal justice practices are structurally implicated in metastasizing the causes of crime. Contending with the broad sources of iatrogenesis in mass incarceration today requires confronting the social conditions that govern the lives of many citizens who end up in prison—both before incarceration and after release. Emancipatory justice requires new forms of leadership and advocacy that both articulate alternative visions and overcome the inertia of despair and political intransigence (Alexander 2010, Garland 2000). As such, emancipatory justice requires an agenda for confronting the penal state. Therefore, I have asked each contributor to this special issue to address their topic with a confrontational attitude, with each article containing an explicit agenda and a title that refers to just such a “confrontation.”

Individual Contributions

Perhaps the best person to lead this confrontation is the director of the US Sentencing Project, Marc Mauer, with his contribution “Confronting Felony Disenfranchisement: Toward a Movement for Full Citizenship.” Among the most pernicious aspects of mass incarceration has been the widespread association of a felony conviction with the temporary, or in some cases permanent, loss of the right to vote. The unprecedented rise of mass incarceration since the late 1970s, in terms of sheer numbers of citizens with felony convictions, has fundamentally altered the practice of American democracy, according to Mauer: “As of 2016, an estimated 6.1 million people in the United States had lost the right to vote, either for a period of time or permanently,” Mauer writes (this volume). Whereas 48 states restrict the right of voting for those currently serving time, 34 also disenfranchise citizens while on probation or parole, and an additional 12 states impose limitations on voting after a felony prison sentence is completed. “Four states permanently disenfranchise anyone with a felony conviction,” Mauer explains. Over three-quarters of citizens facing some form of felony disenfranchisement today are, in fact, not currently in prison. In this article, Mauer unpacks the complexity of felony disenfranchisement in the United States, outlining the numerous combinations of restriction utilized across the various states and offering a perfect demonstration of the complexity of the subsequent efforts required to restore voting rights to convicted felons.

Even though polling data show that 80 percent of citizens support restoring voting rights to convicted felons after completion of their sentence, given the nature of mass incarceration it is imperative that we restore the voting franchise to all citizens whether they happen to be in prison or not. In this opening article, Mauer explores the current state of convicted felons' voting rights and the nuanced and multifaceted strategies that will be necessary for reclaiming these rights.

Next, Diana Johns's piece "Confronting the Disabling Effects of Imprisonment: Toward 'Prehabilitation'" connects the iatrogenic effects of incarceration with high recidivism and human suffering in isolated ghettos. Inquiring as to the aspirations of released inmates, Johns's unique article reveals ex-offenders' acute experience of structural violence. The state frequently expresses a desire for effective rehabilitation, which implies a required duty of care beyond incarceration for crime prevention. "Confronting the disabling effects of imprisonment requires looking beyond the prison to the communities and neighborhoods that feed into prison populations, the places where 'trouble' is endemic and embedded," Johns writes (this volume). Drawing upon her original research, Johns articulates how "sick places" amplify disadvantage and how institutionally structured violence inside prisons beleaguers prisoners and ex-offenders. By also exploring how legal debts and health care costs cripple ex-prisoners' ability to achieve stability upon release, Johns's work shows how "imprisonment is ... less tethered to the crime rate than to other social processes' and inequalities" (Wakefield & Uggen 2010, cited in Johns this volume), and that "prisons' permeable boundaries and transient populations' draw particularly on areas of concentrated disadvantage" (De Viggiani 2007, cited in Johns this volume). In particular, the othering produced by criminal convictions, explains Johns, constitutes its own form of cultural violence, amplifying subaltern power relations and manifesting as additional violence imposed upon and experienced by those with criminal convictions. This epistemic violence saturates the lives and futures not just of ex-offenders but also of generations of family members and citizens from high-crime neighborhoods. Indeed, the dehumanization of some prisons leaves former inmates psychologically disabled, hypervigilant, and more predisposed to violence than they were prior to being incarcerated. Johns addresses the disconnect between incrementalist notions of rehabilitation and the institutionalization effects of most prisons: "If we accept that rehabilitation, by definition, requires a preexisting level of health to be restored, and that prison populations are marked by the opposite ... then we are obliged to reconsider our rehabilitative expectations" (this volume). Here Johns

promotes a public health model that goes beyond “justice reinvestment,” instead arguing for a “justice in the first place” agenda.

In “Confronting Gendered Pathways to Incarceration: Considerations for Reentry Programming,” Jennifer Wesely and Susan Dewey employ a feminist pathways analysis exploring the life histories of 30 female ex-offenders in a women-only transitional housing community. By rejecting gender-neutral perspectives derived from programs designed exclusively for males, a feminist-informed pathways analysis highlights women’s unique experiences of reentry and how they are shaped by gender dynamics. Gender-specific programming prioritizes the unique experiences of female ex-offenders by seeking to meet women’s needs through the direct personal intervention of an all-female staff (Foley 2008). Although it is certainly true that both male and female citizens who are in the criminal justice system often suffer from socioeconomic disadvantage, the effects of such marginality are not uniform. Traumatic experiences of abuse and neglect, as well as experiences of poverty itself, are in fact gendered. Male and female victims of traumatic abuse, neglect, and structural poverty often experience different pathways both into and out of incarceration. By the time adult female offenders enter the criminal justice system, research shows they are often more profoundly traumatized than their male counterparts:

Both male and female youth in the juvenile justice system have experienced disproportionately high levels of traumatic events when compared with the non-juvenile justice population; yet there is an even higher prevalence of certain types of trauma for girls, such as emotional, physical, and sexual abuse. (Flocks et al. 2017, 3)

Here, Wesely and Dewey explore the intersecting contexts adult female ex-offenders endure after prison, informed by the experience of 30 women in a gender-specific, trauma-informed transitional housing program for women returning from incarceration. They highlight three unique gender-specific pathways that inform their interviewees’ struggles during and prior to reentry: 1) “intersectional vulnerabilities,” relating to how gender structures experiences of poverty, abusive trauma, addiction, and homelessness; 2) “abuse and neglect,” relating to the prevalence of traumatic sexual abuse by family members against respondents and how this factors into their life histories and self-perceptions; and 3) “substance abuse and compromised mental health,” relating to the ways in which traumatic abuse and societal gender expectations limit respondents’ options for success outside of prison.

The article concludes with an action agenda affirming the importance of gender-specific programming that emphasizes: 1) gender-specific community and support structures tailored to the unique needs of female ex-offenders; 2) contextualized and gender-specific service parameters wherein staff inform themselves about and utilize the life histories of their clients; and 3) the need to think structurally and critically about change, particularly with regard to the gendered rhetoric of responsabilization that restricts the life chances of female ex-offenders.

In “Confronting Immigration Enforcement Under Trump: A Reign of Terror for Immigrant Communities,” activist and scholar Judith Greene explores the most recent disputes concerning US domestic criminal justice immigration enforcement, particularly with regard to the deployment of so-called 287g powers, which have essentially federalized certain county-level officials across the American Southwest, obliterating separation of powers and local control under the auspices of the Department of Homeland Security (DHS). In an extremely prescient piece, Greene documents the hyperpunitive turn associated with today’s immigration policy and the rise of Trumpism in the United States—associating white nationalism with criminal justice practices that trample human rights and thwart the very possibility of civil rights for immigrant detainees. The dramatic increase in migrant prosecutions with questionable due process has produced a lucrative windfall for the private prison industry, even as state officials themselves (in Arizona, for example) expressly deny any desire to have their personnel participate in Operation Streamline, the federal migrant removal process. As private contracting for detention beds expands rapidly, the unintended consequences of whiplash-like policy changes catch unprotected migrants working as cheap labor off guard. Ironically, enforcement crackdowns on illegal migrants have made it more and more difficult for them to return to their home countries, so many have planted permanent roots in the United States, forming new home communities and establishing families. In the shifting sands of post-NAFTA, white nationalist America, Greene explains, immigration policy has become not just more contradictory but also increasingly ruthless.

Finally, in “Confronting Christian Penal Charity: Neoliberalism and the Rebirth of Religious Penitentiaries,” Michael Hallett explores the rise of Christian seminary programs in US prisons as a function of penal regime change in late-modern corrections. The article documents the neoliberal roots of faith-based programming in US prisons, featuring increased reliance upon religious volunteerism as a form of structural charity in correctional

budgeting. Federal revocation of Pell Grant eligibility for convicted felons in 1994 has produced a de facto monopoly of Christian educators promulgating a sectarian framing of rehabilitation, representing a new form of deregulation and privatization in the prison environment and excluding many inmates from access to equitable rehabilitation resources.² Though faith-based programming can dramatically improve the well-being of prisoners who freely volunteer, overreliance upon Christian educators in US prisons fosters a coercively privatized mechanism for inmate education. In what is fast becoming a nationwide movement, Christian seminary programs are now operating in 17 states, often providing the only tuition-assisted access to collegiate-level education available to prisoners at the institutions in which they are housed.

Efforts to reduce taxpayer spending on prisons have featured expanded use of private for-profit corporations as well as increased use of voluntary service organizations, particularly faith-based programs seeking offenders' self-transformation (Hallett 2012, Hannah-Moffat 2000). In an effort to end the government monopoly on delivery of services in criminal justice, new levels of both structural charity and market competition are an increasingly commonplace feature of correctional budgeting (see Hackworth 2012, 45–46; Hallett 2006). As a new religious neoliberalism takes hold in American corrections, the line between church and state has blurred considerably.

NOTES

1. Florida Department of Corrections, Annual Report 2015–2016, p. 13. Retrieved November 11, 2018 from http://www.dc.state.fl.us/pub/annual/1516/FDC_AR2015-16.pdf.
2. While attending a graduation ceremony for the Darrington Correctional Institution prison seminary examined here, Texas Lt. Governor Dan Patrick stated to the public assembly: "Maybe the next great revival is starting in our prisons. The only way we can change the hearts of men is through the power of Jesus Christ" (Grissom 2016).

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