Introduction

In 1831, Alexis de Tocqueville and Gustave de Beaumont were dispatched to America to study the penitentiary, a novel institution generating great discussion among the social reformers of Europe. At that time, two institutions—Auburn State Prison in New York and the Eastern Penitentiary in Philadelphia—offered leading examples of a new approach to the public management of criminals. The institutions were devised for moral correction. Rigorous programs of work and isolation would remedy the moral defects of criminal offenders so they might safely return to society. The penitentiary was billed as a triumph of progressive thinking that provided a humane and rational alternative to the disorderly prisons and houses of correction in Europe. Tocqueville and Beaumont were just two of many official visitors from Europe who toured the prisons in the 1830s, eager to view the leading edge of social reform.

Grand projects in crime control often spring from deep fissures in the social order. Tocqueville and Beaumont saw this clearly, despairing of "a state of disquiet" in French society. Writing in 1833, they traced the need for prison reform to a restless energy in the minds of men "that consumes society for want of other prey."[1] This moral decline was compounded by the material deprivation of the French working class, "whose corruption, beginning in misery, is completed in prison." Instead of deflecting vice and poverty, the

French prisons made things worse—aggravating immiseration and immorality.[2] America offered a fresh alternative.

Although the prisons that provided the pretext for Tocqueville's American tour did not figure in his observations on American democracy, democratic aspirations were faintly inscribed on the Auburn and Pennsylvania penitentiaries. The project of rehabilitation assumed an innate moral equality among men that could be restored to criminals through penal discipline. Rehabilitative institutions comprised part of a primitive social democracy that conferred not just the vote and freedom of association but also a minimal equality of life chances. Despite curtailing freedom (and applying corporal punishment), the prison posed no basic threat to democracy because the official ideology of rehabilitation promised to reestablish the social membership of those who had fallen into poverty and crime. In practice, of course, the rehabilitative ideal was regularly compromised and in the South it barely took hold at all. In conception at least, and sometimes in practice, the prison sat comfortably alongside an array of welfare institutions that included not only reformatories and asylums but also public schools, hospitals, and rudimentary schemes for social insurance. Like other welfare institutions, the prison was conceived to rescue the citizenship of the unfortunate, the poor, and the deviant.

The story of this book begins one hundred and forty years later, in the 1970s, when the American penal system embarked on another journey of institutional change. The latest revolution in criminal punishment followed some of the logic of its nineteenth-century predecessor. Shifts in the structure of society and politics forced changes in criminal justice, with large consequences for the quality of American democracy. Through the last decades of the twentieth century, the patchwork system of American criminal justice turned away from the rehabilitative project first attempted in New York and Pennsylvania. By the 1970s, policy experts were skeptical that prisons could prevent crime by reforming their inmates. Incarceration would be used less for rehabilitation than for incapacitation, deterrence, and punishment. Politicians vowed to get tough on crime. State lawmakers abandoned the rehabilitative ideals etched in the law of criminal sentencing and opted for mandatory prison terms, the abolition of parole, and long sentences for felons on their second and third convictions. Tough new sentences were attached to narcotics offenses as the federal government waged first a war on crime, then a war on drugs. Locked facilities proliferated around the country

to cope with the burgeoning penal population. Prison construction became an instrument for regional development as small towns lobbied for correctional facilities and resisted prison closure.

Prisons themselves changed as a result of the punitive turn in criminal justice. Budgets tightened for education and work programs. But some social service function remained as the penal system assumed new responsibilities for public health, delivering treatment on a large scale for mental illness, tuberculosis, HIV/AIDS, and hepatitis C. High-risk inmates were gathered in supermax facilities that placed entire prison populations in solitary confinement. In a thousand ways, large and small, the democratic aspirations of rehabilitative corrections were erased and the coercive power of the state penetrated more deeply into the lives of the poor.

Most striking was the increase in the size of the correctional population. Between 1970 and 2003, state and federal prisons grew sevenfold to house 1.4 million convicted felons serving at least one year behind bars, and typically much longer. Offenders held in county jails, awaiting trial or serving short sentences, added another seven hundred thousand by 2003. In addition to the incarcerated populations, another 4.7 million people were under probation and parole supervision. The entire correctional population of the United States totaled nearly seven million in 2003, around 6 percent of the adult male population.[3]

Growth in the penal population signaled more than a change in public policy. Throughout the twentieth century, African American history has been entwined with the history of America's prisons. Blacks have been more likely than whites to go to prison, at least since the 1920s. Southern prisons operated quite transparently as instruments of racial domination, using forced labor to farm cotton and build roads.[4] The prison boom, growing quickly in the wake of the civil rights movement, produced a wholly new scale of penal confinement. The basic brute fact of incarceration in the new era of mass imprisonment is that African Americans are eight times more likely to be incarcerated than whites. Incarceration rates climbed to extraordinary levels among young black men, particularly among those with little schooling. The Bureau of Justice Statistics reports that in 2004, over 12 percent of black men aged twenty-five to twenty-nine were behind bars, in prison or jail.[5] Among black men born in the late 1960s who received no more than a high school education, 30 percent had served time in prison by their mid-thirties; 60 percent of high school dropouts had prison records.[6]

By the end of the 1990s, criminal justice supervision was pervasive among young black men. This was a historically novel development in American race relations. We need only go back thirty years, to 1970, to find a time when young black men were not routinely incarcerated. The betrayal of the democratic purpose of rehabilitation had diminished the citizenship of African Americans most of all.

How can we understand the fabulous growth in the American penal system and its effects on the poor and minority communities from which prison inmates are drawn and ultimately return? This book first details the changing scope of incarceration in America through the 1980s and 1990s, then accounts for the growth in incarceration rates. I then examine the effects of the prison boom on crime, and economic opportunity and the family life of the men who serve time in prison jail.

My main arguments rely on two basic insights of the sociology of politics and crime. First, for political sociology, state power flows along the contours of social inequality. From this perspective, the prison boom was a political project that arose partly because of rising crime but also in response to an upheaval in American race relations in the 1960s and the collapse of urban labor markets for unskilled men in the 1970s. The social activism and disorder of the 1960s fueled the anxieties and resentments of working-class whites. These disaffected whites increasingly turned to the Republican Party through the 1970s and 1980s, drawn by a law and order message that drew veiled connections between civil rights activism and violent crime among blacks in inner cities. For these conservative politics, rehabilitation coddled the criminals who had forfeited their rights to fairness and charity. The young black men of poor urban neighborhoods were the main targets of this analysis. Jobless ghettos, residues of urban deindustrialization, lured many young men into the drug trade and left others unemployed, on the street, and exposed to the scrutiny of police. The punitive sentiment unleashed in the 1970s by rising crime and civil rights activism in the 1960s, institutionalized what had become a chronically idle population of young men with little education. Their life path through adulthood was transformed as a result.

Second, for sociologists of crime, the life path through adulthood normalizes young men, so criminal behavior recedes with age. Adolescents are drawn into the society of adults by passing through a sequence of life course stages—completing school, finding a job, getting married, and starting a family. The integrative power of the life course offers a way out of crime for

adult offenders. Men involved in crime who can find steady work and a stable marriage also become embedded in a web of social supports and obligations. These social bonds help criminally active men desist from further offending. Men coming out of prison, however, have little access to the steady jobs that usually build work histories and wages. Employers are reluctant to hire job seekers with prison records, and former inmates are generally poorly prepared for the routines of steady employment. Prison also disrupts families. By 2000, over a million black children—9 percent of those under eighteen—had a father in prison or jail. In around half of all cases, these fathers were living with their children at the time they were incarcerated. The forced separation of men from their families also takes a toll on conjugal bonds. For women with men in prison, married life is threatened by the strains of visitation and the temptations of free men who can help support a household. Few couples survive a term of imprisonment. Unmarried men stigmatized by a prison time can also pay a price. Serving time signals a man's unreliability and a prison record can be as repellent to prospective marriage partners as it is to employers.

A common logic underlies the negative effects of incarceration on a former inmate's job prospects and family life. Although the normal life course is integrative, incarceration is disintegrative, diverting young men from the life stages that mark a man's gradual inclusion in adult society.

The employment problems and disrupted family life of former inmates suggests that incarceration may be a self-defeating strategy for crime control. Although incarceration surely prevents those who are locked up from committing crime in society, inmates are ultimately released with few resources to lead productive lives. Without great hopes for job security or a good marriage, crime remains an inviting alternative. Skeptics will counter that through the 1990s, when incarceration rates reached their highest levels, crime rates fell to their lowest levels since the 1960s. Correlation, however, is not causation. There were many forces operating at the end of the 1990s to drive down crime rates. My empirical analysis shows that fully 90 percent of the decrease in serious crime from 1993 to 2001 would have happened even without the run-up in the incarceration rates. The prison boom contributed a little to the decline in crime through the 1990s, but this gain in public safety was purchased at a cost to the economic well-being and family life of poor minority communities.

Even more important than the effects of the prison boom on crime are its

effects on American inequality. The repudiation of rehabilitation and the embrace of retribution produced a collective experience for young black men that is wholly different from the rest of American society. No other group, as a group, routinely contends with long terms of forced confinement and bears the stigma of official criminality in all subsequent spheres of social life, as citizens, workers, and spouses. This is a profound social exclusion that significantly rolls back the gains to citizenship hard won by the civil rights movement. The new marginality of the mass-imprisonment generation can be seen not only in the diminished rates of employment and marriage of former prisoners. Incarceration also erases prison and jail inmates from our conventional measures of economic status. So marginal have these men become, that the most disadvantaged among them are hidden from statistics on wages and employment. The economic situation of young black men—measured by wage and employment rates—appeared to improve through the economic expansion of the 1990s, but this appearance was wholly an artifact of rising incarceration rates.

To tell this story, I begin by charting the scope of the prison boom. Chapter 1 places the era of mass imprisonment in comparative and historical perspective, underlining the historic novelty of the current period. Chapter 2 explores the causes of the prison boom by relating the growth in incarceration rates to shifts in crime rates. I see little evidence that growth in the penal population is related to either rising crime, or that increased incarceration among young disadvantaged men is associated with increased offending. Chapter 3 continues the search for the causes of rising imprisonment by studying changes in economic and political conditions. Incarceration rates grew most in states that elected Republican governors and adopted punitive regimes of criminal sentencing. Analyzing rates of prison admission for black and white men at different levels of education shows that class inequalities in imprisonment increased as the economic status of less-educated men decreased.

The remaining four chapters study the consequences of the prison boom. Links between the labor market and the penal system are examined in chapter 4 that measures the hidden inequality in wages and unemployment due to high rates of incarceration. I find that young black men obtained no benefit—either in employment or relative wages—from the record-breaking economic growth in the late 1990s. The invisible inequality that burgeoned through the boom times of the 1990s challenges the claim that robust

growth by itself, without the supports of social policy, could bring opportunity to the most disadvantaged. Chapter 5 follows prison and jail inmates from release into society to their experiences in the labor market. Survey analysis shows that incarceration significantly reduces the wages, employment, and annual earnings of former inmates, even though their economic opportunities are extremely poor to begin with. The family life of criminal offenders is studied in chapter 6 which analyzes marital disruption and domestic violence among men coming out of prison. Here I find that incarceration undermines marital relations and thus increases a woman's risk of violence at the hands of her partner. Finally, chapter 7 tests the claim that the prison boom drove the fall in crime at the end of the 1990s. I find that the large negative effects on crime that are often attributed to imprisonment are overstated: The growth in incarceration rates explains only one-tenth of the decline in serious crime at the end of the 1990s.

Although the prison boom undermined economic opportunity and split up families, it cannot explain all the unemployment and female-headed households that underpin much of America's racial inequality. Unemployment and broken homes are as much a cause of imprisonment as a consequence. The disadvantaged men who go to prison would still risk unemployment and marital instability even if they weren't incarcerated. Instead, the prison boom helps us understand how racial inequality in America was sustained, despite great optimism for the social progress of African Americans. From this perspective, the prison boom is not the main cause of inequality between blacks and whites in America, but it did foreclose upward mobility and deflate hopes for racial equality. Perhaps more than adding to inequality between blacks and whites, the prison boom has driven a wedge into the black community, where those without college education are now traveling a path of unique disadvantage that increasingly separates them from college-educated blacks.

The prison boom opened a new chapter in American race relations, but the story of race and class inequalities sustained by political institutions is an old one. The punitive turn in criminal justice disappointed the promise of the civil rights movement and its burdens fell heavily on disadvantaged African Americans. By cleaving off poor black communities from the mainstream, the prison boom left America more divided. Incarceration rates are now so high that the stigma of criminality brands not only individuals, but an entire generation of young black men with little schooling. Tocqueville

and Beaumont might be surprised that the American prison had failed so completely to realize the promise of its democratic origins. Although the growth in imprisonment was propelled by racial and class division, the penal system has emerged as a novel institution in a uniquely American system of social inequality.