

NOTHING PERSONAL: MASS INCARCERATION, PRISONER REENTRY, AND DISILLUSIONMENT

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The era of mass incarceration has brought recent attention to the process of prisoner re-entry. Most scholarly treatments of re-entry have built upon the classic “pains of imprisonment” literature (Sykes, 1958) and list the various needs and deficiencies faced by current and former prisoners. Re-entry analysis tends to emphasize the first days or initial period of return (Petersilia, 2003; Travis, 2001). The implication being that if returning prisoners can survive the initial shock of release, they will manage to gain a footing in free society and perhaps come out all right.

Longer-term analysis, however, may be less encouraging. John Irwin, perhaps America’s foremost prison scholar, suggests, “It is my belief that a long-term follow-up study of released prisoners would find that a relatively high percentage, perhaps more than 25 percent, end up on skid row” (2005:197). It seems, then, that whether the vantage point rests on the “moment of release” or on the “life course,” formerly incarcerated persons face many obstacles to getting on track with their lives.

The emergent field of Convict Criminology (Ross and Richards, 2003) portrays prison and related experiences as a largely hidden, difficult, and complex subject matter that is nonetheless usually presented in a simplistic manner (Irwin, 2002). Convict Criminologists tout ethnography as possessing the potential to disrupt and otherwise complicate our understanding of the justice process, while grounding knowledge in the lives of actual participants (see Jones, et al., 2009). Convict Criminologists also argue that the power of personal narrative, of story, is well suited to developing a critical understanding of prison as centerpiece of a flawed and destructive criminal justice process (Terry, 2003; 2004; Hendricksen and Mobley, 2012). Below, I will tell a story, an autoethnography (Lenza, 2011), describing an especially tense period in my own re-entry.

Employment security, a challenge for nearly all persons at the time of this writing, is particularly difficult for formerly incarcerated persons (Western, 2006). The story I tell here

concerns a crucial moment in my quest for security of employment: specifically, for tenure within an academic institution. The tenure process provokes mental anguish for many. I've heard numerous stories of mental and emotional suffering, insomnia, isolation, even breakdown. My point is that even though the tenure experience is common, systemic, in fact, its affects are usually closely held. It can become a very private affair of intense personal accountability.

I came to academia very nearly direct from prison after ten years of continuous confinement. My offense was involvement in drug trafficking. I entered graduate school at the University of California-Irvine in 1995 bearing the Bachelor's (Economics, State University of New York, 1991) and Master's (Sociology, Vermont College, 1993) degrees I had earned while a prisoner of the US Federal Bureau of Prisons. I completed my PhD the day after the attacks of September 11, 2001.

Unable to secure a permanent position over the next several years, I found temporary work - a university fellowship, grant-funded community action research projects, a visiting professorship - before accepting a tenure-track position as Assistant Professor of Criminal Justice at San Diego State University (California, USA) beginning Fall 2005. The traditional period of "academic probation" - a status both ironically familiar and painful for an ex-felon - came to be extended from six years to seven years because state budget cuts and 'work furloughs' had reduced the number of days for which staff were paid to work. This 'extra year' was lucky for me, since my previous application for tenure after five years had been denied. The cause: insufficient peer-review publications.

Convict Criminology is characterized by its members' inclination to publish in non-traditional venues (Richards and Ross, 2001; DeKeseredy, 2011). I too followed this practice, in part because of a desire to contribute to social change. I had my doubts that the traditional academic path would facilitate my doing so. In the final year of my extended academic probation I did manage to publish a number of research articles and essays in peer-review journals (Mobley, 2011a; 2011b; 2011c; 2012a; 2012b). Still, there was no real way for my sceptical mind to know if what I had done was enough for the review board, or if anything, really, would be enough.

Thus I found myself struck by anxiety, (post-traumatic?) stress, and perhaps paranoia, states of insecurity that have been known to cause individuals and even nation-states to behave badly (Gusterson and Besteman, 2010). I submit that this period posed a particular challenge to my re-entry. In my case, however, the challenge was not so much desistance from criminal activity per se, as is usually most feared, but from indulging in some of the underlying factors said to contribute to crime and detract from overall personal well-being: apathy, despair, and disillusionment. Here, then, is the story that marked the culmination of that time. It is followed by analysis.

Penal Insecurities

I am told that at my age if I were to lose my job I should expect not to work again. This is because younger, less costly workers and technologies are there to replace me. They say that folks like me are expendable, an indulgence surplus. And I believe this to be true. I don't believe it completely because I do see value in myself and what I do. But I believe it. Right now this belief seems especially damaging because I am in the midst of the final performance review of the probationary period of my employment. If the review goes well, I will be offered security of employment. If negative, I will be offered a "terminal year." That means fired. Let go.

Driving home from work I see what I take to be a homeless man pushing his cart of earthly belongings up a mildly steep city sidewalk. He approaches the driveway to a busy shopping center but before crossing doesn't bother to check both ways. Doesn't bother. His gaze remains locked and loaded, middle distance, front and center. What soldiers call a thousand-yard stare.

The sight of this man unnerves me. My attention is held fully captive as I imagine the difficulties and indignities of his life. His physical strength is formidable, for sure, yet his strength seems mighty in its rigidity while weak in terms of flexibility, adaptation. Should an inattentive motorist, for example, cross his path at just the right time - the wrong time - this man would undoubtedly find himself (myself?) crushed beneath grinding automotive weight.

I struggle to bring my attention back to the road. I do not see the full face of this man, yet there's something unmistakable in his bearing, his movement, his set. I am sure that this man knows, like I know, of life within an institution, perhaps many institutions.

Living in prison one learns that each person bears responsibility (and accountability) only for his own actions. This man, like most men in penal institutions, does not look around at his surroundings. His understanding is that the other pedestrians are responsible for the spaces they occupy, and the drivers for the spaces they move through in their vehicles. This man, like me, minds his own business. By force of habit he watches only his own next step. He holds himself accountable for the space occupied by his body and his gaze. All else that surrounds him, including the earth, the sky, and the very air he breathes, is thought to belong to that amorphous entity known to all the institutionalized as *They*. *They* control the resources and the environment, and they do with it, and with him, as they please. It's hard, this relative helplessness, but over the years he has found little that he can do about it. So he closes-off, withdraws, minimizes. He is here, yes, on the sidewalk, but not really. He is *in* this workaday scene, but not *of* it, not really.

I shudder to shake the disquiet as I roll through the next intersection, heading home. But the front-and-center gaze stays with me. It's undeniably familiar, well practiced, time worn. Silently, I wish this man well, when suddenly a (warning?) warming flush of shame comes to my face. I am forced to confront my *fervent* wish to avoid the necessity of donning his mask, that stare, ever again. Yes, I am told that if I were to lose my job that I should expect not to work again. And I believe it. I am a convicted felon, an ex-convict, and the part of me that warms to (and is warned by) the protective rigidity of the thousand-yard stare expects to lose this job, expects to push that cart, anticipates the indignities of dispossession, and readies for it.

Breaking (it) Down

I work as a college professor, a criminologist. I have been out of prison nearly twenty years and still this dread of dispossession is a part of me. Professionally, my work as a researcher and teacher is layered with the sensibilities of one who has fully inhabited a discredited

social position. People say this enriches my work. Personally, the costs of such expertise are high. Sky high.

Formerly incarcerated persons are known to suffer numerous collateral consequences following periods of confinement. Scholars have amply documented what many of us know and feel: exclusion from housing, jury service, voting rights, volunteer positions, jobs, whole career paths (Mauer and Chesney-Lind, 2003). Yes, and living with a prison sentence is so much more than that.

It starts, of course, with arrest. One is yanked out of one's life circumstances much like those portrayals of persons vaporized by neutron bombs. Everything else remains the same, only you disappear. Conviction changes that. Your rent comes due and all of your things disappear, too. Your car is taken away and most of your friends and relationships are not far behind. In prison, you discover from court documents that you are now considered 'indigent' and you seek out the meaning of that term. The benefit of waived court fees is little consolation for being flat broke. You are down, out and ended-up in prison. And that is where you stay, until the day they kick you out. Then, usually, no one is there to feed, house, or clothe you anymore. You are still flat broke, an internally displaced person, broken in many ways, yet now you must fend for and fix yourself.

Most people that go through the trauma of arrest, conviction, incarceration and release, repeat the process, often many times. That the prison industry creates its own repeat customers is well known. My repetitions have been simulated and virtual, a silly and yet mincing mind-game on the penal merry-go-round. The simulated condition results from my dancing along the razor's edge as a prison volunteer and researcher. I go into prison in part, maybe, to see if they will (still) let me out again. My virtual exploration is on exhibit right here, both in this real-time writing, and in the events depicted above. Dealing with this experience, this gift that keeps on giving, is difficult. Why don't I just leave it alone? Because, it won't leave me alone. That much needs to be understood by those seeking to know about mass incarceration.

Mass Incarceration and the Convict Code

The convict code of conduct (Irwin, 1970; Irwin, 2012) is said to be an informal set of rules governing prisoner society. Its primary dictates are, “do your own time,” and “don’t snitch.” More than anything else, the convict code constructs and stresses the reality that each man is sentenced, comes into prison, and will leave alone. The legally constituted aspect of his identity serves as a master status; all else about him is sublimated to that legal, physical fact. Produced as a discrete, separate individual, no convict owes another anything, nor expects anything. No favors, no harms. Since nothing between prisoners is owed or expected, everything, all thoughts, words, and deeds, is considered to be consciously decided. Individuals are thereby held responsible for their decisions. The code is a simple extension of the broader societal legal logic that holds each prisoner accountable for his actions. Ignorance of norms/laws is no excuse to escape responsibility and punishment, not in prison, or on the street. The compacted, concentrated, black and white world of prison is even more demanding than the free world penal code, however, in that “intent” is assumed by the mere act of commission. There is no such thing as ‘guilty with explanation’ or ‘I didn’t mean to’. The rule is an unforgiving, ‘you break it, you bought it’.

This profound level of individuation is said to protect each prisoner from sanctions arising from the actions of other prisoners. In the words of one prison officer: “I tell them when they first come in, ‘If you mind your own business you are responsible only for yourself. If some jack-off wants to get smart and try something, let him pay for his mistakes. You keep your nose clean and you’ll get out when your number is up’” (prison staff interview).

Convicts as Privatized Personalities

The criminologist Ian Taylor (1999) cites historian Raymond Williams and his ideas concerning privatization in Western societies. Williams sees the most fundamental manifestation of privatization in the common, everyday, practices of folks who construct themselves as ‘private individuals’, and then isolate themselves from others. Even while on the move in public, Williams notes, people tend to be alone. Williams calls this phenomenon ‘mobile privatization’. Contemporary capitalism urges citizen-subjects to live alone behind

guarded gates, travel alone in sports-utility cocoons, work at service, intellectual, or technical jobs, alone, and chained to computers and other “smart” devices, even when on the move. We are the products of a market society that seeks to create us as autonomous, isolated producers and consumers.

The convict code seeks to produce cons the same way. Privatized. Each existing in a private world. “Mind your own business; you came in alone, you do your time alone, you leave alone; best to protect yourself from the risk posed by others.” The convict code creates subjects not as mindless drones that blend in seamlessly with others, but as fully conscious individuals who minimally acknowledge others because others have no meaning in their privatized life-worlds. In these personalized dystopias, the only significant relationship is with the rules.

The prisoner is kept congregated with others for the efficiency of the system, for its good, not his. Whether or not he benefits from the proximity of others, he simply must endure it. Yet even among so many he is isolated in his pain, burdens, and goals. The human predilection for sociality draws him to those around him, yet according to the code he is not to form any type of community, as it would pose a threat to the administration, and then they to him. Prisoners cannot form a consensus regarding living conditions, family problems, administrative priorities, or what-have-you. Convict society is thereby made mythical, little more than a management tool; something allowed to form or be disbanded by authorities. It serves at their pleasure.

Perhaps a broader discussion of the erosion of public space and the alienation of citizen-subjects should include, or even use as a model, the convict as the ultimate privatized personality. Owning nothing but needing some basic necessities and a tangible sense of ownership for status and esteem, he appropriates virtually everything from the public sphere and privatizes it.

Williams writes that mobile privatization is, “one of the defining dimensions of the emergent culture of market society” (quoted in Taylor, 1999: p. 137). The taking of public space by privatization (enclosure within enclosure) is rooted in the logic of the market economy,

where resources are given value via control/ownership and then may be traded to create additional value.

The convict code encourages prisoners to be private people; to privatize the space they occupy. The chair in the TV room may be public space, but the con takes his comb from his pocket and places it on the chair to make it his own. Same with bunks, cells, lockers. Nearly all a prisoner's material resources are public goods appropriated by him, privatized for his own personal consumption. This includes his bodily-occupied 'personal space', ostensibly public space that he takes and is prepared to defend until the moment he surrenders it, one way or another.

Consumers of Punishment

Even as he is homogenized as an 'inmate' the convicted felon is turned into an individual consumer, a consumer of punishment. He *is* in order to be punished. His "job" is to remain in place, open, and accepting with apparent docility the conditions forced upon him. The slavish, stupefied condition of learned helplessness that afflicts prisoners is no doubt caused in part by the lack of decision-making endemic to penal regimens. Certainly in any prison the array of choices available to one is circumscribed. Not totally eliminated, by any means, but circumscribed.

However, learned helplessness is both a social disease and individual pathology; it is a barrier to the means of achieving social capital, such as employment and re/integration, both inside prison and on the streets. Not only is the prisoner unaccustomed to making nuanced decisions, perhaps more important, he has a diminished perception of others, both in qualitative and quantitative terms.

Having lived for years among severely impaired humans, people reduced by their role ordeal as either prisoners or guards, he fails to expect much from those he encounters. Low expectations are then joined to his own diminished capacity. Being trained to see others in only the most superficial ways, as, for example, 'safe' or 'threat'. The current or ex-con has trouble in perceiving persons as whole, complex beings. Thus he finds it difficult to trust, to

love, to evaluate with subtlety. He is much more comfortable keeping people in the roles he assigns them. Learned helplessness may be more of an antisocial disease that reveals itself after prison, on the outside. It is a learned inability to coexist with others. For his own comfort, then, the ex-con privatizes himself as tightly on the streets as he did in prison. This outlook must surely undercut his ability to remain 'free' on parole, just as it perversely expands his autonomy in the joint. In the words of Irwin (2005):

Most parolees eventually stay out of prison, but the majority of them would not consider their life a success. Nor would any informed observer. This is because many parolees, I suspect a majority, eventually end up living an isolated, impecunious, dependent life on the margins of society (pp. 191-192).

Back on the Street

As previously noted, I work as an academic criminologist. This means that I study crime and those most often involved with crime. Criminologists in the US are well aware that racial minorities are the people most often involved with 'crime'. It bears mentioning that, for a criminologist, 'crime' usually means those illegal acts that result in arrest and conviction. Of course many argue, quite persuasively, that the harmful acts of the powerful are rarely defined as crime. And since the powerful in society tend to be from the dominant ethnic/racial group - white people - perceptions and statistics on crime are skewed towards the portrayal of racial minorities as criminals.

The part of the city where I currently reside is almost wholly populated by brown people. As I drive past the shopping center with its 'Chuze' gymnasium and 'El Super' grocery store, I see brown teenagers streaming forth from the high school. Like almost every day, two police patrol cars, 'black and whites', are stopped in front of the school.

'Crime prevention' often means police or others intervening in shaky situations. Interventions usually are focused on young people because the young are thought of as 'high risk' both of committing and being victimized by crime. Certain racial minorities - Blacks and Latinos - are the obvious targets of crime prevention efforts, and not only because of the risk of their direct involvement with crime.

Blacks and Latinos are thought more vulnerable to crime at least in part because they have a harder time 'making it' in American society than do their white counterparts. American Blacks and Latinos live shorter lives and suffer more infant deaths than do whites. They are paid less, are sick more and find themselves less well educated. In fact, studies suggest that most Black and Latino boys do not finish high school (Alexander, 2010). Criminologists then, understandably, have a history of involvement in schemes to improve the life chances and lower the crime risks of Blacks and Latinos.

Recently, demographers have informed us that in two states so far, California and New Mexico, Latino children now comprise an outright majority of young people. Although these children remain at 'high risk' for crime, victimization, and for the many disadvantages associated with being a minority group, they are no longer a minority.

Hmm. As I watch our animated local high schoolers bop across the crosswalk, I note that the American Dream for minorities has always been portrayed as something achieved through assimilation and finding success in the majority mainstream. Now we find a new mainstream in the making, a majority group *that is the 'high risk' group*. Meanwhile the minority - white children - enjoy most advantages. Hmm.

Contemplating the future, my perhaps paranoid mind cannot help but ask if the US is on the way to becoming a place where a powerful minority group makes laws, enforces them, and otherwise structures society for its own benefit, while disadvantaging the majority? If so, will this make the US more like the apartheid regime of the old South Africa? If it does, if the US is indeed heading the way of South Africa - even under a Black president - what might the future hold for Americans? Tribal homelands, segregated, gated communities? Rising inequalities? A two-tiered justice system? A nation, in other words, headed for de facto partition and dissolution? Where might I and mine fit in? Where might you?

The other day, a college student, brown, like a plurality of my university students, came up after class to tell me that he had listened to a recording of a radio broadcast I'd made a decade before. It was for a public radio station in Los Angeles. The radio station later decided to burn CDs and offer them to paying listeners as subscription gifts. I had been

happy to do the interview, and willing to contribute to the fundraising drive, but lately found that my enthusiasm for the project had declined. It was this tenure review. I did not know who knew what about me, or what they thought about what they knew.

The student said he was very impressed with the interview. He found my life amazing and inspiring and said the resilience I had shown in very trying circumstances was admirable; that he hoped to have as much resilience himself when difficulties came his way. I tried to be gracious, but I noticed an uptick in my heartbeat and sweat had come to my palms. Afterward, I thought to maybe curse myself for ever making my private life public. And then I remembered: as far as my criminality was concerned, I had no private life.

I keep my nose clean and the performance review is going well. Good thing, because as far as teaching goes, a university is it for me. At my age, and even with all my distinguished credentials, I sure wouldn't be allowed to teach high school.

References

Alexander, M. (2010). *The New Jim Crow*. New York: New Press.

DeKeseredy, W. (2011). *Contemporary Critical Criminology*. New York: Taylor and Francis.

Gusterson, H. and Besteman, C. (2010). *The Insecure American*. Berkeley: University of California Press.

Hendricksen, R. and Mobley A. (2012). 'A Tale of Two Convicts: A Reentry Story About the Impacts of Ethnicity and Social Class'. *Journal of Prisoners on Prisons*, V2, 1 and 2: 216-235.

Irwin, J. (1970). *The Felon*. Englewood Cliffs, NJ: Prentice-Hall.

Irwin, J. (2002). 'Preface'. In Ross, J. I. and Richards, S. C. (eds). *Convict Criminology*. Belmont, CA: Wadsworth.

Irwin, J. (2005). *The Warehouse Prison*. Los Angeles: Roxbury.

Irwin, K. (2012). 'John Irwin and the Convict Criminology Code'. A *Special Issue* Commemorating the 15th Anniversary of Convict Criminology, *The Journal of Prisoners on Prisons*, 21, 1 and 2: 190-194.

Jones, R., Ross, J. I., Richards, S. C. and Murphy, D. (2009). 'The First Dime. A Decade of Convict Criminology'. *The Prison Journal*. 89, 2: 151-171.

- Lenza, M. (2011). 'The Importance of Postmodern Autoethnography and Ethnography in Criminal Justice Research and Policy Development'. In Ekunwe, I. O. and R. Jones, R (eds). *Global Perspectives on Re-entry*. Tampere, FI: Tampere University Press.
- Mauer, M. and Chesney-Lind. M. (2003). *Invisible Punishment*. New York: New Press.
- Mobley, A. (2011a). "Collateral Consequences of Incarceration: An Ex-Con Applies for A(nother) Job". *Peace Review: A Journal of Social Justice*, 23(3): 356-363).
- Mobley, A. (2011b). 'Decarceration Nation? Penal Downsizing and the Human Security Framework'. *Western Criminology Review*. 12(2:10-20).
- Mobley, A. (2011c). 'Justice and Reconciliation for Prisoners'. *Museums and Social Issues: A Journal of Reflective Discourse*, 6 (1), Spring: 19–24.
- Mobley, A. (2012a). "The No-Man's Land of Intermediate Legal Sanctions." *Contemporary Justice Review*, 15(1): 5-15.
- Mobley, A. (2012b). 'Killing Time on the Prairie'. *Journal of Critical Animal Studies*.10, (2):17-27.
- Petersilia, J. (2003). *When Prisoners Come Home*. Oxford. Oxford University Press.
- Ross, J. I. and S. C. Richards, S. C. (2003). *Convict Criminology*. Belmont, CA: Wadsworth.
- Richards, S. C. and Ross, J. I. (2001). 'The new school of convict criminology'. *Social Justice*, 28(1):177–190.
- Sykes, G. (1958). *The society of captives*. Princeton, NJ: Princeton University Press.
- Taylor, I. (1999). *Crime in Context: A Critical Criminology of Market Societies*, Cambridge: Polity.
- Terry, C. (2003). *The Fellas*. Belmont, CA: Wadsworth.
- Terry, C. (2004). 'Managing Prisoners as Problem Populations and the Evolving Nature of Imprisonment: A Convict Perspective'. *Critical Criminology*.12(1).
- Travis, J. (2005). *But They All Come Back*. Washington, D.C.: Urban Institute Press.
- Western, B. (2006). *Punishment and Inequality in America*. NY: Russell Sage.