

Glenn C. Loury & Bruce Western

*The challenge of mass
incarceration in America*

The proper role for the social scientist in discussions of social policy is not self-evident because the most challenging policy problems are not merely technical. Nor is policy discourse only *instrumental*; it is also *expressive* and *constitutive*. It sets an agenda for action, frames key moral judgments of a citizenry, marks the boundary between civic and communal responsibility, conveys a narrative of justification, and establishes the significance of a nation's history for its present-day course of public action. Whether intended or not, public debate over the most basic issues (implicitly) answers the question, what manner of people are we Americans? This outcome is surely true for public debate about what may be the preeminent domestic policy issue of our time: that mass incarceration is now, *de facto*, a central element of American social policy.

The essays gathered in this issue of *Dædalus* explore the empirical contours, the political underpinnings, and the prospects for reform of America's incarceration complex. They exemplify the potential for the social sciences to contribute usefully to a crucial public debate. The authors come from varied disciplines –

criminology, sociology, political science, economics, and law – and reflect differing ideological predispositions. However, all hold the common conviction that this newly emergent punishment regime constitutes a formation of fundamental significance for American society; that its roots in the political culture are varied and intricate; and that there is no easy or straightforward path out of the policy fix that we have gotten ourselves into.

The empirical contours of American incarceration are assessed in the four pieces that begin this issue. Bruce Western of Harvard University and Becky Pettit of the University of Washington examine the class and racial dimensions of incarceration and its impact on social inequality. Robert J. Sampson and Charles Loeffler, both of Harvard University, look at data on the spatial concentration of imprisonment in the large American city of Chicago. Two subsequent essays focus on particular subsectors of the prison universe: Candace Kruttschnitt of the University of Toronto surveys the social context of women's imprisonment; Jeffrey Fagan of Columbia University reviews the current state of juvenile incarceration in the United States. Following this assessment of the basic facts, the issue turns to the political underpinnings of America's incarceration policies.

Over the past four decades, the United States has, by any measure, become a vastly more punitive society. This expansion, and transformation, of penal institutions in the United States – which has taken place at every level of government and in all regions of the country – is without historical precedent or international parallel. With roughly 5 percent of the world’s population, the United States currently confines about 25 percent of the world’s prison inmates. The American prison system has grown into a levathan unmatched in human history. This system is not limited to law enforcement and punishment policy. It also extends to social policy writ large, a uniquely American form of social policy at that.

These developments should be deeply troubling to anyone who professes to love liberty. America, with great armies deployed abroad under the figurative banner of “Freedom,” harbors the largest custodial infrastructure for the mass deprivation of liberty on the planet. The financial costs entailed are staggering, and the extent of human suffering endured boggles the mind. No other advanced nation has been willing to tolerate imprisonment on the scale, and of the character, that has become commonplace and that goes virtually unremarked in the United States. The United States consigns nearly as great a fraction of its population to a *lifetime* in prison (more than fifty per one hundred thousand residents) as Sweden or Denmark or Norway finds it necessary to imprison for terms of any duration.

How and why did this extraordinary policy development take place? Why is punishment American-style such an international anomaly? And what effects should we expect the economic crisis – with its over-stretched state budgets and proliferating financial bailouts – to have on the ways policy-makers think about

the incarceration problem? These questions are taken up by the authors of the next set of essays in this issue. Marie Gottschalk of the University of Pennsylvania is skeptical that the present era of economic hardship will fundamentally alter penal policies so as to reduce the long-term incarceration rate. Loïc Wacquant of the University of California, Berkeley, emphasizes the interconnectiveness of penal policy (for poor urban minority men) and welfare policy (for poor urban minority women), arguing that both reflect structural changes characteristic of late-capitalist society in relations between socially marginal populations and the state. Jonathan Simon, of UC Berkeley School of Law, develops a set of metaphors to draw analogies between the “troubled assets” of today’s financial sector and the “troubled persons” who are subjected to the prison complex. Nicola Lacey of the London School of Economics discusses American penal policy in international comparative perspective, identifying distinguishing features of the political economy of the United States that may account for its striking penal dissimilarity.

In what sense, one might ask, does this policy development constitute a problem? How do we know that there are too many Americans in prison? A crude analogy will help make this point: If more people were to fall sick, a logical response would be to build hospitals and admit patients. Likewise, if more people commit crimes, then the construction of prisons, with a greater number of criminals being consigned to them, is a natural policy response. The purpose of this comparison is to say that there is no way of specifying a “correct” number of prisoners independent of the extent of the criminal behaviors to which imprisonment is a proper societal response. The

same can be said of racial disparities in punishment. One cannot conclude that “too many” African Americans are held in prisons absent some consideration of the extent to which there are racial differences in criminal behavior. How much, then, should we credit the powerful moral indictment of American social policy that lurks just behind a phrase like “mass incarceration”? Supposing we can be persuaded that reform is, in fact, a moral imperative, what should we do? The next two essays in this issue – by Mark A.R. Kleiman of the University of California, Los Angeles, and by Robert Weisberg and Joan Petersilia, both of Stanford University – address themselves to these basic policy dilemmas. Kleiman argues that it is possible to have both many fewer prisoners behind bars and also much less crime, if we are smart about using new surveillance techniques together with modest, though certain, sanctions for parolees and probationers – a policy he calls “outpatient incarceration.”

Weisberg and Petersilia are skeptical about use of the term “mass incarceration.” They warn against the melodrama and conspiratorial overtones that often accompany popular laments over recent American penal trends. They stress that “no particular measured incarceration rate is inherently unjustified,” so simply citing numbers cannot possibly establish the moral culpability of the system. But they also acknowledge that American incarceration is “an embarrassment” and that the structural effects of imprisonment at this scale are both deleterious and far-reaching. Their concern is that unexpected and undesired consequences may ensue if reformers open the prison gates without first thinking carefully about what programs will be effective at facilitating successful transition into society. Large numbers of persons now in custody, they remind us, suffer the debil-

itating consequences of limited education, drug dependence, and, not least, the stigma of having been incarcerated. They cite a less-than-wholly-successful deinstitutionalization campaign for the mentally ill as a cautionary tale.

In the issue’s concluding piece, Glenn C. Loury of Brown University offers some personal reflections on the intersection of crime, inequality, and social justice.

This issue grows out of an Academy project on The Challenge of Mass Incarceration in America, for which we serve as project leaders. We believe that the analysis put forth in this issue, and the ongoing Academy project, will contribute to the national conversation about criminal justice and public safety. In doing so, we hope to generate a broader public understanding of the scale and social consequences of mass incarceration in America.