

Mass Incarceration and Beyond

Contributors: Professor Bruce Western and Vivian Nixon

Description

This course provides a sociological perspective on mass incarceration and examines alternative politics and policies for reform. Through seminar discussions and presentations, students will engage with key lines of scholarship examining the emergence and consequences of historically large prison populations in the United States and review current policy debates. Key themes of the course will include the close connection between mass incarceration and racial inequality, contemporary criminal justice policy, and alternative visions of justice.

Building on a collaboration between a researcher in the field of criminal justice policy (Western) and a leading advocate for reform (Nixon), this course will offer a systematic review of research while also employing strong images and language that convey the moral urgency of America's incarceration crisis. Enlisting theoretical and empirical analysis paints a clear and convincing picture that mass incarceration is not just a solution to a criminal justice problem, but is a sociological problem itself. Seminar discussions each week will introduce students to key lines of research, present current community justice initiatives, and explore strategies that could significantly reduce incarceration.

Topics/ Learning Objectives

1. Explain the main empirical characteristics of incarceration, and the status of U.S. criminal justice policy in historical and comparative context
2. Interpret the meaning of popularized jargon that has emerged to describe the phenomenon of mass incarceration
3. Discuss the implications of mass incarceration for racial justice and socio-economic inequality
4. Describe the primary ways mass incarceration affects other social policy
5. Gain proximity to communities most directly impacted by mass incarceration through the course materials and/or guest speakers.

Required Materials

Readings for the course consists of approximately 150 pages of scholarly articles, book chapters, opinion editorials and topic-based essays each week. (See the required text list for books to be acquired and read in their entirety.)

Assessment Rubric

- Eight (8) written memos in response to readings and class discussions. Papers will be four pages (double spaced). 80% of final grade.

- One 7-minute oral presentation based on readings. Students will select a class meeting to present..
- Class attendance, oral presentation, and participation in discussions, 20% of final grade.

Assignments

Reading

Students are expected to complete the required reading each week. Readings are listed in the outline. Students must come to class prepared to discuss the assigned readings.

Student Oral Summary and Analysis

Each student will choose a date on which they will be one of two students who present at the start of class. There will be 2 presentations each week. Presentations will be based on the readings assigned for the session. Dates can be chosen on the first day of class. The presentation is an essential part of class participation.

Reading Response Memos

Each student will submit eight (8) double-spaced four (4)-page memos discussing the readings in a manner that responds to the session descriptions in the course outline below: “Questions or issues to be explored”. Thorough written responses will address the posed questions and issues, demonstrate mastery of the readings, and demonstrate independent critical thinking in response to the readings. Students can choose a specific reading or combination of readings they respond to in writing, but each student must submit a minimum of eight (8) written responses. Students are advised to read all the materials as class participation in the discussion will account for 20% of the grade.

Taking Care and Creating Space

Be mindful of any privileged identities you may hold and help to create an environment for everyone to contribute, speak up when you have something to share, but also create a space for others to share. This can mean letting others speak even if you do not get to share your view and being aware of the impact you are having on others’ ability to contribute.

Basic Needs and Security

Any student who faces challenges securing their food or housing and believes this may affect their performance in this course is encouraged to contact the instructors.

Readings and Assignment Schedule

Session 1. Mass Incarceration: The Basics

Questions or issues to explore:

This session provides an introduction to the main social facts of historically extreme levels of imprisonment concentrated overwhelmingly in communities of color at the end of the twentieth century. What are the main empirical characteristics of mass incarceration? What were its causes? What is the relationship between mass incarceration and crime?

Readings:

Alexander, Michelle. 2020. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York, NY: The New Press. Chapter 3, pp. 95-136.

Western, Bruce and Becky Pettit. 2010. "Incarceration and Social Inequality." *Daedalus* 139:8-19. ([link](#))

Coates, Ta-Nehisi. 2015. "The Black Family in the Age of Mass Incarceration." *The Atlantic* 316(3):82. ([link](#))

Forman Jr, James. 2012. "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow." *NYU Law Review* 87 (2012): 21. ([link](#))

Session 2. History

Questions or issues to explore:

This session provides a brief history of mass incarceration, tracing its origins to historic forms of racial domination in slavery and Jim Crow, and more recently to political and policy developments of since the 1960s. Key questions include: How do historic forms of domination (some centuries old) come to influence contemporary institutions, ostensibly subject to the rule of law and designed for the purpose of crime control?

Readings:

Wacquant, Loic. 2001. "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh." *Punishment and Society* 3:95-134. ([link](#))

Muhammad, Khalil Gibran. 2022. "The Foundational Lawlessness of the Law Itself: Racial Criminalization and the Punitive Roots of Punishment in America." *Daedalus* Winter: 107-120. ([link](#))

Hinton, Elizabeth. 2016. *From the War on Poverty to the War on Crime*. New York, NY: Liveright. Chapter 4, "The War on Black Crime."

Session 3. Conscience and Convenience

Questions or issues to explore:

This session examines the project of rehabilitation that formed an important part of the philosophy of penal policy throughout much of the twentieth century. Can prisons rehabilitate? Why or why not?

Readings:

Rothman, David J. 2002 [1980]. *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*. Revised edition. Hawthorne, NY: Aldine de Gruyter. Pages 3-13, 43-81, 117-158.

Martinson, Robert. 1974. "What Works? Questions and Answers about Prison Reform." *The Public Interest*. Spring. ([link](#))

Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press. Pages. 167-205.

Session 4. Conditions of Incarceration

Questions or issues to explore:

Prisons and jails are often black boxes, hidden from public scrutiny and accountability. However, some writing describes in detail the conditions of incarceration, the intense power relations of penal confinement, and the enormous harm to body and mind that can result. What are the main harms of incarceration, and what are the opportunities for power and resistance?

Readings:

Walker, Michael L. 2021. *Indefinite: Doing Time in Jail*. New York: Oxford University Press. Chapter 2, pp. 48-79, "The Rep System."

Gonnerman, Jennifer. 2014. "Before the Law." *New Yorker*. September 29. ([link](#))

Thompson, Heather Ann. 2016. *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*. New York: Vintage. Chapters 8-12, pp. 45-82.

Casella, Jean, James Ridgeway, and Sarah Shourd (eds.). 2016. *Hell is a Very Small Place: Voices from Solitary Confinement*. New York: New Press. "Resisting," pp. 71-115.

Session 5. Space, Place, and Neighborhood

Questions or issues to explore:

The footprints of policing and incarceration are highly spatially concentrated, often in poor Black and indigenous communities. We explore how police and prisons exert a kind of spatial control, focusing surveillance and control within neighborhoods.

Readings:

Richard Rothstein. 2017. *The Color of Law*. New York, NY: Liveright. Chapter 3 and 9, “Racial Zoning” and “State-Sanctioned Violence,” pp 41-59, 139-152.

Goodman, Don and Maggie Smith. 1998. “An Interview with Eddie Ellis.” *Humanity and Society* 22:98-111.

Sampson, Robert J. 2012. *Great American City: Chicago and the Enduring Neighborhood Effect*. Chicago: University of Chicago Press. Chapter 5, “Legacies of Inequality,” pp. 97-120.

Simes, Jessica. 2021. *Punishing Places: The Geography of Mass Imprisonment*. Berkeley, CA: University of California Press. Chapter 5, “Race and Communities of Pervasive Imprisonment,” pp. 97-127.

Session 6. After Incarceration

Questions or issues to explore:

The power of incarceration to confine and control extends beyond the specific experience of imprisonment, to affect community life after release from prison. Writing and research on the topic of “reentry” also sheds light on how mass incarceration has affected families and communities.

Readings:

Allen, Danielle. 2017. *Cuz: The Life and Times of Michael A*. New York, NY: Liveright. “Part 1: Release and Resurrection.”

Miller, Reuben Jonathan. 2021. *Halfway Home: Race, Punishment, and the Afterlife of Mass Incarceration*. Little, Brown and Company. Chapters 4 and 5, pp. 129–192.

Western, Bruce. 2018. *Homeward: Life in the Year After Prison*. New York: Russell Sage. Chapters 3 and 4, “Transitions” and “Human Frailty”, pp. 26–62. ([link](#))

Session 7. Beyond the Prison

Questions or issues to explore:

Although the prison forms the focus of research and writing on mass incarceration, racialized surveillance and control is imposed through a wide variety of forms, including policing, fines and fees, and jail. How are confinement, racialized domination, and opportunities for resistance created through these other modes of social control?

Readings:

Bell, Monica C. 2017. “Police Reform and the Dismantling of Legal Estrangement.” *Yale Law Journal* 126:2054-2150. ([link](#))

Pierson, Emma, Camelia Simoiu, Jan Overgoor, Sam Corbett-Davies, Daniel Jenson, Amy Shoemaker, Vignesh Ramachandran et al. "A large-scale analysis of racial disparities in police stops across the United States." *Nature Human Behaviour* 4, no. 7 (2020): 736-745.

U.S. Department of Justice Civil Rights Division. 2015. *Investigation of the Ferguson Police Department*. Washington, DC: U.S. Department of Justice. ([link](#))

Session 8. Is There a Spirit of Punishment in the Land of Opportunity?

Questions or issues to explore:

The second half of this course will consist of discussions about mass incarceration in the United States that are informed by the previous sessions on mass incarceration which presented analyses based on questions that have been researched and analyzed and for which there is a variety of documentation that fit the category of empirical response to the positive inquiry. The second half of this course will view mass incarceration through the normative lens. Put another way we will examine how people in different groups of a society can be given the same set of facts in answer to positive inquiry and yet emerge with diverging opinions regarding what is right or good. In many instances, these opinions or positions are taken despite the absence of data or even the willingness to pose questions in a positive frame. Throughout the first eight sessions, we examined the social phenomenon of mass incarceration in the United States through multiple lenses including history, the law, place, and identity.

This session, begin to review the public discourse and the tension between the science and normative responses that may have shaped public policy. We will review divergent views rooted in opinion, values, and tradition. Readings and other resources will feature opinions and theories from scholars, practitioners, media, and other contributions to the discourse. We will explore what it means to analyze the often-normative public discourse and consider the available evidence surrounding mass incarceration. What does the normative discourse about mass incarceration imply about history, values, and democracy in the USA? What issues will Americans need to confront to set a path forward?

Readings:

Cohen, Andrew. 2021. "The American 'Punisher's Brain'" *The Brennan Center for Justice*, May 17. ([link](#)) 3 pages

Gibran Muhammad, Khalil. March 2019. "A Review of Recent Historical Scholarship on Racial Criminalization and Punitive Policy in the United States". Roundtable on the Future of Justice Policy Co-hosted by Merritt College and the Justice Lab at Columbia University. ([link](#))

Travis, Jeremy, and Bruce Western. 2021. "The Era of Punitive Excess" *The Brennan Center for Justice*, April 13. ([link](#)) 3.5 pages

Session 9. A Confrontation with White Supremacy: What we believe vs. the historical record.

Questions or issues to explore:

Every citizen of the United States of America is taught a pledge that describes this country as “one Nation under God, indivisible, with liberty and justice for all.” A system of justice that works for everyone must be unwavering in its commitment to equal treatment. Its investigations into wrongdoing must be based on evidence. America professes to be a global example of democracy that embraces the values of freedom and fairness for all. Still, some scholars find evidence that its social policies are rife with structural bias that ensure disparate impact on communities of color, the indigenous, and specific immigrant populations. This session will explore evidence related to the existence and role of white supremacy in American Society and both positive and normative responses to the narrative that structural racism is at the root of injustice in the U.S.

Readings:

These readings consist of diverse perspectives on the role of structural racism, white supremacy, and the history of violence in the U.S. Justice System

Bradley, Rizvana. 2021. Picturing catastrophe: The visual politics of racial reckoning. *The Yale Review* 109, (2) (Summer): 158-177 ([link](#))

Coleman, Aaron Ross. 2020. “How black people really feel about the police, explained” *Vox*, June 17. ([link](#))

Du Bois, W. E. B. (1910). “The souls of white folk” *The Independent*.

German, Michael. 2020. “White Supremacist Links to Law Enforcement Are an Urgent Concern.” *Guardian*. ([link](#))

Johnson, Theodore R. 2021. “How Punitive Excess Is a Manifestation of Racism in America.” *The Brennan Center for Justice*, April 13. ([link](#)) 3 pages

Kellie Carter Jackson; *The Story of Violence in America*. *Daedalus* 2022; 151 (1): 11–21. ([link](#))

Louise Wood, Amy. 2018. “The Spectacle of Lynching: Rituals of White Supremacy in the Jim Crow South.” *American Journal of Economics & Sociology* 77 (3/4): 757–88. ([link](#)).

Loury, G. C. (2015, Jan). Ferguson won't change anything. What will? *Boston Review*, 40, 14-30, 2. With responses from Christopher Lebron 19, Danielle Allen 20, Melissa Nobles 20, Harold Pollack 21, Matt Stoller 22, Gary Segura 23, Tracy L. Meares & Benjamin Justice 24, Susan Sturm 25, Michael C. Dawson 26, Doug Henwood 27, and Dorian T. Warren 28. Glenn C. Loury replies 29. ([link](#))

Rembert, Winfred. Hard Labor. *The New Yorker*, May 10, 2021. , <http://ezproxy.cul.columbia.edu/login?url=https://www.proquest.com/magazines/hard-labor/docview/2526064441/se-2> ([link](#)) (accessed August 20, 2022).

Additional Resources:

Video Panel: May 2, 2015. “Tricia Rose vs Glenn Loury on the Meaning of Mike Brown” Brown University Watson Institute Panel. ([link](#)) 20 Minutes

The New Yorker Documentary. 2021. Episode 31. Surviving a Lynching. In the film “Ashes to Ashes,” avid “Star Wars” fan and master leatherwork artist Winfred Rembert connects with his dear friend Shirley Jackson Whitaker, who is on a mission to memorialize the four thousand forgotten African-Americans lynched during the Jim Crow era. Released on 01/13/2021 (Viewers may be required to view ads for 90 seconds [Film Link](#))

Session 10. Democracy, Citizenship, and the Power of Capital

Questions or issues to explore:

Since the nation’s founding, American citizens have strived to create “a more perfect union.” Much of the evidence shows that the nation’s social systems have failed to achieve a system that results in equal justice for all. In the context of the criminal legal system, the pendulum between punitiveness and rehabilitation often swings based on variables driven by political ideology, electoral politics, and normative public discourse rather than public safety. This session will explore the relationship between mass incarceration and the populations that have, according to social science, been most negatively affected by the legal system as it relates to voting.

Readings:

Uggen, C., & Manza, J. (2002). Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States. *American Sociological Review*, 67(6), 777–803. ([link](#))

Doran, Will. 2022. “Felon voting ban is racially motivated and unconstitutional, NC judges rule.” *The News and Observer*, March 29. ([link](#))

Anderson, Carol and Dick Durbin 2018. *One Person, No Vote: How Voter Suppression Is Destroying Our Democracy*, Bloomsbury Publishing USA, 2018. Chapters 1 and 5. ([link](#))

Additional Resources:

These are examples of other styles of media coverage and public discourse on the same issue. The data remains the same.

Media Coverage on restoring voting rights to people convicted of felonies in Florida: Orlando Sentinel Oct 08, 2018 at 1:35 pm. ([link](#))

Florida could soon restore voting rights to over 1 million felony offenders. Oct 13, 2018 3:48 PM EDT. ([link](#))

The Marshall Project. 2019. “The First Presidential Town Hall Hosted by Formerly Incarcerated Leaders” *The Marshall Project*, October 28. ([link](#))

Session 11. Solutions on both sides of the walls: What *should* we do about mass incarceration?

Questions or issues to explore:

By the onset of mass incarceration, prisoners around the country were organizing to resist inhumane conditions within America's system of justice. The 1971 Attica uprising was the last hope for the people incarcerated there. Acts of civil disobedience were a tactic then and remain a tactic now in prisons across America. These include hunger strikes and work stoppages as means to demand medical treatment, basic protections from natural disasters and pandemics, and access to nutritional food, temperature control, and useful programming. This session acknowledges the roles that incarcerated and formerly incarcerated people have played in resisting mass incarceration and in trying to intervene to improve prison conditions. Though little research has been done about the influence this population has on movements for social change, some recent studies reveal that support services, education, and civic engagement are key indicators of both long-term desistance, and rising leadership in and after prison. We will explore varying opinions about the role of education and rehabilitation and varying views on policy proposals such as the elimination of youth prisons and cash bail, sentencing and supervision reform, alternatives to incarceration, and other interventions that reduce reliance on incarceration.

Readings:

- Anon. N.d. "The Seven Neighborhood Study Revisited" *Center for NuLeadership*. ([link](#))
- Blackwell, Christopher, 2022. "I Grew Up Believing I Was Dumb. A College Education Behind Bars Healed That Wound." *The Marshall Project*, April 15. ([link](#))
- Clines, Francis. 1992. "Ex-Inmates Urge Return to Areas of Crime to Help" *The New York Times*, Dec. 23. ([link](#))
- Gonzalez, Eric and Cyrus Smith. N.d. "Shifting Power to the Community" *Vital City* ([link](#))
- Mangan, Katherine. 2020. "Their Stories Helped Lift a 26-Year Ban on Pell Grants for Prisoners" *Chronicle of Higher Education*, December 30. ([link](#))
- Miller, Calton. 2022. "Countering Excessive Punishment with Chances for Redemption" The Brennan Center for Justice, February 4. 3 pages ([link](#))
- Westover, Tara. 2022. "I Am Not Proof of the American Dream." *New York Times*. ([link](#))

Additional Resources:

- College Behind Bars (documentary). Ken Burns educational series film available free ([link](#))

Session 12. The Many Sides of Public Safety

Questions or issues to explore:

Some of the evidence that has been reviewed indicates that more police do not make communities safe. It also reveals that there are other sides to public safety. For example who is responsible for the safety of those who are incarcerated in our various systems of imprisonment? Who is responsible for the health and safety of the people who work in those facilities, civilians, and corrections staff included? Who is responsible for the safety of the police officers who have good intentions to do their jobs with integrity? These officers sometimes look like the communities they police, have family in those

communities, and feel trapped and powerless due to economic structures that leave them limited career choices. We will explore these questions about public safety through the eyes of people who are tied to the justice system as its prisoners or its laborers.

Readings:

Elizabeth Glazer and Patrick Sharkey. March 2021. EXECUTIVE SESSION ON THE FUTURE OF JUSTICE POLICY. “Social Fabric: A New Model for Public Safety and Vital Neighborhoods” ([link](#))

Hopwood, Shon. 2021. “How Atrocious Prison Conditions Make Us All Less Safe” *The Brennan Center for Justice*, August 9. ([link](#)) 3 pages

Melissa Nelson, Kevin Thom, June 2021. EXECUTIVE SESSION ON THE FUTURE OF JUSTICE POLICY. Protecting and Serving Victims—Their Way, Not Ours ([link](#))

Merrefield, Clark. 2021. “‘Defund the police’: What it means and what the research says on whether more police presence reduces crime” *The Journalist Resource*, June 29. ([link](#))

Nahra, Alia, and Hernandez D. Stroud. 2021. “There Is No One Answer to Over-Policing and Mass Incarceration — There Are Many” *The Brennan Center for Justice*, November 15. ([link](#)) 3 pages

Sharkey, Patrick. 2020. “Why do we need the police? Cops prevent violence. But they aren’t the only ones who can do it” *Washington Post*, June 12. ([link](#))

Venters, Homer. 2021. “Covid-19 and the Struggle for Health Behind Bars” *The Brennan Center for Justice*, June 14. ([link](#)) 3.5 pages

Vermeer, Michael J. D., Dulani Woods, and Brian A. Jackson, Would Law Enforcement Leaders Support Defunding the Police? Probably — *If Communities Ask Police to Solve Fewer Problems*. Santa Monica, CA: RAND Corporation, 2020. <https://www.rand.org/pubs/perspectives/PEA108-1.html>.

Additional Resources:

Kevin Thom and Melissa Nelson. Video Clip SQUARE ONE EXECUTIVE SESSION ON THE FUTURE OF JUSTICE POLICY Dec 18, 2019 ([link](#)) ([link2](#))

Session 13. Abolishing Excessive Punishment. Promoting Human Dignity

Questions or issues to explore:

In the past, advocates for the abolition of slavery in the U.S. did not universally agree on how, when, and why to end slavery. There were divisions within the Abolitionist movement. These divisions were often, but not always, along racial lines. Black and White abolitionists worked alongside each other to end slavery, but their demands sometimes differed. Blacks coupled anti-slavery activities with demands for racial equality and justice. For many whites, the motivation was moral or religious and the goal was cultural assimilation. Do these types of divisions exist today? Is there a split among progressive thinkers between reformist and abolitionist approaches? Despite an unprecedented uprising in the summer of 2020, some say backlash has been the response. Anti-reformers cite increases in violence as evidence that we should return to tough on

crime positions. Reformers cite structural and systemic racism as the cause for backlash and believe that data do not support progressive reform as the driver of crime increases during the era of COVID-19. What will unite us: Facing the racist roots of injustice? Will the excessive punishment stir us to action or will mob theory rule? Can people of different persuasions bond around the values of compassion for humanity? Can we learn to value the dignity of every human as we value our own? Is reform possible? Is abolishment fantastical? Is the status quo inevitable?

Readings:

- Francois, Renita and Jessica Mofield. N.d. "Rethinking Rigidity: How Government Can Be A Better in Promoting Neighborhood Safety" *Vital City* ([link](#))
- Howard Henderson and Ben Yisrael. Wednesday, May 19, 2022. HOW WE RISE. "7 myths about 'defunding the police' debunked" Brookings. ([link](#))
- Simon, Jonathan. 2019. "Knowing What We Want: A Decent Society, a Civilized System of Justice, and a Condition of Dignity" Square One Roundtable ([link](#))
- Subramanian, Ram. 2021. "How Some European Prisons Are Based on Dignity Instead of Dehumanization" *The Brennan Center for Justice*, November 29. ([link](#)) 5 pages
- Travis, Jeremy and Bruce Western. 2022. "Beyond the Era of Punitive Excess" *The Brennan Center for Justice*, April 5. ([link](#)) 3.5 pages
- Turner, Christina. 2021. "Where does the Black church fit in today's Black Lives Matter movement?" *PBS News*, March. ([link](#))