



Federal Probation

The Myth of Corporate Immunity to Deterrence:
Ideology and the Creation of the Invincible Criminal

*Francis T. Cullen
Paula J. Dubeck*

Racism, Sexism, and Ageism in the Prison Community
Sentence Planning for Long-Term Inmates

*Ann Goetting
Timothy J. Flanagan*

Profiles in Terror: The Serial Murderer

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Probation Officers

Peter Horne

Custody: The Emerging Crisis
for Prisons?

*Paul Gendreau
Marie-Claude Tellier*

The Criminal

*J.S. Wormith
Gad Czudner*

Abstract: Speech Analysis of Probationers
and Judges

G. Frederick Allen

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This Issue In Brief

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The Myth of Corporate Immunity to Deterrence: Ideology and the Creation of the Invincible Criminal.—Commentators frequently assert that the criminal law is ineffective in deterring corporate crime because either (a) the public will not support sanctions against businesses or (b) companies are too powerful to be swayed by existing legal penalties. Authors Francis T. Cullen and Paula J. Dubeck suggest, on the contrary, that studies reveal the public favors the use of criminal sanctions against offending corporations and such sanctions will ultimately diminish future illegality.

Racism, Sexism, and Ageism in the Prison Community.—A survey of literature suggests that blacks, women, and the elderly experience differential treatment in prison and that such treatment is somewhat in concert with that afforded them in the outside community, according to Professor Ann Goetting of Western Kentucky University. She concludes that such discrimination is likely to persist in the institutional setting until such time it is no longer tolerated in society at large.

Sentence Planning for Long-Term Inmates.—Recent sentencing law changes throughout the United States are likely to produce an increase in size and proportion of long-term prisoners in state and Federal correctional facilities. Professor Timothy J. Flanagan of the State University of New York at Albany addresses a number of issues involved in planning constructive sentences for these prisoners and discusses administrative structures for the implementation of long-term sentence planning.

Profiles in Terror: The Serial Murderer.—One alarming aspect of contemporary serial murder is the extent to which its perpetrators believe that violence against human beings is a normal and acceptable means of implementing their goals or motives, assert University of Louisville professors Holmes and

DeBurger. Their article describes a systematic typology of serial murders and indicates some of the general characteristics of the offender.

Computers Can Help.—Until recently the computer-assisted instructional options available to correctional educators were not very practical, reports Federal prisons education specialist Sylvia G. McCollum. The situation has changed sharply, however, and correctional educators can now choose

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from a wide variety of user-friendly equipment and software which includes vocational, high-school equivalency, career assessment, job search, and life-skill courses. Those interested in using computers in correctional education may benefit from the Federal prisons experience.

FCI Fort Worth Substance Abuse Evaluation: A Pilot Study.—Dr. Jerome Mabli, research administrator for the South Central Region of the Federal Bureau of Prisons, and members of his staff, discuss the preliminary results of a pilot Substance Abuse Program Evaluation. The unit evaluated after 8 months of testing was the FCI Fort Worth STAR (Steps Toward Addiction Recovery) Unit which houses 200 inmates. The authors present a research paradigm which concentrates on cognitive-attitudinal variables and outline recommendations for future evaluation.

Female Correction Officers.—Author Peter Horne presents a current overview of the status of female correction officers in the American penal system, examining data and levels of utilization of females in corrections. The limited progress that female correction officers have made in working in all-male prison facilities is noted and the problems which have impeded their progress are explored. Recommendations are made and administrative strategies outlined in order to promote increased employment of females in opposite sex prisons.

Protective Custody: The Emerging Crisis Within Our Prisons?—The use of protective custody (PC) in North American prisons has increased dramatically over the last two decades with current rates varying from 6 percent to 20 percent of prison populations. According to authors Gendreau, Tellier, and Wormith, the increased use of PC was probably caused by changes in judicial and court-related practices, changing trends in prison populations, and liberalized institutional regulations. They express concern for equitable treatment and an acceptable quality of life in PC.

Changing the Criminal.—Gad Czudner describes a theoretical proposal for a way to change the criminal. The proposal is for a cognitive model with an added moral component which assumes that, only if a person is capable of feeling "bad" about doing "bad," is he able to feel "good" about doing "good." He believes that guilt can be a guide for moral behavior and that awareness of others is the key to this approach.

The Probation Perspective: Analysis of Probationers' Experiences and Attitudes.—Using the

theoretical perspectives of rehabilitation, deterrence, desert, and the justice model as points of reference, this study evaluated probationers' experiences and obtained their ideas as to what the mission of probation should be. Author G. Frederick Allen's findings suggest that probationers are able to conceptualize criminal sanctions as rehabilitation, deterrence, desert, and within a justice model perspective, simultaneously; and that they have useful suggestions for improving the system.

ERRATA: The concluding lines of the article "The Effect of Casino Gambling on Crime" by Jay S. Albanese, which appeared in the June 1985 issue, were eliminated during the printing process. The last two paragraphs of that article should have read as follows:

As a result, states having support for the legalization of casino gambling should not fail to consider legalization due to fear of increases in serious crimes against persons and property. Based on this analysis of the Atlantic City experience, the advent of casino gambling has no direct effect on serious crime. Such finding suggests that any city which undergoes a significant revitalization (whether it be casino-hotels, theme parks, convention centers, or other successful development) that is accompanied by large increases in the number of visitors, hotels, and/or commercial activity, may experience increases in the extent of crime but a *decrease* in the risk of victimization—due to even faster increases in the average daily population of the city.

Although crimes known to the police have increased in Atlantic City since the introduction of casino-hotels, this increase has been more than offset by changes in the average daily population of the city and a general statewide increase in crime. States that follow New Jersey's example in providing a significant crime prevention effort as part of their casino legislation are also likely to experience success in introducing casino-hotels to revitalize a local economy, without an increase in the risk of victimization of its citizens. As this investigation has found, the average visitor to Atlantic City in 1982 was less likely to be the victim of a serious violent or property crime than he or she was before casinos were introduced there.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

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Racism, Sexism, and Ageism in the Prison Community

By ANN GOETTING, Ph.D

Associate Professor of Sociology, Western Kentucky University, Bowling Green

IT HAS BEEN observed that the prison is a microcosm of the larger world which it serves; that is, it is seen to epitomize general society in terms of social structure and social interaction. In his now classic work, *The Prison Community*, Clemmer (1966) notes the existence of numerous parallels between the prison world and the nonpenal community in the United States. He writes, "In a sense the prison culture reflects the American culture, for it is a culture within it" (Clemmer, 1966:298). Similarly, Fox observes that, "The same civil rights issues, religious issues, and other social issues appear in prison as appear in the city. The prison reflects the society it serves" (cited in Reasons, 1974:7). In its analysis of the 1971 Attica rebellion, the New York State Special Commission on Attica (1972:82) states that, "While it is a microcosm reflecting the forces and emotions of the larger society, the prison actually magnifies and intensifies these forces, because it is so enclosed." Michalowski's (1985:240) analogy between the prison structure in this country and the structure of free society in terms of class divisions, organizational conflict, sexual subjugation and racial conflict is consistent with that of the Commission. He states:

Prisons in America exist as a kind of distorted mirror image of American Society. Like the mirrors in a carnival fun-house, prisons exaggerate and expand some of the characteristics of the society they reflect. Yet, like fun-house mirrors, what they show is based in the very real object they are reflecting. The parallel between free society and prisons exists at both the organizational and the social level.

In her study of conjugal association practices in prisons of American nations, this writer (Goetting, 1984a) adds a cross cultural dimension to this perspective. Of the Guatemalan prison setting she states:

Prison life can be reflective of life as it exists in the general population. The beliefs and values held dear by society can be recognized in a variety of ways, including the manner in which they deal with their institutionalized and dependent

members. The importance of family ties in Guatemala is evident by the familistic policies and practices that prevail behind prison walls. The facilities for children including playground and schoolhouse, the prevalence of family industry and the provisions for intimacy all reflect a climate and tone suggesting that family life is the natural mode of human existence, not to be disturbed by government rule.

This article probes the parallel between prison society and the larger free community in this country in terms of minority relations. Three distinct minorities¹ are investigated: a racial, a gender, and an age minority. Specifically, blacks, women, and the elderly are examined as categorical objects of systematic discrimination by means of both formal and informal prison practices. Since each of these minorities is unique with its own history, and is perpetuated as a minority by its own ideology, they are analyzed separately.

Racism

Black Americans constitute the largest minority group in the United States, representing approximately 11.8 percent of the total population (U.S. Department of Commerce, 1983). Their introduction in the early 17th century into the economy and social structure in general as slaves, a depicted form of inhumanity, set the stage for the subsequent discriminatory behavior which has characterized black-white relations in this country ever since. In recent decades the United States' legal structure has rid itself of the last remaining explicit manifestations of racism in the law (Reasons, 1974:4), but that has not ended discrimination toward blacks. Informal and often subtle forms persist. The end result for blacks is residentially segregated neighborhoods, low average income, high unemployment, high childhood mortality, short life expectancy, and the like. While most whites believe that civil rights acts and such measures as affirmative action programs have

¹ For purposes of this article, blacks, women, and elderly citizens are considered to constitute minority groups. It should be noted that there is lack of consensus on the appropriateness of such classification regarding women and the elderly. Some view them as minorities, while others claim that they fail to meet all criteria for such classification; one writer (Barron, 1953) avoids the debate by employing the concept "quasi-minority" to women and the elderly.

Editor's Note: This article is based on a paper presented at the 1985 annual meeting of the American Society of Criminology, San Diego.

brought much progress toward the elimination of racism in the United States, the fact is that blacks are actually losing ground in the economy relative to whites. In 1969, the black median income was 60 percent that of whites; 10 years later, in 1979, it had shrunk to 57 percent of white income (Roberts, 1981:300).

Over the last three decades, social scientists and liberal journalists have repeatedly addressed the possibility of racial discrimination in the United States criminal justice system, including the prisons. The first and perhaps most persuasive point in support of that argument is the strong nationwide and ever-broadening overrepresentation of blacks in prison (Christianson, 1981). Analysis of prison data for December 31, 1981, reveals that blacks constituted an estimated 45.6 percent of the total Federal and state prison population (U.S. Department of Justice) while representing approximately 11.8 percent of the total United States population (United States Department of Commerce, 1983). Though data are contradictory and therefore inconclusive (Carroll and Mondrick, 1976:93-94; Pope and McNeely, 1981:17-19), this overrepresentation of blacks in prison commonly is interpreted as a clear manifestation of racism in the criminal justice system (Boyd, 1976; Chrisman, 1971; Christianson, 1981; French, 1971; Owens and Bell, 1977; Reasons, 1974). One observer even views the state prison as having emerged as a replacement for slavery, in order to control newly freed blacks (Christianson, 1981:373). From a rational perspective, the gross overrepresentation of incarcerated blacks means one of three things: (1) blacks more commonly commit serious crimes than do whites, (2) discretion allowed policemen, prosecutors, judges, and parole boards in handling most criminal cases leads to racial discrimination, or (3) a combination of these two factors explains this racial discrepancy. Research conducted by Hindelang (1978) and more recently by Petersilia (1983) concludes the last of these three possibilities. Results from both studies suggest that there are some racial differences in criminal behavior *and* in the way offenders are treated.

While the racial composition of the prison population is clearly of interest to scholars and practitioners concerned with discrimination against blacks in the prison setting, the main concern of this analysis is with possible systematic discriminatory practices on the part of the institutional structure toward incarcerated blacks.

The most conspicuous indication that prisons may be characterized by racial discrimination is their

history of racial segregation (Jacobs, 1983: Ch.3-4). Consider as an example the New York prison system. The New York State Special Commission on Attica (1972:80, cited in Jacobs, 1983:64) reports that Attica had been administered in a segregated basis until the mid-1960's: "There were black and white sports teams, different barbers for blacks and whites, and separate ice buckets for blacks and whites on July 4." In the late 1950's, in conjunction with the more general civil rights movement, blacks began to protest such segregation and the perceived discrimination associated with it. Between 1963 and 1974 various courts declared racially segregated penal facilities to be unconstitutional in Alabama, Arkansas, the District of Columbia, Georgia, Louisiana, Maryland, Mississippi, and Nebraska. These court decisions on the legality of racially conscious policies of assigning prisoners to particular institutions, housing units, cells, and jobs have almost invariably held that the 14th amendment requires "complete desegregation" in prisons for the same reasons that *Brown v. Board of Education* (1954) requires it in schools. As a result of this legislation, formal measures of segregation have all but disappeared. Persisting, however, may be informal and more subtle forms of segregation and, more importantly, of discrimination in various areas of administrative decisionmaking and prison activity.

One area of relevance here which has received some research attention is the training and work involvement of black and white inmates. Goetting and Howsen (1983a) conducted a recent nationwide comparison of black and white prisoners, and found that a higher proportion of whites reported having work assignments, and a higher proportion of whites reportedly spent most of each normal weekday on work assignment. At the same time, however, a higher proportion of blacks reported spending most of each normal weekday participating in classes or training which suggests that the establishment places a greater economic investment in blacks than in whites. Furthermore, when considering the blacks and whites who did have work assignments, there were not significant differences in the average number of hours of work assigned per week or in the proportion who were paid for their work.

Important questions regarding type of training program and work assignment, and of amount of pay for work activities become apparent here. Perhaps blacks are placed in different and possibly less desirable training programs than are their white counterparts. And perhaps racism influences type of work assignment and pay rate, as was documented to be the case in the Attica, New York, facility prior

to its 1971 rebellion (New York State Special Commission on Attica, 1972:39,40,50,80,128). Unfortunately, these questions cannot be resolved satisfactorily with existing data. The Goetting and Howsen (1983a) study sheds some, albeit little, light on the possibility of racial discrimination in type of work assignment. Of those in their sample of black inmates with work assignments, the following proportions performed the following duties: 13.96 percent "food preparation or related duties"; 15.25 percent "general janitorial duties"; 12.11 percent, "farming/forestry"; 10.64 percent, "grounds or road maintenance"; 8.06 percent, "maintenance or repair"; 6.58 percent, "goods production"; 4.98 percent, "laundry"; 1.48 percent, "hospital, infirmary, or other medical services"; and 21.94 percent, "other prison services (library, stockroom, store, office help, etc.)." The distributions of type of work activity across these nine categories of duties differed significantly for blacks and whites. Higher proportions of black inmates were assigned duties in the areas of food preparation, general janitorial and farming/forestry, while lower proportions were assigned work in maintenance and repair and in "other prison services." The two racial categories reported similar proportions working in the remaining four categories of duties. While there can be no certainty on the matter, it is possible that the lower proportion of blacks in "other prison services" represents a lower proportion in higher status positions such as those associated with library and office work.

The overall results of the Goetting and Howsen (1983a) study remain inconclusive in terms of the possibility of racial discrimination in the allocation of training and work involvement in the prison setting. Petersilia (1983; 68-9), on the other hand, from the survey of prisoners in three states concludes a clear absence of such racial discrimination. She states:

Although we saw some racial differences in program participation and work assignment, most of these differences were not statistically significant and did not imply discrimination on the part of prison staff or guards. If prisoners want to participate in programs or want to work, the survey indicates that they usually can. When they cannot, the reason seems to be that the programs (e.g., drug rehabilitation) or jobs are not available. There are some provocative patterns in Texas, but even there, black inmates did not say that their failure to participate in, for example, education programs resulted primarily from staff discouragement. All in all, corrections in our sample states evidence no significant racial differences in allocating treatment services to inmates.

Prisoner misconduct represents another potential source of racial discrimination in the prison setting.

Since the predominantly white guard population (National Minority Advisory Council on Criminal Justice, 1982:296-9) is afforded much discretion in rule enforcement (Poole and Regoli, 1980:932), black discrimination easily could manifest itself there. Research in the reporting of misconduct shows mixed results. Several studies report no significant difference in the rate of disciplinary writeups received by black and white inmates (Boyd, 1976; Ellis et al., 1974; Jaman, 1972; Johnson, 1966; Petersilia, et al., 1980; White, 1980; Wolfgang, 1961); others report higher rates for blacks than for whites (Carroll, 1974; Coe, 1961; Flanagan, 1983; Goetting and Howsen, 1983a; Myers and Levy, 1978; Petersilia, et al., 1980; Ramirez, 1983); and one (Petersilia, et al., 1980) reports a higher rate for whites than blacks. Two recent studies conducted by Poole and Regoli (1980; 1983) shed light on this issue of racial discrimination in the reporting of disciplinary infractions. Using data from a medium-security state prison (1980) and from a minimum-security coed Federal prison (1983), they found that while black and white inmates reported equal frequencies in rule breaking activity, blacks were more likely to be officially reported for rule infractions. These data clearly suggest systematic discrimination against blacks in the official reporting of misconduct.

Racism may also characterize sanctioning responses to misconduct. Numerous descriptive accounts emphasize discrimination against blacks in punitive response to misconduct. Wright (1973:109-10), for example, quotes a black and white San Quentin inmate on the subject:

Two months ago a white guy working in the blue room (where prison clothing is handed out) was found with a balloon of stuff (a balloon filled with heroin). He was just suspended for 2 days and then was back on the job without any punishment. A brother was found with a kit without any stuff. He was fired from his job and sent to the hole. Things always come down heavier on the brothers . . . (Account of a black prisoner.)

The black prisoners are definitely hit harder than the white prisoners for the same offense. A guard will give a white prisoner a warning for something but will send a black prisoner to the hole for the same offense. It happens all the time. (Account of a white prisoner.)

While it is assumed by some that black prisoners suffer discrimination at the hands of white parole boards (Bailey, 1973; National Minority Advisory Council on Criminal Justice, 1982:308), information on this subject is mixed and therefore inconclusive. On the one hand, Brown (1975) found that being black decreased an inmate's chances for parole, and that most of the difference in parole outcome for blacks and whites could not be explained by the nonracial control variables employed. On the other

hand, Carroll and Mondrick (1976) and Elion and Megargee (1979) discovered racial bias in parole decisionmaking criteria, but not in parole decision-making outcome.

Much has been written about racism in informal prison interaction, specifically regarding inmate-guard and inmate-peer relationships. It has been observed that discrimination is likely to be most widespread in those areas of the criminal justice system which are least accessible to public scrutiny (Carroll and Mondrick, 1976:106; Ramirez, 1983). Informal relationships represent behavior of negligible visibility and accountability. Reports of racism in the form of informal interaction include reference to beatings, murders, slurs, harassment, and other forms of violent and dehumanizing behavior (Reasons, 1974:7). Typical accounts of prison life indicate that petty harassment of black inmates by white guards is the rule. Such harassment has been documented as having played a major role in precipitating the Attica rebellion (New York State Special Commission on Attica, (1972:80-82). One San Quentin inmate relates such a situation:

Harassment on hair length is really a big thing now. It comes down every day. There are movies on the weekends. The guards let white guys go in if their hair is longer than the regulation, but if a brother's hair is too long, he is not let in. His I.D. card is taken and he has to get his hair cut. It is constant petty harassment (Account of a black prisoner in his early twenties; this observation was confirmed on two separate occasions by a white prisoner) (Wright, 1973:108).

It has been further suggested that racial discrimination is systematically encouraged in inmate-peer interaction by prison guards as a divisive tactic, thus preventing the emergence of prison unity. According to Wright (1973:106-7), blacks and whites are pitted against one another as a method of inmate control.

Racism among prison inmates cannot be blamed totally on administrative manipulation. In other ways the institution environment is conducive to racial discrimination and abuse in peer interaction. Michalowski (1985:241) explains:

The racial tensions which exist in American society generally are . . . magnified in American prisons . . . There are several reasons for this. First the bitterness and frustration on imprisonment itself finds a ready outlet in racial hostility and race-related violence. Racial prejudices learned by both blacks and whites in free society can become magnified in prison as individuals and groups struggle for scarce resources, and perhaps even more importantly, struggle to maintain some sense of personal identity in an environment whose very structure tends to weaken or destroy identity. For whites the maintenance of race-superiority over blacks becomes a type of last avenue to express dominance . . . in a society which tends to link personal worth with superiority over others. Second, the racial mix in American prisons itself tends to breed racial conflict by its

variation from the norm in free society. Blacks find themselves to be a statistically larger proportion of prison population than in free society, and this becomes an avenue for power seldom experienced on the outside. Whites, by contrast, used to their numerical superiority must confront a weakened numerical position in prison . . . With their superiority threatened by the prevalence of blacks, white inmates may respond by attempting to rigidify the lines of racial segregation. The effect is to create a climate of racial conflict which can eventually absorb all inmates.

In addition to the both formal and informal arenas of potential and real discrimination described up to this point are more covert, latent, and even unintended sources of racial inequality in the United States prison systems. A recent study conducted by the National Minority Advisory Council on Criminal Justice (1982) emphasizes the insensitivity of correctional systems to the cultures of the various racial minorities. From the point of view of the Council such insensitivity is best illustrated by experience of inmates who identify with the Black Muslims. Numerous examples of restrictions and abuses associated with the practice of this particular religion are cited (p. 294). Also noted are the low proportions of racial minority staff members including not only security personnel, but also librarians, physicians, nurses, psychologists, social workers, vocational counselors, teachers, and vocational technicians (p. 300). It is assumed that white prison personnel have racial attitudes similar to those demonstrated by whites in the larger society, and that these attitudes are expressed in some way to the disadvantage of the often predominantly racial minority inmate population. Another consideration expressed by the Council concerns racial bias in classification criteria. Classification depends heavily on standardized tests, which are known to disfavor racial minorities. The issue of discrimination through standardized testing has been raised and discussed in numerous other contexts; not the least important of these is the courts, which have ruled against such procedures. Still, critical decisions regarding the lives of minority inmates are made on the basis of these instruments (pp. 310-11).

Sexism

Although they slightly outnumber men in this country, women may be regarded as a minority group (Robertson, 1981:283; Sacks, 1978). As Myrdal so eloquently illustrates in his classic treatise on black suppression in the United States, women and blacks demonstrate important parallels in the historical development of their position *vis-a-vis* the established social order. While there has always been a tremendous difference both in actual status of these two groups and in the sentiment associated

with their respective positions, both are veterans of the formal and legal grips as slaves of an early paternalistic order. In fact, in the 17th century the legal status of Negro servants was borrowed from that of women and children, who were at that time under the *patria potestas* (Hacker, 1951).

The main difference in status between women and blacks in this country stems from the influence of marriage as a social elevator for women. Despite the economic, sexual, and prestige gains which have been afforded to blacks by the white male, women always have been of greater importance to these men because women have shared their marriages and have born their children (Hacker, 1951). Blacks continue to suffer far greater discrimination than do women, though women, like blacks, are objects of an ever-broadening economic gap between themselves and the majority group. In general, the jobs that informally have been reserved for women are those which have not rendered competition with, but rather have represented aid to the work of men: secretaries, sales clerks, airline attendants, nurses, social workers, telephone operators. The median income of women is lower than that of men, even for people holding similar qualifications in the same occupations. The average earnings of women are less than three-fifths those of men, a share that reflects a steady widening of the gap: In 1955 the average female worker earned 63.9 percent of the income of the average male worker; in 1970, 59.4 percent, and in 1979, 59.0 percent (Robertson, 1981:325-6).

While protective attitudes toward blacks have faded into abeyance over the years, women have remained objects of strong paternalistic sentiment and oppression in the United States. Discriminatory practices toward women as a result of such paternalism are clearly reflected in the country's penal systems.

The most apparent form of differential treatment afforded women in corrections is reflected in the dual prison system based on sex. With the exception of those relatively few individuals who are incarcerated in coed prisons ("Co-ed Institutions," 1982), the 4.4 percent of the total state and Federal prison inmate population that constitutes women (U.S. Department of Justice, 1982:3) is segregated from the male prison population. In most respects, each state and the Federal Government operate two separate prison systems for adults—one for men, the other for women. This organizational structure

based on segregation of the sexes was introduced in 1861 when, due to the efforts of feminists who fought to have developed special accommodations for incarcerated women, the Detroit House of Corrections was opened with a women's wing that was designated as the first reformatory program for women in the United States (Sarri, 1981:21). Later in 1873 Indiana produced the first separate prison for women (Price, 1977:106). Other states and the Federal Prison System followed suit.

Though this dual prison system was designed to accommodate what were perceived to be different security and rehabilitative problems and needs associated with men and women, it has not been entirely advantageous to women inmates. Arditi and associates (1973), through use of state and Federal prison data, provided a thorough analysis of the dual prison system as a source of differential treatment toward men and women. They view this segregation by sex as being conducive to differential treatment, first, as a result of the numerical disparities of incarcerated men and women, and second, because such segregation tends to encourage sexually stereotyped policy, programs, and conditions. A summary of their analysis follows.²

Consider first the numerical disparities of incarcerated men and women as a source of differential treatment. Since so relatively few women are imprisoned, and since neither the states nor the Federal Government have established optimal population levels for their penal institutions, prisons for men tend to have substantially greater populations than those which house women. This, coupled with the fact that women's prisons are necessarily fewer and therefore more widely separated, is seen to generate three treatment differentials between men and women inmates:

(1) *Remoteness*.—Because institutions for women are necessarily fewer and therefore more widely separated than are men's prisons, and because proximity to home is often considered in the residential assignment of male inmates, women are often placed further from their communities, families, friends, and attorneys than are their male counterparts. This may result in greater difficulties in maintaining important personal and professional relationships, and may cause reluctance on the part of the women to participate in a work- or study-release program, knowing that she will be unable to continue when she returns home after release.

(2) *Heterogeneity*.—Prisons for men typically are "classified," with certain institutions designated to accommodate particular categories of inmates. By contrast, the state's typically single prison for

² For detailed accounts, elaborations, and specific examples of the forms of differential treatment by sex described by Arditi and associates (1973), see Adler (1975), Fabian (1979), Gabel (1982), Gibson (1976), Glick and Neto (1977), Haft (1974), Lehtinen (1977), Potter (1978), Singer (1973), and U.S. General Accounting Office (1980).

women³ must be responsible for the entire range of incarcerated women. As a result, the inmate population of the institution for women is necessarily more diverse in terms of offense, sentence, and age than are the populations at corresponding prisons for men. This heterogeneity affects many aspects of institutional life, including prison programs, security arrangements and administrative policies. Where the population is homogeneous, programs can be tailored to the requirements of the particular residents. But where the population is diverse, compromises are adopted, especially when resources are limited. This results in prison systems for women which tend to be less responsive to individual needs.

(3) *Institutional Services.*—Some differences in source and quality of institutional services seemingly result from the population size variations between prisons for men and for women. Arditi and associates (1973) supply two examples: medical and religious services. In general, institutions for men are more likely to have complete hospital and dental facilities and to have a full-time medical and dental staff than are institutions for women. Because prisons for women are typically too small to support their own medical and dental facilities and staff, women are more likely to be transported into the community for medical and dental care. It should be noted that in some cases, women are taken to the nearest institution for men for such treatment. Again, because prisons for men are larger, they are more likely to be able to support full-time chaplains, and occasionally even denominational variety in available clergy. By contrast, part-time and visiting chaplains typically provide the sole source of formal religious services available to incarcerated women. This may place women at a significant disadvantage, since chaplains can be an important source of counseling and personal support. It is again noted that those prisons for women which are near a prison for men often share the resources of that larger institution.

In addition to numerical disparities in incarcerated men and women, another source of differential treatment toward men and women inmates due to the dual nature of our systems is the tendency of segregation by sex to encourage sexually stereotyped living conditions. Segregation can reduce pressure for standardized treatment, allowing preconceived notions of sexual differences to more heavily influence the development and enforcement of prison policy, programs and conditions. Ar-

diti and associates (1973) outline five sources of differential treatment by sex in the prison setting which result from the tendency of segregation by sex to encourage sexually stereotyped living conditions. They include differential treatment associated with differences in physical environment, recreational facilities, institutional staff, educational and vocational programs, and industrial programs. Brief descriptions of each follow.

(1) *Physical Environment*—The architecture and security arrangements of prisons for women suggest greater emphasis on rehabilitation and less concern with custody than those of men's prisons. While gun towers, double fences, and concrete walls are characteristic of institutions for men, institutions for women are typically of the campus or cottage type, with dormitory, vocational training, and dining buildings grouped around a central yard. Personal quarters for women reflect societal judgment in that they require more privacy and individuality but less security relative to one another and to the outside world. Women commonly are assigned private rooms, and toilet and shower facilities are usually partitioned. Men, on the other hand, are typically housed in multibed barracks and/or open multitiered cellblocks with communal toilet and shower facilities. Prison rules often reflect the same stereotypes. In many institutions, women but not men, are allowed to select their own bedspreads, furniture covers, and curtains. Furthermore, men are more commonly required to wear standard uniforms than are women.

(2) *Recreational Facilities.*—Men usually have a considerable advantage in terms of prison recreational facilities. Because it is believed that women "just don't need the sort of physical exertion that men do," institutions for women seldom have playing fields, and are apt to have less variety in recreational programs. One advantage which women enjoy in some states is being allowed to make more trips outside the prison for movies, bowling, swimming, and athletic events than their male counterparts. This advantage accrues to women at least partly because they are perceived to be less dangerous and escape-prone than men.

The observation of Arditi and associates (1973) that women are offered fewer opportunities for athletic recreational activities on prison grounds than their male counterparts is indirectly supported by Goetting and Howsen (1983b). In their nationwide comparison of incarcerated men and women, they found that women spent significantly fewer hours in an average week outdoors walking, exercising, playing sports, and so forth than did their male

³ As of December 1, 1983, 30 states have 1 prison for women, 14 have 2, 3 have 3, 1 has none, 1 has 4, and 1 has 6 (Hunzeker, 1983).

counterparts (a mean of 13.27 hours compared with a mean of 18.45 hours). Furthermore, frequency of participation in specific recreational activities differed significantly for the two sex categories. When compared with men, the women inmates reported greater frequency in watching television, but less frequency in reading, using the prison store or commissary, *sports participation* and movie attendance, and similar frequency in playing cards or participating in games.

(3) *Institutional Staff*.—The staff at institutions for men and women differ in terms of both staff/inmate ratio and nature of staff/inmate relationship. There tend to be more staff members, including treatment personnel, per inmate in prisons for women. While this situation is commonly viewed as advantageous to women, some women complain that the more numerous staff infringe on their privacy. This numerical differential, while undoubtedly significant, cannot fully account for the difference in nature of the staff/inmate relationships that characterize prisons for men and women. Such relationships at institutions for women are frequently described as "mother-daughter" whereas the staff in prisons for men usually are more authoritarian. An additional factor affecting staff/inmate relationships is the sexual integration of staff. Institutions for women traditionally have been characterized by some staff integration, with male correctional officers assigned for security reasons. Because male prisoners often are believed to be too dangerous to be placed in the hands of female officers, institutions for men reflect much less sexual integration of staff members. While it is believed by many that the institutional atmosphere is more "natural" and therefore that it is superior when members of both sexes are present as correctional staff, it should be noted that some women have found cause to complain about the presence of male staff members ("Women Prisoners Sue to Keep Out the Men Guards," 1977).

(4) *Educational and Vocational Programs*.—Differences in the availability of educational and vocational programs to incarcerated men and women stem from factors of both scale and sexual stereotyping. Academic education for women is generally narrower in scope; that is, it includes fewer graded levels and less variety in subject matter. Also, substantial differences are found in prison teaching staffs; institutions for women tend to have fewer teachers, but higher teacher/inmate ratios. Thus, while the larger number of men in a particular institution permits specialization by both grade level and subject matter, the higher teacher/inmate

ratio in prison for women may permit more individual attention. The influence of sexual stereotypes creates a much greater disparity in vocational training than in academic education. With the exception of a few isolated cases (Potter, 1979), types of programs offered at institutions for men and women are very different. First, men are usually given programs on mechanical skills and physical labor, while women are offered training in clerical skills and personal services. Second, prisons for men, even when compared with prisons for women of equal size, consistently offer a far greater variety of vocational programs. In his observation of vocational programs for incarcerated women, Price (1977) observes that such limited and stereotyped-induced programing does little to prepare women for rewarding positions in the labor market, and in that way discourages financial independence. He states: "The inadequacy of current vocational training programs is one of the most serious problems in women's institutions, which should be encouraging autonomy rather than dependency" (Price, 1977:105).

(5) *Industrial Programs*.—Although institutions for both men and women typically have some industry, men again enjoy a considerable advantage in both number and variety. While these differences are partially a function of scale, they also clearly reflect various stereotype-induced and paternalistic judgments: that participation in industrial programs is inconsistent with the rehabilitative function of women's prisons; that women should not be used as part of a state-created work force; and that women should not be subject to the form of punishment embodied in certain prison industries. In addition to differences in number and variety of industrial programs available to men and women, prisons show differences in types of such programs. Like recreational and vocational programs, the types of industrial programs available to inmates are products of sex role stereotyping; men and women are assigned work responsibilities appropriate to their respective traditional sex roles.

Data from the Goetting and Howsen (1983b) study are consistent with those collected by Arditi and associates (1973) in that they reflect important differences in work activities between incarcerated men and women. Goetting and Howsen (1983b) found that a higher proportion of women reported having work assignments than did their male counterparts (75.85 percent compared with 66.65 percent), but that the men with work assignments reported working more hours per week (a mean of 35.19 compared with a mean of 28.94). This lighter

workload for women may be an expression of protective or paternalistic sentiment. There was not a significant difference, however, in the proportions of men and women who were paid for their services. But since no information on amount of pay was reported, the question of possible pay discrimination is left unresolved. Goetting and Howsen (1983b) also found that the distribution of types of work assignment across nine categories of duties differed significantly for men and women. Higher proportions of women were assigned work in the areas of food preparation, general janitorial, goods production, laundry, medical services, and "other prison services (library, stockroom, store, office help, etc.)," while higher proportions of men were assigned work in areas of grounds or road maintenance, maintenance or repair, and farming/forestry.

An addendum to the concern of Ardit and associates (1973) for discrimination against incarcerated women in terms of industrial and work programs is the related problem of such discrimination as it applies to work release programs. Work release opportunities which allow the inmate to be gainfully employed in the community while residing in a prison setting, have been widely hailed for their rehabilitation potential, yet are systematically denied to women (Krause, 1974).

It should be noted in conclusion of this section on sexism in the prison setting, that inequities on sex are more prevalent in state institutions than in Federal and local correctional systems. The Federal Prison System has taken action to equalize opportunities for men and women by operating "co-ed" facilities (U.S. General Accounting Office, 1980:7). Similarly, local jails typically house both sexes.

Ageism

The term "ageism" was coined in 1969 (Butler, 1969) as a parallel to racism, and refers to discrimination against persons on the basis of chronological age, ultimately depriving them of power and influence. Two forms of ageism which have received research attention are discrimination against the very young and discrimination against the old. It is the latter form with which we are concerned here. While nearly everyone would agree that being old in the United States means being placed in a generally undesirable position, there is seemingly less consensus on the issue of whether or not these elderly constitute a true minority group (Barron, 1953; Barrow and Smith, 1979: 12-13; Levin and Levin, 1980; Robertson, 1981; Sagarin, 1971; Streib, 1965). But regardless of the classificatory concerns

and semantics involved, it is clear that our elderly citizens, like blacks and women, are categorically subjected to differential treatment of negative consequence to them, and that such discrimination is justified by a widespread ideology based on negative stereotypes (Levin and Levin, 1980). Curtain (1972:193) states:

People who manage to survive to old age know that the present system is destroying them. They experience discrimination, intolerance and isolation based on the sad fact that they are old. Their oppression stems from an irreversible biological condition, as surely as the black person faces oppression because of color and women experience oppression based on sex.

While it is the characteristic of many components of human interaction, discrimination against the elderly is most visible in our employment practices, in our practices of mandatory retirement, and in the inadequacies found in our Social Security Program. Research indicates that for both sexes in various job categories ageism is a clear factor in the laying off and firing of workers. Furthermore, once out of work, older people are likely to remain unemployed much longer than are their younger counterparts. When working they are likely to be passed over for promotion (Barrow and Smith, 1979: 168-172). Currently most employers in the United States require retirement at age 70. While recent legislation has boosted that minimum age of mandatory retirement from 65 years, the very existence of a legally sanctioned mandatory retirement age represents age discrimination—a judgment based on age rather than ability. Opponents to the practice of mandatory retirement argue that such policy strips skilled and competent older Americans of a dignity associated with labor force participation in a society where personal worth is determined by economic self-sufficiency and achievement. Mandatory retirement forces many older people who prefer to continue working to instead depend upon the Social Security pension program for financial support. While that system is better than no program at all, it is far from totally responsive to the financial needs of the elderly. Several serious biases in Social Security place a burden on certain categories of older Americans. First, some categories of workers are not eligible for benefits. Second, for those workers who are eligible, there are wide disparities in benefits received based on income during working years, sex, and marital status. Thirty percent of the elderly who depend almost exclusively on Social Security benefits have incomes below the poverty line; mostly they are people who were relatively poor during their productive years or who are widows (Eitzen, 1983; 190).

Our society has not always stereotyped and mistreated its older members. Two hundred years ago aged Americans commanded respect, power and privilege. Under Puritanism, old age was regarded as a sign of election and as an honor bestowed by God, and early Americans emulated their parents and grandparents in hair style and dress (Fisher, 1977). The emergence of certain ideals in this country, including equality, liberty, and individualism, coupled with the onset of industrialization and its associated shifting job opportunities and recurring recessions and depressions that create competition for available jobs, stimulated a major reversal in the status of elderly Americans (Levin and Levin, 1980:88-93). While another, though minor, reversal may occur once this country has completed its current period of rapid modernization (Palmore and Manton, 1974), today older citizens are viewed as a surplus population living off the production of the young, whose wisdom represents another age that is irrelevant now.

Available information suggests that one component of the age status hierarchy in the prison community, that formed among inmates as peers, is entirely inconsistent with the age status hierarchy found in the larger society. While some contrary evidence indicates that elderly inmates may sometimes become victims of violence (Aday and Webster, 1979; Krajick, 1979), it is generally believed that in terms of peer relationships, the incarcerated elderly are accorded prestige and deference. Wiltz (1973) contrasts the social status of noninstitutionalized and the incarcerated senior citizen, attributing the extreme divergence in prestige to their different social settings. In "free" society, the elderly are rendered useless because retirement devalues them economically and socially. Additionally, their knowledge and views have become obsolete in this quickly changing society. The incarcerated elderly, on the other hand, do not face a shift from an active work role to a status void of specific roles. Instead, they undergo a career process consisting of a series of role changes comparable to their functional abilities at different stages in the life span. As the inmate ages and as his abilities change, so do his work role. Not only does the incarcerated senior citizen maintain a work role, he commands a respectable income. In addition to his salary, he receives a monthly Social Security payment, which places him at an economic advantage in relation to other inmates. In the prison setting, it is the younger inmate who typically is economically underprivileged. Additionally, older inmates are respected by their younger counterparts because of

their accumulated wisdom regarding the workings of prison life which allows them to manipulate the system to their advantage. McCleery's (1961) placement of the elderly in the prison social structure is somewhat consistent with that of Wiltz. He describes the inmate hierarchy as one based partially on seniority, with recently admitted prisoners occupying the lowest place, and "old cons" with long experience in prison ways initiating norms and occupying leadership roles. He explains that the lack of formal preparation for "life in the yard" is conducive to the maintenance of an informal social structure controlled by experienced men. McCleery (1961:165) states:

The social order which emerged in response to inmate needs and the deprivations of custodial control exhibited a status hierarchy closely related to seniority, although the demands of leadership were more than seniority alone could fill. Custodial practice made admission to the prison a harsh, demoralizing experience, but it included no positive preparation for life in the yard. The absence of official orientation or published regulations, the secrecy and arbitrariness of discipline, the shocking unfamiliarity of prison life and the demands imposed by regimentation combined to make the new inmate helplessly dependent on experienced men. Old inmates know the limits of official tolerance in a system which, of necessity, prohibited more than it punished, and they could share on their own terms the physical goods and adaptive myths which made prison life tolerable. This control over the rites and tests of initiation gave senior inmates the power to assign men a subordinate status and hold them there until they accepted the norms of inmate culture.

While the inmate peer network may assign prestige to its elderly members, these older prisoners hold no such position of esteem in their relationship to the formal institutional structure. In the prison setting, the problem for the elderly is not so much one of differential treatment, however, as it is one of negligence. As a result of the normal aging process, many older people have special needs and interests. Because a mere 2.3 percent of the total prison population is 55 years of age or older (Goetting, 1984b), and also because the elderly in general are not highly valued in this society, few prisons provide special accommodations to older residents (Goetting, 1983).

Negligence toward the elderly becomes evident with the nature of recreational and educational/vocational programs which clearly cater to the predominantly young inmate population. They typically are not conducive to participation by elderly inmates. Recreational programs (for men) emphasize strenuous and competitive sports, and educational and vocational training emphasize future employment. Most older prisoners have left the education system decades ago, and have no desire to resume their studies. Those who do show an interest in educational programs are often

discouraged by prison officials who believe that the limited openings should be offered to younger men and women who would more likely benefit occupationally from them. The same situation holds true for vocational training programs; they are of little interest or value to the elderly because chances are slim that an older ex-convict will find work available to him in the community (Weigand and Burger, 1979). In consideration of all of this, it is no surprise that a recent nationwide comparison of elderly inmates and their younger counterparts found that when asked how they spend most of each normal weekday, the young out-proportioned the old on the response "classes or training" (Goetting, 1984b).

An area of possible outright discrimination against the elderly inmate on the part of the institutional structure, one reflecting a consistency with ageism found in the outside community, is employment practices. In the study cited directly above, Goetting (1984b) found that a significantly smaller proportion of the older than the younger prisoners was assigned job responsibilities, and that the older inmates were significantly less likely to be paid for their work. This is of special concern, especially in light of the fact that available information on the subject suggests that older prisoners are more likely than the young to have trades and skills, and to display positive attitude and greater maturity and stability in their approach to work (Wooden and Parker, 1980:11; 1982:1974-5). There are alternate explanations, however, for this apparent incongruity. Since work assignments with their associated pay scales are typically based on the security status of the inmate, and since, as indicated in the Goetting (1984b) study by current offense of inmate, a significantly higher proportion of older prisoners is violent, the elderly may be disproportionately rendered ineligible for work or pay based on security considerations. Also, elderly inmates are more likely to be physically disabled, which could preclude them from certain work assignments, especially those which offer pay. While security and medical status may affect employment status of elderly prison inmates, and may therefore at least contribute to employment disparity based on age, blatant discrimination remains a distinct possibility.

Conclusions

It has become apparent from this analysis that the racism, sexism, and ageism so clearly characteristic of contemporary American society are reflected in its prison structure. Until recently, blacks in the prison setting, like those in the larger society, were systematically segregated from

whites. Though the segregation was not so extreme as it is today for incarcerated men and women who are typically housed in entirely different residential structures, it meant separate recreational and work activities and separate facilities such as dining accommodations. Today racial segregation in prison is no longer an important issue, but the discrimination perceived to have accompanied it and to have persisted into the present remains a source of antagonism. Such discrimination is seemingly the most severe at the lowest levels of formality where visibility and accountability are low. Resentment and hatred toward black inmates by white guards and prisoners are verified by numerous observers of both racial categories.

Though women, like blacks, are objects of differential treatment in the prison setting, discrimination toward them, consistent with that toward their sisters on the outside, is based on a unique history, ideology, and set of sentiments. Women are set apart from men at least partly as a result of paternalistic attitudes toward them. In the prison situation such paternalism has resulted in a formalized dual system based on sex. While many components of the special treatment afforded incarcerated women do, in fact, protect them from harshness, others operate to deprive them of effective and optimally productive programs.

Like racism and sexism, ageism is extended to the prison setting. The source of this ageism appears to be apathy rather than hatred, as is the case with blacks, or paternalism, as is the case with women. While older prisoners seemingly enjoy an elevated prestige in the inmate peer community, the more formal organizational structure typically affords little, if any, special recognition or treatment on their behalf. Negligence regarding the particular needs and interests of the elderly becomes evident with the nature of recreational and educational/vocational programs, which clearly accommodate the predominantly young inmate population. In addition to this neglect, which persists as the most common form of ageism in prison, is some suggestion of outright discrimination in terms of employment opportunity and pay.

The racism, sexism, and ageism described in these pages have definite policy implications. The current emphasis on prisoners' legal rights is conducive to a surge of litigation on the part of these three categories of incarcerated minorities. For blacks, such legal activity would simply represent a continuation of their established pattern of protesting segregation and discrimination which began in the late 1950's as an extension of the black civil rights

movement. Their primary vehicle of protest regarding discrimination has been the Black Muslim movement. In hundreds of lawsuits the Muslims have protested censorship, disciplinary practices and religious discrimination. Though they have won most of the opportunities for religious worship enjoyed by members of conventional religions, full equality has yet to be achieved (Jacobs, 1983:65-66). Incarcerated women have only within the last decade exerted noticeable legal activity. Several suits have been brought by women demanding equality in the types of facilities and other opportunities provided to men, and courts are frequently deciding in favor of these women (Fabian, 1979:45-51; "Legal Issues," 1983:2-3; Potter, 1979:47; Sarri, 1981:25-26; U.S. General Accounting Office, 1980:8-12). At this point in time no known litigation has been brought by elderly inmates claiming discrimination. But it is being suggested here that older prisoners may pursue the tactic employed by their black and female counterparts, seeking legal avenues to oppose their perceived discrimination. However, legal activities initiated by elderly inmates might not be limited to discrimination suits. Numerous law suits have been filed against departments of corrections by inmates and civil rights groups for claims involving a wide range of negligence. Among them are inadequate health care, failing to protect an inmate from assault, and unsanitary living conditions (League of Women Voters of Ohio, 1974). Prison administrators need to be concerned with any special unfulfilled needs of older prisoners which might be interpreted as neglect. In particular, health, friendship, and security needs should be recognized (Ham, 1976).

In response to perceived discrimination against elderly and black inmates, recommendations have been offered to segregate these minorities in a manner similar to the men/women dual prison system. Regarding the older resident, such isolation is seen to provide optimal opportunity for forming peer networks, and also to reduce vulnerability to violence (Bintz, 1974: 88-89; Bergman and Amir, 1973; Fuller and Orsagh, 1979: 11; McCarthy, 1980, 119; Moore and Phillips, 1979:15). Additionally, it would allow accommodation of the unique physical needs of the elderly. By virtue of age alone, people require special diet, exercise and recreational programs. Furthermore, due to the progressive deterioration of sight, hearing, memory, and reflexes, and also to a general slowing of movement and sometimes of mental responsiveness, older inmates could profit by being segregated in quarters with staff members who are

familiar with the physical components of the aging process and who have the patience to deal with them (Baier, 1961). In a similar vein, Jacobs (1983: Ch. 4) recommends the reconsideration of racial segregation in prison as a means of alleviating racial tension. He argues that the races prefer segregated living accommodations, and that by law they have a right to such "privacy."

While there surely is validity in these arguments favoring segregation for the sake of protection, there clearly would be serious impediments to its effective implementation. And those problems are the exact problems which women are experiencing and have begun to articulate through legal means. Segregation can reduce pressure for standardized treatment, allowing stereotyping and, in the case of the elderly, small numbers to influence institutional policy. And as has been shown to be the case with women, such influence is not always to the advantage of the minority group. In other words, segregation is conducive to discrimination.

The question of appropriateness of segregation of adult prisons by race and age, and of providing special policies and treatment for the elderly poses a true dilemma to those professionals who are concerned with the well-being of prisoners as well as to those interested in prison policy and administration. While human needs must be accommodated, it is important that care be taken to avoid the discrimination that can contaminate a dual prison system. While it may be a fine line that separates special need satisfaction and discrimination, it is incumbent upon corrections administrators to discover that line, and to create and implement policy accordingly.

Perhaps our best conceptual approach to the consideration of minorities in prison is to their consideration in society at large. If problems of minorities in this country were ever to be alleviated, problems of their representatives in prison and in other institutions, for that matter, would follow suit.

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