

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Under the Penal Gaze: An Empirical Examination of Penal Consciousness Among Prison Inmates

Author: Lori Sexton

Document No.: 239671

Date Received: September 2012

Award Number: 2010-IJ-CX-0002

This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Under the Penal Gaze:
An Empirical Examination of Penal Consciousness Among Prison Inmates

Final Report Submitted to the National Institute of Justice
Award #2010-IJ-CX-0002

Lori Sexton
Department of Criminology, Law and Society
University of California, Irvine

June 26, 2012

This project was supported by Grant No. 2010-IJ-CX-0002 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Findings and conclusions of the research reported here are those of the author and do not necessarily reflect the official position or policies of the U.S. Department of Justice

UNIVERSITY OF CALIFORNIA,
IRVINE

Under the Penal Gaze:
An Empirical Examination of Penal Consciousness Among Prison Inmates

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Criminology, Law and Society

by

Lori Sexton

Dissertation Committee:
Professor Valerie Jenness, Chair
Professor Mona Lynch
Professor Carroll Seron

2012

This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

TABLE OF CONTENTS

LIST OF FIGURES	v
LIST OF TABLES.....	vi
ACKNOWLEDGEMENTS.....	vii
CURRICULUM VITAE.....	x
ABSTRACT OF THE DISSERTATION.....	xiii
Chapter 1. Introduction, Literature Review and Methodology.....	1
Literature Review.....	4
Macro-Level Assessments of Penal Harshness.....	4
Linking the Theoretical and the Empirical: Micro-level Descriptions of Punishment.....	9
Tension between Carceral Macrostructure and Micro-Level Institutional Context	19
Direct Supervision: The Influence of Micro-Level Context and a Potential Exception to Overall Harshness	20
From the Lived Experience of Punishment to the Construction of Penalty	23
Methodological Approach	28
Research Sites and Sampling.....	28
Collecting In-Person Interview Data	34
Method of Analysis.....	38
Overview of Dissertation	39
Chapter 2. Penal Subjectivities.....	42
Findings	42
Content of Punishment and Level of Abstraction.....	42
Severity of Punishment.....	56
Salience of Punishment.....	64
The Punishment Gap.....	70

Discussion and Conclusion.....	79
Chapter 3. Narratives of Penal Consciousness	81
Findings	82
Penal Consciousness as Relation to Life and Death.....	82
Punishment as Part of Life.....	84
Punishment as a Separate Life	94
Punishment as Suspension of Life	100
Punishment as Death.....	106
Discussion and Conclusion.....	111
Chapter 4. Situating Penal Consciousness.....	115
Findings	116
Comparison of Penal Consciousness by Supervision Style.....	116
Comparison of Penal Consciousness by Gender	136
Discussion and Conclusion.....	160
Chapter 5. Conclusion.....	165
Overview of the Penal Consciousness Theoretical Framework	165
Content of Punishment and Level of Abstraction.....	165
Assessing Salience and Severity of Punishment.....	166
Narratives of Penal Consciousness	167
Variations in Penal Consciousness by Supervision Style and Gender	169
Implications of the Penal Consciousness Theoretical Framework.....	171
Implications for the Empirical Study of Punishment.....	171
Theoretical Implications of a Broader Conceptualization of Penalty.....	173
Policy Implications for a Loosely Coupled System.....	176
Directions for Future Research.....	178

REFERENCES	180
APPENDIX A. INTERVIEW GUIDE	192
APPENDIX B. FACILITY INFORMATION SHEET	199

LIST OF FIGURES

		Page
Figure 1	The Punishment Gap	71
Figure 2	Narratives of Penal Consciousness	84
Figure 3	Overview of the Penal Consciousness Theoretical Framework	113
Figure 4	Narratives of Penal Consciousness by Supervision Style	162
Figure 5	Narratives of Penal Consciousness by Gender	163
Figure 6	Narratives of Penal Consciousness by Comparison Group	164

LIST OF TABLES

		Page
Table 1	Characteristics of Research Site Facilities	29
Table 2	A Comparison of Race, Offense, and Lifer Status for the Study Sample and the Total ODRC Prison Population	32
Table 3	A Comparison of Age, Time Served, and Sentence Length for the Study Sample and the Total ODRC Prison Population	33

ACKNOWLEDGEMENTS

In his book *Imagine: How Creativity Works*, Jonah Lehrer details the many ways that creativity is fostered by the people and environment that surround it. He provides scientific evidence about the importance of learning to think in new ways by changing your frame of reference, the inspiration of serendipitous hallway chats with people outside your field, and the utility of being located in a place that is already abuzz with a culture of creativity. The past six years that I have spent in the Department of Criminology, Law and Society have confirmed these findings consistently and persuasively. The interdisciplinarity of the department is one of its ultimate strengths, particularly with regard to the creative and inspired research that it produces. In my time here, I have been fortunate to learn from and work alongside brilliant scholars and promising graduate students from an array of backgrounds. Interacting with them has strengthened my work not only in terms of theory, method, and analysis, but also with regard to innovation and creativity.

This dissertation is the culmination of six years spent working, learning, and growing in an environment that not only fosters creativity, but seems to create it outright. In particular, my dissertation committee has influenced my development as a scholar immensely. Over the past few years, Carroll Seron, Mona Lynch, and Kitty Calavita have provided me endless support, guidance, and inspiration. I would like to thank Carroll for showing me the importance of rigorous methodology and exquisite attention to detail, and for introducing me to the creative potential of heuristic. Carroll has always upheld high standards for research quality, and I hope that this dissertation meets them. She also challenged me (perhaps unknowingly) to push myself to design and execute a qualitative dissertation, when all I had known up to that point was quantitative design and analysis. I'm very glad she did. I would like to thank Mona for opening my eyes to a whole new way of studying punishment. Her work has served as a model of inspired and innovative research, approaching topics in new ways and from diverse perspectives. This dissertation and all of the work that will come after it have benefitted immensely from Mona's influence. I hope to one day be (nearly) as creative a scholar as her. I would like to thank Kitty, my honorary committee member, for her thoughtful feedback and ability to see promise in my work that has escaped even me. Even in retirement, Kitty is easily one of the most active scholars that I know, dedicating herself tirelessly to academic and social justice pursuits. I strive to be as thoughtful, committed, and compassionate as her.

My greatest debt of gratitude is to my dissertation chair, advisor, and mentor, Val Jenness. Val has been a superb mentor in all possible arenas, and has impacted me in ways that extend far beyond my dissertation. Her faith in my abilities has emboldened me and exposed me to more opportunities than I can count. She entrusted me with important matters of research design and execution on the transgender study when I was only a second year graduate student, and helped me to grow in that role until I could successfully execute a large-scale study on my own. In teaching me to design a study from the ground up, she also taught me to think about research holistically. In encouraging me to apply for fellowships, teaching positions, and research grants, she also encouraged me to be an independent, motivated scholar. Most importantly, she always pushed me to ask the "so what?" question in my own research—a question that I continue to struggle with, but have resolved to one day master. But Val's strongest influence isn't limited to the research arena—it is with regard to the "professional socialization" that she has imparted. At

key moments throughout my graduate career, Val made me privy to what graduate students consider the “secrets” of academia—small things that are most often learned through trial and error as a new faculty member. These secrets were made known to me early and often, and were handled so masterfully that they have been seamlessly incorporated into my knowledge of academia more generally. This will be Val’s most lasting influence on me as a scholar. She imparts knowledge, encourages growth, and shapes young scholars in such a way that the result seems natural and almost inevitable—an impressive feat that belies the boundless time and energy she pours into her students. I’m certain that the scholar that I have become, and the scholar that I will grow to be, is in large part a product of Val’s mentorship. But at the same time, I can’t possibly imagine it any other way. I am grateful to her for making me the scholar I am supposed to be.

There are many other CLS faculty that have shaped my time here in ways that I will be forever grateful for. I would like to thank Susan Coutin, John Dombink, John Hipp, Ron Huff, Charis Kubrin, Cheryl Maxson, Joan Petersilia, Henry Pontell, Susan Turner, and Sara Wakefield for their time, encouragement, and thoughtful feedback. I would also like to thank these scholars, along with the rest of the CLS faculty, for providing an environment rich with interdisciplinarity and inspiration. The halls of SEII are steeped in creativity, and the graduate students that roam them can’t help but benefit from this atmosphere. As I write this note, a handful of these graduate students (myself included) will transform into scholars—no longer *promising*, but now expected to deliver on our promise. I have no doubt that we will. To my cohort, Tim Goddard, Randy Myers, Sarah Smith, and Alyssa Whitby Chamberlain: it has been a joy to have your friendship, encouragement, and collaboration over the past six years. My life has been fuller and my research stronger for it. I am also grateful for the friendship and support of many others who have made my time in graduate school both enjoyable and educational: Ashley Demyan, Marisa Omori, Adam Boessen, Sonya Goshe, Kate Henne, Jacob Kang-Brown, Darin Haerle, Jamie Binnall, and Ken Cruz. A special thanks to Jenn Sumner for her thoughtful and thought-provoking feedback on just about everything, including (but by no means limited to) my dissertation. Jenn’s elegant ability to see the world through a sociologist’s eyes has inspired in me a curiosity that extends far beyond my research. I thank her for that, and for her friendship.

This dissertation itself could not have happened without the time, effort, and resources of a number of people outside academia. Financial support for this research was generously provided by the National Science Foundation (Award No. SES-1023694), the National Institute of Justice (Award No. 2001-IJ-CX-0002), the Fletcher Jones Foundation, the Department of Criminology, Law and Society, and the School of Social Ecology. I simply could not have conducted this research without their support. I am also grateful for the Ohio Department of Rehabilitation and Correction’s willingness to support this research through access and precious staff time. Steve Van Dine, John Chin, and Brian Kowalski at the Bureau of Research deserve special recognition for making this dissertation possible. At a time when many state departments of corrections are all too willing to close their doors to researchers, the Ohio DRC is not only conducting high quality research from within, but also facilitating outside research. This is by far the most positive experience that I have had conducting research in the field, and I appreciate it immensely. I would be remiss if I did not also extend thanks to the 80 Ohio state prisoners who volunteered their time and life stories to take part in this research. Without their superb

willingness to share their personal thoughts and experiences with me, all the access in the world would not have made this study a success. I hope that my words do justice to theirs.

Last, but certainly not least, I would like to thank the people closest to me, those who have given me the strength to achieve just about anything. Without their love and support, this enormous task would have been insurmountable. To my parents, who supported my educational endeavors to the fullest, even when they took me 3,000 miles away to another coast: thank you for always believing in me, and for knowing that education would be the means to give me everything that I want for myself, and everything that you want for me. To Matt, Lauri, Teaghan, Autumn, and Delancey: thank you for letting me know that, wherever I end up, I will always have a home. To Kev, who has always been there for me: thank you for your enduring love and support. To Kirstin, who has an amazing ability to put things in perspective: thank you for helping me see things so clearly. And to Joleen, who stood by me through everything: thank you for always reminding me why this process was worthwhile, even when it seemed to be almost too much. Your faith in me is boundless, and you help me believe in myself despite all odds. Thank you for that, and for everything.

CURRICULUM VITAE

Lori Sexton

EDUCATION

University of California, Irvine, Ph.D. in Criminology, Law and Society Dissertation: Under the penal gaze: An empirical examination of penal consciousness among prisoners Chair: Valerie Jenness	June 2012
University of Pennsylvania, M.A. in Criminology Thesis: Repeat offending: Self-reported attitudes and crime in the Canberra RISE project Chair: Lawrence Sherman	May 2006
Cornell University, B.S. with Honors in Human Development Thesis: Female sexuality through the lens of identity Chair: Ritch Savin-Williams	May 2005

FELLOWSHIPS, GRANTS, HONORS AND AWARDS

External Grants and Fellowships

Graduate Research Fellowship 2010-IJ-CX-0002, National Institute of Justice (\$24,950)	November 2010 – June 2012
Fletcher Jones Foundation Fellowship (\$20,100)	October 2010 – June 2011
Doctoral Dissertation Fellowship SES-1023694, Law and Social Science Program, National Science Foundation (\$14,991)	August 2010 – June 2011

Internal Grants and Fellowships

Dean's Dissertation Fellowship, UC Irvine	September 2011 – December 2011
Professional Development Fellowship, UC Irvine	September 2010
Michelle Smith Pontell Memorial Fellowship, UC Irvine	May 2010
Social Ecology Data Gathering Fellowship, UC Irvine	May 2010
Social Ecology Stipend and Fee Fellowship, UC Irvine	October 2006 – March 2007
Cornell Tradition Class of 1976 Fellowship, Cornell University	August 2001 – May 2005

Honors and Awards

Lindesmith Graduate Student Paper Award, Law and Society Division, Society for the Study of Social Problems	June 2012
Social Ecology Graduate Mentoring Award, UC Irvine	May 2010
Arnie Binder Award, University of California, UC Irvine	May 2008
Social Ecology Graduate Mentoring Award, UC Irvine	May 2008
Dean's List, Cornell University	August 2001 – May 2005

PUBLICATIONS

Journal Articles

Tewksbury, R., McCleary, R., and Sexton, L. (Forthcoming). Gendered Activity Cycles at Adult Bookstores. *International Journal of Crime, Criminal Justice, and Law*.

- Sexton, L., Jenness, V. and Sumner, J. (2010). Where the Margins Meet: A Demographic Assessment of Transgender Inmates in California Prisons. *Justice Quarterly*, 27(6), 835-866.
- Turner, S., Myers, R., Sexton, L. and Smith, S. (2007). What crime rates tell us about where to focus programs and services for prisoners. *Criminology & Public Policy*, 6(3), 623-631.

Book Chapters

- Jenness, V., Sumner, J., and Sexton, L. (In Press). Cinderella, Wilma Flintstone, and Xena the Warrior Princess: Capturing Diversity Among Transgender Women in Men's Prisons. In C. M. Renzetti and R. K. Bergen (Eds.), *Understanding Diversity: Celebrating Difference, Challenging Inequality*.

REPORTS AND TESTIMONY

Reports

- Jenness, V., Sexton, L., and Sumner, J. (2011). *Transgender Inmates in California's Prisons: An Empirical Study of a Vulnerable Population*. Report submitted to the California Department of Corrections and Rehabilitation.
- Sexton, L., Myers, R., Valasik, M., and Turner, S. (2009). *An Examination of Culture and Violence in the California Division of Juvenile Justice*. Report submitted to the California Department of Corrections and Rehabilitation.
- Fain, T., Turner, S., Ridgeway, G., Chamberlain, A., Myers, R., Sexton, L., Smith, S., and Valasik, M. (2009). *Los Angeles County Juvenile Justice Crime Prevention Act: RAND Quarterly Report, January 2009*. Report submitted to the Los Angeles County Probation Department.
- Fain, T., Turner, S., Ridgeway, G., Jannetta, J., Chamberlain, A., Myers, R., Sexton, L., Smith, S., and Valasik, M. (2008). *Los Angeles County Juvenile Justice Crime Prevention Act: RAND Quarterly Report, October 2008*. Report submitted to the Los Angeles County Probation Department.
- Jannetta, J., Myers, R., Sexton, L., Smith, S. and Whitby, A. (2007). *Report on the Results of the CDCR Two-Piece GPS System Field Test*. Report submitted to the California Department of Corrections and Rehabilitation.

Testimony

- McCleary, R. and Sexton, L. (2012). *Testimony on SB 3348*. Testimony presented to the Illinois State Senate Public Health Committee on Senate bill 3348 (Live Adult Entertainment Facility Tax Act). Springfield, Illinois.
- Sexton, L., Jenness, V., and Sumner, J. (2009). *The Victimization of Transgender Inmates in California Prisons for Men*. Testimony presented at the California State Senate Committee on Public Safety for the State of California hearing on Assembly Bill 382 (LGBT Prisoner Safety Act). Sacramento, California.
- Jenness, V., with contributions by Sexton, L., and Sumner, J. (2008). *Transgender Inmates in California Prisons: Comments from the Point of View of Research*. Testimony presented at an Informational Hearing on Issues Facing Lesbian, Gay, Bisexual, and Transgender Inmates in California Prisons, sponsored by the Senate Committee on Public Safety for the State of California. San Francisco, California.

RESEARCH EXPERIENCE

Project Manager, Prisoner Grievances in California	January 2009 – June 2012
Project Manager, The Victimization of Transgender Inmates	July 2007 – June 2009
Graduate Researcher, Center for Evidence-Based Corrections	August 2006 – July 2009
Research Assistant, Inmate and Parolee Mental Health Project	January 2009 – April 2009
Adjunct Project Research Associate, RAND Corporation	June 2008 – April 2009

TEACHING EXPERIENCE

Adjunct Faculty, University of San Diego	September 2010 – June 2012
Teaching Associate, UC Irvine	June 2010 – July 2010
Teaching Assistant, UC Irvine	April 2007 – June 2009
Teaching Assistant, University of Pennsylvania	August 2005 – May 2006
Teaching Assistant, Cornell University	August 2004 – December 2004

ABSTRACT OF THE DISSERTATION

Under the Penal Gaze:
An Empirical Examination of Penal Consciousness Among Prison Inmates

By

Lori Sexton

Doctor of Philosophy in Criminology, Law and Society

University of California, Irvine, 2012

Professor Valerie Jenness, Chair

This dissertation develops a new theoretical framework that examines the ways in which prisoners orient to and make meaning of their punishment in order to more fully understand the nature of penalty writ large. The framework, which I call *penal consciousness*, moves beyond the limited, objective view of punishment as legal sanction to a more expansive view of penalty that privileges subjectivity and meaning. Through the inductive analysis of 80 in-depth, qualitative interviews with Ohio state prisoners, I investigate the ways in which penalty—defined here that which is experienced as punishing or recognized as punishment—is understood by different populations of prisoners in different carceral settings. This design allows me to examine the patterned nature of punishment across populations (male and female prisoners) and settings (traditional indirect and innovative direct supervision carceral environments) while setting the stage for a broadly applicable theoretical framework.

The penal consciousness framework examines punishment along two key dimensions: salience and severity. Through an examination of the level of abstraction at which punishment is experienced, as well as what I call the “punishment gap” between an individual’s expectations

and experiences of punishment, variation in severity and salience can be better understood. The examination of the interplay between severity and salience reveals four distinct narratives of penal consciousness. Each narrative of penal consciousness is a story that prisoners tell about the meaning and place of punishment in their lives. These narratives differ according to the ways in which prisoners situate their punishment in the larger landscape of their lives, with punishment viewed as part of life, a separate life, suspension of life, or death. By examining punishment as the nexus between the objective and the subjective and locating punishment in prisoners' lives, the penal consciousness framework allows us to map variation in the lived experience of punishment and makes visible the processes by which penalty is constructed.

Chapter 1. Introduction, Literature Review and Methodology

The “punitive turn” is an often used and commonly understood¹ phrase that describes the swinging of the criminal justice pendulum from the rehabilitative ideal of the 1960s back to a newly revitalized zeal for retributive justice. The punitive turn evokes many images: the increasingly surveilled and securitized nature of life in a “late modern” society (Garland, 2001), a public characterized by “populist punitiveness” (Bottoms, 1995), a criminal justice system that has increasingly ceded power to politically-minded prosecutors who are ever responsive to public cries for harsh punishment, and a swollen correctional system that has forsaken rehabilitative programming in favor of increasingly austere prison conditions. Regardless of the particular imagery, the overall sense that one gets from the punitive turn is of an unrelenting and regressive move toward unmitigated harshness in our country’s treatment of offenders²—a tide that may recently have begun to recede, but remains nonetheless a powerful orienting force in criminology and penology.

Moving beyond mere description and imagery, there is no shortage of theories that seek to explain this harsh turn and its correlates. For instance, Garland uses late modernity to explain the effects of a “culture of control” that has taken hold of the US and Britain; Simon (2007) discusses the strategy of “governing through crime” that draws the realm of the penal into everyday life; and Whitman (2003) uses an historical, cross-cultural approach to describe the ways in which US criminal justice has come to favor harsher treatment due to its lack of emphasis on dignity of punishment. These recent macro-level theories of penal change have one

¹ Tonry (2007) notes that, despite being “left vague,” the notion of increased punitiveness refers to “an unspecified mix of attitudes, enactments, motivations, policies, practices, and ways of thinking that taken together express greater intolerance of deviance and deviants, and greater support for harsher policies and severer punishments” (p. 7).

² For notable exceptions to this unidimensional view of the punitive turn, see Bottoms (1995), Goodman (2010), Lynch (1998; 2010), and Phelps (2011).

key element in common: they all begin with the premise that punishment in the US has become far harsher over the past few decades. Indeed, a marked increase in penal harshness is the very phenomenon that they seek to explain.

Until very recently, this phenomenon has been objectively indicated in many ways. All of the elements of the punitive turn described above—increased surveillance, populist punitiveness, expansive prosecutorial power, and bare bones conditions of confinement for ever larger numbers of US residents—have been documented empirically. In fact, it is only in the past few years that our trajectory of punitiveness has taken another turn, evidenced not least by falling incarceration rates across the nation. Against the backdrop of a multi-decade rise in penal harshness, scholars and policymakers alike are beginning to discuss the slow descent upon which we might be embarking. Past and current trajectories aside, one factor remains constant: the measures of punitiveness employed and the types of harshness explained are objective and macro-level. Whether these characteristics of the current penal landscape translate to greater harshness—or increasing lenience—of punishment overall merits a fuller treatment of the nature of harshness than what is afforded by objective indicators alone.

Just how harsh US punishment has become is an empirical question that has only been partially addressed. What is missing from current, macro-level explanations is the role of subjectivity in punishment, specifically the subjectivity of those who are being punished. Punishment is not just something that is done—it is something that is done *to people* and experienced *by people*. And the subjectivity of the people that are punished matters. In 1978, Grabosky noted that “the task of delineating the concept of penal severity is a difficult one, for the degree of suffering which an individual experiences at the hands of sanctioning agents is essentially subjective” (p. 103). He went on to conclude that “a more rigorous treatment of the

subjectivity of punishment must await further developments in conceptualization and measurement” (p. 104).

More than two decades after Grabosky’s call to research this phenomenon, that is precisely what I seek to do in this dissertation.³ Through the development of a theoretical framework that I call *penal consciousness*, I propose a way to more fully understand the contours of punishment as it is lived and experienced by those whose lives are shaped most by it. The overarching question addressed by this dissertation is: How do prisoners understand and orient to their punishment? In other words, what types of penal consciousness do they exhibit? Beyond this basic question, I also address more specific, related questions, including: Does penal consciousness vary by population? Does it vary by setting? What implications does penal consciousness have for an understanding of the current state of punishment in the US? By focusing analytic attention on penal consciousness, we can better understand the ways in which prisoners orient to their punishment in particular and the nature of penalty more generally.

The penal consciousness framework complicates our understanding of where the punitive turn has landed us by developing a nuanced view of the current state of penal harshness that hinges on subjectivity, rather than relying on broad brush strokes that obscure the varied composition of punishment. By viewing punishment through the lens of consciousness, this dissertation develops a model of the lived experience of punishment and uncovers the processes implicated in the construction of penalty. The penal consciousness framework advances our thinking about the contemporaneous meanings of incarceration as a lived experience and a state project.

³ This project was supported by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice (Award No. 2001-IJ-CX-0002) and the National Science Foundation (Award No. SES-1023694). The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author and do not necessarily reflect those of the Department of Justice or the National Science Foundation.

Literature Review

Macro-Level Assessments of Penal Harshness

Beginning with Durkheim's (1900) *Two Laws of Penal Evolution*, scholars have examined two distinct ways in which a society's punishment practices can be harsh: scope and intensity. Scope of punishment refers to the "proportion of a society's population which is subjected to penal sanctions" (Grabosky, 1978, p. 104). Intensity refers not to the number of people upon whom penal sanctions are imposed, but to the magnitude of the punishment imposed upon them. Despite historical interest in the intensity of punishment (e.g., Durkheim, 1900; Foucault, 1977), it is the scope of punishment in the US that seems to have generated the most interest in the past few decades.⁴ The sheer size of our incarcerated population—which surpassed two million for the first time in 2002 (Harrison & Beck, 2003) and continued to grow until fully one percent of our population was incarcerated by 2008 (Pew Center on the States, 2008)—has been a call to arms of sort for researchers to return to their academic arsenal of theory and data in order to explain the lofty heights that US punishment had reached. Subsequently, falling incarceration rates have sent academics scrambling to reconcile their understandings of the punitive turn with a decidedly less punitive turn of events. Such an easily identifiable and quantifiable measure of the scope of punishment—the incarceration rate—is taken to be an unambiguous indication of the current state of harshness of punishment.^{5,6}

⁴ Divergence in historical and contemporary interest in penal harshness is not limited to considerations of scope versus intensity; the two are also distinguished by the direction of the trajectory of penal harshness that they trace. Specifically, while Durkheim (1900) and Foucault (1977) discussed the *decreasing* intensity of punishment over time, current works have emphasized *increasing* scope of punishment.

⁵ Although a long series of work could be cited here, I will note two specific studies that purport to measure punishment by measuring incarceration. In *Crime Control as Industry*, a broad theoretical and empirical book along the lines of Rusche and Kirchheimer's (1939) *Punishment and Social Structure*, Christie (2000) notes that "the amount of punishment used by the legal system in any country can be measured in several ways," but then concedes that his analysis of crime control as industry "mostly present[s] data on imprisonment" (p. 25). A very different type of analysis is employed by Blumstein and Cohen (1973) in their empirical test of the Durkheimian thesis of stability of punishment, but this analysis nonetheless pivots on the incarceration rate as a key measure of punishment.

This emphasis on scope has not fully excluded consideration of increased intensity, however. As “the age of mass incarceration” (Wacquant, 2002) continues, public and scholarly attention has been drawn to increasingly draconian sentences that evidence the intensity of punishment as much as its scope. Determinate sentencing, mandatory minimums, and Three Strikes legislation have had more than just a carceral net-widening effect (an effect on scope of punishment); they have also prolonged the time it takes to escape the entanglements of that net (a measure of intensity). Another key measure of intensity of punishment is perhaps even more intimately related to scope: the conditions of confinement in the US’s severely overcrowded prisons. As larger numbers of prisoners were confined, the ability of correctional agencies to meet constitutionally adequate standards for health and safety became compromised. Despite increasing awareness of these shifts in the intensity of punishment, however, the measure of penal harshness that most often makes headlines—and finds its way into the opening sentence of scores of social science articles—comes down to the size of our incarcerated population.

A variety of theories of the punitive turn achieve an examination of scope and intensity in concert. These theories explain shifting penal harshness in terms of various factors that affect objective indicators of the scope and intensity of punishment, including: the “criminology of the other” (Garland, 1996); the “demise of military Keynesianism” (Gilmore, 1999); an “economy of excess” (Hallsworth, 2002); a combination of the decline of the welfare state, the advent of post-Fordism, the rise of neo-liberalism and the failure of the ghetto as an institution of control (Wacquant, 2001); the influence of a crime control industry (Christie, 2000); liberal political doctrine (Brown, 2006); globalization (Baker & Roberts, 2005); an “open policy field” that enables marginalized voices to be heard in policy discussions (Ryan, 2005); and a post-Fordist

⁶ As mentioned previously, the incarceration rate in the US has recently begun to decline—a reversal of a decades-long trend that occurred in 2007 (West, Sabol & Greenman, 2010). At year-end 2010, the correctional population the US declined for the first time since 1972 (Guerino, Harrison & Sabol, 2011).

system of production (De Giorgi, 2007). Variations in the punitive turn at a local level have employed a similarly wide variety of explanatory concepts, including: the retrenchment of the welfare state (Beckett & Western, 2001); the democratic process (Barker, 2006); and risk and protective factors (Tonry, 2007).

In my review below, I highlight two prominent theories of changing penal harshness that address intensity as well as scope of punishment. I focus my attention on the dependent variables in these theoretical explanations—the indicators of penal harshness that they seek to explain. I do so because the penal consciousness framework developed in this dissertation is not a theory of change in the penal landscape over time, but rather a framework that granulates the picture of the current state of penal harshness in order to build a more expansive conceptualization of penality. In doing so, the penal consciousness framework calls into question the supremacy of the objective indicators of penal harshness upon which these macro-level theories rely. Thus, the indicators of harshness these theories employ, rather than the cultural antecedents that are argued to produce them, are of particular importance here.

Garland's "Culture of Control"

Among the extant theories of macro-level penal change, Garland's (2001) *Culture of Control* is perhaps the most prominent. Garland's book examines the myriad challenges associated with late modernity in the US and UK, including rising crime and governmental inability to impede it, as well as a declining faith in the welfare state coupled with shifting social attitudes characterized by insecurity and fear. In his examination of the effects of late modernity, Garland goes beyond addressing punishment as such, instead considering the broader "field" of crime control and criminal justice of which punishment is a part. Garland's aim is to explain the recent reconfiguration of this field as it has emerged in the US and the UK in the past few decades. Despite his broad focus on crime control, prominent among the "indices of change"

that Garland charts are numerous objective indicators of increased penal harshness in terms of both intensity and scope.

In his discussion of the decline of the rehabilitative ideal and re-emergence of expressive punishment, Garland examines the distinctly punitive shift in the intent behind our legal sanctions. This shift goes beyond mere rhetoric, affecting crime control policy in blatant, concrete ways (e.g., through the re-introduction of retributive sanctions and demise of correctional programming) and shaping the “emotional tone” of punishment more subtly as well. These changes have been ushered in swiftly as a result of a policy-making process that Garland describes as both politicized and populist. The collective sentiments that comprise the public’s punitive, angry, and increasingly fear-ridden views—views that both emerged from and reinforce discourse at the policy level—have been pandered to by policymakers in efforts to garner political favor. Due to the resounding political success of such a strategy, Garland notes that there has been a convergence of punitive intent that crosses party lines, representing a “rigid new consensus... around penal measures that are perceived as tough, smart, and popular with the public” (p. 14). The crowning achievement of this newfound consensus is what Garland refers to as “the reinvention of the prison” (p. 14) into an institution designed to “segregate problem populations created by today’s economic and social arrangements” (p. 199). The dramatic rise in incarceration rates is taken as reflective of tacit agreement that “prison works” both to harshly punish offenders and to satisfy the needs of a fearful and punitive public.

Woven throughout Garland’s discussion of the newly punitive nature of the field of crime control are multiple indicators of scope and intensity of punishment. Garland himself notes that “there is now a long list of measures that appear to signify a punitive turn in contemporary penalty” (p. 142). He names a number of such measures, including: the increased use of

imprisonment in general and for juveniles in particular (increased scope of punishment); and Three Strikes and mandatory minimum sentencing laws, truth in sentencing legislation, supermax prisons, and the use of corporal punishment (increased intensity of punishment). In Garland's analysis these elements, combined with the conditions described above, coalesce to form an orientation towards and practice of crime control that are uniquely late modern and strikingly punitive.

Despite its substantial contribution to the understanding of—and subsequent scholarship concerning—the punitive turn, *Culture of Control* addresses punishment only from the outside. No consideration is given to the subjective experience or lived reality of punishment, and little room is granted for nuance and exception to the overall view of penal harshness. The penal consciousness framework that I propose here fills exactly this gap.

Whitman's "Harsh Justice"

In *Harsh Justice*, Whitman (2003) takes issue with theories—like Garland's—that seek to explain penal harshness in terms of modernity. These theories, according to Whitman, raise the question of how the US can be so comparatively harsh in its punishment, despite experiencing a similar state of modernity to other countries across the globe. In particular, Whitman questions the ever widening divide between the US and continental Europe with regard to harshness of punishment. His analysis begins with the premise that punishment practices in the US are strikingly more harsh than those in European nations, in terms of both scope and intensity.

Whitman opens his book with a discussion of the US incarceration rate, a straightforward measure of the scope of punishment. He quickly goes on to note that the intensity of punishment has reached troublesome heights in the US as well, citing such practices as juvenile waivers into adult courts, boot camps, electronic monitoring, chain gangs, and public shaming, as well as the “jarringly punitive rhetoric” (p. 3) that characterizes US discourse on criminal justice issues. It

is telling that, in a book devoted equally to the US and continental Europe, readers' first introduction to the material is by way of a litany of (substantiated) allegations of harshness in US punishment. Whitman minces no words when he explains the guiding question behind the text: "What is going on in our country?" (p. 3).

Using a comparative legal history approach, Whitman answers this question through an in-depth analysis of trends in punishment over time in the US and continental Europe. He finds that two particular aspects of US culture—an historical commitment to *egalitarian social status* and *resistance to state power*—have resulted in a gradual evolution of punishment practices toward harshness and degradation and away from what he refers to as *dignity*. The result is a criminal justice system that not only punishes, but does so in a harsh and degrading manner devoid of dignity and respect for persons. In his emphasis on dignity, Whitman comes closer to accounting for subjectivity in the experience of punishment than does Garland. Despite this, Whitman's presentation of the current state of harshness of punishment in the US is devoid of assessments of dignity at the individual level or interrogations of shared assumptions about the nature of dignity in punishment. His theory remains staunchly macro-level, locating dignity in policies rather than lived realities. In contrast, the penal consciousness framework that I develop in this dissertation emphasizes the importance of the lived reality of punishment—and prisoners' resulting consciousness—in order to more fully assess the nature of penalty.

Linking the Theoretical and the Empirical: Micro-level Descriptions of Punishment

Foundational Works in Prison Sociology

As a complement to the macro-level theories of punishment that provide a sweeping view of penal harshness, there exists a rich body of scholarship that documents and analyzes the micro-level detail of the prison environment. In the foundational works of Clemmer (1940), Sykes (1958), Irwin and Cressey (1962), Goffman (1961), Toch (1977), and Giallombardo

(1966), among others, prison life has been described in rich detail and utilized to understand a host of concerns, including prison culture, adaptations to confinement, self and identity work, and prisonization. These early studies of prison life and culture have yielded immense insight into the lived experiences of punishment. In the selective review that follows, I focus on a subset of the literature—and particular elements of these works—directly relevant to the study of the lived experience of punishment in a carceral setting, and thus relevant to the penal consciousness framework.

In what has been heralded as “the creation of a defined field of prison sociology” (Bosworth, 2009, p. 77), Clemmer published his study of the *Prison Community* in 1940. Preceding what Simon (2000) refers to as the “golden age of US prison sociology” (p. 285) by at least a decade, Clemmer’s book was one of the first systematic social science examinations of life inside prison walls—one that “set the terms of analysis and the research methods [of the field] for decades to come” (Bosworth, 2009, p. 77). *Prison Community* paints a picture of social life inside an Illinois Maximum Security prison based on observation, interviews, and psychological assessments of more than two thousand men. Clemmer, a staunch functionalist, sought to understand the ways in which “the culture of the penitentiary determines the philosophy of its inhabitants” (Clemmer, 1940, p. xv) in order to draw conclusions about broader society.

In his analysis, Clemmer emphasized the interactions between prisoners, the slang or argot they used to communicate with one another, and the process of acculturation that he termed “prisonization.” Prisonization refers to prisoners’ assimilation into and accommodation of the culture of the prison—their “taking on in greater or lesser degree... the folkways, mores, customs and general culture of the prison” (Clemmer, 1940, p. 299). In their incorporation of

prison culture, prisoners weaken or undermine their sense of self. These largely negative effects of prison culture were understood by Clemmer to be reciprocal, emerging from and constitutive of both the structure of the prison environment and the interactions among prisoners and staff. Although Clemmer never explicitly discussed prisonization as part of punishment, there are clear implications for the punitive potential of such a process of the degradation of the self—implications addressed explicitly by Goffman twenty years later.

Almost two decades after Clemmer first published *Prison Community*—and the very same year that the second edition was released—Sykes published his wildly influential book, *The Society of Captives*. Sykes' study is similar to Clemmer's in a number of ways: the research was conducted in a maximum security prison, it relied upon a range of data sources, including extensive observation and interviews with both prisoners and staff, it set out to uncover the basic social organization of carceral settings and the “meaning of imprisonment for the prisoners” (Sykes, 1958, p. 63), and it examined the largely adverse effects of an institutional environment on prisoners.

Sykes' (1958) findings delineated five discrete ways in which prisoners were exposed to the “pains of imprisonment.” These pains, described by Sykes as deprivations and frustrations, are concentrated in five areas: liberty, goods and services, heterosexual relationships, autonomy, and safety. In the language of Chapter 2 of this dissertation, Sykes described the content of punishment as being neatly divisible into these five types. Sykes argued that deprivations in these five areas “can be just as painful as the physical maltreatment which they have replaced” (Sykes, 1958, p. 64). In his description the pains of imprisonment and the toll that they take on prisoners, Sykes came much closer than Clemmer to addressing the substance of punishment as it is intended and enacted by the prison system. In fact, Sykes noted that:

The deprivations and frustrations of prison life today might be viewed as punishments which the free community deliberately inflicts on the offender for violating the law... [or] they might be seen as the unplanned (or, as some would argue, the unavoidable) concomitants of confining large groups of criminals for prolonged periods (p. 64).

This tension between the pains of imprisonment as intentional punishment or mere collateral consequence is beside the point for Sykes, who described these pains as an integral part of the prison experience, regardless of how they came to exist. The penal consciousness framework takes this one step further, subsuming both intentional punishment and unintentional consequence under the mantle of penalty.

Examination of the pains of imprisonment was not limited to men's prisons for long. In 1966, Giallombardo published a groundbreaking study of the Federal Reformatory for Women in Alderson, West Virginia, based loosely on Sykes' *Society of Captives*. What was noteworthy about Giallombardo's study was not her method, nor even her findings—but rather that it was the first study of prison life, broadly construed, in a women's correctional facility.⁷ In her analysis of “the nature of the prison experience” for women, Giallombardo notes that “in general, society has made the lot of the female prisoner less harsh than that of the male prisoner” (Giallombardo, 1966, p. 92) through improved prison conditions and pleasant physical surroundings. Despite this, she cautioned that “it would be a mistake to assume that society does not intend the female prison to be a place of punishment” (1966, p. 92). As evidence of this, she applied Sykes' pains of imprisonment to the female prisoners at Alderson, finding that they largely approximate the losses and deprivations evident in men's prisons. In fact, Giallombardo found that the main point of divergence from the empirical findings from men's prisons is the unique social structure

⁷ One year earlier, Ward and Kassebaum (1965) published their study of women's sex roles in a single California prison. Originally designed as an analysis of the social structure of women's prisons, the authors' first and only book to derive from this study focused almost exclusively on the same-sex relationships established by female prisoners, to the detriment of many other aspects of life in a women's prison.

that serves as an adaptation to these pains—the development of interpersonal relationships and pseudo-family units with other prisoners. Giallombardo’s documentation of the similarities between genders with regard to punishment—and variation with regard to adaptation to punishment—is a theme I explore in Chapter 4 of this dissertation.

Shortly after Sykes’ *Society of Captives*, and just prior to Giallombardo’s *Society of Women*, Goffman (1961) examined the power of institutions to orchestrate a very specific type deprivation and loss: the loss of self. As evidenced by the title of his book, *Asylums*, Goffman’s analysis was not limited to prisons; in fact, his primary focus was on mental institutions. In his analysis, Goffman used ethnographic data from numerous psychiatric hospitals to examine the broader category of “total institutions,” which he defined as “place[s] of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life” (p. 11). According to Goffman, these overriding characteristics of such a diverse array of total institutions result in similar social milieux that exert identical effects on the selves of those confined within them. Goffman refers to these effects as “a series of abasements, humiliations, and profanations of self” (1961, p. 14) that profoundly alter the social worlds and identities of those confined within total institutions.

Chief among Goffman’s contributions to the study of prisons and punishment is his insight into the processes of mortification of the self. Goffman noted that, prior to entering into a total institution, an individual carries with him conceptions of self supported by “certain stable social arrangements in his home world” (1961, p. 14). These social arrangements are immediately discontinued upon entry into a total institution, and are supplanted by a new set of social arrangements that run profoundly counter to those of the outside, or “home,” world. The

first and most profound change in social arrangements is with regard to the barrier between the self and the outside world. Separated physically and socially from one's home world, one becomes a resident or inmate of a total institution rather than an individual imbued with numerous relational and social roles. Further, as a person now at the mercy of the total institution, one's autonomy is weakened by the constraints imposed upon such mundane daily acts as personal grooming and communication with family.

The result of such dramatic changes in social arrangements is a similarly dramatic reconfiguring of one's sense of self—the mortification of one's original self and the creation of a new, institutionalized self constructed and bounded by the total institution. Thus, the institutionalizing power over an individual can become a profoundly punitive power as well—a power that lies in the institution's ability to “disrupt or defile precisely those actions that in civil society have the role of attesting to the actor and those in his presence that he has some command over his world—that he is a person with ‘adult’ self-determination, autonomy, and freedom of action” (1961, p. 43).

The processes of institutionalization and mortification of the self described by Goffman have much in common with the earlier works of Clemmer and particularly Sykes. Goffman's work both broadens and deepens Clemmer's notion of prisonization, applying the concept to various types of institutions and exploring in-depth the processes that characterize it. Sykes' notions of prisoners' deprivations of liberty and autonomy are readily apparent in Goffman's conceptualization of the social arrangements that enable the mortification of the previous self and the formation of an institutionalized self. The cross-cutting themes among these three books are the loss of self-determination and autonomy—prominent themes in this dissertation as well. The most expansive consideration of the punitive potential of prisons, however, can be seen in

Sykes' work (and Giallombardo's replication among female prisoners). The five pains of imprisonment that Sykes detailed remain, to this day, commonly cited and much explored in the empirical literature on prisons and punishment.⁸ Despite owing a great debt to foundational scholars such as Clemmer, Sykes, Giallombardo, and Goffman, however, the breadth and innovation of the recent penological literature has a great deal of merit on its own.

Recent Empirical Research on Punishment in Prisons

Despite what Wacquant (2002) refers to as “the curious eclipse of prison ethnography” (p. 371) in recent years, several scholars have managed to get inside penal facilities in order to examine the intricate contours of daily prison life.⁹ Much of this recent scholarship on prisons and prisoners implicates the on-the-ground experience and enactment of punishment, expanding the battery of punishments to which prisoners are exposed to include such things as frustration and guilt over severed ties with dependent children (Bloom & Chesney-Lind, 2000; Pogrebin & Dodge, 2001), “institutional thoughtlessness” (Crawley, 2005), “unremitting loneliness” (Johnson & McGunigall-Smith, 2008, p. 337), and the absence of respect and fairness (Liebling, 2011).

In a recent reconfiguration of Sykes' pains of imprisonment, Crewe (2011) adds several new pains to this list: the pains of uncertainty and determinacy, the pain of psychological assessment, and the pain of self-government. He describes these pains as “relatively invisible” in a way that Sykes' earlier, more straightforward pains were not. These additions differ from Sykes' original list in another, perhaps more fundamental, way: they represent the presence of something onerous or noxious, rather than the deprivation of something desired. In this way, the

⁸ A special issue of the journal *Punishment & Society* recently endeavored to “build on the foundation that Sykes provided and to explore the legacy, limitations and contemporary relevance of the ‘pains of imprisonment’, which have diversified, perhaps intensified, and yet receded into the recesses of the collective conscience” (Crewe & Jewkes, 2011, p. 507).

⁹ Interestingly, the bulk of this research has taken place in the UK, not the US. The exception to this rule is research on female prisoners, which appears to be split fairly evenly across the two geographical areas.

pains of uncertainty/indeterminacy, psychological assessment, and self-government go beyond the deprivations of the prison, adding an additional layer of pain through imposition rather than withholding. Crewe (2009) notes that, unlike Sykes' original five pains of imprisonment, these "modern pains are not simply outcomes of the inherent conditions of imprisonment" (p. 449). They are direct results of the specific policies and practices that characterize prisons in the UK today, rather than the intrinsic terms of imprisonment. Consequently, they occupy new conceptual territory.

More informative still is Crewe's reconceptualization of the pains of imprisonment into three broad categories in an effort to differentiate between different types of punishment, or what he refers to as "penal burdens" (Crewe, 2011, p. 520). These three categories are: pains inherent in the coercive structure of our carceral system, pains that result from individual-level failures of policy or practice, and pains that arise as a consequence of systemic policies and institutional practices. The three additional pains suggested by Crewe fit neatly into the last category. Crewe argues that policies and practices such as indeterminate sentencing, incentive and earned privilege schemes, and psychological assessments create new forms of punishment that are increasingly "tight." Tightness is defined by Crewe as "the exacting demands of self-regulation, the experience of being judged and held responsible for all aspects of behaviour, and their consequences, and the feeling that power is ubiquitous and inescapable, yet hard to predict or decipher" (p. 147). Punishment characterized by tightness is enacted in a way that "does not so much weigh down on prisoners and suppress them as wrap them up [and] smother them" (Crewe, 2011, p. 522). In addition to increased tightness, Crewe (2009) argues that shifts in the organization of power and exercise of authority in prisons have "created new weights and burdens, particularly around issues of powerlessness, autonomy, insecurity and the meeting of

personal needs” (p. 449). He notes that “instead of brutalizing, destroying and denying the self, it grips, harnesses, and appropriates it for its own project” (Crewe, 2009, p. 449).

Crewe’s discussion of the depth, weight, and tightness of punishment draws heavily from earlier studies conducted by Downes (1988) and King and McDermott (1995). In his comparative study of punishment in British and Dutch prisons, Downes used the term “depth” to describe the degree to which punishment is experienced as “an ordeal, an assault on the self” (p. Downes, 1988, p. 179). King and McDermott (1995) reconceptualized the depth of punishment in their study of numerous prisons in the US and UK. Eschewing the connotations of the term “depth” as invasive and penetrating rather than heavy and all-encompassing, King and McDermott opted instead to use the language of weight to describe the onerousness of punishment brought about by the “relationships, rights and privileges, standards and conditions” (p. 90) that prisoners experience. Although the content of the punishment that both Downes and King and McDermott describe is consistent with much of the previous literature (e.g., loss of freedom and self-determination, deprivations of goods and services, failure to meet daily needs), their unique descriptions of the nature of such punishment have reinvigorated the study of the pains of imprisonment.

Up until this point, the vast majority of the empirical research I have presented has focused exclusively on men’s prisons. There also exists, however, a rich body of literature based on the experiences of female prisoners. The literature on incarcerated women has come quite a long way since Giallombardo’s (1966) *Society of Women*, adding nuance to the knowledge base about women’s experiences in prison and challenging previously held beliefs about such themes as same-sex relationships, pseudo-family units, and the gendered regulation of women’s identities in prison. Earlier studies of incarcerated women spanning three decades— including

such noteworthy books as Giallombardo's (1966) *Society of Women*, Heffernan's (1972) *Making it in Prison*, and Owen's (1998) *In the Mix*—displayed a great deal of consistency in their findings about the unique challenges that women face in prison and the particularities of the penal control exerted over them. For instance, the intimate relationships and “prison families” that women form in prison were described in detail in all the books mentioned above. The prevalence of physical and sexual abuse among female prisoners and the likelihood that they will be primary caretakers for their dependent children has been noted by Bloom and Steinhart (1993) and Henriques (1996), among others. The paternalistic control intended to shape women's identities and senses of self to better fit an idealized notion of femininity was documented by Carlen (1983) and Faith (1993).

More recent literature has granulated this picture quite a bit, revealing differences between male and female prisoners that are more often of degree than of kind. In their synthesis of empirical data collected on the incarceration of women in California in the 1960s and 1990s, Kruttschnitt and Gartner (2005) tell a remarkable story of continuity and change. In *Marking Time in the Golden State*, Kruttschnitt and Gartner use the backdrop of the punitive turn to explain variation in the macro-level penal ideologies and practices as well as the micro-level institutional contexts that shape women's lived experiences of punishment. Their comparative piece examines two very different institutions in the 1990s, and reexamines data collected from one these institutions in the 1960s as well.¹⁰ Their approach is simultaneously historical and cross-sectional, allowing meaningful comparisons to be made over time and across settings.

Kruttschnitt and Gartner's main findings with regard to punishment are elegant and persuasive:

¹⁰ Kruttschnitt and Gartner gained access to data collected in the 1960s by Ward and Kassebaum. As mentioned previously, the only publication resulting from this data (until Kruttschnitt and Gartner's book was published in 2005) focused on the same-sex relationships of female prisoners to the virtual exclusion of many other pertinent topics. Consequently, *Marking Time in the Golden State* marked the initial publication of a wide range of findings relevant to the study of women's experiences in prison in the 1960s.

the types and extent of punishment experienced by female prisoners—including loss of autonomy and self identity, severed ties with family, and the coercive control of correctional staff—are contingent upon both the macro-structure of the penal regime and the particularities of the micro-level environment. In the next section, I describe the importance of such findings with regard to an enduring tension in the penological literature.

Tension between Carceral Macrostructure and Micro-Level Institutional Context

The literature on prisons and punishment has long held a key tension—one that was first evident implicitly, but has since been addressed and adjudicated by numerous scholars: the tension between the importance of the overarching coercive macro-structure of the carceral environment and the proximate effects exerted by the micro-level institutional environment. There is remarkable consistency in the findings presented above with regard to the pains, deprivations, losses, and even punishments that are part and parcel of being incarcerated. In fact, the findings that I present in Chapter 2 echo many of those described here.

Moving beyond mere commonality in the findings from disparate studies, an argument has been articulated, quite persuasively at times, that the fundamental similarities across sites of carceral supervision (their coercive, punitive power) result in the macrostructure of the carceral environment overwhelming any differences between disparate micro-level environments (Carlen, 1994; Foucault, 1977; Goffman, 1961; Riveland, 1999; Sykes, 1958). As Sykes (1958) noted in *The Society of Captives*, despite substantial variability in institutional regimes and the on-the-ground operation of prisons, there are striking “similarities which exist among custodial institutions... a remarkable tendency to override the variations of time, place, and purpose. Prisons are apt to present a common social structure” (p. xiii). Sykes goes even further to deem prisons so “alike in their fundamental processes” (p. xiii) that they constitute “a genus or family of sociological phenomena” (p. xiii). Kruttschnitt, Gartner and Miller (2000) sum up this

argument as contending that “incarceration per se is so singularly determinative as to render any variation in its trappings only marginally, if at all, significant for inmates’ lives” (p. 682).

On the other hand, some scholars assert—and have found empirically—that variation in the local environment can and does exert a strong, proximate influence over prisoners’ experiences (Berk, 1966; DiIulio, 1990; Grusky, 1959; Hancock & Jewkes, 2011; Mathiesen, 1965; Wilson, 1968). Evidence of this has been found in such varied sites as California prison fire camps (Goodman, 2010), juvenile institutions (Inderbitzin, 2007), and women’s prisons (Giallombardo, 1966; Kruttschnitt, et al., 2000). As described above, Kruttschnitt and Gartner (2005) reached a position of compromise between these conflicting views, finding that the so-called “trappings” of individual institutions—including administrative characteristics and penal styles—had powerful effects on women’s experience of punishment in prison. Rather than concluding that the carceral macro-structure had no effect on prisoners’ lives, they found that the lived experience of prison was (quite logically) shaped by forces both proximate and distal, resulting from both local context and the larger carceral structure. In this dissertation, I provide support for this assertion by demonstrating that contextual factors have the capacity to inform the penal consciousness framework, shaping the ways in which the same general dynamics unfold without altering their overall structure.

Direct Supervision: The Influence of Micro-Level Context and a Potential Exception to Overall Harshness

In contrast to scholars, policymakers have long taken note of the capacity for the institutional environment to shape the nature of incarceration. Beginning with the Pennsylvania and Auburn models of incarceration, which sought to achieve similar ends through dramatically different institutional arrangements, the micro-level context of correctional institutions has been assumed to impact the nature of confinement. The centuries since Eastern State Penitentiary and

Auburn Correctional Facility opened have seen far more convergence in the style and method of carceral control. Despite this, one promising correctional style has emerged as a fairly radical departure from the carceral status quo: direct supervision inmate management. Direct supervision (DS) was first implemented in adult correctional facilities in 1974 as an alternative to the traditional, indirect supervision (IS) style of inmate management.¹¹ Since its inception, direct supervision has been heralded as having the potential to mitigate the punitive macrostructure of prison. It has been recognized as a best practice by several government agencies and accrediting organizations, including the Federal Bureau of Prisons, the American Correctional Association, and the National Institute of Corrections, and praised for its humane production of numerous positive outcomes for prisoners and staff alike (American Correctional Association, 1991; Gettinger, 1984; US Department of Justice, 2007; Wener, 2006).

Direct supervision differs from traditional indirect supervision in terms of both physical environment and surveillance style. While IS facilities utilize traditional, linear-style cell blocks to house prisoners, DS facilities are podular in design. These DS “pods” have cells arranged in a triangular shape around a common dayroom. In contrast to the institutional fixtures in an IS cell block—often amounting to little more than steel tables and benches—DS pods are designed to have commercial grade furniture and other amenities that “normalize” and soften the institutional environment (Wener, 2006). The various touches of the outside world incorporated into DS housing units can include carpeting, couches, wooden tables and chairs, as well as a range of appliances and amenities such as coffeemakers, microwaves, refrigerators, pool tables, and board games. The majority of these amenities and appliances are found in the common area or

¹¹ In 1974, the Federal Bureau of Prisons opened three Metropolitan Correctional Centers (in Chicago, New York, and San Diego) utilizing what was called at the time “functional unit management.” These three facilities were the direct precursor to what we now know as direct supervision.

dayroom, facilitating direct supervision's goal of continual interaction between prisoners and staff.

The different layouts that characterize IS and DS housing units enable very different styles of surveillance and inmate management. The linear cellblocks of IS deliberately minimize opportunity for prisoners and officers to interact. In IS housing units, officers are generally stationed at one end of the cell block, in a control unit or behind a desk for the majority of their shift. From this position, they rely upon remote, visual surveillance and have only intermittent contact with prisoners during regularly scheduled counts and infrequent unprompted interactions. Officers' primary functions in IS units are operation of control systems, observation of inmate behavior, limited intervention in response to minor infractions, and calls for backup staff response in the event of a major incident. The open physical layout of DS housing units, in contrast, actively encourages continual, face-to-face contact between officers and prisoners. In fact, personal interaction with prisoners is the primary function of officers in DS housing units. Many DS housing units have no officer station at all; officers are not only encouraged, but required, to circulate around the dayroom, interacting with prisoners throughout their shifts. In this way, direct supervision can be thought of as the correctional equivalent to community policing; officers manage prisoners through face-to-face contact, proactively discouraging conflict before it arises (Nelson, 1983).

Taken together, the physical and interactional elements of DS are designed to improve the quality of the environment in order to establish positive behavioral expectations and norms (Farbstein & Wener, 1989). From an inmate management perspective, DS is designed to minimize disruption within the housing unit. With regard to its rehabilitative potential, DS is purported to be conducive to the psychological well-being of prisoners by enabling autonomy

and minimizing the deprivations associated with imprisonment (Bottoms, 1999; Gettinger, 1984; Wener, 2005; Wortley, 2003). The extent to which DS realizes these goals in practice is still under debate, however. Empirical research conducted over the past few decades has lent support to direct supervision's claims of improved quality of life for prisoners and staff, including increased safety, reduced boredom, and elevated levels of perceived control (e.g., Bayens, Manske, & Smykla, 1997; Farbstein & Wener, 1982; Williams, Rodeheaver, & Huggins, 1999; Yocum, Anderson, Davigo, & Lee, 2006). This research is rife with limitations, however. Methodological shortcomings such as small sample size, imperfect comparison groups, and a lack of comparison between DS and IS altogether have limited the validity of these results. A noteworthy exception is a comprehensive evaluation of DS facilities conducted by Farbstein and Wener (1989) more than two decades ago. This large-scale comparison of DS and IS facilities reveals that DS, when implemented fully and properly, can have beneficial impacts on inmate management, safety and security, and levels of inmate and officer stress.

The premise implicit in the principles of direct supervision is that micro-level institutional environments can exert an influence on the lived reality of prison. DS prisons retain the “overwhelming power to punish” (Carlen, 1994, p. 137) characteristic of our carceral system, yet they are designed to dull the edges of this power. Punishment is still enacted in DS facilities, but it may very well take a different shape than punishment in traditional IS facilities. Utilizing the penal consciousness theoretical framework that I develop in Chapters 2 and 3, in Chapter 4 of this dissertation I examine the impact of direct supervision—as one possible form of variation in institutional setting—on the experience of punishment and nature of penalty.

From the Lived Experience of Punishment to the Construction of Penalty

The body of work described above provides insight into prisoners' lived experiences with a range of phenomena, including but not limited to punishment. Clemmer, Sykes, Kruttschnitt

and Gartner, Crewe, and many others have described punishment, often in rich detail, primarily as an avenue to understand the larger culture of prison. In this dissertation, I advance this line of inquiry in an innovative way: rather than focusing on the daily lives and cultural milieux of prisoners with the goal of understanding life in a total institution, I highlight the ways in which prisoners orient to and make meaning of punishment as it operates on the ground in order to understand penalty writ large.

Legal consciousness as inspiration for penal consciousness

The penal consciousness theoretical framework that I develop here draws inspiration from Ewick and Silbey's (1998) legal consciousness framework. In *The Common Place of Law*, Ewick and Silbey tackled an ambitious task: "locat[ing] the place of the law in American culture" (1998, p. xii). This deceptively simple phrase belies the complexity of the concept that Ewick and Silbey were interrogating (the law) and perhaps oversimplifies the nature of the relationship between law, legality, and culture. As Ewick and Silbey demonstrate in their work, the complex and at times contradictory fabric of the law renders this concept far more elusive than many previous scholars have acknowledged. Ewick and Silbey note that "the law incorporates countless, varied, and often ambiguous rules [and] refers to a host of official actors and organizations... each operating with different purposes and with vastly different material and symbolic resources" (p. 17). Law exists in statutes and courtrooms, but also grocery stores and bedrooms. Law is evident in parking tickets and nutrition labels as much as subpoenas and Supreme Court rulings. The legal consciousness framework does not approach law as a fixed, remote entity that influences society in a unidirectional way. Rather, it is a framework that more fully captures legality as it operates the world, as both constitutive of and emergent from social life.

Throughout *The Common Place of Law*, Ewick and Silbey offer numerous eloquent definitions of the concept of legal consciousness, all of which have at their core an expansive notion of law as it operates in everyday life. At its simplest, legal consciousness is defined as the ways in which people “interpret and make sense of the law” (p. 17). To examine legal consciousness, Ewick and Silbey conducted more than 400 in-depth interviews with a wide variety of people about their everyday lives. They analyzed data from these interviews, combing them for references to and understandings of legality both implicit and overt. Legality, as Ewick and Silbey use the term, refers to “the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for what ends” (p. 22). Legality—a far more expansive concept than law as it is commonly understood—is the crux of the legal consciousness framework. By uncovering the ways in which people orient to and understand the law in their lives, Ewick and Silbey were able to track the formation of the very substance of legality and “identify the processes from which legality emerges” (p. 30).

Ewick and Silbey present three narratives of legal consciousness, or stories that people tell about the place and role of the law in their everyday lives. In the first narrative, *before the law*, people view law as fixed and static, operating according to set principles in clearly defined realms. They consider law to be a separate, distant entity that influences their lives only indirectly. Despite its distance—or perhaps because of it—law is regarded as majestic and authoritative, something to be respected and revered, but seldom interacted with. Taken together, these views of law—as simultaneously distant yet powerful, transcendent yet disinterested—coalesce to form an understanding of law as “enfram[ing] daily social life, determining its course without being present in it” (p. 77).

The second narrative, *with the law*, places law directly in the midst of everyday life. In this narrative, legality is seen as a game, something to be engaged with strategically in order to achieve one's goals. In contrast to the remote and majestic view of law that characterizes *before the law*, those who engage *with the law* see legality as "an arena of contest" (p. 131) in which actors utilize resources to pursue their self interest in ways facilitated by the law. Rather than being transcendent, law is instrumental; instead of being fixed, law can be manipulated to one's advantage.

The third narrative, *against the law*, tells a story of skepticism and resistance. In this narrative, law is viewed as arbitrary and capricious, rather than just and majestic. Legality is seen as very much intertwined with daily life, but not in a sporting way. Law is viewed as the product of a web of power in which people can easily find themselves ensnared. Unlike the connotations of the narrative *with the law*, here the power of law renders engagement all but futile. The deck is seen as stacked by a powerful system structured by law; strategy and cunning are no longer viable approaches to "winning" this zero sum game. The remaining option is to resist the law's power, through outright protest or concealed subterfuge.

Despite their presentation of these three narratives as analytically distinct, Ewick and Silbey emphasize that legal consciousness is complex and variable, and that "individuals may express within their own lives and experiences the full range of variation" (p. 30). People tell multiple, sometimes overlapping stories about the law. Consequently, they express multiple, at times even contradictory, narratives of legal consciousness. The richness of the meanings that they attribute to the law, and the place and role of the law in their lives, reveals the multilayered fabric of legality.

In this dissertation, I use the concept of legal consciousness heuristically (Abbott, 2004) to develop a theoretical framework for penal consciousness. Penal consciousness—which I define as the ways in which prisoners orient to and make meaning of their punishment—is centered around penalty in the same way legal consciousness is centered around legality. I define penalty as that which is experienced as punishment and perceived to be imparted by the criminal justice system or its actors, regardless of whether it is intended as punishment or acknowledged by the penal system. This definition conceptualizes penalty as related to, but distinct from, conventional understandings of punishment as legal sanction. Such a broad conceptualization complements Garland’s (1990, p. 17) definition of penalty as “the network of laws, processes, discourses, representations and institutions which make up the penal realm,” but expands it to allow for the subjectivity of those who are punished. The broad definition of penalty that I employ here enables a sufficient breadth of phenomena to fall under the rubric of penalty to gain a fuller understanding of that which is experienced as punishment, rather than merely that which is designed or intended as punishment.

The incorporation of subjectivity into the penal consciousness framework enables punishment as it is understood by prisoners to differ markedly from what is conceived of as punishment by lawmakers, but at the same time to be contingent upon it.¹² By defining and describing their punishment, prisoners yield insight into what punishment *is* rather than what it is supposed to be. The meanings of punishment that prisoners create, and the narratives of penal consciousness that reveal them, represent prisoners’ engagement in the construction of penalty. In this sense, penalty is not confined to sentencing decisions, penal codes, and prison conditions; it emerges from the everyday understandings that prisoners have of their punishment. The penal

¹² The gap between “punishment on the books” and “punishment in action” that emerges from my data mirrors findings in the legal consciousness literature—and in law and society scholarship more generally—that document a similar gap with regard to law. This gap is discussed further in Chapter 5.

consciousness framework is able to reveal the multifaceted and dynamic nature of penalty, providing a nuanced view of penalty that has profound implications for how we understand the current state of punishment in the US.

Methodological Approach

Research Sites and Sampling

To empirically examine the ways in which different populations of prisoners in different penological settings understand and orient to their punishment, I examine two specific settings and two specific populations. The settings under examination are direct supervision and indirect supervision housing units; the populations under examination are male and female prisoners. Varying the sampling frame along these two dimensions—supervision style and gender—results in four discrete comparison groups in the design of this research: 1) female DS, 2) female IS, 3) male DS, and 4) male IS.

The research site for this study consists of three correctional facilities operated by the Ohio Department of Rehabilitation and Correction (ODRC). I will refer to these facilities as Ohio Women’s Prison (OWP), Westville Correctional Institution (WCI), and Northern Correctional Institution (NCI). These institutions were chosen based on security level, geographic proximity, and housing unit design in order to ensure maximal comparability between prison populations and to obtain variation along the sampling dimensions of supervision style and gender. More specifically, all three facilities house Level II inmates, are located in central Ohio, and contain housing units that best fit the criteria for both direct and indirect supervision—units that range from traditional, linear cell blocks with limited officer-inmate contact (IS) to modern, podular cell blocks with continuous face-to-face contact between officers and inmates (DS).

Description of Research Sites

One of the guiding considerations in the selection of prisons for the research site was supervision style (IS or DS). Although the ODRC purports to utilize direct supervision in all of its prisons, it became clear to me in the early planning stages of the study that direct supervision is not utilized in all facilities, and it is often implemented only partially. After numerous in-depth discussions of the physical layout and supervision practices of various institutions and housing units, I selected OWP, WCI and NCI as research sites because they contained housing units that best approximate DS and IS inmate management. Characteristics of these institutions can be found in Table 1.

Table 1. Characteristics of Research Site Facilities

Institution	Era Opened	Building Style	Gender	Supervision Style	Prisoner Population
Ohio Women’s Prison	Early 1900s	Campus	Female	DS and IS	Approximately 2,000
Westville Correctional Institution	Late 1900s	Campus	Male	DS	Approximately 2,000
Northern Correctional Institution	Mid 1900s	Single facility	Male	IS	Approximately 2,500

After being granted clearance to conduct research at these three facilities, I was given exhaustive tours of potential housing units from which my sample could be selected. During these tours, I took extensive notes on the physical layout of each housing unit as well as the interactions that I observed between officers and prisoners. I supplemented my observations with conversations with prisoners and staff about their experiences in each housing unit. All

notes were recorded on a facility information sheet that I had drawn up prior to my visit.¹³ Based on the information gleaned from my tours, I selected a number of housing units that best fit the ideal descriptions of IS and DS styles. I excluded any housing units that were designated “merit” or “honor” units as well as units designated for special populations (e.g., juveniles, therapeutic community program participants, and a program colloquially referred to as “boot camp” for sex offenders) in an attempt to increase the representativeness of my sample.

Through my housing unit tours—and in the subsequent process of narrowing my list of potential housing units—I discovered that direct supervision was implemented and operated only partially in ODRC facilities. Many of the housing units that I toured did not qualify as DS or IS at all (e.g., dormitory style units), and even those that had physical layouts conducive to either DS or IS were questionable in their adherence to the inmate management components of each style. This partial implementation was most striking with regard to direct supervision, and is described at length in Chapter 4.

Sample

The sampling frame for this research includes all male and female Level II (medium security)¹⁴ prisoners living in celled housing units (i.e., units that were not dormitory-style).¹⁵ In order to make comparisons across gender and supervision style, a stratified random sampling technique was employed to draw a representative sample of 100 prisoners from qualified housing units. Each sampling stratum represents one of the four possible combinations of gender and supervision style: 1) female prisoners in DS housing units, 2) female prisoners in IS housing units, 3) male prisoners in DS housing units, and 4) male prisoners in IS housing units.

¹³ This facility information sheet can be found in Appendix B.

¹⁴ ODRC security levels range from Level I (minimum) to Level IV (maximum). Level II facilities are designated medium security; Level III facilities are close security.

¹⁵ The focus on specific types of housing units (IS cell blocks and DS pods) necessitated limiting the sample to Level II prisoners.

Complete rosters were obtained for each stratum; from these rosters, 25 prisoners were randomly selected for inclusion in the study. The target sample for the research was 80 participants (20 from each stratum). An additional five prisoners were included from each stratum in anticipation of a less-than-perfect participation rate. Interviews began with the first person on the randomly generated list and proceeded until the desired number of interviews had been conducted. Samples were drawn approximately two weeks prior to my arrival at the site for data collection. In-person interview data were collected during June and August of 2010 and official data were collected for study participants at a later date.

Despite the relatively small sample size, my goal of obtaining a representative sample from each of the four strata described above was largely achieved. The entire sample, and each subsample, mirrored quite closely the population from it was drawn with regard to standard demographic and sentence-related characteristics. A more important consideration, however, is the extent to which my sample is representative of the larger ODRC prisoner population (see Tables 2 and 3 for this comparison). Due to restrictions on qualified housing units from which the sample could be drawn—the result of a desired comparison between DS and IS—the sample obtained is skewed in a number of ways. One of the largest contributors to this bias is the limitation of the sample of Level II prisoners. In order to sample from housing units that most closely approximated IS and DS styles, it was necessary to limit the sample to medium security prisoners. This limitation was foreseen, and deemed an acceptable concession to make in the pursuit of maximized adherence to IS and DS principles and comparable subsamples. An unforeseen limitation to generalizability is the extent to which prisoners in celled housing units systematically differ from those in dormitory-style housing units. Both OWP and NCI house prisoners in dormitories as well as cells. Although there are no official designations nor policies

in place to ensure this, celled housing units are often informally considered privileged housing for prisoners who have demonstrated positive institutional behavior and have long terms or life sentences.¹⁶

Table 2. A Comparison of Race, Offense, and Lifer Status for the Study Sample and the Total ODRC Prison Population

	Study Sample		Total ODRC Prison Population	
	n	%	N	%
Total	80	100	50,855	100
Race				
Black	35	43.8	24,199	47.6
White	45	56.3	25,996	51.1
Other	0	0.0	660	1.3
Offense				
Murder	35	43.8	5,414	10.6
Manslaughter/Homicide	4	5.0	1,841	3.6
Rape	7	8.8	4,655	9.2
Assault	3	3.8	3,862	7.6
Robbery	9	11.3	7,458	14.7
Burglary/Theft	8	10.0	7,201	14.2
Other	14	17.5	20,424	40.2
Life Sentence				
Yes	31	38.8	5,594	11.1
No	49	61.3	45,261	89.9

¹⁶ This unfortunate difference was revealed to me by prisoners throughout the course of data collection; although I could not get confirmation from any prison staff, comparisons across housing units types bear this out.

Table 3. A Comparison of Age, Time Served, and Sentence Length for the Study Sample and the Total ODRC Prison Population

	Study Sample	Total ODRC Prison Population
Age (in years)		
Mean	39.3	35.7
Median	38.0	33.0
Standard Deviation	11.1	11.6
Time Served (in years)		
Mean	7.7	3.6
Median	5.0	1.0
Standard Deviation	6.7	5.8
Minimum Sentence Length (in years)		
Mean	19.1	7.9
Median	16.0	4.0
Standard Deviation	27.3	11.5

Because my sample was limited to medium security prisoners, those serving long term and life sentences were almost exclusively violent offenders who had entered the prison system at a maximum security (Level IV) status and worked their way down to medium security over time. As a result, my sample is disproportionately composed of prisoners with life sentences for violent offenses, particularly murder and manslaughter. Almost half (49%) of my sample is in prison for taking a life, and 61% is serving life. Along similar lines, the average minimum sentence length for my sample (19 years) is strikingly high, as is the average time served (8 years) and age at time of interview (39 years).

The composition of my sample, while not representative of the larger Ohio prison population in many ways, had some unexpected benefits as well. Prisoners who have served more time and have had experiences in various types of institutions have a wealth of experiential data on which to draw in their discussions of punishment and life inside prison. These respondents were able to comment not only on the current contours of their punishment, but also

on how penalty has shifted over time in their lives. Further, respondents who have had ample time for self-reflection and opportunity to make meaning of their punishment were frequently the source of the richest data. The penal consciousness framework that I develop in this dissertation benefitted greatly from data drawn from such complex histories with punishment. It is to this rich source of data, the penal consciousness framework derived from it, that I turn next.

Collecting In-Person Interview Data

The site selection and sampling strategies outlined above were designed to gather data from respondents who are both comparable to and distinct from one another in ways believed to be relevant to the experience of punishment, as well as fairly representative of a population of people who have had extensive experiences with punishment. Once prisoners were chosen for participation, they were given passes to meet with me, the sole interviewer, for consent and interview procedures.¹⁷ I conducted most interviews in staff offices or other administrative areas; the location varied depending on the institution. Interviews were completely confidential, conducted in a room that ensured audio privacy, and commenced only after participants had given informed consent. All interviews were audio recorded and later transcribed. The participation rate for the study was high (96%), with only two females and one male declining to be interviewed. Interviews generally lasted just over an hour, averaging one hour and four minutes for female participants and one hour and eight minutes for male participants. The shortest interview was 21 minutes and the longest lasted just over two hours. When transcribed, interview data totaled over 2,400 pages, averaging 21 pages per interview. The variability in interview length was a product of the semi-structured nature of the interview, as well as variation among individuals in terms of experience with punishment and desire to discuss personal

¹⁷ The protocol for consent and interview procedures was approved by the University of California, Irvine Institutional Review Board and the Ohio Department of Rehabilitation and Correction Human Respondents Research Review Committee.

experiences with a relative stranger. Despite the fairly sensitive and personal nature of the interviews, all of the respondents who agreed to participate seemed wholeheartedly interested in telling their stories—some of whom did so more profusely than others.

The choice of methods employed in this study was strongly influenced by both the inductive, narrative approach common to many empirical studies of legal consciousness (e.g., Blackstone, Uggen, & McLaughlin, 2009; Fritzvold, 2009; Merry, 1990) and a rich history of qualitative research in carceral settings (e.g., Clemmer, 1958; Kruttschnitt, et al., 2000; Owen, 1998; Sykes, 1958). Research of this type aims to achieve a deep, contextualized understanding of the meaning that respondents attach to their lives and the phenomena they experience. Only by expanding my examination of punishment by allowing prisoners to define punishment in their own terms and narrate the ways in which they experience and make meaning of their punishment could I begin to more fully understand what punishment really is and the shape that prisoners' penal consciousness ultimately takes. To quote Bosworth (1996), qualitative research “acknowledge[s] the specificity of different experiences of punishment rather than constructing another normative, generalizing analysis” (p. 16). This approach allowed me to situate a nuanced understanding of penal consciousness within an existing discourse on punishment that identifies its other cultural, institutional, and structural components—in turn, advancing a fuller understanding of punishment.

In the interest of allowing prisoners to define and discuss punishment in their own terms, and at their own pace, all interviews were semi-structured. I began each interview with open-ended questions designed to elicit information about carceral experiences without specifically referencing punishment. These initial questions concerned respondents' overall impressions of what it is like to do time, including questions about their current housing unit and past

experiences with incarceration. More specifically, I inquired about a “normal day” in prison, the physical and social environments in which respondents spent their time, and comparisons between respondents’ current and prior housing units in prison. The goal of this segment of the interview was to elicit general thoughts and feelings about prison without specifically broaching the topic of punishment. This strategy is similar to the “decentered” method employed by Ewick and Silbey (1998) and later by Hull (2003) in their explorations of legal consciousness, in which the law was not the centerpiece of each interview. In both studies, despite the fact that respondents were not specifically prompted to discuss the law, the researchers found that the ways in which people think about the law arose naturally from their narratives of everyday life.

In a departure from the “decentered” approach with which I began each interview, the next series of questions was tailored more specifically towards penalty. A similarly targeted approach was employed by Nielsen (2000) in her examination of legal consciousness as it pertained to offensive public speech. Because her aim of situating legal consciousness with regard to a particular social phenomenon was more focused than Ewick and Silbey’s goal, Nielsen chose to explicitly prompt respondents to talk about offensive public speech. The next portion of the each interview explored penal consciousness in a similarly “situated” way; it included questions designed to elicit information specifically about punishment, while still allowing respondents to determine the extent and place of penalty in their lives.

During the course of the interviews, it was made clear to participants that punishment was to be conceived in the broadest possible terms, according to criteria that are meaningful for each individual. In this way, punishment was operationalized during interviews as “whatever

punishment means to you” or “what feels like punishment.”¹⁸ In this portion of the interview, I inquired about the meaning attached to punishment by the respondents; the nature, extent and duration of their punishment; the actors and circumstances involved in their punishment; and the relativity of their punishment to their perceptions of other prisoners’ punishment. Interviews were brought to a close with a brief series of demographic questions¹⁹ and two final, open-ended concluding questions. Concluding questions were used to return the interview to a more conversational note (rather than ending with a battery of survey-style questions) and to elicit additional information on how prisoners make meaning of their punishment.²⁰

The interview sequence described above is only a rough approximation of the course of each interview. Although I utilized a set of guiding questions²¹ for each interview, this list provided loose structure rather than an explicit sequence of questions. Because I conducted interviews with the goal of facilitating the emergence of a narrative about the shape and place of penalty in respondents’ lives, I relied on follow-up questions that were responsive to their stories to elicit information about their understandings of penalty, including what they did—and did not—experience as punishment and why. In its entirety, the loose structure of the interview was designed to collect three tiers of data on penalty—penalty as it emerges, unprompted, from a discussion of everyday life; penalty as it is defined and understood by the respondent; and penalty as it is defined by me and experienced by the respondent—in order to understand

¹⁸ This operationalization was designed to allow sufficient flexibility for questions to be meaningful to respondents. As was the case in Merry’s (1990) *Getting Justice and Getting Even*, it turned out that the analytic term chosen for this research (i.e., punishment) was sometimes at odds with the folk terms employed by respondents.

¹⁹ Demographic information obtained during interviews was supplemented with official data obtained from the ODRC Bureau of Research. These data include demographic characteristics and well as institution- and sentence-related variables.

²⁰ The two concluding questions I asked respondents were: “Is there anything else that didn’t come up in our conversation that you think is important for me to know in order to understand your punishment here?” and “What other questions should I be asking people during these interviews if I really want to understand what punishment is like here?”

²¹ This interview guide can be found in Appendix A.

whether and how these understandings of penalty overlap. The semi-structured nature of the interviews, combined with the willingness of my respondents to discuss their punishment, enabled this to happen.

Method of Analysis

Data analysis followed the iterative process that characterizes grounded theory in particular, and qualitative research more generally (Emerson, Fretz, & Shaw, 1995). During data collection, I took extensive fieldnotes on any interactions and observations relevant to the study of life and punishment in a carceral facility. My fieldnotes included, but were not limited, to “thick description” of interactions I had with respondents during the interviews themselves and interactions with both staff and prisoners during my numerous tours of the prison housing units (Geertz, 1973). These fieldnotes helped to make clear burgeoning themes in my data before the interviews were transcribed—indeed, before the interviews were even completed. The particular line of questioning followed in a given interview was informed nearly as much by the themes that emerged from my fieldnotes as it was by the content of that interview.

After data collection was complete and all interviews had been transcribed, I began a process of open coding on a subset of interviews to identify themes apparent in the prisoners’ narratives through line-by-line analysis. The open coding process drew upon the themes that emerged during data collection in that these themes shaped my interpretation of the data, but at no point during open coding were themes limited to those that had previously arisen.²² For each theme that emerged as prominent in an initial subset of interviews, I wrote a memo outlining the theme and its relation to the data. During the memoing stage, three main themes began to

²² The initial open coding process yielded hundreds of codes, some of which were collapsed into more general codes later in the analysis process, and many of which were not prominent enough to include in later focused coding. Examples of codes from this initial stage are: perks/amenities, loss of freedom, loss of family, concrete punishment, prison equals punishment, salience/prominence of punishment, severity of punishment, inconsistency, pettiness, interactions with staff, emotions, rehabilitation, expectations of punishment, definition of punishment, structure, respect, and keeping busy.

coalesce: 1) punishment as the interplay of salience and severity; 2) the gap between punishment that is expected and punishment as it is experienced; and 3) the level of abstraction at which punishment is experienced (e.g., concrete or symbolic). These themes provided the basis for later integrative memos linking themes to one another and building the beginnings of a theoretical framework.

Once initial memos were written and the links between themes became more clear, I returned to the full body of data—including interview transcripts, fieldnotes, and memos—to begin the process of focused coding. Focused coding followed a similar line-by-line process to that of open coding, but applied the specific codes that had been identified as important to the three themes outlined above. The focused coding process helped me to ensure that the themes that had emerged from the initial subset of the data were both relevant to and appropriately configured for the full set of data. Memo writing continued throughout the focused coding process, with themes evolving as the data revealed nuance and texture, and sometimes even apparent contradictions. This process made visible the emerging contours of penal consciousness, as informed by perceptions of salience and severity of punishment, the level of abstraction of punishment, and what I call the “punishment gap.” In the next few chapters, I describe the content and structure of these three themes that provide the framework for the analysis in this dissertation, and demonstrate how they develop a working understanding of penal consciousness.

Overview of Dissertation

In Chapter 2, I examine punishment as an individualized and subjective phenomenon that varies along two key dimensions: salience and severity. Through an analysis of the content of punishment, the level of abstraction at which punishment is experienced (concrete or symbolic) and what I call the “punishment gap” between prisoners’ expectations and experiences of

punishment, I demonstrate nuance and variability in the lived experience of punishment. This granulated picture of punishment sets the stage for a typology of penal consciousness and an understanding of the processes from which penalty emerges.

In Chapter 3, I move beyond the separate treatment of salience and severity of Chapter 2, examining these two dimensions in concert in order to more fully explore the contours of the subjective experience of punishment. I demonstrate that each combination of salience and severity is associated with a distinct narrative of penal consciousness—a story that prisoners tell about the meaning and place of punishment in their lives. These narratives frame punishment alternately as: part of one’s real life, a separate life, a suspension of life, or death. Locating the place of punishment in prisoners’ lives—however and wherever they see these lives unfolding—enables a fuller understanding of the diverse meanings of punishment to those who experience it most profoundly.

In Chapter 4, I situate the general processes of the penal consciousness framework by grounding them even more firmly in the lived experience of punishment. I do so by moving beyond abstracted processes toward an analysis of the ways in which penal consciousness is structured by variation in terms of both person and setting. Specifically, I examine variation in penal consciousness according to two major axes of differentiation: correctional supervision style and gender. I demonstrate that gender differences exist with regard to the considerations made in the assessment of punishment, with female prisoners highlighting consistency and inconsistency in the prison environment and male prisoners privileging notions of pettiness and weightiness of punishment. I also examine the impact of context on penal subjectivity. I explain the unexpected impact that the amenities provided by direct supervision have on both salience and severity of punishment. These contextual factors (gender and supervision style) inform the

penal consciousness framework, shaping the ways in which the same general dynamics unfold without altering their overall structure.

Taken together, the findings presented in Chapters 2 through 4 demonstrate both the utility and flexibility of the penal consciousness framework. By understanding variation in prisoners' experiences of punishment and the meaning that they attach to it (Chapter 2), where they locate it in the larger landscape of their lives (Chapter 3), and how these meanings are shaped by variation at the individual and institutional levels (Chapter 4), we can gain a fuller understanding of penalty writ large. The penal consciousness framework identifies the processes from which penalty emerges by simultaneously privileging the subjective consciousness of individual prisoners and locating this consciousness within the structure of the larger carceral system.

Chapter 2. Penal Subjectivities

In Chapter 1, I made a case for the importance of subjectivity in the analysis of punishment. The presence of the punitive turn in the US—as well as its recent reversal—has been supported largely by objective indicators of the harshness of punishment, particularly the incarceration rate. In this chapter, I lay the foundation for the penal consciousness theoretical framework—a framework that attends to both objective and subjective components of punishment in order to uncover the processes by which penalty is constructed and granulate the view of the current state of penal harshness in the US.

Findings

Content of Punishment and Level of Abstraction

The 80 prisoners interviewed for this study provided an array of experiences with and understandings of penalty, including diverse consideration of what is—and is not—punishment. Some punishments described by prisoners were relatively circumscribed, hinging on the presence or absence of concrete, material things, while others were symbolic and experienced as wide-reaching in both their scope and impact—differences that I refer to as variations in *level of abstraction*. Because punishment is examined here as subjective phenomenon based in part on objective conditions, it is important to draw a distinction between these two parts: the objective and the subjective. The objective component, which I refer to as the *punitive referent*, is the actual object, event or condition being experienced as punishing. Punishment, in contrast, is determined by the prisoner's subjective assessment of why the punitive referent is, in fact, punishing. The content of an individual's punishment depends not on the objective punitive referent itself, but rather lies in her subjective understanding of the punishment. More simply, punishment is what a prisoner makes of a punitive referent.

The basic example of a broken microwave can illustrate not only the relationship between punitive referents and punishment, but also the varying levels of abstraction at which punishment can be experienced. If a prisoner described a broken microwave as punishment because it results in lukewarm coffee, she experiences this punishment as concrete (a lack of hot coffee). If the same broken microwave is punishing because it represents one less daily action that she can do for herself, then the punitive nature lies in the symbol rather than the material, rendering the punishment symbolic (loss of autonomy). Because the same punitive referent (in this case, the broken microwave) can be subjectively construed in myriad ways, the line between concrete and symbolic punishment is often fuzzy. Moreover, prisoners frequently discussed the two types in tandem, with a single punitive referent experienced as simultaneously concrete and symbolic punishment. Prisoners' descriptions of punishment vacillated between concrete and symbolic depending on the particular punishment, or aspect of punishment, being discussed at any given moment during an interview.

Despite this overlap, in the analysis that follows I attempt to delineate between instances when a particular punitive referent is construed as a concrete punishment, and instances when it is seen as symbolic of something larger. I begin my analysis by describing punishments that are generally construed as concrete. To highlight the frequent overlap between concrete and symbolic punishments, I also note the symbolic renderings of the same punitive referent wherever appropriate. Next, I describe punishments that are largely symbolic, but not exclusively so. Throughout these sections, I summarize the myriad relationships that exist between concrete and symbolic punishments. Because it would be impossible to catalogue every punishment named over the course of my interviews—and because this would do little to help us

understand the patterned nature of penalty—only the types of punishment that arose often or were discussed most emphatically are presented below.

Before I continue, I should make one important note. The goal of Chapters 2 and 3 of this dissertation is to develop a broadly applicable theoretical framework for penal consciousness. As such, it was necessary to make generalizing abstractions based on what are undeniably unique, individual circumstances. Unfortunately, this results in a regrettably light treatment of important considerations such as race, gender, sentence length, and differences in carceral environment. The penal consciousness framework that I lay out here is flexible enough to accommodate all of these factors—and indeed, at times I do so in the explanation below—but a fuller consideration was unfortunately impossible here. Future analyses (including those presented in Chapter 4) will pivot on these exact considerations, but for the purposes of Chapters 2 and 3, penal consciousness is explored in as general terms as possible without compromising the applicability and integrity of the framework.

Concrete punishment: Unmet daily needs.

The array of concrete punishments experienced and described by prisoners is quite diverse. These punishments include the breakdown of amenities (e.g., microwaves, televisions and recreation equipment), the denial of appropriate hygiene and personal grooming products, the removal of privileges such as tending to one’s own garden plot or training a dog, and the imposition of administrative sanctions such as disciplinary tickets, “early bed” and “cell isolation.” The most commonly cited concrete punishments, however, are those that leave prisoners with a sense that their basic needs are going unmet. These punishments fall into three broad categories: medical neglect or mistreatment, inadequate or unhealthy food, and the

inability to pay for necessities that were not provided by the prison.²³ As demonstrated below, these three seemingly distinct categories are in fact mutually reinforcing, and are all closely related to prisoners' understandings of punishment.

Prisoners who experience prison medical care—or lack thereof—as punishment often provided accounts of long waits to see a doctor, prescription medications that failed to treat their ailments, and being “spun” or brushed off by medical staff that were overworked, apathetic, or simply incompetent. The medical ailments that prisoners presented ranged from relatively minor (skin rashes and headaches) to potentially life-threatening (deep vein thrombosis, epilepsy, and heart disease). Regardless of the severity of their medical conditions, most prisoners felt that their medical needs were not being taken with the seriousness they warranted, and were not being treated accordingly. In fact, many prisoners explicitly noted that the lack of adequate medical treatment they received was an intentional form of punishment imposed by prison staff. Cherise,²⁴ a black woman in her mid-fifties serving a life sentence for murder, discussed at length a recurring skin condition that presented itself over a year ago. She explained that the prison has no investment in her well-being, despite its responsibility toward her as a ward of the state.

Cherise: Why not send me to the dermatologist? They don't want to pay for it. Okay, but I'm a ward of the state, it's your job to pay for it. To make sure that I get the medical care that I need. What is the problem? They just sit there and look at me.

LS: Do you feel like that's part of your punishment?

Cherise: I feel like I'm gettin' punished. Like they really don't care, because I'm an inmate.... I'm gettin' punished again, because for real, they don't really care. I've seen a lot of people die up in here. They don't really care. I'm just an inmate. I'm just a number. When I die, they'll put somebody else in my bed.

²³ The concrete punishments cited by prisoners in this study conform closely with the deprivation of goods and services discussed by Sykes (1958).

²⁴ All names used here are pseudonyms.

For Cherise, what began as a concrete punishment—the persistence of a skin rash that left her physically uncomfortable—took on a symbolic quality as she became increasingly aware of prison personnel’s disregard for her welfare. This elevation of punishment from concrete to symbolic is quite common among prisoners, especially with regard to unmet medical or other physical needs.

The lack of adequate medical care experienced by Cherise and many others is exacerbated by supposedly “heart healthy” diets that seem to be a contradiction in terms. As Sarah, a white woman in her mid-forties, noted, “If you go to the infirmary complaining of water retention... they’ll tell you, ‘You’ve got too much sodium in your diet. You need to cut back on your sodium.’ Well, I can’t. I have to eat. And that’s what you feed me here.” Reportedly high in sodium and starch, devoid of fresh fruits and vegetables, and processed nearly beyond recognition, the food served in the chow hall was one of the most often cited concrete punishments—not just for its low nutritional value, but also in terms of quality and portion. For instance, Travis, who has spent decades in prison over multiple terms, registered surprise at seeing an actual fresh piece of fruit a few weeks earlier: “They feed you shittier than shit. I mean, garbage. You never see no real meat. Everything’s processed.... (Laughing) Just three weeks [ago was] the first time I’ve actually seen a real peach in a penitentiary in 20 years!” Both Cherise and Latasha, also a lifer, lamented that the “kiddie portions” served to prisoners are never enough, and that leftovers are thrown away by prison staff rather than offered to prisoners as second servings. Kate, a 30 year old white woman serving 30 years, described the food served to the prisoners as “the shit they use to make Alpo—you know, dog food.” By comparing her diet with that of a domesticated animal, Kate elevated her punishment from the concrete to the

symbolic; the “Alpo” served to prisoners not only leaves them with pangs of hunger and longings for fresh food, but also situates them lower on the food chain than other human beings.

To mitigate the concrete deprivations of insufficient meals, prisoners frequently supplement the meals served at the chow hall with foodstuffs purchased at the commissary. Limits on the amount that can be purchased on a given day, scheduling problems that prohibit frequent shopping, and the use of “commissary restriction” as an administrative sanction often ensure that prisoners rely mainly, if not solely, on food served in the chow hall. Exacerbating these constraints, many prisoners reported punishments that are financial in nature. Such punishment includes the limited amount of “state pay” received by indigent prisoners (fifteen dollars per month) and the inflated cost of phone calls and goods available for purchase from prison vendors. For prisoners who bemoaned the concrete punishment that a lack of money engenders, such punishments are generally experienced as little more than an annoyance or inconvenience. For them, the concrete punishment of indigence is experienced alongside, but separate from, other concrete and symbolic punishments. In contrast, prisoners who experience these financial restrictions as simultaneously concrete and symbolic find them far more difficult to bear. Dana, a black woman in her mid-thirties who has witnessed the steady increase in institutional cost of living during the three years she has spent in prison, expressed this sentiment:

You know, they give us fifteen dollars a month that we live on. That never goes up, but yet the price of the commissary is steady rising every time you turn around. So I’m just like “Wow, you guys are really making this really hard.” And I understand [prison] is supposed to be a punishment, you know? But by God, it’s like, we’re still human, you know?

Here, Dana illustrates the seamlessness with which concrete punishments can interact with symbolic punishments. Dana explained that the minimal amount of state pay she receives is not only a limitation on the toiletries and food items she can purchase at the commissary, but also

exacerbates the other, symbolic punishments that she experiences in prison. Rather than elevating a concrete punishment to the symbolic level, as Cherise and Kate did, Dana went on to describe a layering effect whereby small, concrete punishments are heaped upon the overarching, symbolic punishments that come with being incarcerated.

Numerous prisoners experience a similar interaction between concrete and symbolic punishment. Fatima, a black woman in her late thirties who is serving up to fifteen years for robbery, described it as “punishment on top of punishment,” as though simply “being in prison” or “doing time” was a base punishment on which individual, concrete punishments could be piled. According to Latasha, who is serving a life sentence for murder, “I was sentenced to prison and [that] should be enough. It shouldn’t be a cakewalk here, but it should be better.” The related idea that any punishment beyond merely being in prison is “extra” was captured by Stacy, a white woman in her early forties with a lengthy sentence, who lamented: “I’m already in prison. I mean, come on, give me a break. Let me do my time and let me do my years, my decades. You know, just let me do this.”

Symbolic punishment: Loss of freedom.

Like Dana, Fatima, Stacy, and Latasha, nearly all prisoners interviewed agreed that simply being in prison—with its attendant deprivations, losses, and stressors—was a large part of what their punishment was. In fact, despite an impressive array of punishments reported by prisoners, the contention that prison and punishment are one and the same was the most consistent area of agreement across interviews. Among the numerous symbolic punishments experienced as integral to prison life, three types of loss loomed largest: the losses of autonomy, self, and personhood. These three types of loss represent varying degrees on a continuum of the

loss of freedom.²⁵ Loss of autonomy—the least severe—is characterized by a lack of self-determination and freedom of choice. Loss of self goes one step further to eradicate not only the freedom of personal choice, but also the freedom of personal identification—the qualities and attributes that make someone who they are as an individual. The most severe loss of freedom is the loss of personhood. This relates not only to the loss of oneself as an individual, but the loss of oneself as a human being at all. Loss of personhood renders prisoners subhuman, as one of many faceless objects of punishment.

At its essence, the equation of prison with punishment most often came down to a loss of freedom in one of these three forms. As Cherise described, “My punishment is just being here, not havin’ my freedom. They tell you what to do, when to get up, when to sleep, when to eat. I wouldn’t wish this on my worst enemy. I really wouldn’t.” Rashid, who at thirty years old has already served nearly half of a 20 year sentence for manslaughter, expressed a similar sentiment, contrasting the freedoms that I (as a researcher and a non-prisoner) enjoyed and the freedoms he was denied:

You know, when, whenever a person has their freedom taken away, [if] that’s not punishment enough, then I don’t know what is. You know? Just not bein’ able to be in society. Not bein’ able to do the things that you do. Experience the things that you can experience in the free world. You can just get in your car and drive to Ohio. And, you know, come talk to somebody like me. I can’t do that. I gotta stay confined. You know? Anytime a person takes your freedom away, it’s just, it’s hard to deal with. I don’t care about all the other things that happen in prison, I just care about not havin’ my freedom, not, you know, to be in society and be around my family, be around the people that I love. That’s punishment for me.

While Rashid views his loss of freedom broadly, focusing on the larger implications of his symbolic punishment, for many prisoners it is the “little things” that matter most—the

²⁵ The placement of the losses of autonomy, self, and personhood on a continuum of loss of freedom represents a slight reconceptualization of familiar and well-documented deprivations of imprisonment. Specifically, these losses mirror the deprivations of liberty and autonomy found by Sykes (1958) and the mortification of self discussed by Goffman (1961), as presented in Chapter 1.

concrete punishments that are translated into the symbolic. Henry, a middle-aged white male who is nearly finished with a short term for burglary, explained that freedom is nothing more than an amalgam composed of these “little things.” He noted that freedom is “kind of a vague category, ‘cause there’s a lot of things that could fall into it... because [outside of prison] you take a lot of little things for granted.” Many other prisoners discussed the way that the “small things” or the “little freedoms” like choosing your own clothes take on increased importance once they are taken away. Alma, a thirty year old black woman serving fifteen years to life for murder, described the importance of these little things, even in what she considers to be a relatively comfortable prison:

This [prison] is not as rough as other places, but it’s punishment enough. You don’t get the privileges that you do when you’re at home, you know? And, you start appreciatin’ the small things, even if it’s just goin’ to the grocery store and pickin’ up a bag of ice for a barbeque. And, that alone is punishment. You know, not bein’ able to sit on your front porch at night and enjoy the air for summer. That’s punishment. You know? Every little thing.

Oftentimes, the “little things” take on increased importance because their absence leaves prisoners with limited freedom to make choices for themselves. In fact, many prisoners cited examples of a loss of autonomy as a key way that their freedoms are curtailed. This loss of autonomy was frequently described as the result of a prison system that strictly regulates their lives and leaves little room for self-determination. Demitria, a black woman in her mid-fifties who is nearly finished with a 25 year sentence, bemoaned that “I don’t have choice in what clothes I wear. Or who wore ‘em before me. So yeah, it’s a punishment from life itself.” For Demitria, “life itself” is comprised of making small, personal choices that include what to wear and when to eat. The regularity with which these small decisions are made for prisoners, automatically and without regard to their desires, leaves Demitria and many others feeling the full weight of the deadening prison routine. This routine renders prisoners’ lives highly

structured and leaves little room for personal agency, instead substituting control, coercion, and outside determination for the freedoms prisoners desire.²⁶

Somewhat paradoxically, a condition that exacerbates the loss of freedom engendered by the highly structured prison setting is the frequently described atmosphere of inconsistency and arbitrariness in prison—the very opposite of a deadening routine. Despite the rigid constraints and contingencies of carceral facilities, some prisoners emphasized inconsistency as a pervasive and enduring condition of prison life—more so than structure or regulation. As Aliyah, a 35 year old black woman serving more than 50 years for an array of drug charges, described it, “Consistency is nonexistent here in many ways. Like, in everything just about.” Rachel, a white woman in her late twenties who has served ten years of a 25 year sentence, concurred, noting that “The only consistency of this place is the inconsistency.” This inconsistency was most frequently discussed with regard to staff expectations and application of rules, both across staff members and over time. Prisoners noted that staff inconsistency creates a stressful atmosphere—one in which prisoners never quite know how to behave or what to expect.

Despite the apparent incongruity between an environment described as alternately inflexible and inconsistent, the collision of these two conditions has grave implications for the curtailing of freedom. Precisely because prisoners are regularly denied autonomy and self-determination, when opportunities arise for them to make small decisions about their actions, they are left ill-equipped to make choices that would preempt negative consequences. In situations like these, prisoners are faced with a dilemma: after being denied self-determination at almost every turn, they are suddenly expected to not only govern their own behavior, but to do so in a way that pleases prison staff. In such instances, the “freedom” to make decisions for oneself

²⁶ Sykes (1958) summed up the myriad manifestations of loss of freedom quite eloquently as “confinement to the institution... and confinement within the institution” (p. 65).

is really only freedom on its face; the implicit understanding that prisoners are expected to make the “correct” choice constrains self-determination in a less blatant, but no less powerful way. For some prisoners, this is almost too much to bear. Jerry, a white man in his early sixties who described just about every aspect of prison as punishing, elevated the punitive potential of inconsistency above all other elements of prison life: “It’s arbitrary. It’s petty. And, it’s not consistent, you know. That’s the bad part about prison. It’s not consistent.”

One aspect of prison life that is viewed as strikingly consistent, however, is the capacity of the carceral environment for stripping prisoners of their individuality. Beyond a loss of self-determination, many prisoners experience a loss of self completely. More than a few prisoners discussed the deindividuating effect that it had on their sense of self to be “just a number” walking around in one of many identical uniforms and regarded as interchangeable parts of an aggregate rather than discrete individuals. Joanna, a black woman in her mid-forties serving nearly two decades for murder, described the feeling as “humiliating—like you strippin’ me of everything. Like I have no say-so, period, when it comes to me.” A few prisoners explicitly addressed the goal of stripping prisoners of their sense of self, usually in terms of increased ease of application of punishment by prison staff. Jerry noted that “having a number, in general, takes the personal aspect out of it. You don’t have to judge me as an individual [if] I’m a number.”

He went on to explain:

Well, if you, if you dealt with everybody as [individuals], then it takes work. You have to know these people, you would have to, you know, be personally involved and stuff like that. [Instead], everybody’s a number.... It’s a whole lot easier to be impersonal when you want to screw somebody. See, if you want to help somebody, then it helps to know who they are, what they’re about, what they’re in for, how hard they’ve been absolutely tryin’, what rehabilitative programming they’ve had, what their intent is, you know, and stuff like that. But, when they’re a number, hey! It’s a whole lot easier to shit-can a number than it is to get rid of a person.

According to Jerry, the prison pursues its goal of stripping prisoners of their individuality in order to facilitate punishment. Henry, who at 38 has been in prison many times and is nearly finished with a short stint for burglary, used the language of being stripped—in a more literal sense—to refer to a loss not of his individuality, but of his humanity more generally. Rather than referring to a stripping of *his* personhood, Henry discussed the loss of any type of personhood at all, rendering him subhuman. He suggested, in fact, that most non-prisoners couldn't fathom the humiliation and degradation of something like a routine prison strip search—a type of dehumanization to which he has become accustomed. Aliyah, who has served seven years of her 50-plus year sentence, described the loss of personhood she experienced upon her arrival at prison:

I was human before I came here. You know what I'm sayin'? I believe respect is earned, not given. Just because your shirt is gray [referring to the officers' uniforms] and you leave every day, I just really don't feel like you deserve more respect than me. You just treat me like I'm nothing. And, that's a lot of what we get around here.

For this reason, Aliyah emphasized the importance of small personal touches like lip gloss, unique hairstyles, and non-prison-issued shoes:

Everything is not always about fashion. We do the best we can to keep up here because it makes us feel good. That's all we have. 'Cause, everybody dresses alike. You cut our heads off, all you have is a bunch of bodies walkin' around. But, our hair, a little make-up, and little stuff, that's our only way of, you know what I'm sayin'? Havin' our own individuality still.

These quotes from Aliyah implicate all three levels in the hierarchy of losses of freedom: autonomy, self, and personhood. For Aliyah, having even a tiny degree of self-determination helps her to retain her individuality, which in turn affirms her sense of herself as a human being. In this way, “little things” like lip gloss and sneakers help to mitigate the symbolic punishments that she feels bearing down on her as she serves her time.

Symbolic punishment: Loss of family.

Another key way that prisoners reported maintaining their sense of self is through contact with their family. Unfortunately, the physical and emotional distance between themselves and their loved ones is a prominent and often severe form of punishment for many prisoners. For instance, after discussing at length the numerous drawbacks of being in prison, Aliyah pointed out that being separated from her children is the worst part of her punishment:

The hardest thing for me is just bein' away from my children. And, I think that is just, that's the thing that brings me down, not bein' there for my kids. And, that's the punishment that I feel that I, that I get. That's the biggest thing of everything—that the most important parts and things in my life have been stripped from me.

Many prisoners noted that distance from family affects not only prisoners, but their children as well. Although women and men alike discussed the effects of incarceration on their children, the issue was raised far more often by women. For instance, Rachel, who has been incarcerated for eleven years, discussed the stigma that her son faces having a mother that is in prison. She noted, tearfully:

I have a son who was nine months old when I got arrested, and he just recently turned twelve. And it's not only hard being away from him and not gettin' to be a normal, everyday, daily parent, but he suffers because of my being incarcerated. So, you know, you can't help but worry. You know? So, I know that he has it rough. I mean, my family has him and takes care of him. I know he's in a place where he's safe, and he's taken care of, and he's loved, and he gets everything that he needs, and wants, and he's, actually, really kind of spoiled. But kids are cruel, and so kids ask him, "Where's your mom? Why doesn't your mom come and pick you up from school?" You know, or there's times when my family won't be able to come on a weekend to come visit 'cause the visiting schedule is full, so they'll have no option but to come during the week or not come at all. So, sometimes they come during the week, and they have to pull him out of school, you know, and the kids [ask] "Where were you?" "Oh, I went to visit my mom in prison."

Rachel's acknowledgment that prison rules and regulations often exacerbate the loss of family was echoed by many other prisoners. Among the various concrete punishments that

strain family ties further are the high price of prison phone calls and increasingly strict visitation schedules that make travel from distant locations difficult. In fact, the one ameliorating factor for Rachel is that her son lives with family, despite the fact that both his parents are incarcerated. This was seldom the case for my respondents, many of whom reported a far more permanent sense of loss of loved ones that resulted from the placement of their children into foster homes or with adoptive families.

Another permanent sense of loss of family—one that could not be eased by release from prison—was discussed in the context of a loved one’s illness or death. Albert, a 65 year old black man who has been incarcerated for 25 years, recalled his mother’s death:

My punishment has been that my mother passed in 2007, and when I’d get her on the phone, one of the main things she would say, especially toward a lot of years was, “I’m just holdin’ on ‘til you get out. Just waitin’.” And I would always feel that very deeply. You know, because I heard all the connotations there, and then all the, the flooding of the realities that that might not happen. I realized that.

Darnell, a black man in his late twenties who also experienced the death of his mother while serving a relatively short sentence, discussed the effect that it will have on him even after his release: “Damn, I come home to no mom, so that’s gonna really hurt.... Bein’ here, you already can’t see no family, you already far from home, you can’t see people like you want to see ‘em. But, that’s gonna be the hard[est].... That’s punishment within’ itself.”

Relationships between concrete and abstract punishment.

Darnell’s description of “punishment within itself” illustrates yet another way that the relationship between various punishments is conceptualized by prisoners. Very few of the prisoners interviewed described a single, unified punishment that they experienced while in prison. More often, their narratives wove together numerous, diverse punishments conceptualized in intricate relation to one another. As shown in the analysis above, the relationships between punishments can take numerous forms depending on the punishments in

question and the prisoner explaining them. Among these forms, four are most common: parallel existence, elevation, nesting, and layering. For many prisoners, concrete punishments are experienced as punitive in their own right, existing alongside—but separate from—other, symbolic punishments. In this case, tasteless food and long waits to see a doctor are taken at face value and acknowledged as concrete punishments. For others, the same punitive referent is associated with both concrete and symbolic punishments. Here, concrete punishments are elevated to the level of symbolic punishment, taking on both material and abstract meaning. This was the case for Kate in her description of the poor quality food served in the chow hall, and Cherise in her description of the lack of adequate medical care for her skin condition. Darnell’s description of a nesting of punishments within one another—“punishment within itself”—is yet another way in which discrete punishments are seen as existing in tandem. Others described their punishment not as nested, but in terms of a layering effect whereby small, concrete punishments are heaped upon the abstract, overarching punishments that come with being incarcerated. Regardless of the relationship between concrete and symbolic punishments, however, it is clear that prisoners experience symbolic punishments as more severe than concrete punishments. It is to this issue that I turn next.

Severity of Punishment

In the previous sections, I presented the varied content and substance of punishment, including an analysis of the different types of punishment and the level of abstraction at which they are experienced. In the sections that follow, I develop a theoretical framework for understanding punishment as the interplay between two distinct, but related, dimensions: severity and salience. Each of these dimensions is, in its own way, a measure of penal harshness. I begin here by explaining the dimension of severity and presenting findings about its relationship to the level of abstraction at which punishment is understood.

Relationship of severity to level of abstraction.

I use the term severity here to refer to the intensity or magnitude of punishment as it is experienced by prisoners—a fairly straightforward measure of penal harshness. Severity of punishment exists on a continuum, ranging from extremely low to almost unbearably high. The data show that, while severity is informed in part by the content of punishment as it is perceived by the prisoner, content alone does not dictate severity. In fact, severity of punishment is revealed to be a product of the subjective interpretation of not just *what* punishment is, but also *how punishing* it is—an interpretation based in large part on the degree to which a concrete punitive referent is seen as a symbol of a larger, symbolic punishment. As a result, assessments of severity exist independent of the punitive referent itself, but highly dependent on the level of abstraction at which punishment is experienced. For instance, punishment that is experienced as concrete (e.g., a high sodium diet or overpriced toiletries) tends to be relatively low in severity. In contrast, symbolic punishment (e.g., loss of freedom or severed ties with loved ones) tends to be far more severe.

Of the punishments described in the previous section, those experienced by prisoners as particularly severe are the punishments that are representative of larger losses or injustices. Poor medical treatment and awful food are experienced by prisoners as far more severe for their symbolism of prison staff’s refusal to acknowledge prisoners’ humanity. The rigidity of prison life and the occasional instances in which this structure breaks down are far more difficult to bear for the loss of self-determination and autonomy they evoke. Physical distance from family and the prohibitively expensive nature of phone calls from inside prison are experienced as severe because of the emotional distance they create between prisoners and their loved ones, resulting in strained relationships where familial social support can be neither garnered nor provided without concerted effort to overcome numerous obstacles. In contrast, punishments that are experienced

as merely concrete tend to be assessed as lower in severity. In these instances, prisoners described their disgust at the quality of prison food, the discomfort of an untreated skin rash, and the frustration of not being able to tend to their garden plot as punishment, but not punishment of the most severe variety. In fact, punishments that were described as exclusively concrete—without any accompanying elevation to a symbolic level—tend to be experienced as lowest in severity overall.

Low severity punishment.

Low severity of punishment was often evident in the language prisoners used to discuss their experience of punishment and the emotions surrounding it. In a few rare instances, the experience of punishment failed to evoke in prisoners any type of emotion at all. For instance, Lynn, a tough-acting young woman serving a sentence of just over ten years, explained that punishment “should be painful or humiliating or something—some kind of emotion.” When asked how she feels about being a prisoner, however, Lynn had a difficult time relating her experiences to that type of negative emotion, noting that “technically” she is being punished, but it generally feels no more than “stressful” for her. More typically, prisoners expressed a range of negative emotions when discussing their punishment. Concrete punishments were described as frustrating, aggravating, and even maddening at times—but they were seldom discussed with the vehemence, anger, or crushing despair that often characterized symbolic punishments.

Josie, a white woman in her mid-thirties whose severe experiences with several types of symbolic punishment are discussed in the next section, described her concrete punishments as relatively low in severity. She explained her dismay at the loss of gardening and crafts privileges as a “headache” and something that “has a negative impact” on the prisoners in her housing unit. Although Josie experiences punishment that is both symbolic and concrete, there is great divergence between the severity of each type, with concrete punishments assessed as lower in

severity. Jerry, who also described both concrete and symbolic punishments, noted that “It’s no fun doin’ time in prison” and went on to explain that his concrete punishment—the denial of material goods due to their rising cost and limited availability—was just a “sad, ugly game” that the prison plays:

You know, used to be [that] if I wanted t-shirts and tennis shoes or stuff like that, two/three times a year, my people could go buy the stuff on sale [and] send me a box.... Now, I got to order my stuff through [a prison vendor], which is controlled by the DRC. They sell inferior, cheap stuff at a high price, you know. It’s just like, big business. Phone calls—does it really cost nine dollars for three minutes to call Cleveland for an inmate from here? ... Stuff like that. You know? And, it’s, it’s a game. It’s a sad, ugly game. And it’s part of your punishment.

While some prisoners used the mild negative language of stress, annoyance, and aggravation to describe their punishment, others characterized their lives in prison in surprisingly positive terms. For these prisoners, positive aspects of the prison as a relatively comfortable place to live serve as an attenuation or amelioration of their punishment. Latasha, who has been in prison for almost ten years, described her housing unit of three years as almost idyllic:

It’s just, it’s peaceful. Like, they call it the retirement home. A lot of people refer to it as the retirement home, because if you just want to *be* and not have to, you know, deal with a bunch of garbage—which, don’t get me wrong, there’s drama everywhere, ‘cause this is prison. But it’s very, very peaceful.

Latasha went on to describe the small patio outside her housing unit and the gardens where prisoners grow their own organic vegetables. Despite a firm insistence that she was wrongfully convicted, and a deep sense of betrayal by the criminal justice system, Latasha’s description of her life inside prison was occasionally characterized by positive imagery and thankfulness for the reprieve from the “drama” that could easily dominate her life in prison.

A similar perspective was expressed in men’s prisons. Michael, a man about Latasha’s age, but serving a much shorter sentence for assault, described his prison as a “nice penitentiary”:

You couldn't get no better than this. The visitin' room, you see that? [Michael gestures to the visiting room across the hall, where prisoners in street clothes sit with their loved ones.] Beautiful. You sit right next to your people. They don't mind you, you know, touchin' and go, walk to the vendin' machine. It's beautiful.... This is beautiful visiting. Yeah, you ain't gonna find nothin' like that [at most prisons].

Like Latasha, Michael's experience of punishment is not entirely low in severity. Tellingly, this was the most positive language used by Michael during the entire interview. This is despite the fact that, like Latasha, Michael considers prison itself to be an integral part of his punishment. Michael routinely expressed contempt for his fellow prisoners, the correctional officers, his family, and even himself. In fact, immediately after describing the "beauty" of the visiting room, he launched into a story about using an acquaintance as a "punching bag" in an effort to reduce the stress and monotony of prison life.

In contrast to Michael, other prisoners used positive, even glowing language consistently throughout the interview. Bobby, who has served nearly half of a 25 year sentence for various sex offenses against minors, described his entire prison experience as almost transcendental: "This place is like a dream. If you ever want to go to prison and get help—right here. Right here, this is it. Any kind of problems you have.... This place is amazing." For Bobby, the severity of the punishment that he experiences in prison is almost completely counteracted by the rehabilitation that the prison provides.

While Latasha, Michael, and Bobby used positive language to refer to select aspects of prison, others discussed the positive impact that prison would have on their lives—and the difficulty they will have leaving some parts of prison behind. Erika, a black woman in her mid-thirties serving almost 20 years for aggravated murder, described what she has gained in the eight years she has spent in prison:

I just think being here, I gained family that's not blood related. I've met some people that I'm gonna be honest, when I leave here, if this motion that I've filed

goes through, I think what's gonna be the most heartbreaking for me is that I have to leave some really close friends behind. And, that's hard considerin' I have my family, but they've been my family away from my family for nine years now. Well, eight practically. Since I've been here.... they've been my family. And, that's how I tend to recognize them, and that's, I think, that's the hardest thing. That's gonna be the hardest thing for me. Because, you actually, genuinely, find friends in here that genuinely care about you back. Not everything about this place is bad. You have staff members that actually care but can't actually say how much they care. So, you, you leave behind a lot when you leave here. But, you also learn a lot. You learn, like I said, I learned not to go out and do certain things because this will be the result. And, they've learned things from me. So, it, it's worked full circle since I've been here.

The complex interplay between concrete punishment, symbolic punishment, and other ameliorating factors results in experiences of severity that vary widely both within and across individuals. Unsurprisingly, attributions of low severity were frequently expressed in tandem with concrete punishments. Perhaps more unexpected is the frequency with which prisoners expressed an attenuation of the severity of their symbolic punishments that results from the juxtaposition of positive aspects of prison life (e.g., gardening privileges and pleasant visiting rooms) with the harsh punishment they experience. Whether due to minimally severe, concrete punishments, or non-punitive factors that temper the severity of their symbolic punishment, assessments of punishment as low in severity were common among prisoners.

High severity punishment.

At the opposite end of the spectrum is punishment that is experienced as high in severity. Cherise articulated this type of experience quite simply: "I wouldn't wish this on my worst enemy." Sarah, who is serving 30 years to life for aggravated murder, summed it up in response to one of the first questions of the interview:

LS: What would you say it's like to be in prison? What's it like for you?

Sarah: Terrible. Horrible. Awful. I feel like I'm being legally held hostage and I can't get help.... It's humiliating. It's dehumanizing.... I just scream for help and can't get any. You know, it's like the justice system just doesn't care. I think what hurts the most is you see the Sarah McLachlan commercials where all the

animals are in these horrible, abusive situations, and they're in cages, and people cry out for help and they send tons of money to run to the assistance of these animals. Yet, you have people locked up in cages, who don't belong there, and nobody's coming and running to our assistance. It's like you care more about the animals in this country. Believe me, I'm an animal lover, I am. So, please don't get me wrong. But, can't we get our priorities straight? Why don't the people come first?

Sarah described herself as a very “conventional” woman by middle-class, white standards. A self-declared “Mrs. Mom,” it seemed no surprise that prison was a shock to her, and that this was a recurrent theme throughout our interview. For Sarah, the most severe punishments are the symbolic punishments of loss of self (i.e., the stripping of her conventional “Mrs. Mom” persona) and loss of personhood (i.e, the degradation that renders her less worthy than a dog in a crate).

While Sarah's lamenting of the degradation and dehumanization that she experiences in prison indicates despair more than anger, Aliyah experiences similar punishments as infuriating:

They don't teach you anything here. They don't give you anything... and they take more than they give. And, when they get angry at you for not knowing, or not acting a certain way or whatever; you give us nothing. And, then the people that leave, you don't give them anything to go home to, that's why the rate of recidivism is so high, because they don't, they weren't functioning in the community as it is, and then you don't give them anything to leave with. But, I just, I think the system just really sucks.... It's, as I said, everything we have, that we do here, that gives us some kind of solitude, some kind of solace, some kind of comfort... some kind of getaway, they'll take it from us. It's like you guys are tryin' to breed angry people. And, it's, it really seems like that. Like everything good we want to do, or anything positive, you try to take from us.

The anger Aliyah expressed above is illustrative of just how “livid” she is about her punishment. In fact, her frequent use of strong, negative language to describe her punishment at the hands of the state belied her otherwise cheerful demeanor. The narrative of prison life that she told was punctuated by lengthy tirades against the prison system—tirades that revealed the vitriol boiling just beneath the surface of an otherwise good-natured interview.

Even prisoners who tried to put a positive spin on punishment sometimes found it daunting. Kelby, a black man in his mid-fifties who has served twelve years of a life sentence for murder, struggled to express his thoughts on the severity of his punishment: “I can’t stand it. Even though I hide it a little better than others, I, I hate this, I hate the places like, the institutions. I just hide it a little better. I’m just, I don’t know, I can’t explain it.” Some prisoners described their symbolic punishment as particularly severe because it is so intractable, contending that even “citizens” on the outside have no power over the punishment that prisoners receive in such an “evil place.” According to Malcolm, a self-described gangster in his mid-thirties serving 30-years-to-life for aggravated murder:

I can holler for help all I want, you know? And, it’s not, who’s gonna help me? You know? There’s nothin’—*you*, you’re a citizen, and I’m tellin’ you this. I can prove it to you. There’s nothing you can do to help me.

Many prisoners reported a great deal of fluctuation in the severity of their punishment. For some, this means the difference between days that are terrible and those that are merely bad. Jerry explained that: “There are no good days in prison. There are bad days and worse days. But, there are survivable days.” Others acknowledged that while not every day is unbearable, the ones that are, are the ones that matter. Josie, who has served only three years of a sentence of 39 years to life, described her punishment as “an emotional rollercoaster.” She went on to explain that “Some days you seem like it’s not that bad. It’s kind of like a college campus. But, then other days, it’s so stressful you just feel like you’re gonna explode.” The days that are worst for Josie are those when she fears she might “slip into somethin’ I won’t be able to slip out of... to handle the day-to-day of life here.” These are days that Josie “feels like screaming” and is reduced to a “shaking mess.” The specific situations that that often bring Josie to the breaking point are interactions with staff that seem, to her, to be unbearably inconsistent, arbitrary, and

even cruel. In one instance, an officer asked Josie if she wanted to use the phone, then held it away from her and asked “How does it feel to want?”

For Josie and many others, prison life is almost unbearably severe. Whether experienced as a constant state of pain and loss, or a rollercoaster of “bad days and worse days,” this severity is most often linked to some form of symbolic punishment. Unlike prisoners who experience an attenuation of severity by positive aspects of prison life, prisoners who experience their punishment as high in severity reported no such ameliorating factors. Many prisoners echoed Travis’ sentiment that “you’re punishin’ me beyond the limitations of punishment. Because I’m already bein’ punished [here].” In these instances, severe symbolic punishment creates angry, desperate individuals who either push against the system or find themselves being beaten down by it. The degree to which this punishment dominates their lives, however, rests with the second dimension of punishment: salience.

Salience of Punishment

I use the term salience of punishment to refer to the prominence of punishment in the prisoners’ lives. Like severity, salience of punishment is another measure of penal harshness. Rather than measuring the intensity of punishment, however, salience reflects the degree to which punishment has infiltrated and permeated one’s life. Similar to severity, salience ranges from extremely low to strikingly high, and exists independent of the content of punishment. High salience was evident implicitly in interviews when prisoners brought up punishment unprompted or returned to themes of punishment frequently. Prisoners made high salience explicit by noting that they think about their punishment often or that punishment is a large presence in their lives. In contrast, low salience was implicit in prisoners’ narratives when they refrained from mentioning punishment of their own accord and when they discussed their own

experiences—including negative or painful conditions and events—in terms of punishment minimally or not at all, even when prompted.

Low salience punishment.

Only a handful of respondents brought up the topic of punishment unprompted. Most, in contrast, discussed punishment after being specifically asked about it during the latter half of the interview. Jamal, a 20 year old black man who has served six months of a five year sentence for robbery, was one such person. The first time that punishment was mentioned in the interview was when I asked Jamal what the word “punishment” means to him. This came on the heels of a discussion about the “petty rules” that bother him in prison—something that could conceivably be construed as punishment, but that Jamal considers mere nuisance. Jamal seemed a bit taken aback by my sudden introduction of the theme of punishment into the interview, but quickly adjusted, defining punishment simply as “consequence.” Throughout the interview, it became evident that Jamal simply does not view punishment as a major force in his life. Despite the fact that being in prison is “some bullshit” because of the “petty little rules” he is forced to follow, Jamal views his life in prison through a lens of tedium and constraint rather than punishment. The single punishment that he named—not being able to see his son—seemed to recede in importance compared to the daily strictures that characterized institutional life. This structure was quite common across interviews, with the topic of punishment being broached first by me, and then being addressed later by prisoners after a brief period of surprise and adjustment.

Often, exchanges like the one with Jamal described above were followed by explicit mentions of the low salience of punishment. When low salience was addressed explicitly, prisoners noted that punishment is just not something that they give much thought. At times, prisoners even followed lengthy discussions of punishment with the contention that punishment only enters their thoughts intermittently. One such person was Linda, a woman in her mid-fifties

who has served one year of a five year sentence for various drug offenses. Throughout the interview, Linda cited numerous types of punishment that she experiences in prison, both concrete and symbolic. After being asked questions about punishment for the better part of an hour—a line of questioning that elicited cursory responses at best—I offered her the chance to add anything that she felt was important.

LS: Before we finish up and get to a few background questions, is there anything that hasn't come up yet—that maybe I didn't ask or that you haven't talked about—that would help me to understand your experiences with punishment or your thoughts on punishment?

Linda: No, 'cause I don't really think about it. You know, I kind of get up in the morning and read my Bible, and try to make the best out of the day I'm given.

LS: Okay, so thinking about your punishment would make your day harder, or would make your day worse?

Linda: I really don't think about it because that's not what God set out for me to do – think about my punishment. You know?

Linda's contention that thinking about her punishment would do her no good was shared by quite a few prisoners. Many view thinking about their punishment as dwelling on the negative aspects of their circumstances rather than trying to make the best of a bad situation. Robert, a white man in his mid-seventies who is nearly finished with a thirteen year sentence for various sex offenses, noted that "Punishment is punishment no matter which way you think about it." When asked if he thinks about punishment often, he replied: "No... I don't give a shit about it." Towards the end of the interview, however, talking about his punishment seemed to have affected Robert more than he expected:

Some of [this] is bringing back thoughts... and I just want to put all this stuff behind me. I don't want to put this stuff up front. I don't have that much time. I'm 74 years old, you know? I don't know how long I'm going to live. My wife, I don't know how long she's going to live, but I want to live it with her, and I want to live it the best I can. That's what I'm looking forward to.

Somewhat paradoxically, for Linda, Robert, and quite a few others, low salience of punishment does not come effortlessly; it is a state to be achieved over time through active mental work. In fact, deliberately pushing punishment out of one's mind or focusing instead on other things was an adaptive strategy discussed by numerous prisoners. Punishment for these prisoners likely started out as higher in salience, but this salience was methodically chipped away through the reconfiguring of expectations about punishment and its place in their lives.

For other prisoners, low salience is seen as the result of something natural and intrinsically human: the capacity for moving on with one's life in the face of negative circumstances. Dale, a white man in his mid-thirties serving 30 years to life for aggravated murder, expressed this sentiment:

LS: How do you deal with your punishment?

Dale: I just try to accept it. There's nothin' I can really do about it. So I just accept it and I move on. I just live it, live my life every day. You know, I make plans. When I get to thinking about it, it's like, "Do I have a right to do that? Do I have a right to laugh?" 'Cause I do—I laugh in here. I have friends, you know. I try not to think about [my punishment] too much.... I mean, every once in a while, that's part of it. You know?

LS: And here I am, making you think about it.

Dale: But it's one thing to think about it and to talk about it, and then, yes, eventually I'll dwell on it for a moment, but then, I guess it's part of being human. You don't dwell on the bad too long. You know, we start rebuilding.

For Dale, the ability to "rebuild" is predicated upon the low salience of punishment. If he were to dwell on his punishment, foregrounding it in his life and his daily routine, moving on from it would be nearly impossible. In this sense, low salience of punishment is something that Dale has chosen for himself—but a choice that he feels came naturally.

High salience punishment.

High salience was implicit in prisoners' narratives from unprompted discussions of punishment early on in the interview or when they made repeated references to punishment throughout the interview. A handful of prisoners brought up punishment unprompted, in response to questions about seemingly unrelated topics. For instance, when asked whether he transferred to NCI from another prison, Walter launched into a complicated tale of how he ended up at NCI—a narrative that concluded with a discussion of his punishment. Serving a sentence of up to 25 years for aggravated robbery at the age of 54, Walter's path to prison involves numerous commitments, at least one parole revocation, and a sense that he is being "Hit with a double whammy... punished twice for the same thing." Rick mentioned punishment unprompted at nearly the same point in the interview. Serving 18 years for aggravated arson, Rick discussed his punishment in response to the question "How long have you been here at [WCI]?" Sarah also broached the topic of punishment before I had a chance to ask about it, noting that the things she dislikes most about her housing unit are the concrete and symbolic punishments that she experiences there.

Alexander, a middle-aged man serving a 20 year sentence for rape, also mentioned punishment unprompted, discussing the various forms of symbolic punishment that he experiences in prison, including loss of freedom and distance from loved ones. Punishment was a strong, recurring theme throughout my interview with Alexander. He frequently brought the conversation back to this topic when it strayed elsewhere, as though reminding me that punishment was the most important thing for us to discuss. In fact, he made punishment such an unambiguous focus of the interview that I never even needed to explain—as I usually did halfway through an interview—that "one of the things that I'm really interested in learning more about is punishment and how prisoners experience it." Alexander strongly influenced the

direction and flow of the interview—more so than most respondents—to ensure that he had ample time to discuss the punishment he experiences, its consequences, and his critique of it.

High salience was also made explicit by some prisoners through a discussion of how often they think about punishment or how constant their experience of punishment is. Josie noted that prior to coming to prison, “Punishment was never a big thing with me. But now, fair punishment is a huge thing with me.” For Josie, the increased salience of punishment hinges upon her feeling that her sentence is fair, but that her treatment in prison is inconsistent and capricious—characteristics that also define the most severe parts of her punishment. Mitchell, a 50 year old white man who has served 27 years of a life sentence for rape and aggravated murder, described a constant feeling of punishment. “I still feel punished today.... Every day I’m in here, I know I’m being punished.” Calvin, a black man in his early thirties serving an 18 year sentence, described a similar state of constant punishment. He noted that “Prisoners have bad days all the time.... There’s only one side of the bed you can wake up on, unless you’re gonna be stuck on the wall.” For Dave, a 40 year old black man serving a life sentence, his punishment is all the more salient because it is actually within him, not just a condition that is externally imposed. He explained,

This punishment, it’s, it’s in you. Like I said, it’s nothing that, that somebody can actually do to me, you know, it’s, it’s there. It’s how I feel about it, and it’s, it doesn’t stop. It doesn’t change. It doesn’t. There’s nothin’ you can take back.... What I’m goin’ through is internal, it’s there forever.

Steven, a white man in his mid-forties serving a life sentence for murder, similarly attributed the salience of his punishment to its omnipresence. Having served ten years of a sentence of 15 years to life for murder, he experiences daily reminders that he is being punished, and that, in all likelihood, he will continue to be punished for quite some time. He noted that “A person feels it everyday when they wake up” and “You can’t run away from it.... That’s when it

really hits.” Even Dale, quoted earlier as discussing the necessity of low salience for moving on with his life, is not immune from moments of high salience. Dale characterized his experience of punishment as almost like *déjà vu*. When asked what it felt like to think of being in prison until 2029 (a year he described as part of a “space-age future”), he replied:

Mmm, kind of a, a sinking feeling. You know, it’s kind of, there are those moments where, I don’t know, it’s almost like a *déjà vu* feeling, the feeling that you get when you have *déjà vu*. It’s sort of the same feeling I have when I get to thinking about, “Wow, this is, this is it for the duration. This is it.” You know, tomorrow is the same as, will be the same as yesterday, and the day before, and you know, the day after tomorrow will be the same as today. You know, it’s, wow, kind of heavy.

Whether evident implicitly through the structure and content of interviews, or made explicit through discussion of the omnipresence of punishment, many prisoners experience their punishment as highly salient. For these prisoners, punishment is something that accompanies them from the moment they wake up in the morning until the moment they go to bed—only to be faced with a reminder of it once again the next morning. In fact, many prisoners reported that going to bed is their favorite part of the day—“another day in here under my belt”—and that waking up again in prison is their least favorite part. When unbearably salient, punishment was something that simply could not be forgotten, as hard as prisoners might try.

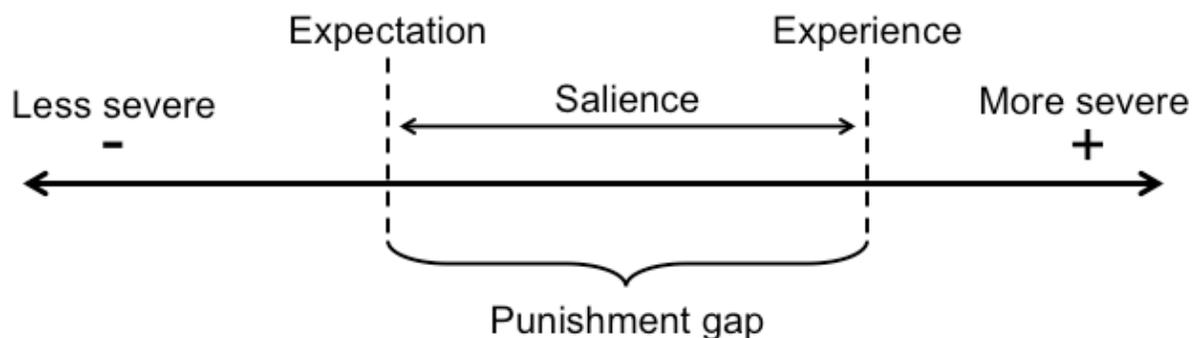
The Punishment Gap

Although it is intuitive to think that punishments that are higher in severity will necessarily be higher in salience, the relationship between these two measures of harshness is not quite so straightforward. The data reveal that salience of punishment is related to severity of punishment in a complex way, through a relationship that hinges upon prisoners’ expectations of punishment as much as their experiences of punishment. The experience of punishment is structured, like any phenomenon in the social world, by the collision of expectation and reality. More specifically, the salience of punishment is shaped largely by the distance between the

punishment that a prisoner *expects* and the punishment she *experiences*—a distance that I call the punishment gap.

The punishment gap reflects the reality that punishment is not experienced in a vacuum, but rather nestled among a lifetime of experiences and the meanings attached to them. The relationship between the punishment gap and the perceived salience of punishment depends on the directionality of the gap—whether punishment is more or less severe than expected. Prisoners who experience their punishment as more severe than expected have a positive gap, which results in punishment that is high in salience. When the experience of punishment is less severe than expected, there is a negative gap, resulting in low salience punishment. The size of the gap between expectation and experience is indicative of the degree salience. Larger gaps indicate punishment that is higher in salience, while smaller gaps (or negative gaps) indicate punishment that is lower in salience. The punishment gap and its relation to severity and salience are depicted in Figure 1.

Figure 1. The Punishment Gap



Expectations based on vicarious knowledge.

The expectations of punishment that inform the punishment gap are not singularly determined. Expectations of punishment can be based on vicarious knowledge of prison, prior first-hand experiences with punishment, and even expectations of what punishment should or ought to be in an ideal sense. For prisoners serving their first term, ideas of what prison will be like factor strongly into the expectation of punishment. Many first-timers found that the actual experience of punishment deviated markedly from their expectations. Numerous respondents registered surprise upon arriving at prison that “it’s not like what you see on TV.” Barbara, a white woman in her fifties who rather unexpectedly found herself serving a life sentence, laughingly reported that she found prison to be far less bleak and barren than she anticipated: “You think you’re [going to be] standing behind bars with your tin cup.” Latasha noted that prison was actually a safer environment than she anticipated: “I thought it would be a little more violent than what it is. I mean, this isn’t a cakewalk, but it’s not violent. You don’t get shanked in the shower.”

A similar, perhaps even more extreme, expectation was articulated regarding men’s prisons. In response to the question, “What did it feel like the first time you were incarcerated?” Dave replied:

Dave: Shoo, like I’m about to die. Like I’m in a dungeon somewhere. You know, and I had heard, you know, I was, I was still goin’ by the stories of what jail was like. You know, that everybody got bread and water. You know, that I’m about to fight. I seen, when I was younger, I seen this movie called... Midnight Express. I think that’s what it’s called. About this guy in Turkey and he has a drug case, but he was stuck in a Turkish prison and it was real rough. And that’s what I was thinkin’ about.

LS: That’s what you were picturing?

Dave: Yeah, I’m thinkin’ about that. But, it wasn’t like that at all.

LS: What was it like?

Dave: Routine. Get up, eat breakfast at the same time, go to sleep, noontime wake up, eat lunch, go back to sleep, you know, play cards for a couple hours, eat dinner, go back to sleep.

Many prisoners expressed surprise at the relative safety and comfort of prison compared to what were, in hindsight, naïve expectations about the perils of prison life. Dave in particular described a prison experience characterized not by severe punishment, but rather by tedium and routine. For Dave, the stark mismatch between his expectations and his actual experiences results in a fairly large, negative punishment gap. This gap renders his punishment low in salience, with other facets of daily life playing a more prominent role in his life than punishment.

Expectations based on prior prison experience.

For prisoners who have done time before, or who have already served lengthy portions of their sentence, comparisons to prior experiences in prison loom large.²⁷ Latasha discussed the ways that prison has changed in the nine years she has been incarcerated, reconfiguring her expectations—and therefore her punishment gap—as her sentence progresses. Her description focused mainly on concrete punishments, such as the decline in the quality and portions of food, delayed mail service, restrictions on visiting, and the general atmosphere of “waiting around” for things. Latasha’s comparison of expectations of concrete punishment to her actual experience of these punishments results in a small, positive punishment gap—one that exists in tension with the large, negative gap Latasha experienced upon first arriving at the prison and finding it safer

²⁷ It is intuitive that prisoners who have been incarcerated for longer periods of time might experience punishment as less salient over time. This intuition is borne out by the logic of the punishment gap. Because the punishment gap is predicated on expectations, and expectations are formed at least partially by reflecting on past experience, it is logical that time served would have an impact on the punishment gap. The longer a prisoner spends in prison, the more opportunity she has for experiences with punishment. All of these experiences of punishment add up to form a massive database, so to speak, upon which to base expectations of punishment. Such is the case with Latasha, Courtney, Rashid, and Mitchell—all of whom are described in this section as drawing upon their extensive experiences in prison in the formulation of their expectations. As with any phenomenon that humans experience for a prolonged period of time, people can habituate to punishment. In other words, they simply become accustomed to it. Barring any large-scale inconsistency in their daily lives and routines (discussed in Chapter 4), their expectations—informed by increasingly massive amounts of data on prior experiences—largely come to pass. This results in naturally occurring gapless punishment and attendant low salience of punishment.

than anticipated. Latasha's overall impression of the decline in the quality of life in prison over time was tempered by her recent move to a new housing unit, however, that was "relaxed... to a point." She noted that "It's quiet, it's clean, and I appreciate those things.... Compared to other places, it could be a lot worse." Latasha is a perfect example of the confluence of myriad expectations and experiences to form a single, albeit multifaceted, punishment gap. For Latasha, the small, positive punishment gap that results from comparisons of past concrete punishments to present ones works to partially counteract the large, negative punishment gap that resulted from her media-based pre-prison expectations.

While Latasha's comparison of past prison experience to her present situation focused on concrete punishments, other prisoners emphasized the ways in which the symbolic punishments they experienced have changed over time. Courtney, who has spent the past 22 years serving time on a life sentence, explained that the prison that she has called home for more than half her life has changed quite a bit over the decades:

LS: So, was it easier to do time back in the late eighties, early nineties?

Courtney: Even though it was real rigid, yeah, it was. It was.

LS: Okay. Why do you think it was easier?

Courtney: 'Cause you knew what you could do and you knew what you couldn't do. And, if you overstepped that line, you knew the consequences. That's the difference back then to now. There was no uncertainty. You knew.

This inconsistency makes prison life very difficult for Courtney, despite the fact that she has had decades to become accustomed to it. As she noted, it is nearly impossible to adjust to a life that is constantly shifting around you. The severity of the punishment that Courtney was experiencing at the time of her interview, as compared to the less severe punishment of a few decades earlier, resulted in a large punishment gap and therefore acutely salient punishment.

The comparative nature of punishment is particularly apparent to prisoners who have done time at other institutions. William, a black man in his late fifties who has served nearly 20 years in multiple prisons, explained that “Every institution has their way of doin’ things.... Including their way of punishin’.” These differences are most striking for those who had been in facilities with higher security levels. While some discussed the relative comforts of a Level II prison as compared to a Level III or IV, others lamented the fact that their Level II institution wasn’t run like a true Level II. Rashid expressed his dismay at being “tricked” into believing that his Level II prison would be run differently than a Level III: “You’re supposed to be able to have more freedom and more things to do. And, they tricked me. It wasn’t like that.” For Rashid, the positive punishment gap that results from a mismatch between his expectations of a Level II prison and the reality of his institution produces punishment that is high in salience. Mitchell, expressing a similar sentiment, explained:

Mitchell: I went to [men’s prison] and that was a level IV. So, everything’s kind of locked down, you know, very restricted. Then, you go to a Level III, and that’s still restricted, they should give you just a little bit more. And, then you come to a Level II, which here, which would be like any other Level II, you know, other institutions like [names of other men’s Level II institutions], you know, inmates can come and go as they want. You know, they have picnic tables and things like this. But, you look around here, when they open this up just a little bit, staff opposed that. They didn’t want it to happen. You know? They have this philosophy that when a person’s down on the ground, they got their foot on his throat, keep him down. And, that’s, you know, that’s their way of thinkin’.

LS: So do you wish that you had been sent to a different Level II prison?

Mitchell: No, I just wish that this right here would be what it’s supposed to be—and that is a Level II prison.

Dale, who is serving time at a different Level II institution than Mitchell, had a very different take on what it is like to be in a medium security facility:

Dale: I noticed the guys would tell me when I first arrived here [from a Level III prison], that it’s like, “Man, you’re kind of tense.” You know? And, it’s, I hadn’t adjusted to being here. I hadn’t adjusted to the fact that when guys walk by you

here, they're actually more polite. They'll say, "excuse me" if they bump into you, even if it's your fault. They'll pardon themselves. You know? Whereas, at [a Level III institution], it's, you know, it's more of a survival of the fittest kind of thing there. An "excuse me" or something of that nature is a sign of weakness, perhaps. You know, so you don't show those.

LS: So, how long did it take you to adjust to this new style?

Dale: I'm not sure I've totally adjusted. But, I was looking forward to the chance to adjust. I always felt out of place; I felt that I was surviving at [Level III and IV institutions]. But here, I'm allowed to be a bit more normal. More like the people that come visit me. You know, I can be more like them.

Dale went on to talk about the different types of expectations that people might have about the prison where he is serving time, given their different backgrounds and prior experiences. "Now, you might ask somebody that just came from the street and come in here, and it's like 'Wow, this is intense.' But, you know, being in an intense, almost like a warzone [before]... , coming here is like being released from prison a little bit." In prisoners who haven't been in higher security level institutions before, Dale sees a "blissful ignorance":

They don't know how bad it could be. A lot of 'em, I hear a lot of complaining and grumbling about this place. And, it's easy to buy into it. It's easy because, I mean, it sucks being locked up. But, again, like I said at the beginning of it, comparatively speaking, this is nice. You know? It's almost a shame that you can start here. It's almost like you should probably start somewhere else and then you'll appreciate what you have here.

As noted by Dale, it is quite possible for prisoners to arrive at the same institution with divergent sets of expectations, and to experience punishment differently as a result. In line with Dale's explanation, the negative punishment gap that he experiences—and the resulting low-salience punishment—stands in stark contrast to the punishment gaps described by Rashid and Mitchell. All three men based their expectations on first-hand knowledge of previous institutions of different security levels, but the specific configurations of their punishment gaps varies widely. The result is an individuality of expectation and experience that is manifest in different punishment gaps, and different levels of salience, for each prisoner.

Expectations based on what should or ought to be.

Apart from expectations of what punishment *will* be like, most prisoners also have clear expectations about what their punishment *should* or *ought to be* like. A major factor influencing these expectations is the perceived fairness of their sentence or treatment in prison. Prisoners who maintain their innocence are particularly likely to discuss a gap between the punishment they expected and the punishment they receive. Josie is a prime example. As mentioned in an earlier quote, “fair punishment is a huge thing” for Josie. Her punishment is all the more salient, then, because she feels unfairly incarcerated. She explained: “I don’t have any problem paying for the things I did do. I am just currently sentenced under things that I didn’t do. So, that’s a really frustrating, emotional thing for me right now.” This “frustrating, emotional thing” that Josie described is her highly salient punishment—punishment that she tries to push out of her mind to avoid breaking down, but frequently finds herself unable to forget.

For many prisoners, the duration of their punishment is a key consideration in expectations of what ought to be. Many prisoners assessed the fairness of their punishment by comparing the length of their sentences to those of other people with “worse” crimes than theirs. Aliyah expressed her surprise at being handed a sentence of more than 50 years for “engaging in a pattern of corrupt activity”: “Who the hell am I? John Gotti? Are you serious?” More frequently, however, prisoners base their comparisons on unknown or hypothetical offenders. Those serving time for non-violent offenses often compare their crimes to murder; those convicted of murder compare their crimes to sex offenses or crimes against children; and those convicted of sex offenses or crimes against children juxtapose their crimes with killing a police officer. Henry, who is currently serving time for burglary, noted:

I figured I’d get a year, maybe 18 months. [I got] four years.... I see guys come and go, and they got violence on top of violence on their records. I mean, they come and go. I don’t get it. I have no violence on my record. But... they let ‘em

back out into society—child molesters, shit like that. You know, it does kind of irk me, piss me off at times.

Albert, who at 65 years old is serving a sentence of up to 230 years for multiple counts of rape against both minors and adults, discussed his punishment at the hands of the parole board:

So, when I saw the parole board, I thought, I was thinkin', "Oh, they'll probably give me five [more years]." They kept on talkin', they gave me ten! The only other people that got ten years at that hearing was two cop killers. They killed cops!

Prisoners who engaged in such comparisons generally experience their punishment as far more severe than warranted, and therefore more severe than expected, resulting in a positive punishment gap and highly salient punishment.

Achieving "gapless" punishment.

While most prisoners couldn't help but view their punishment in comparative terms, a few found that the only way to deal with their punishment was to pretend that there is nothing else to compare it to—essentially, to eliminate the relativity of punishment altogether and just accept it for what it is. Megan, a 28-year-old woman who received a life sentence for murder at the age of 17, said that the only way to deal with your punishment is to "Ignore it. You know, if you try and live your life... like there's nothing more, if you try and pretend like this is all anybody ever had, that nobody has anything else, then it's a little easier." For Megan, punishment that is both severe and highly salient is simply too much to bear, so she makes a concerted effort to bring her expectations of punishment exactly in line with her experience. The result is a "gapless" punishment—albeit a contrived one—that helps Megan do her time without having punishment be a constant feature of her daily life.

Other prisoners engaged in similar mental work in order to reconfigure their punishment gap. Linda, quoted earlier as preferring not to think about her punishment because that is what God intended for her, similarly manipulates her expectations of punishment to lower its salience.

In order for Linda to achieve this, she accepts that the punishment that she is experiencing is the punishment that she deserves. This mental work brings her expectation of punishment far closer to her experience of punishment, effectively reducing her punishment gap and resulting in punishment that is lower in salience. Linda also described intentionally comparing her punishment to other, more severe punishments that she has experienced at the hands of the criminal justice system, which allows her to reverse the directionality of her punishment gap. Although it seems contradictory that the active work of thinking about punishment a certain way could help prisoners to forget about punishment, the end result of this high-salience process is a blissfully low-salience state where punishment can be forgotten—a state to which many prisoners aspired.

Discussion and Conclusion

Together, the findings presented above form the beginnings of a theoretical framework for understanding variation in the ways in which punishment is experienced by prisoners. Examining punishment along two dimensions—severity and salience—allows us to understand the patterns of punishment that emerge within prison walls, and sets the groundwork for a typology of penal consciousness. The severity of punishment, experienced by prisoners on a spectrum from barely noticeable to practically unbearable, depends in large part of the level of abstraction at which punishment is understood. The level of abstraction, along with the concomitant degree of severity, is premised on the prisoner’s subjective rendering of punishment rather than the objective punitive referent itself. Punishment that is experienced as merely concrete is generally experienced as low in severity, while punishments that are experienced as symbolic tend to be higher in severity.

The simplicity of this association belies the true complexity of punishment, however. Individual punishments are rarely experienced in isolation; further, the accompanying

punishments are often linked in intricate ways, woven together to form a cohesive—if multitextured—fabric of punishment. The threads that constitute this fabric are linked together in many different ways. Some prisoners report the amalgamation of numerous, small punishments into a conglomerate whole with distinct parts. Others experience a single, more or less unified punishment that is the result of an almost seamless interweaving of punishments that seem to blend into one another. Still others experience a base punishment on which smaller, individual punishments are heaped, a virtual pyramid of punishment.

Beyond the content and severity of punishment, the salience of punishment is also integral to the framework laid out above. Like severity, salience of punishment can vary from almost imperceptibly low to strikingly high. The salience of punishment—how prominent punishment is in the daily lives and minds of prisoners—is predicated on the distance between the punishment a prisoner expects and the punishment she experiences. The expectations that inform the punishment gap can vary widely, from first-hand or vicarious knowledge of what prison is like to knowledge of appropriate punishments for certain crimes and a sense of fairness or justice. As a result, the punishment gap is the confluence of the distance between the experience of punishment—which, as shown above, can itself be multifaceted—and the many different expectations that a prisoner can have about her punishment. Taken together, the differential severity and salience of punishment as it is experienced by prisoners is a highly subjective thing. The result is an individualized experience of punishment that can be understood through three basic considerations: what punishment is, how punishing it is, and how much it matters.

Chapter 3. Narratives of Penal Consciousness

In the previous chapter, I examined punishment as an individualized and subjective phenomenon that varies along two key dimensions: salience and severity. Determined by elements and conditions that are continually in flux (e.g., punitive referents, the level of abstraction of punishment, expectations and experiences), the fabric of punishment as it is experienced by prisoners can, and does, take many different forms over time and across individuals. By examining prisoners' experiences of punishment according to these two dimensions, we can better understand not only the subjectivity of punishment, but also its dynamic nature. An examination of the relationship between punitive referents and punishment revealed that the level of abstraction at which punishment is experienced impacts its severity. An analysis of the constantly accumulating experiences and shifting expectations revealed the importance of the punishment gap and the dynamic nature of the salience of punishment. In this chapter, I move beyond the separate treatment of salience and severity of Chapter 2, examining these two dimensions in concert in order to more fully explore the contours of the subjective experience of punishment.

The individualized experiences of punishment that result from the confluence of salience and severity can be captured more fully by the concept of penal consciousness. Each combination of salience and severity is associated with a distinct narrative of penal consciousness—a story that prisoners tell about the meaning and place of punishment in their lives. Narratives of penal consciousness do not describe types of prisoners, nor do they define individuals' static orientations toward punishment. They represent the dynamic and flexible ways in which prisoners locate punishment in their lives and the meaning that this holds for them. Because punishment is constantly in flux, and because prisoners' experiences and

expectations are continually being reconfigured, narratives of penal consciousness can shift over time and across contexts. Similarly, because punishment is multifaceted and complex, multiple narratives of penal consciousness can exist in combination—and at times even contradiction—within an individual at any given moment. For the purposes of this chapter, these narratives will be presented as analytically, though not empirically, distinct.²⁸ This strategy borrows from Ewick and Silbey’s (1998) presentation of the narratives of legal consciousness as “separate phenomena, purposely disaggregating what is experientially integrated” (p. 30). They explain that they do so “for didactic purposes, as a deliberate act of abstraction and possible violation, to identify the processes from which legality emerges.”

Findings

Penal Consciousness as Relation to Life and Death

The examination of the interplay between severity and salience reveals four distinct narratives of penal consciousness that have emerged from the data. These narratives differ according to how punishment is situated in the larger landscape of individuals’ lives. By pivoting upon the ways in which punishment stands in relation to what prisoners commonly referred to as their “real” lives, the four narratives of penal consciousness imply difference along two axes: “reality” and life. These axes overlay the two dimensions of penal consciousness presented in Chapter 2 (salience and severity). Salience of punishment is coupled with the perceived reality of punishment. The more salient punishment is, the more “real” it is experienced to be in comparison to life outside prison. Severity of punishment is linked to the

²⁸ The presentation of discrete narratives in this chapter (summarized in Figure 2) is not meant to imply that penal consciousness can be neatly collapsed into four mutually-exclusive types. Many of the prisoners that I interviewed wove together multiple narratives throughout the interview, telling stories that seemed to reflect different narratives at different points in their lives and in their histories with punishment. Despite this fluidity, the four narratives discussed here, and the combinations of severity and salience that generate them, represent analytically distinct themes found consistently throughout my data.

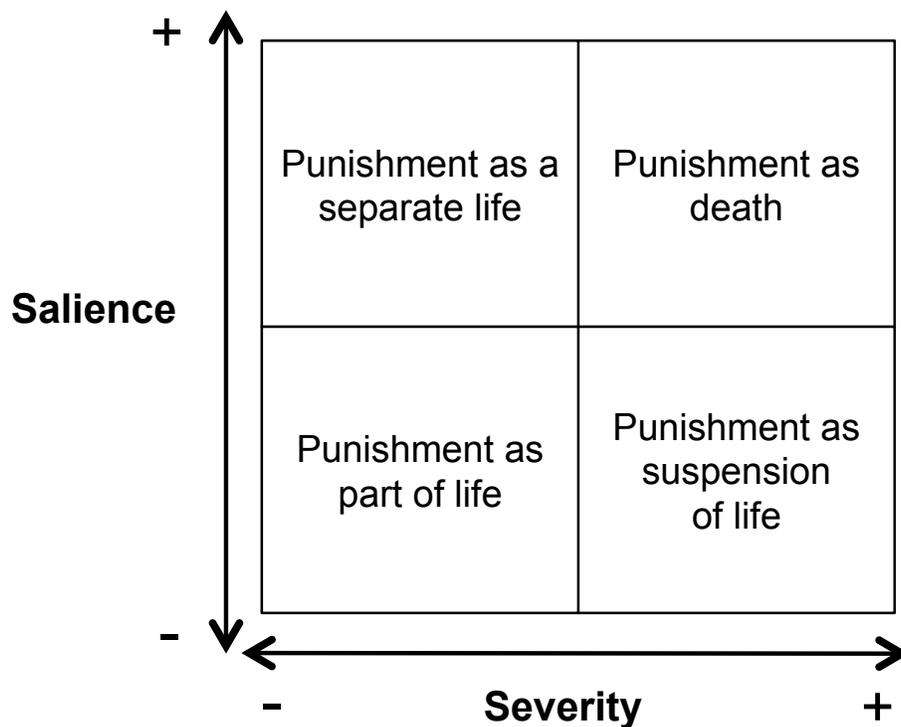
degree to which punishment is experienced as life at all. The more severe punishment is, the less it is viewed as compatible with life in any form, real or otherwise.

Each narrative of penal consciousness is the result of a particular combination of high or low salience and high or low severity (see Figure 2). Accordingly, each narrative is associated with a unique combination of what prisoners consider to be “reality” and “life.” The combination of punishment that is low in both salience and severity evokes the first narrative, *punishment as part of life*. This narrative relates the experience of punishment to, or fits punishment neatly within, a “real” life that transcends the boundaries of prison. In this narrative, the punishment a prisoners receives inside prison is congruent or continuous with the life she lived outside of prison, rather than something divorced from or contrary to it. The second narrative, *punishment as a separate life*, is associated with punishment that is characterized by low salience and high severity. In this narrative, punishment is viewed as more “real”—in other words, a more legitimate locus of prisoners’ existence—than life outside prison. This narrative is one in which punishment is experienced as a wholly real life, but one that is decoupled from the life that was lived prior to incarceration, and the one that will be lived upon release. These two narratives of punishment as life (*punishment as part of life* and *punishment as a separate life*) have a great deal in common. Because they are both low in severity, they both portray punishment as fundamentally compatible with life. The distinction between the two is whether a boundary is erected between life in prison and life in the free world—a difference that pivots on the degree of salience of punishment.

The third narrative, *punishment as suspension of life*, is associated with punishment that is experienced as low in salience but high in severity. In this narrative, punishment is experienced as distinct or separate from both reality and life. According to this narrative, life

outside prison continues under the auspices of “reality,” while punishment inside prison walls is experienced as an atemporal suspension of both reality and life. In the fourth narrative, *punishment as death*, punishment is experienced as high in both salience and severity. Here, punishment is experienced as excruciatingly real, but not as life at all. In fact, it is experienced as quite the opposite: a cessation of life altogether. These two narratives (*punishment as suspension of life* and *punishment as death*) frame punishment as something other than life. They share the common premise that punishment is incompatible with life—an understanding based on high severity of punishment. The difference in the degree of incompatibility with life, as expressed by the two distinct narratives, depends on the salience of punishment.

Figure 2. Narratives of Penal Consciousness



Punishment as Part of Life

By far the most common narrative of penal consciousness that prisoners told was punishment as part of life; in fact, this narrative was expressed at some point during the

interview by most of my respondents. According to this narrative, time spent in prison—time characterized by and large by punishment²⁹ —is experienced as a continuation of the “real” lives they led on the outside prior to incarceration. Punishment is experienced as part of one’s real life when it is low in both severity and salience. Low severity facilitates a lack of differentiation between prison life and “real” life by reducing the qualitative differences between a life punished and a life unpunished. Low salience results in punishment that is not only less severe, but also less prominent. When punishment is low in salience, it recedes into the background of prisoners’ everyday lives as they go about living them. In this sense, punishment can still be a pervasive aspect of life in prison, but one that is simply not as prominent as other features of daily life. Rather than living lives defined by—and therefore bounded by—punishment, prisoners can lead lives in prison that resemble in many ways the lives they lived outside prison walls. Even though the features and constraints of their lives are undoubtedly different inside prison, their lives in confinement remain closely linked to their lives on the outside. Robert, a white man in his mid-sixties who has served fifteen years of a life sentence, summed it up quite simply: “Of course this is part of my life. Fifteen years of my life.”

The narrative of punishment as part of life took many forms during interviews. One of the primary ways in which punishment was discussed as being part of respondents’ real lives was through descriptions of prison—the site and form of their punishment—as home.³⁰ For some

²⁹ As noted in Chapter 2, prison was almost universally acknowledged among my sample as being nearly synonymous with punishment. Even though many prisoners experienced punishment that was low in both salience and severity, it was a common contention that each punishment that prisoners received was part and parcel of being in prison. This was the case whether the equation of prison with punishment was experienced in the form of symbolic punishments such as loss of freedom and family, or manifest as concrete deprivations and sanctions particular to a carceral environment. Thus, when prisoners described their lives (or lack thereof) in prison, they described lives of punishment.

³⁰ The term “home,” used frequently and effortlessly by many of my respondents, is not as simple as it may appear. As evidenced by a wealth of literature on the myriad meanings and implications of the word “home,” the term is actually quite fraught. In a recent analysis of the ambiguity surrounding the meaning of home and its implications for a legal definition of home, Fox (2002) notes that understandings of home can be divided into four categories:

prisoners, this was a function of the small measure of privacy and few amenities offered by relatively comfortable housing units. Hope, a white woman in her mid-thirties serving a three year sentence, said approvingly of her cottage: “It’s as close as you could come to being home without being home.” Others described prison as home simply because they would be spending a significant portion of their lives there. Aliyah, a young black woman sentenced to more than 50 years in prison at the age of 28, noted that “This is gonna be my home. Just let me try and be comfortable.” Denise, who has a sentence of more than 150 years, put it even more succinctly: “I live here. This is my life.”

For prisoners like Sarah, a middle-aged lifer who was described in the previous chapter as “Mrs. Mom,” making prison home is an adaptive strategy to manage her punishment rather than a state that came effortlessly. Sarah explained:

Women are nesters. We need to put down roots, and we need to try to establish some sense of home.... And, I hate to refer to this as home, but sometimes you have to realize that you have to become content with your environment or you’re never gonna make it, emotionally.

Sarah takes pride in how she keeps her home and comports herself with neighbors, describing prison life as “almost like having your own tiny little apartment.” Rockmond, a black man in his late thirties who has served five years, also spoke fondly of his relationship with his neighbors in prison. He described an almost idyllic scene that could just as easily portray a backyard barbeque as a prison: “I might sit there [outside the cell], and I might have a conversation with my next door neighbor.... Lately we’ve been having nice, long conversations.”

For others, however, “just like home” doesn’t mean welcoming neighbors to their front door. Christopher, a black man in his early twenties serving time for robbery, explained his

“home as a physical structure, home as territory, home as a means of identity and self-identity for its occupiers, and home as a social and cultural phenomenon” (p. 581). In the analyses presented here, respondents’ discussions of prison as home (or home-like) span all four of these categories.

feelings of territoriality over his cell: “[People need to] respect my household. This is my cell. This is where I’m gonna be livin’ for the next couple years. Don’t come by here, period. Don’t look in here. Don’t stop and ask me no questions.” Whether the result of physical characteristics of the prison, relationships with friends and neighbors, or even a sense of ownership over one’s personal space, many respondents described feeling surprisingly at home in prison and comfortable in their punishment.

Another way in which this narrative is evident is through the experience of punishment as one of many discrete phases in the lifecourse. Quite a few prisoners explicitly compared their incarceration to their experiences as children growing up in their parents’ household. More often than not, these experiences were described in terms of paternalistic supervision and control, or childlike anticipation of emancipation from such control. For instance, Demitria, a black woman in her forties serving a life sentence, compared incarceration to being grounded by her parents: “It’s like... when you got grounded and you went to your room. No TV, no telephone.” Instead of being deprived of comforts like television and phone calls, Demitria experiences her punishment as being “grounded from the freedom of life.” Rachel, a 30-year old white woman serving time for complicity in multiple violent felonies, echoed this exact sentiment, noting that “It’s kind of like being grounded, or somethin’ taken away from you that you really, really loved. You know, freedom.”

Walter, a white male in his mid fifties serving time for aggravated assault, explicitly addressed the parental role that prison staff play, contending that “at this point, [they’re] like your mother and father.” For Elizabeth, a young white woman who has served two years of a ten year sentence for assault, this means a helpful and supportive prison staff. She noted that, to most correctional officers, “We’re almost like their kids. They want to see us succeed. They

don't want to see us screw up. It does matter to them.” Alexander, who is halfway through a 20 year sentence for multiple counts of rape, casts this quasi-parental relationship in a more negative light. In his description of the minimal interaction he has with prison staff, he compares prisoners to children at the mercy of their parents: “You know, I keep a distance.... I don't meddle. It's like home. You're not to interrupt the mommy and daddy's conversation. No difference.”

Carrington, a young man who is nearly finished with a three and a half year sentence for weapons charges, likened his incarceration to childhood in a different way. He described how it felt to know that he will be getting released soon: “You're so anxious. Like, you know, bein' a little kid and Christmas like next week or somethin'. It's like you, you just can't wait 'til that day comes.” In the meantime, Carrington tries to make himself feel “at home as much as possible” by focusing on the little touches of the outside world that he can claim, including a TV, CD player, games, and phone conversations with his loved ones.

While some prisoners saw elements of their childhoods in prison, others likened incarceration to the college experience they never had. For these respondents, prison occupied a space in their lives that college might have otherwise filled. Dorm rooms were exchanged for prison cells, classmates took the form of fellow prisoners, and law books or Bibles replaced textbooks. Despite these differences, the overarching similarity of learning to adapt to a new, communal living situation was a powerful metaphor for some. It is important to note here that the equation of prison to college does not necessarily imply that incarceration was viewed by prisoners as a normative or necessary stage; it is simply one of the many possible stages that comprises a complete life history. Although a few prisoners implied that serving time was a

right of passage of sorts, this was not the general consensus.³¹ More frequently, they described prison as similar to college in terms of its physical layout, social milieu, and educational potential. Debbie, a white woman in her mid-thirties serving a four year sentence for burglary, specifically compared her housing unit to living in a college dorm, a home away from home of sorts:

It reminds me of like a college campus room. You know? I'm serious, we have our toilet, our sink, we turn a light switch on or off, we have a door that opens and shuts, there's a dog that lives in there. My bunkie has a TV, so I mean, it's pretty much, just like livin'. It's not bad. The dog bein' in there, I'd say, it's just like bein' at—not at home, 'cause I don't have anything like that—but it's kind of homey in its own way. I mean, just not *my* home.... Like goin' to college.

Rachel echoed this sentiment, expressing her surprise that prison was not at all what she expected. Instead of “fights and riots, and officers beating and raping the inmates... it's more or less like a college campus.” She went on to note that “A lot of times, I have to remind myself that I'm in prison, 'cause it just doesn't seem that way.”

Darnell, a 28-year-old black man who is halfway through a two year sentence for burglary, extended the college analogy to the social organization of prison. He compared transferring to a new housing unit to arriving at college and meeting new people. “It's like you goin' to school or somethin' and you meet the new kid. Like, when you come in, it's like you gotta feel 'em out at first. Like see what they're doin'. You know, when you first come in, guys be watchin' you, you know, see what you about.” Chuck, a white man in his mid-forties serving fourteen years for a sex offense, described prison as: “A big school, with fights, I guess.... Like a man school with fights.” Nicole, a white woman in her late twenties serving a three year

³¹ This finding complicates the picture painted by numerous studies of the function of incarceration as a rite of passage for certain demographic groups, primarily young, black males. These studies (e.g., Pettit & Western, 2004) largely base their findings on relative incarceration rates or other large-scale statistical evidence of the prevalence of incarceration—in combination with the decided lack of other, more normative rites of passage such as college, marriage, or full time employment—for these groups. Penal consciousness allows us to look beyond the sheer numbers for an indication of whether punishment actually is a rite of passage, interrogating what it is experienced to be rather than how it appears.

sentence, explained that even class dynamics play out in prison the same as in the outside world: “It's like school. Whoever has money has things here and... you obviously can tell who has money even though you're in prison. I mean we all wear this uniform but you can see it. You can see a different class of people and everybody, you know, kind of goes with their group.”

Josie, a woman in her mid-thirties serving a life sentence for murder, also drew parallels between prison and college, but for different reasons. She equated her punishment with a college education in terms of the learning potential that it held and the personal growth that will stem from it. She noted: “I look at this as kind of like college; it’s a learning experience.” In fact, prison as an opportunity for positive change was a common theme among many of my respondents, regardless of whether they cast prison as a form of higher education. For example, Courtney, who has been incarcerated for more than half her life, described the personal transformation she has undergone while in prison: “For the first 21 years of my life, I was what everybody else wanted me to be.... But today, I feel like I know who I am. Everything that I went through [in prison] has made me the person I am today.” When asked what positive effects prison has had on her life, Lynn, a young white woman who has served half of an eleven year sentence for assault, said that now: “I feel grown, you know what I mean? Before that I wasn’t grown... I was ghetto, I was unpolished, I was just immature and stupid.” Miles, a black man in his mid-forties serving ten years for a string of violent crimes, described how he has “learned a lot about myself... matured and grown” during his time in prison: “I thought I was grown, but I realized I really wasn’t.”

Jerry, a white man in his sixties serving a life sentence for aggravated murder, describes his philosophy on his punishment as a learning experience: “If you try to learn somethin’ new every day, then you benefit by the experience of life, regardless of where you live it.” Rashid,

who by the age of twenty nine has served thirteen years for manslaughter, came to a similar conclusion, albeit reluctantly:

I guess time heals everything. Just over a period of time, I just, I had to, I had to come to the reality, you know, this is where it's at. This is your life. And, I might as well make the best of it, because I have to be here not matter what. So, I might as well, you know, do things to better myself while I'm here, [rather] than just stay in a state of depression.... So, eventually, it just wore off and I said, "Look, whatever they gonna make me do, I'm gonna survive. When it's all said and done, I'm gonna be alive. And, I'll be out there again one day, so I might as well make the best of what's goin' on now."

Some respondents even remarked that their punishment actually saved their lives.

Calvin, a black man in his mid-thirties serving time for aggravated robbery, spoke at length about the transformative effect that his punishment has had for him. He explained: "I had to be sat down. I guess I had to be taught over again like an infant, 'No you don't stick your hands in there, you don't stick your hands in the light socket because something bad is gonna happen.' I don't know, I probably had to be set down because my drug addiction still was just off the meter." Elsie, a black woman who is serving a life sentence for an aggravated murder committed in self-defense, tries to remind herself that she had to "take a life to save a life"—her own. She tearfully noted, "I have to look at that big picture and not the Polaroid because I could have been dead. I feel blessed to be alive. I have children, I have grandchildren, I'm still alive. Okay, I'm in prison but I'm still alive."

Many prisoners reported not just feeling alive, but also feeling like part of a community while in prison. Nikki, a black woman in her late 30s who is serving a life sentence for arson and murder, noted that: "Even though I'm in prison, I make this just a community where I live." Travis, a white male serving six years for a DUI, explained that his prison community "[tries] to take care of one another, look out for one another as much as we can, because ain't nobody else gonna do it." A similar sentiment was expressed by Margaret, a white woman serving 15 years

for manslaughter. She is comforted by the fact that “Everybody knows everybody. It’s kind of like an old neighborhood watch. It’s like some invisible barrier, nobody goes into your rooms when you are not there. I think everybody pretty much looks out for each other.” Bobby, who is serving a lengthy sentence for rape, explained that his particular community is comprised of the other “faith-based” prisoners at his institution: “It’s community, it’s just like you’re in high school with your friends all the time and you’re all helping each other.” Adam, a man in his early twenties serving a short sentence for burglary, remarked with surprise that he has made close friends in prison: “Actual—you’d be surprised—actual friends, better friends than I ever had on the street.” Even prisoners who described a sense of distrust and dislike for many other prisoners employed the language of community. For instance, Jimmy, a 24-year-old prisoner who has nearly completed a short sentence for aggravated robbery, explained:

Jimmy: It’s like a small community inside of here. That’s all it is.

LS: Okay. But it’s a small community where you don’t like most of the members of the community, right?

Jimmy: Yeah. But, I guess it’s like outside. You probably don’t like, I don’t like most of the people outside. I have my friends, and they’re the people I hang out with. So, it’s kind of like a little version of the outside world. Only behind bars.

The establishment or discovery of communities inside prison does not preclude the maintenance of connections with communities outside of prison. In fact, some prisoners even found that incarceration helped them to forge stronger connections with their loved ones outside. For example, Nikki reported that since coming to prison: “I’m a lot closer with my family. I’m not as close as I want to be with my children, but I’m closer than I was even at home.” Christopher, a young black man who has been incarcerated since before his daughter was born, triumphantly recounted a story about getting to know his young daughter:

The first time I ever seen my daughter, and the only time I ever seen her face-to-face, she was four months old. And, I remember my sister bringin’ her off the

elevator, I'm sittin' there. Now, she just cryin', kickin', and screamin', she mad about somethin'.... But when my sister tried to sit her down, she locked eyes with me, and she just stopped cryin'. And, I'm lookin' at her, right now, I don't know how to feel about this. I'm like, "Damn, she just stopped cryin'." Now, it amazed me 'cause this is my first child. And, I'm already mad because I wasn't there to be able to see her when she was born. I'm lookin' at her like, "Damn, that's a part of me." Everything good and worth havin', I gave to my child. So, to see her face was like that's my child, like damn, and I had the sense where I was like I got to protect her, like not matter what, even if I'm here.... But, when she locked eyes with me, she stopped cryin' completely. She just started reachin' out for me, right? And, I'm like, I'm like, damn, that's like, she know who I am. Or, she feel the same, like some type of connection to me. She just kept reachin' for me, so I'm like put her on the phone. And, she just goo-gooin', and gaa-gaain'.... But, I'm talkin' to her, to let her know like I never was able to tell her, so I'm like, "I love you. I want you to know I'm your dad and I love you a lot. When I come home, I ain't never leavin' again." I just found out where she was after a year. She all the way in Atlanta. But, now, she be askin' my baby mother like, "Where my daddy?" Or, people like, "Who your daddy?" She be like, "[Christopher]." She know who I am.

Regardless of whether prison became home or simply made prisoners feel closer to home, many respondents described prison as part of life, for better or worse. Megan, who has been incarcerated since age 17 and will likely never lead a life outside prison walls, explained that punishment is part of her life simply because it has to be:

We're very, you know, focused on living a life.... 'Cause living, trying to live outside, and be here is, it'll kill you. I mean, it'll drive you nuts. You can't constantly make plans for what you're gonna do when you get out.... Especially the people doin' life, you have to kind of continue on here until, until you can go home. So, our interactions are, you know, fine. We talk about what's goin' on in the world. You know, we watch the news. We read magazines and talk about things that's goin' on.

Megan's situation is unique in quite a few ways. At age 27, she has spent the past ten years of her life in a locked facility. She moved directly from her parents' house to county jail, and then to prison, before even finishing high school. Facing a sentence of 30 years to life, with very little life experience on the outside, it is no wonder Megan feels a need to live her life while in prison, rather than letting it languish on the outside until she can retrieve it. This sentiment was not particular to Megan; Rachel, who is serving 20 years for attempted murder, summed it up simply

by saying: “We’ve all got to be here for a while. This is not a game to us.” Christopher, who is halfway through a six year sentence for robbery, minced no words when explaining that prison is part of his life: “It’s real, man. This, this shit is real.... It ain’t no different from the streets. It’s the same thing: crime, sex, money, everything. Everything.”

As evidenced by the quotes above, prisoners frequently experience their punishment as seamlessly fitting into the fabric of what they consider to be their “real” lives. When punishment is low in severity and salience, prisoners’ narratives emphasize continuity and consistency between a life punished and a life unpunished. Whether their punishment serves an educational or transformative function, is softened by the presence of a supportive community in prison, or just plain “feels like home,” prison was often discussed as part of the larger landscape of prisoners’ lives.

Punishment as a Separate Life

While many prisoners experienced punishment as part of the larger landscape of their lives, a much smaller subset of respondents reported a more complex relationship between punishment and life. These prisoners experience punishment as life, but a life that bears no relation to one they lived outside prison walls. Whereas the previous narrative (punishment as part of life) reflects a seamlessness between life in prison and life on the outside, punishment as a separate life is characterized by a clear and impermeable boundary between a life dictated by punishment and a life relatively free of punishment. The distinction between these two narratives comes down to what prisoners consider “real.” When punishment is experienced as a separate life, life outside prison walls is rendered far less real as a result of prisoners’ distance from it, while life inside prison becomes the only reality that prisoners know. The low severity and high salience of punishment that characterize this narrative bring punishment to the fore, but do so in a way that is nevertheless compatible with life. This combination of low severity and

high salience results in punishment that is experienced as a separate life from that which was lived outside prison walls—a life that is more real by virtue of its salience and proximity. Dave put it best, and most simply, when he said, “In here, *this* is life.”

For prisoners serving short sentences, this narrative often portrays punishment as a separate life that will exist only for a short time, and only within the confines of the prison. Peggy, a white woman in her mid-forties serving a four year sentence, explained the adaptive function that such an orientation might serve:

This is enough to kill ya. That's why you've got to remove yourself. If I sit and think about [being away from my family] all the time, I won't make it. I can't function, which is why I try to make it two different worlds. This is my life. This is where I live. These people that I'm around, the woman I'm with now [in prison], this is my life. She's my life. I have to do that. That's what we go through every day. This is where I live. This is what I have to do. I have a job here. I'm not going to make it if I sit around crying about my wife and my dog and my mom every day.

Peggy described her punishment as completely decoupled from her life outside prison, two separate entities existing in “two different worlds.” Because her life exists inside prison walls, Peggy tries her best to forget that anything else—the family and pets at home that constitute her life outside of prison—exists.

While Peggy explained the separation between life in prison and life on the outside as a choice that she makes to manage the psychological effects of her punishment, other prisoners described the disjuncture between prison and life outside as an inevitable result of prisoners and non-prisoners inhabiting two different worlds. For instance, Christopher described the tension that arises between himself and his people on the outside:

Outta sight, outta mind. Keepin' it real, I mean, it, it goes both ways—bein' locked up and bein' on the streets—'cause you got two different worlds where you feel as if they don't know what's goin' on in here, the things we go through.... So, you got two worlds battlin' against each other.

For Christopher, the life that he leads while in prison is not only separate from the lives that his friends and family lead on the outside, but actually exists in a separate world at odds with the outside world. When Christopher is released in a few years, he says will struggle to “keep it real” by being true to himself while he adapts to the different world on the streets—a world with which he was intimately acquainted before coming to prison, but from which he has now found himself estranged.

For prisoners serving longer sentences than Peggy and Christopher, the separate life that punishment represents is not merely a temporary reality. For long-timers and lifers, the new lives that they lead in prison can completely supplant their old lives outside of prison. A common way in which the formation of a new life is achieved is through the establishment of alternate families inside prison walls.³² The discussion of family inside prison bears some resemblance to the discussion of community found in the narrative of punishment as part of life, but differs in one key way: when respondents employed the language of family rather than community, they did so in ways that clearly delineated between their “prison families” and their “blood families,” frequently giving priority to the former. These prison families were described by respondents as providing social support, insulation from the loneliness that threatened to pervade their lives in prison, and even protection from other prisoners. For instance, Cherise, a woman in her mid-fifties serving a life sentence for murder, explained that the women she lives with are a family because “everybody watches out for everybody.” Travis, a middle-aged white male who has served more than 25 years of a life sentence for aggravated murder, enjoyed a similar sense of protection from his prison family. When asked what the other men in his

³² The commonality of establishing family units in prison has been well documented in the empirical literature, particularly among female prisoners (e.g., Giallombardo, 1966; Heffernan, 1972; Owen, 1988; Ward & Kassebaum, 1965).

housing unit are like, he explains: “We’re considered family. We try to take care of one another, look out for one another as much as we can because ain’t nobody else gonna do it.”

Courtney, who at age 41 has been incarcerated for more than half her life, spoke even more fondly of her prison family. She explained that her prison family became a surrogate when her family on the outside slipped away from her in the decades she has spent in prison. Shaking her head sadly, she noted that “I don’t really have any contact with any of my family [outside prison].” She cheered up noticeably, however, when telling me that she has formed a prison family to fill this void. She explained: “I have my biological mom [in here with me] and there’s a few young ladies that call me mom. I’ve never had children before, you know, because I’ve been here since I was 18. And, it’s kind of weird, but you know, I’ve taken them under my wing.” Even though Courtney has biological family serving time with her, this hasn’t preempted the establishment of new family ties—ties that extend a generation downward to continue a lineage of sorts, subsuming her biological family within the constellation of her newfound prison family. For Courtney, and many other women who will spend their childbearing years in prison, life in prison is certainly not the same as life on the outside would have been. Despite this, prison is the “real life” that these women have instead, rendering the alternate life far less real for its nonexistence. In this sense, punishment hasn’t precluded a “real life” for these women, but has instead prompted the creation of a new one.

Another key way in which prisoners discussed the establishment of a new, alternate life in prison was through the language of rebirth. Although similar to the discussion of personal transformation in the narrative of punishment as part of life, the discussion of punishment as rebirth emphasizes discontinuity between lives old and new, original and transformed.

Alexander, who is serving 20 years for rape, described his time in prison as being “born again”

in the eyes of god. He strives to live an honorable life in prison, as compared to the dishonorable life that he lived before, by lobbying for healthier food options for prisoners and providing counsel to other prisoners in need. Jenny, a white woman in her mid-thirties serving a life sentence for aggravated murder, also explained that she is trying to “redefine” herself in prison so she can lead a new, better life than the one that landed her in prison—a “very self-destructive road” that ended in the death of her husband. For Jenny, this new life is characterized not by “giving back” to the prison community as Alexander does, but rather by focusing her attention inward, on her fledgling sense of self.

While Alexander and Jenny’s narratives of personal transformation focused primarily on the new lives they are living in prison, other respondents’ recounted—in heartbreaking detail—their past lives. Nikki, who began a life sentence for aggravated arson and murder at the age of 30, contrasts her destructive lifestyle before prison with the person she has become in the ten years she has spent incarcerated:

I was running from a lot of things, not wanting to deal with a lot of things. I was a young parent. I was on drugs, not dealing with my issues... wanting to be accepted by my peers growing up in the projects, being in a gang, trying to be accepted, doing whatever they asked me to do, you know? And I think all the time, I was just running from, not dealing with life for real, not wanting to deal with actual life. [In prison] I really, kind of started life. And it's sad that I had to wind up here to do that, but it was either this or I was going to end up dead anyway out there, honestly.

For Nikki, punishment represents a new life because it literally saved her life. Instead of running away from her real life while she had the option of truly living it, now Nikki is trying her best to live a real life despite the constraints of her punishment. Reggie, a black man in his mid-forties serving five years for an assortment of charges, similarly described prison as “getting a new start at life.” Outside of prison, Reggie was “livin’ a fast life”—but after getting his “second chance at life” he plans to take “the slowest road possible—that’s the one I’m taking.”

Clarissa, a white woman in her late thirties who is serving a life sentence for aggravated murder, attributes her new life to finding religion while in prison. She described at length her wild life outside prison, and her subsequent rebirth in prison as a Christian. She began by commenting that she “had a very interesting life at home,” which turned out to be something of an understatement. She went on to describe a fast-paced, extravagant lifestyle that she lived with her “drug kingpin” boyfriend at the time:

It was really crazy.... I was with him for three years, so it, everything just totally consumed me. It was just so much, so fast and, you know, we had five vehicles, two houses, a mobile home. We had the best of everything. I had a live-in nanny. She actually had her own house and my kids stayed with her the majority of the time. Mmm, it was just crazy. It was just a wild, wild life.... It was kind of like a movie. Definitely, it would make for a good movie.

After excitedly recounting the adventures of her “wild life,” Clarissa’s tone sobered as she told me: “It’s sad to admit, but I was totally consumed by everything—by the money. I mean, coming from nothing and then when you're thrown into something like that, it's really intoxicating. It really sucks you in.” The denouement to Clarissa’s story brought her redemption and a measure of peace. In the eleven years that she has been incarcerated, “Some things have happened.... I've, I've touched a lot of lives since I've been here. Not that I'm this big Christian or anything, but... I started talking different and acting different. This is the person I am supposed to be.”

Whether punishment was experienced as a chance to begin anew as a different person, or simply a temporary new reality distant from life on the outside, the boundaries erected within this narrative were strong and well-defined. Life inside prison is experienced as distinct from, and distinctly more real than, life outside prison. Despite these common elements, there is considerable diversity in the ways in which prisoners spoke of punishment as a separate life. In fact, they did so in ways that revealed the myriad configurations that life can take, regardless of

where it takes place. The separate lives that respondents led inside prison were experienced as peaceful (Clarissa), tumultuous (Christopher), mundane (Peggy), supportive (Cherise), or focused (Jenny)—just as they could have been outside prison walls.

Punishment as Suspension of Life

In contrast to the many prisoners who experienced punishment as life—be it part of their real lives or a separate life altogether—a handful of respondents spoke about punishment as having no place in the “real” landscape of their lives. In this narrative, prison is portrayed as an interruption or suspension of prisoners’ lives, rather than a space where life can be lived. Punishment is experienced as a suspension of life when it is low in salience, but high in severity. Low salience of punishment privileges the reality outside prison walls over punishment inside, which results in punishment that seems less real than life outside prison. High severity of punishment precludes prisoners from seeing punishment as compatible with life at all. Instead, incarceration is discussed a suspended state of being, or in the most extreme cases, as a cessation of existence altogether. While in prison, life is seen as coming to a standstill, as though incarceration is less real than the rest of life, and in fact quite divorced from the reality of life altogether. For the duration of prisoners’ sentences, “real” life continues on the outside without them, with their real lives slated to resume once their punishment ends. As Reggie, a middle aged black man serving three years for a parole violation, put it: “Society just pass you on by” while you’re in prison because “This ain’t no life in here. Life stops when you come in here.”

Some respondents pointed to the differences between “short timers” and “long timers” in the extent to which they thought prison was experienced as real life. For instance, Jamal, a young black man who is serving four years for burglary, contrasted his experience with that of lifers who are forced to make their lives in prison, rather than holding their lives in abeyance while they do their time: “It’s only temporary for me, but I feel like [for] the lifers... this is they

home. This is some people home. It's only temporary for me.” The temporariness that Jamal described erects a boundary between punishment in prison and the real life that he left on the outside, neatly separating what is real (life outside) from what is not (his temporary punishment). Matt, a young white man who is nearly finished with a three year sentence, expressed a similar sentiment: “When I go home, you know, reality will start coming back to me.” Elsewhere in his interview, Matt described how different it would be if he were serving a longer sentence, echoing Jamal's contention that lifers and long-timers have nowhere but the prison to call home. According to Matt, there is no place for reality in prison, primarily because he will be there such a short time.

Contrary to Jamal and Matt's contentions, however, the sense of separation between punishment and real life was not limited to prisoners serving short sentences.³³ As Nia, a black woman serving a life sentence for murder, put it: “This is not my house, this is not my world.” Eugene, a white man who is within the last five years of a 25-year sentence for manslaughter, sees a similar dichotomy between prison and a sense of home. Despite having a much longer sentence than Jamal and Matt, Eugene insisted that “You do not call this place home. If you die here, you die here. You do not call it home.... Never. Even if you're doing life, you never call it home.” Eugene's experience of punishment as a suspension of life—as time away from home—makes him all the more aware that “when you get locked up, you realize [life's] goin' past ya.”

While prisoners like Jamal, Matt, Nia and Eugene experienced punishment as less real than life outside because prison is not—and will never be—their home, others' sense of unreality struck the very core of who they are. For instance, Dave, a black man who has served fifteen

³³ In fact, there is no straightforward, linear relationship between sentence length and any of the four narratives of penal consciousness. Despite this, is undeniable that sentence length has some effect on the various forms that penal consciousness takes. These relationships are discussed throughout this chapter with regard to each narrative.

years of a life sentence for murder, eloquently described his sense that not only is prison less real than life on the outside, but that he himself is less real while incarcerated:

You know, you're not a man for real because you're in these places, and you're just functioning—but you can't raise a family, you can't be a, you can't contribute to society or community. You know, you don't build anything. You just kind of exist for right now.

For Dave, being “a man for real” is contingent upon being a productive, contributing member of society—something that he will likely never do again. Michael, a black man in his mid-thirties serving a ten year sentence, recounts a similar feeling of mere existence. Displaying a rare crack in his tough exterior, Michael confessed that sometimes all he needs is a hug “just to let me know I still exist.” Unfortunately, the hugs that Michael craves are from family, who are busy living their lives on the outside. Of other prisoners, in contrast, Michael says: “I don't know none of these people. You know what I'm sayin'? I mean, I get to know them in the course of, you know, but *know* 'em? Can relate to 'em? And, and they understand you and know who you is?” For Michael, the possibility of anyone knowing who he really is ended when his mother—“all I had that was real”—passed away while he was in prison.

For other prisoners, however, reality is still attainable upon release. Matt, who looks forward to reconnecting with reality when his three year sentence ends, expressed frustration that reality somehow seems to get further away as he does his time. He explained: “Because reality, you still got reality out there and you still look forward to getting on the streets but you start to think about the streets less and less as you're in here.” This disjuncture became immediately apparent when my interview with Matt unexpectedly put prison and reality in close proximity. After Matt had described at length the numerous ways in which he felt disconnected from reality, I asked whether it was strange for him to sit and talk to me, an outsider. He admitted that “It was at first. You probably noticed it was kind of awkward because I ain't really talked to nobody in

so long.” For Matt, yet another way in which prison was unreal was that it lacked one of the most basic elements of reality: social interaction.

For Aliyah, who will be spending the rest of her life in prison, even as mundane an activity as watching television reminds her that she doesn’t really exist in the same sense as people on the outside. She noted that prisoners “have to live vicariously through everything” that they see on television because they are unable to live their own lives. Debbie, also a lifer, described a similar feeling, contrasting the “real world” where people can make their own decisions with the punishment that she experiences inside prison: “It’s different when you’re outside in the real world. Be able to turn on your radio, listen, sit, take a shower, turn it on so it’s hot, and just, just little things, I mean, that you take for granted so much.” Hope, who is halfway through a two year sentence, finds this lack of control similarly frustrating because “it means that I don’t have control over anything that’s going on out there in real life where I’m going to get back to one day.” For Debbie and Hope, leaving their real lives on the outside when they entered the prison gates meant forfeiting any control that they had. This lack of control—which is also a powerful form of punishment—helps to unmoor respondents from their lives by severing the ties of personal choice and agency.

Compounding the sense of a dichotomy between punishment and reality, many respondents describe a distorted sense of temporality induced by punishment. While in prison, respondents characterized themselves as “stagnant,” “stuck,” and “on hold,” while life on the outside passed by “in a blur.” Declan, a young man halfway through an eight year sentence for burglary, described the atemporality of punishment as being in “purgatory, stuck in a non-moving state, basically.” Rockmond, who has served five years of a 17 year sentence for rape, demonstrated the atemporality of punishment more implicitly. Throughout his interview,

Rockmond’s descriptions of life before prison were teeming with detailed descriptions of time, recalling exact durations and dates in a way that seemed to defy memory. This detailed chronology of his life on the outside stood in stark contrast to his description of life inside prison, which was characterized by minimal detail and devoid of dates and times entirely—a snapshot versus a chronology. Elizabeth also made veiled reference to the atemporality of her punishment. She likened her punishment to “sitting on time”—an interesting turn of phrase that on the face of things describes her nine year sentence, but also conveys her sense of punishment’s triumph over time inside prison walls. For Elizabeth, time is something that is vanquished by punishment, rendered static by the fact that she is in prison. Matt summed up the relationship between punishment and time even more simply when he noted: “Time is just different in here that it is out on the streets.”

Jerry, a lifer who has been incarcerated for 26 years, struggled to convey his thoughts on the metaphysics of time suspended: “So, what happens is, I know what punishment is, you know, I figured it out. Most guys haven’t. So, the problem that this place creates is the fact that they have no concept of time, see.” Jerry went on to explain that his strategy for managing punishment is to struggle to “reclaim time” because “life is made up of time and how you spend it”—an uphill battle made difficult by the fact that he has been in prison so long, and will likely remain there for much longer. Steven, also a lifer, expressed a variation on this sentiment. Steven described existence in prison as “stagnant” for long-timers who saw their real lives as just “one big blur” passing by. Despite the very real possibility that he would never be released, Steven saw his life languishing without him in the outside world, knowing full well that it might never be retrieved. While his life was held in suspension, Steven acknowledged that the lives of his loved ones continued on in real time. He notes that “The hardest thing is just... it really takes

a toll on your family.” He continued, “It really, it doesn’t really affect us, but when we see our families... that’s when it really hits us.”

This sense of life passing by is made particularly acute by the death of loved ones on the outside. Debbie described her feelings of hopelessness as:

Yeah, you know, bein’ away from everything, everything! Not just my family – just everything in general. Bein’ in prison.... I mean, it’s different when you’re outside in the real world.... Life in general, it makes me see that time goes by real quick. I won’t, I’m losin’ a lot.... with my, my dad died, and when I get out, so I get real nervous about my mom—somethin’ happenin’ with her, while I’m in here, I wouldn’t know what to do. Life’s passin’ by.

Mitchell echoed Debbie’s sentiments, going one step further to say that the suspension of life that he experiences actually constitutes his punishment: “The whole punishment is not only bein’ here, but... it’s just life passin’ you by. You know... what am I missin’ out there in the world?” He went on to explain that his punishment is “Being away from society, period.... After a while, you know, you kind of see things on TV like iPods, and you know, just technology. And it’s passin’ you by. That’s what’s hard.... Then, when you get out after doin’ 25 years, I mean, it’s lost.” In contrast, Latasha, a black woman in her mid-thirties serving a lengthy sentence for murder, has a sense of exactly what she is missing out in the world. For her, being “stuck in a time warp” is rendered visible not by the painful passing of family members, but by the realization that there are simple, everyday tasks that she never learned to do in prison—tasks that she will have to contend with when she is finally released.

I’ll feel like, like I’m gonna be lost when I leave here, because hmm, maybe about four years ago, when DVD players were, we got DVD players here, and I wanted to watch a movie and nobody was down there, and I didn’t know how to work the DVD player. And, I was like, “This is gonna be the rest of my life.” Things I can’t do, because I didn’t know, I don’t know how. I don’t have any computer skills. So I basically started to cry. You know, it’s hard because we’re so behind the times here, it’s like you’re stuck in a time warp.

For Elizabeth, who has seven years of a nine year sentence left to serve, her punishment is so distant from reality that it is difficult to even fathom returning to it. Instead of planning for the day that she can resume her real life, she fantasizes about it the way children fantasize about their future: “Going home, it's like your dream. You grow up always having a dream of what you want to be, where you want to go, and that's what I do right now—I dream of... [getting to] be home and put on sweatpants that are mine and be able to walk around all day in my sweats and t-shirt and I can tuck it in or put on Bob Barker.” Punishment seems so far removed from Elizabeth’s life that she almost—but not quite—doubts the reality that she will live life again one day.

Punishment as Death

While punishment can sometimes result in a life suspended, there are times when prisoners did not see incarceration as related to life at all—quite the opposite, in fact. The narrative of penal consciousness expressed by these men and women, punishment as death, is similar to punishment as a suspension of life with one notable exception: the severing of a person from her life is viewed as permanent rather than temporary, rendering the fact that the outside world is passing by of no consequence. When punishment is experienced as high in severity, prisoners feel the full weight of punishment constraining and constricting their lives—virtually squeezing the life out of them. When punishment is high in salience, prisoners find this vice grip to be an unbearably prominent part of their every waking hour. From this perspective, punishment defines prisoners’ lives to the point that it virtually supplants them, becoming what William, who is serving a sentence of up to 75 years, described as “another form of death.” For William and quite a few others, punishment crowds out the space for life, extinguishing it rather than characterizing it. Mitchell summed up his sense of punishment as death with a question that

was half rhetorical and half genuinely inquisitive, as though seeking an answer to the unanswerable: “How can a person live like this?”

There were multiple ways in which prisoners equated punishment with death during interviews. For some, punishment took the form of a single, quick (though by no means painless) death that occurred at the onset of punishment. Courtney, who was quoted earlier as undergoing a personal transformation in the two decades she has spent in prison, recalled what it felt like at the moment that she received her life sentence: “My life, as I knew it, was over.” At the time, Courtney experienced the end of her life feeling very much like death; it was not until much later in her sentence that she found herself experiencing a shift in penal consciousness and reconnecting with life.

Barbara, a fifty year old white woman who is also serving a life sentence for murder, described a similar feeling when she arrived at prison ten years ago—a feeling that did not abate over time as Courtney’s did. Barbara explained feeling that: “I had lost my life. It's like you're driving into a giant coffin, and you can't get out. And you're just [in] a nightmare where you scream, but no one can hear you. That's exactly how it felt.” The nightmarish scenario that Barbara described is more than some respondents could bear. Gina, a woman a few years younger than Barbara who is also serving a life sentence, explained that the two murders that she committed made her wonder whether life was really worth living at all. When she arrived at prison, she knew that “my life was going to be over.” She explained, “I was just so tired. After it happened, I just didn’t care. I surrendered to it all.”

In a slight variation on punishment as a single, swift death, other prisoners experienced it as an ongoing death that began at the time of admission to prison and continued for the duration of their punishment. Alma, a thirty year old black woman who has served three years of a life

sentence for murder, characterized her punishment as a constant struggle with death. She explained that being in prison is having “your life on the line.” When she arrived at prison facing a life sentence, she knew that she had to “step up to the plate and fight for [her] life.” She went on to describe every day in prison as “like a battle” with death—a battle that she fights valiantly, but finds herself losing nonetheless. Barbara’s narrative of punishment as death also employed a reference to a game of sorts. After recounting how she killed a stranger in what she thought was self-defense, she said with a rueful laugh, “I’m here for murder.... Sometimes I wonder who won, him or me?”

Megan, quoted earlier as being “very focused on living a life” inside prison, occasionally found herself beset by the permanence of her punishment. When this permanence is at its most chilling for Megan, she fears that her adult life will both begin and end in prison. She tearfully expressed this as not “belong[ing] in the world anymore”:

The biggest punishment I have is, basically, being here for life... [it] means that I don’t belong in the world anymore. You know, I don’t have a place anymore. It doesn’t matter, we’ve just kind of been thrown away. And, that’s hard. You know, bein’ a kid, when you come here, I mean, how do you, how do you come back from that? You know? That’s punishment.

Megan went on to discuss her sorrow at the thought that all of the things are part of life—including a career and a family—were taken from her before she ever got the chance to have them. On her best days, Megan is able to “focus on living a life”; on her worst days, she feels that punishment has rendered life impossible.

For Gabriel, a black man in his mid-forties serving a life sentence for murder, not having a place in the world is experienced in a much more specific sense than it was for Megan. Gabriel focuses his attention on the place that he previously held in the world, that he has lost since coming to prison. Gabriel explains that the most heartbreaking thing about being in prison is that he doesn’t even have a place at the family dinner table anymore:

Sometimes, I feel like I'm just wastin' away. Bein' away from my family. I realize, I mean, I'm like how much do I really got, you know what I mean, to be able to get out there and actually just sit at a dinner table with my family. That bothers me, you know? 'Cause, I felt a lot of death, you know, with my family. And, at the same time, I understand that I took somebody else's life, also, you know, and they probably like, "Well, you took my dad away from me," and things like that, and I understand that.

Gabriel is not alone in his experience of the separation from his loved ones as death. Lynn, who has been incarcerated for four years, described her ever-waning contact with her friends and family on the outside as being "left for dead." For many prisoners, contact with loved ones outside of prison is a powerful sustaining force while incarcerated; for Lynn and Gabriel, however, being slowly forsaken by family and friends over time is tantamount to an ongoing death.

The final way in which respondents described punishment as an ongoing death was in a literal, physical sense. Nia, who is serving a life sentence for murder, described the treatment of prisoners—including but not limited to what she considered to be grossly inadequate medical care—as "torture.... dying a slow, painful, horrible death." She pointed out that the prison system is literally taking lives, and that, as she sees it, there is no difference between a life sentence and a death sentence. Chuck, a seemingly healthy man in his mid-fifties, also described what he perceives to be an agonizingly slow death in prison as a result of his many health problems that are exacerbated by poor medical care. Nia and Chuck are not exceptional in their characterization of prison medical treatment as woefully inadequate. In fact, many prisoners reported poor medical care as a key component of their punishment. It was rare, however, for medical concerns to be experienced as so punitive that they actively extinguished life.

For a handful of prisoners, punishment was described not in the form of a single death, but rather was evident in the "thousand little deaths" that occur in prison quite regularly. Dale, who is serving a life sentence for aggravated murder, recounted the many deaths he experiences

on a daily basis as seemingly trivial things that take on increased importance to someone in prison:

Those are the, the things—the ignorance that you end up havin’ to deal with. You know? It’s the guy in the checkout line, you know, the express lane, that’s got 20 items, you know? It’s those little, it’s the little deaths, the little things that, they can be little deaths if you hold onto ‘em, you know?

For Dale, the punishments of “ignorance” and “pettiness” are the worst part of being in prison.

Using imagery that clearly applies only to the outside world—grocery store check out lines—he sought to explain as best he could the vexing minutia that he endures by virtue of the fact that he is stuck in prison. He went on to explain that these things take on increased importance “Because I can’t get away. Because, the same, the same ignorance is going to be there tomorrow. That same, specific ignorance. You know, whereas, if I’m in a checkout line at Krogers, I may never see that person ever again. They’re not always doing it to me.” Dale went on to explain that—for these reasons and many others—his life sentence might as well have been a death sentence: “If you’re gonna give a person a life sentence, with no hope of going home, you might as well do what you’re doing anyway, and that’s kill him.”

Still another subset of prisoners likened punishment to death, but in a far less literal way. While some respondents wove narratives that explicitly outlined the ways that prison was like death, other prisoners recounted punishment so severe and so salient that it may as well have been death. Bobby, who will serve up to 25 years in prison, explained that: “The first couple of years, I wanted to die. I really was wishing I was dead.” A surprising number of prisoners went even further, expressing a desire for a “quick and easy” death by execution, rather than the drawn-out death that they experience in prison. Stacy, who is serving a determinate sentence of 24 years, asked rhetorically, but forcefully, “Where’s the firing squad line? I would knock people out of the way to be the first one on that line. Shoot me. Just shoot me.” She continued,

“I’d even assign the cash that’d pay for the bullet. It’s that bad. The death penalty, you know these people that are fighting to stay alive, I’ll take their spot, you know. You don’t even have to strap me down. I’ll climb up there and I’ll put the [needle] in for you and everything. Let’s do this.” For Bobby and Stacy, punishment was so similar to death that it might as well be “made official.”

Discussion and Conclusion

The narratives of penal consciousness described above portray the different ways that prisoners situate punishment in the larger landscape of their lives. These narratives are the manifestation of individual combinations of salience and severity, the two dimensions of punishment detailed in Chapter 2. Each narrative is a story that prisoners tell about the extent and place of punishment in their lives. While many prisoners expressed multiple narratives throughout their interviews—as evidenced by the frequently recurring names in the findings above—these narratives remain conceptually distinct, and distinctly tied to particular combinations of salience and severity.

Most prisoners, at some point in their interviews, expressed a narrative in which the punishment they experienced in prison was viewed as compatible with life. These narratives (*punishment as part of life* and *punishment as a separate life*) are both associated with punishment that is low in severity. They differ according to how “real” prisoners consider their punishment to be—a quality determined by the salience of punishment. In the narrative of punishment as part of life, prisoners portray their “real” life as one that transcends the concrete boundaries of the prison and the symbolic boundaries of their punishment. Punishment is understood as being nestled amongst a lifetime of experiences, of being one of many chapters in their lives. The narrative of punishment as a separate life is one in which prisoners experience punishment that is quite salient, and thus considered vividly real. When punishment is

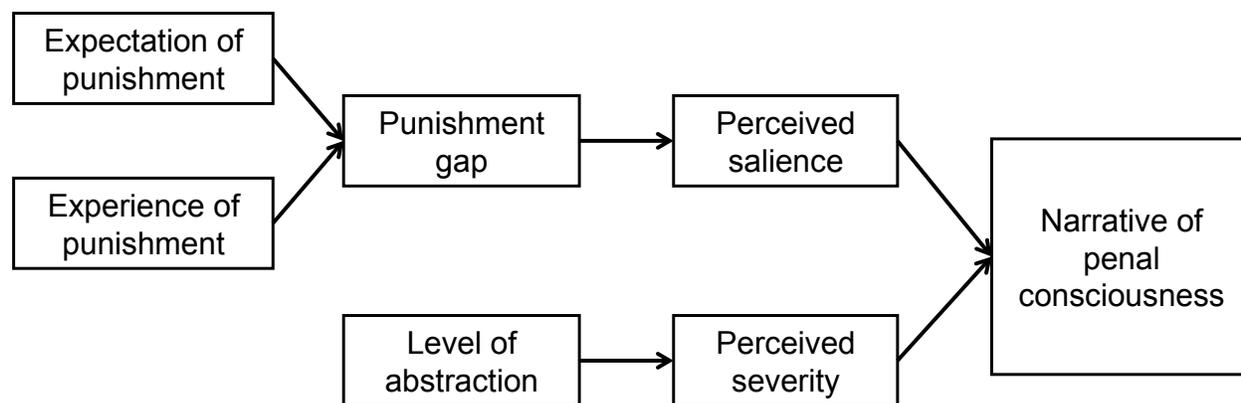
experienced as far more real than life outside prison walls, a boundary is erected between prisoners' "real" lives in prison and the lives they left behind on the outside. Punishment is not a chapter in a complete life story, but rather part of a separate book altogether.

The two remaining narratives (*punishment as suspension of life* and *punishment as death*) were expressed when prisoners experienced their punishment to be high in severity. This high severity renders punishment incompatible with life in one of two ways: through the suspension of life, or the extinguishment of life. When prisoners expressed the narrative of punishment as suspension of life, they described punishment that is low in salience, despite being high in severity. This narrative is characterized by punishment as harsh, but seemingly less real than life outside prison walls. When prisoners discuss punishment as a suspension of life, punishment is experienced as a strangely atemporal state that is largely removed from the world passing by outside prison. Prisoners who expressed the narrative of punishment as death, in contrast, experienced punishment as both very severe and highly salient. This combination results in an experience of punishment that bears no relation to life in any way, instead resembling death.

Taken together, these four narratives of penal consciousness capture fundamental variation in the ways in which prisoners make meaning of their punishment. These narratives emerge from a nuanced understanding of the contours of punishment, extending and completing the theoretical framework of penal consciousness whose beginnings were constructed in Chapter 2. In its entirety, the penal consciousness framework allows us to map variation in the lived experience of punishment (see Figure 3). Through an analysis of the content of punishment, the level of abstraction at which it is experienced, and the punishment gap, we can discern variation in the subjective experience of punishment. By examining the salience and severity of

punishment, we can more fully understand the harshness of these experiences of punishment. And by determining the narratives of penal consciousness that arise from combinations of these two dimensions, we can begin to see where and how punishment fits into the lives of those who experience it.

Figure 3. Overview of the Penal Consciousness Theoretical Framework



This last goal is akin to Ewick and Silbey’s aim to employ the legal consciousness framework in order to “locate the place of law in American culture” (1998, p. xii)—a culture in which law is rendered invisible by virtue of its acceptance as “a natural and inevitable part of social life” (p. 15). By examining legality as an embedded and emergent feature of social life, Ewick and Silbey were able to discern the ways in which ordinary people positioned themselves with regard to the law in everyday life. Despite our common goal of “identifying the processes from which [legality or penalty] emerges” (Ewick & Silbey, 1998, p. 30), my dissertation diverges slightly in the exact relationship that it seeks to examine. Specifically, while the legal consciousness framework situates *individuals* in relation to the *law* (i.e., before, with, or against the law), the penal consciousness framework situates *punishment* in relation to *life*.

Because prison is not just an ordinary setting, and because prisoners are not just ordinary people, the goal of my research could not simply be to locate the place of punishment in American—or even prison—culture. As Calavita and Jenness (forthcoming) point out, prison is an “*uncommon place of law*” (p. 3), a place where law is “emblazoned across the landscape” (p. 33). In a carceral setting, law does not recede into the background, but rather “governs every aspect of [prisoners’] behavior” (Calavita & Jenness, forthcoming, p. 33) in an unrestrained and unconcealed manner. As punishment is one of our prison system’s very reasons for existence—and a major operating force behind the rules and regulations that govern prison life—it follows that prison would be an uncommon place of punishment as well. Punishment is evident in every action, omission, condition, and loss engendered by a life of confinement. It is essential to the landscape of prison and unabashed in its ubiquity. Dave put it quite eloquently when he explained that “Punishment is like air. We breathe it and it sustains us.” By virtue of being locked inside a total institution, prisoners lead lives constrained by punishment in ways that are simply unfathomable outside prison walls. They breathe punishment while we breathe air. Further, as demonstrated above, punishment has the capacity to reconfigure prisoners’ lives in ways that are remarkably diverse. Thus, rather than aiming to locate the place of punishment in prison culture, my goal became locating the place of punishment in prisoners’ lives—however and wherever they saw these lives unfolding. To have explored penal consciousness otherwise would have been to ignore the complicated relationship between punishment and life; it would have been to take for granted a simple relationship between the two that belies the true complexity of the nature of what we refer to as “life” in prison.

Chapter 4. Situating Penal Consciousness

The theoretical framework for penal consciousness that I laid out in the previous two chapters has been abstracted from a rich body of data on punishment, but divorced from much of the empirical variation that characterizes social settings and actors. Dimensions of punishment were presented as contingent upon experiences and expectations that follow the same general rules and result in similar patterns regardless of who is experiencing them or where they are being experienced. Narratives of punishment were described as the confluence of these dimensions of punishment, regardless of the contexts from which these narratives emerged. The resulting theoretical framework was abstracted from 80 prisoners' accounts of punishment that wove together numerous narratives of punishment as life, death, or something in between. While certain key factors were taken into account in the inductive construction of this theory (e.g., material conditions of confinement, objective elements of punishment, subjective experiences and expectations of punishment, and length of imprisonment), many other factors were relegated to the background, considered to be less essential to the general processes at work in the formation of penal consciousness.

In one sense, the theoretical framework of penal consciousness is deeply rooted in empirical data; it emerged out of the data through a careful analysis of the words and experiences of study participants. In this sense, it is grounded theory through and through. In another sense, however, the theory as presented thus far has only tenuous links to the wealth of empirical variation present in the data. To ground penal consciousness even more firmly in the lived experience of punishment requires that I move beyond abstracted processes toward an analysis of the ways in which penal consciousness is structured by variation in terms of both person and

setting. In this chapter, I do so by examining variations in penal consciousness according to two major axes of differentiation: correctional supervision style and gender.³⁴

Findings

Comparison of Penal Consciousness by Supervision Style

As noted in Chapter 1, there exists a tension in the literature on prisons and punishment that can best be characterized as a problem of scale. While some scholars assert that the coercive and constraining macrostructure of carceral environments overwhelms any differences between micro-level institutional environments, others maintain that variation at the institutional level can, and does, exert a powerful proximate influence on the experience of life in a total institution. The findings that I present here support a common ground between these two divergent viewpoints—a position of compromise increasingly being reached by scholars in the field (e.g., Kruttschnitt & Gartner, 2005).

In my analysis of prisoners' penal consciousness in both direct supervision (DS) and indirect supervision (IS) settings, both similarities and differences emerged. The crucial, overarching similarity across supervision styles is in the underlying processes according to which the theoretical framework of penal consciousness operates. Regardless of the supervision style that characterizes a given prison environment, salience and severity of punishment emerge as determinant of the four narratives of penal consciousness. Dissimilarity is evident, however, in the characteristics that inform each of these dimensions of punishment and the resulting narratives of penal consciousness. More specifically, the trappings of direct supervision associated with a more “normalized”³⁵ living environment—the very features that are

³⁴ These axes of differentiation correspond to the two sampling dimensions outlined in Chapter 1—dimensions that structure the four sub-samples into which participants are categorized. These sub-samples are: female direct supervision, female indirect supervision, male direct supervision, and male indirect supervision.

³⁵ Proponents of direct supervision use the term “normalized” to refer to the non-institutional quality of the DS environment. The connotations that this phrase carries with it are of similarity to the “normal” outside world.

conspicuously absent from indirect supervision settings—are influential with regard to expectations of punishment, and therefore experiences of salience and severity. These same features are closely linked to prisoners’ experiences of punishment as “real” and compatible with life, and thus guide the particular narratives of penal consciousness that they tell.

Summary of Differences in Supervision Styles

Direct supervision, in theory, is characterized by two main innovations in inmate management. The first of these innovations involves the physical environment. In DS housing units, the living environment is designed to be “normalized” in comparison to a traditional prison setting. This normalization is achieved through the use of podular housing units with cells arranged around a common dayroom, commercial grade fixtures inside cells and common areas, and amenities such as televisions, games, kitchen appliances, and do-it-yourself laundry. Lynn, a young woman living in a DS housing unit, described it as “not like a jail or prison feeling”—not institutional—because there are “No cement, no bars. We actually have wood doors, dry walls and tiled floors.” In addition to these physical characteristics, direct supervision entails a unique social environment. According to the principles of direct supervision, officers practice the correctional equivalent of community policing; they continually move throughout the housing unit, interacting with inmates, and discouraging conflict on the ground before it has a chance to escalate. These two elements—physical and interactional setting—are integral components of direct supervision.

As noted in Chapter 1, the extent to which the principles of direct supervision are put into practice must be addressed. Although the physical characteristics of the DS housing units in my sample are close approximations of the model DS architecture and amenities, there is a disconnect with regard to interactional style. In the paragraphs that follow, I describe each prison with regard to its fidelity to traditional DS and IS supervision styles.

OWP is the site that contains both DS and IS housing units for women. OWP was first built in the early 1900s as a multi-building campus with separate “cottages” where women were housed. Over the course of the last century, buildings have been added to the facility in a patchwork fashion. As a result, some cottages are fairly new and modern, while others are older and falling into disrepair. The two OWP DS housing units are of newer construction that conforms to the podular design of direct supervision quite closely. Each cell has a wooden door and a porcelain sink and toilet. Cells are arranged around a common dayroom outfitted with tables, chairs, appliances, and recreation materials. Officers are stationed on a raised platform in the middle of the dayroom, with direct lines of sight into the cells and all common areas. Despite a layout conducive to DS, however, it became clear during interviews that officers frequently remain tethered to the officer station except when conducting routine counts or engaged with prisoners for a specific reason. In sum, the DS ideal of continual, face-to-face interaction between prisoners and officers is not achieved in these housing units, despite a physical plant that conforms quite closely to the DS podular design.

In contrast, the IS housing units at OWP are slightly dissimilar from the IS ideal in terms of physical layout, but not interaction style. Both of the IS housing units I selected for this study are in older cottages, designed and built at a time when women’s prisons bore little resemblance to men’s prisons. Each IS housing unit is comprised of cells that run along each side of a narrow corridor, much like an apartment building or college dormitory.³⁶ Each cell has a wooden door with a square “window” cut into it for visibility from the outside. In one IS housing unit, the officer is stationed in an office at the end of the hall, adjacent to but separate from a common area or dayroom. In the second IS housing unit, both the dayroom and officer station are on a

³⁶ Numerous respondents housed in these units referred to them as “cheap, ugly apartments” or “housing project living.”

separate floor from the cells. In this unit, the officer station is adjacent to the common area, but has no direct line of sight into it. In both housing units, officers have only minimal visibility into the cells when in the hallway, and no visibility at all from their office. Although clearly different in layout from the tiered, linear cell blocks that often characterize indirect supervision, the OWP IS housing units are built in such a way that discourages face-to-face interaction between officers and prisoners, have a more institutional atmosphere, and provide fewer amenities than DS housing units.

WCI is the institution that contains all of the DS housing units for male prisoners. Built far more recently than OWP, each of the eight qualified housing units for this study is an identical, prototypical DS pod. Each pod is a freestanding building, arranged around a common yard. The pods are triangular in shape, with two tiers of cells along each of two walls. The third wall is comprised of an open officer station and enclosed rooms with designated purposes (a phone room, two television rooms, and a laundry room). The triangular area in the middle of the pod is used as a dayroom, containing pool and ping pong tables, multi-purpose wooden tables and chairs for games and activities, and various appliances and amenities. Furnishings and fixtures are commercial grade, although the physical plant itself has an institutional feel. Similar to the interactional style in the OWP DS housing units, it appears that the DS-style layout of the housing units at WCI does not translate into true direct supervision inmate management. Officers remain at their station for much of their shift, leaving it occasionally for regular counts or to interact with prisoners for a specific purpose. Although the officer stations are open and fairly centrally located, they still remain separate from designated prisoner spaces.

NCI is a single-building facility that contains all of the IS housing units for male prisoners. Built in the mid-1900s, the majority of the housing units at NCI are the typical linear,

tiered cellblocks of traditional indirect supervision. The building is designed as a long, wide hallway with cell blocks extending off to each side, perpendicular to the main hallway. In each cell block, the officer's station is directly inside the entrance to the unit, set off to the side. Cells are arranged along each side of a long, narrow block. Metal tables and chairs are bolted into the floor of the common corridor down the middle of the cell block. The housing units at NCI come very close to the IS ideal in terms of both physical layout and interaction style. Officers remain at their stations while in the cell block, and frequently leave their stations to converse with other officers in the central corridor between units. Prisoners have only minimal contact with the staff, and reported that they can sometimes go hours or even a full day without seeing an officer face-to-face.

As evidenced above, the degree to which the housing units selected for this study conform to the ideals of direct and indirect supervision varies substantially. IS and DS principles are most fully achieved with regard to the physical layout of the housing units. The podular design of the DS units at both OWP and WCI are prototypical of direct supervision floor plans, and the amenities incorporated into each unit conform closely with the ideal of a normalized living environment. Both the hallway-and-room construction of the OWP IS units and the traditional, linear cellblocks of NCI closely approximate the physical plant of indirect supervision.

Despite their divergent physical layouts, the modes of interaction between officers and prisoners in DS and IS units exhibit more similarities than differences. In keeping with IS principles, officers in IS units at both OWP and NCI interact with prisoners only minimally. They are careful to avoid any contact that can be construed as "establishing a relationship," which would be an unambiguous violation of policy. In stark contrast to DS principles, however,

officers in DS housing units at OWP and WCI fail to be encouraged by the physical layout of their units to interact with prisoners on a regular basis. They, too, are attentive to avoiding “establishing relationships” or otherwise encouraging personal interaction with prisoners. In fact, officers in DS units show very little difference in their interaction styles as compared to officers in IS units.

These similarities and differences indicate a clear distinction between DS and IS in terms of physical characteristics, but little, if any, difference in interactional styles. Because officers interact with prisoners in the same manner across supervision styles, no meaningful comparisons can be made along these lines. As a result of this partial implementation of direct supervision, the basis of the comparisons in the remainder of this section is the physical characteristics of the environment.

Direct Supervision

Deprivation of amenities and low severity punishment.

As discussed in Chapter 2, punishment in prison can take concrete or symbolic forms. Most of my respondents experienced numerous forms of punishment simultaneously, with some punishments experienced as concrete and others symbolic. The specific punishments that prisoners experienced and chose to discuss with me depended on a variety of factors, foremost among which was their current housing situation. For prisoners in DS housing units in particular, the impact of their immediate living environment was undeniable. Calvin, a black man in his mid-thirties serving almost twenty years, noted “Well, it’s all still incarceration, but you get a lot more freedom, a lot more amenities.” Many prisoners in DS housing units spoke fondly of the amenities available in their units (e.g., microwaves, coffeemakers, ice machines, refrigerators and freezers, washing machines, couches, pool tables, televisions and video games), and found that these touches of home helped to alleviate some of the strains and deprivations of

prison. Sarah, a white woman in her mid-forties serving a life sentence, went even further to describe these amenities as “little luxuries” that are “greatly appreciated” by the women in her DS housing unit.

Dana, a black woman who is only a few years into a fifteen year sentence, described one particular amenity that matters most her to:

The main thing [is] doing our own laundry. I absolutely love it. ‘Cause ever since I’ve been here, somebody’s done my laundry.... But now that I’m in [a DS housing unit] and I can do my own, oh, it’s so exciting. And it feels so good ‘cause it’s almost as if I’m home, you know what I’m saying?

Belinda, a middle-aged white woman serving a life sentence, used similarly effusive language to describe her ability to do her own laundry and have access to a freezer and a microwave: “I *love* that. It makes it a lot easier to do time.” For Rick, a white male in his early forties who has been incarcerated for nearly ten years, it is the ice machine that makes his time easier—particularly in the sweltering summer months. Rick illustrates the convenience of having an ice machine in his DS housing unit by detailing the elaborate routine prisoners at an IS institution have to go through just to cool off on a summer day:

Well, at [particular IS facility], you got ice once a day, in the evening, about 7:30 or so. Maybe twice in the summertime. [The COs call] “range one ice” and then everyone piles out, comes out and gets in a line and they stand there and they get one scoop of ice in a bag and go back to their cell and you’re done. So you’re in your cell and you start combining ice in order to keep things cold in makeshift coolers or whatever you can do. And, here you got access to the ice machine all day. I can get ice when I want ice. So that’s a great thing.

As demonstrated by the words of Dana, Belinda, and Rick, the perks of direct supervision can do more than provide material comfort or convenience. The small amount of self-determination provided to prisoners who can do their own laundry, heat up their own food, and “get ice when I want ice,” can act as a subtle but powerful attenuation of the loss of freedom that prisoners experience as punishment. For instance, Alexander, a forty year old white man serving

time for rape, described the pleasure that he takes in being able to use the mop and floor buffers available in his DS housing unit to clean his cell. He noted, “I just pick up my buffer and just clean the floor. I can actually do that on my own. I don’t have to ask permission, you know?” For Alexander, a task relegated to the realm of the mundane and even tedious outside of prison becomes an all too rare source of self-determination in prison.

The same respondents who exalted the perks of direct supervision, however, discussed at length the unintended drawbacks of having such amenities provided to them. As appliances and other material goods are wont to do, the microwaves and ice machines, washing machines and pool tables, are subject to wear and tear. The normal course of degradation of these items is accelerated by the carceral version of the tragedy of the commons (Hardin, 1968). With as many as a few hundred prisoners enjoying the use of sub-industrial grade amenities, it is unsurprising that they frequently fall into disrepair. When these items break down and become unavailable, they constitute an additional deprivation for prisoners, and thus an additional punishment. For instance, Travis, a middle-aged white man serving a five year sentence, initially described his housing unit as “laid back” because of the amenities it provided:

It kind of helps havin’ that pool table in there. ‘Cause, it allows people to kind of enjoy themselves a little bit, for the most part. Then, you got two TV rooms, one for a regular TV and then one for movies.... So, you’re able to go do whatever you want to do. If you want to sit and play some chess with somebody, [you can].

Travis went on to note, however, that the amenities that he enjoys are great “for the time being - until they run out.” He explained that the prison had just “put a memo out tellin’ us that if we keep tearin’ the microwaves up” they will not be replaced.

Some prisoners discussed the loss of amenities not in terms of eventual wear and tear, but rather as an intentional form of concrete punishment imposed by the prison. Emily, a white woman in her early forties serving time for a series of violent offenses, illustrates this very

sentiment. After describing the numerous positive aspects of her DS housing unit that make it “kind of like a home away from home,” I asked Emily if there are any negative aspects or things that might make doing time a little harder. She replied, “Yeah I mean - actually there’s quite a bit. I mean, they can take all the little extras away from us, you know. They could take the games, the books, the TV, the microwaves, all that stuff away from us.” Elizabeth, a white woman in her late twenties serving ten years, explained the punishment imposed by the removal of amenities as almost a game that officers played: “They use stuff like that as, you know, more like a privilege-punishment thing instead of it being, you know, a necessary or a need or anything.”

For prisoners like Travis, Emily, and Elizabeth, the comforts that come with direct supervision are tenuous and often all too fleeting. The trappings of direct supervision, intended to ameliorate the strain of incarceration, at times have the consequence of providing punishment as much as comfort. What would be considered mere nuisance or inconvenience in a non-carceral setting—the broken microwave or the loss of games and books—is to prisoners another form of concrete punishment imposed upon them, intentionally or otherwise, by the prison system. Compared to the symbolic punishments that prisoners experience, however, these concrete punishments are relatively low in severity. The inability to enjoy ice on a hot summer day pales in comparison to the pain of being apart from one’s children; missing out on a game of chess in the afternoon is only a small part of the loss of freedom that prisoners experience.

Deprivation of amenities and high salience punishment.

Despite their relatively low severity, the concrete punishments experienced by DS prisoners are often the most salient to them. Because salience is predicted by the punishment gap, the expectation of punishment becomes just as important as the actual experience of punishment. Most prisoners, whether in IS or DS settings, fully expected prison to be a place

replete with deprivations and losses of many kinds. They arrived at prison with the knowledge that they would face severe losses of freedom and family, constraints on personal choice, and affronts to their humanity. They also expected that prison would be a fairly austere environment, outfitted with few of the perks of the outside world. This latter expectation was disrupted early on for prisoners who encountered direct supervision, however. The harsh prison environment that they anticipated was tempered by homelike touches to which prisoners quickly became accustomed. Gina, a white woman in her early forties serving a life sentence, described how she came to take for granted the perks of direct supervision. In response to questions about the “ups and downs” of her housing unit, Gina struggled to separate what was a perk from what was merely expected:

Just what - I don't know. I'm so used to us having microwaves and the freezer.... I think I'm just - I don't know anything different other than the things that we're supposed to have like the microwaves and stuff, so I don't know. I guess those are all ups about it.

For Gina, what may have originally been considered an unexpected amenity had been assimilated as simply business as usual.

Once the amenities of direct supervision come to be expected, the breakdown of the very things that were originally a surprising delight become a breach of normalcy, and consequently a form of concrete punishment. For Josie, a white woman in her mid-thirties serving a life sentence, this shift is evident in a situation involving the garden that women in her housing unit had access to for the past few years. Josie spoke at length about the pleasure of eating fresh vegetables that she had grown herself and the solace that she found in gardening her small plot of land. Her tone soured, however, when she told me that her cottage's gardening privileges had recently been revoked as a result of a few women planting vegetables outside the bounds of the designated area. Josie explained that the loss of gardening privileges was a form of punishment

for her because “The whole garden thing right now is unfair. Me and my group, we’ve done everything by the rules, but we’re not allowed to work on our gardens right now because some people found they could dig up dirt wherever they wanted to.” Brenda, a fifty year old white woman serving a life sentence, equated the loss of privileges with punishment even more explicitly. When asked how she defined the word “punishment,” Brenda replied:

[It’s] when you have your privileges taken away from you. It’s like what we just went through because we wore out a coffee pot too fast or we wore out the microwave too fast. We didn’t have but one to use for the coffee, to heat your coffee and to cook with—160 people to use one microwave. And it got pretty bad where it took us down to using it every other day for five minutes at a time. That was punishment.

As evidenced by Josie’s discussion of her garden and Brenda’s chagrin at a worn out microwave, amenities that prisoners had come to expect and perhaps even take for granted became a source of punishment rather than an alleviation of punishment. In the language of penal consciousness, the same conditions that once fostered a negative punishment gap suddenly became cause for a large, positive punishment gap. The resulting punishment, low in severity as it was, was highly salient to DS prisoners. On a regular, sometimes daily basis, prisoners experience small ruptures in their expectations that create concrete, low severity punishment that is highly salient nonetheless.

Deprivation of amenities and narratives of penal consciousness.

This experience of the breakdown of amenities as low severity, high salience punishment is consistent with the narrative of punishment as a separate life. Accordingly, this narrative was commonly expressed by prisoners in DS housing units. The accoutrements of direct supervision—even when worn down or broken—still foster a somewhat more home-like atmosphere in respondents’ housing units than found in most prison environments. For Rick, this takes the form of having access to ice whenever he feels like it; for Josie, it is tending to her

small garden plot. The lack of control over the quality, quantity, or condition of these amenities, however, reinforces that prison is not just normal life. This is evident in Josie's frustration that, unlike her garden at home, she could suddenly have even the most ordinary pleasures taken from her without notice.

A second narrative expressed by prisoners in DS settings is punishment as part of life. This narrative is associated with punishment that is low in both severity and salience. When DS prisoners expressed this narrative, they often focused on the facets of life in a DS housing unit that were unaffected by the breakdown or removal of amenities. These respondents told stories of the comforts of having at least one—if not all possible—comforts of home available at any given time, of relationships fostered by shared common space, and of the overall quality of life in a housing unit that was less prison-like than they expected. The sentiment of “not a bad as I thought it would be” is a common one among DS prisoners who expressed this narrative. These respondents are able to overcome the disappointments of amenities that are seldom in perfect working order, instead emphasizing the factors that attenuate their punishment as a strategy of managing it.

For instance, Joanna, a black woman in her early forties serving 17 years, focuses on the cooperative and considerate way the women in her cottage make use of the amenities, rather than the presence of the amenities themselves. She noted that: “There's not a line for the microwave, [there is] no argument over that or over the iron—nothin' like that.” Calvin, a black man in his mid-thirties serving time for armed robbery, echoed this sentiment, noting that when it comes to sharing amenities like laundry, “in there, everybody's very respectful.” For prisoners like Joanna and Calvin, the expectations that they had of other prisoners in their housing units—expectations of a respectful and cordial community—were fulfilled. These positive aspects of life in a DS

housing unit diminish the salience of their punishment by lessening the punishment gap associated with direct supervision. As a result, they experience punishment as low in severity and salience, and part of their real lives.

Indirect Supervision

Prison as high severity punishment.

For prisoners in IS housing units, there are few privileges, amenities, or homey touches to attenuate the symbolic punishments that came with being confined; consequently, there are no concrete punishments engendered by the loss or removal of amenities to push symbolic punishments into the background. Robert, a white man in his mid-seventies serving time for rape, explained it this way:

Of course I'm being punished... it's just an all-around thing. A little of this, a little of that, you're missing bits and pieces out of your life. It's a different atmosphere, you know, it's not like at home. At home you can get up and go, and do what you want, and here you got to more or less be restrained in what you do.

According to Robert, the bits and pieces of his life that are missing are made evident by the fact that prison, with its strictures and regulations, was not like the home that he was torn away from at the age of 63.

For IS prisoners like Robert, not only does “prison equal punishment”—a common contention among prisoners in both DS and IS settings—but prison truly *feels* like prison. In IS housing units, prisoners understand prison to be a facility that first and foremost serves to deprive prisoners of their freedom—of their liberty, autonomy, and humanity. Debbie, a white woman in her mid-thirties serving time for burglary, described her punishment as:

Bein' away from everything, everything! Not just my family - just everything in general. Bein' in prison. The food, the schedule, the police everywhere, the lockdown, everything. Everything is just a punishment.... I'm punished [by] being taken away from society, workin', my family, everything that I'm used to. It's a big punishment.... I mean, the whole thing's a punishment. The whole prison, everything.

For Debbie, simply being in prison—especially in a housing unit that feels very much like prison—is punishment enough. For Debbie and many others, the full weight of the symbolic punishment of loss of freedom is readily apparent in IS settings. Whether in the long, tiered cell blocks that characterized the men’s IS facility or the narrow corridors with small cells on either side found in the women’s IS housing units, the deprivations of prison life and the symbolic punishments they engender are undeniable and severe. Cherise, a black woman in her early fifties serving a life sentence, noted that the simple fact that she is denied her freedom makes her punishment worse than anything else she could imagine. She explained,

Bein’ in prison is one of the worst punishments that you’ll ever have in your life. You know, when you was younger, you know how your mom would punish you and take away your toys, and not let you watch TV or whatever? Bein’ in prison, it wouldn’t even compare to that.

For Cherise, punishment in prison is far more than the deprivation of amenities; it is the severe loss of freedom that she will experience for the rest of her life.

Some IS prisoners even explicitly remarked on the relative importance (or meaninglessness) of the amenities provided in DS housing units. Declan, a young white man serving a short sentence for burglary, explained that much of the punishment that he experiences in his IS housing unit—particularly the loss of freedom engendered by the harsh reality of the cellblock—could be attenuated if he were in a DS housing unit. He notes that “Pool tables and stuff, yeah, it gives you something, that little extra thing to do. That little more bit of being free.” For Declan, the amenities offered by direct supervision would serve not only to distract from his punishment, but could actually help to lessen it.

Adam, a young man comparable to Declan in many ways, expressed a very different perspective. During his interview, Adam spoke at length about the loss of freedom that made his IS prison feel like punishment. After I described to him the focus of my research and explained

the theory behind direct supervision, he explained that it wasn't the lack of perks that made prison feel like punishment—it was the fact that prison was prison. At first, Adam agreed that there are certain comforts of the outside world that are conspicuously absent from prison:

“There’s a lot of small things that you have out there that we don’t have in here that we take for granted: carpet, air conditioning, cable TV, just the things out there that seem so common that aren’t so common here.” He then hastened to point out, however, that this lack of amenities is not what makes his punishment severe:

The biggest punishment of being here is being confined and being, you know, you’re property. You don’t make your own decisions. That’s the biggest punishment about being here. Uh, yeah, is it punishment not having couches and stuff, sure, but I feel like the real punishment is... more of a mental punishment than anything.

For Adam, and many other IS prisoners who have never been in a DS facility, the perks and amenities of direct supervision seem almost frivolous—comforts that would do little to alleviate the harsh realities of punishment. While this perspective may seem contradictory to the findings from the DS sample, it is actually quite compatible with it. Adam’s assertion that the trappings of direct supervision simply would not matter reinforces the powerful potential for human beings to habituate to novel conditions that might have previously seemed unimaginable. Rashid, who at the age of 29 has already served 13 years in prison, expressed this exact sentiment: “I guess human nature is to adapt to anything, you know, adapt to your surroundings.”^{37, 38}

³⁷ Rashid’s contention about the innate adaptability of humans is supported by more than a century of research on habituation in the areas of psychology and neurobiology (e.g., Groves and Thompson, 1970; Harris, 1943; Jennings, 1906; Konorski, 1967; Sokolnov, 1960; Thompson, 2009). Habituation is the process by which people accommodate novel information into their cognitive schemas so fully that they become normalized and expected. Put in psychological terms, “repeated applications of a stimulus result in decreased response (habituation)” (Thompson, 2009). In his recent review article, Thompson (2009) examines the numerous theories of habituation that explain the phenomenon in terms of central nervous system activity. These theories have been tested, and widely supported, by experiments with humans and rats.

Prison as low salience punishment.

Perhaps because of this ability to adapt, to adjust their expectations to fit the current reality of their situation, the high severity of the symbolic punishments experienced by IS prisoners does not necessarily translate into higher salience. Although some prisoners in IS settings experience punishment as highly salient, many described punishment that was low in salience. These respondents described prison as better than they expected—or at the very least, something that they could become accustomed to. In the language of the penal consciousness framework, this creates a negative punishment gap—or no punishment gap at all—that results in low salience of punishment.

Like Rashid, many IS prisoners find that, over time, prison became something to which they could adjust. Over the course of their sentences, many IS prisoners are able to recalibrate their expectations to align more closely with actuality, reconfiguring their punishment gaps to achieve low salience. For these respondents, the expectation and experience of punishment become one and the same, rendering punishment gapless. Elsie, a black woman in her mid-forties serving a life sentence for murder, noted that “I have found a balance where nothing surprises me anymore.” Suzanne, a middle-aged woman serving a life sentence for murder, explained that “After a while, you get used to it. You really get used to it. Not used to bein’ in prison—you just get used to stuff that happens to you.” Although Suzanne will never fully adapt to being in prison, she has found that she gets used to the punishments that she receives there.

Other prisoners in IS settings experience punishment as severe, but less so than they expected from the very beginning. These prisoners described negative punishment gaps that

³⁸ With regard to adaptation to confinement specifically, Haney (2003) notes that, even under the most extreme conditions, “in the course of adjusting and adapting to the painful and distressing conditions of confinement, many prisoners will strive to essentially ‘get used to it,’ adapting and accommodating to make their day-to-day misery seem more manageable” (p. 138).

result from punishment that “could have been worse.” Eugene, a white man in his late forties serving time for manslaughter, described his negative punishment gap as the result of a sentence of “only 25 years”:

In a way, for takin’ a human life, I’m glad I got what I got, when I got it. I could have got death row, I could have got life, I could have got killed in my cell, but God spared me and so did the people. They had me do the 25 years.... They didn’t say, well, we’re gonna overturn it and treat him like Manson, make him stay in there. To me, they did me a favor. I only had to do 25 years.

Eugene described his punishment—spending more than two decades deprived of freedom and separated from his family—as painful and severe, but thankfully limited to “only 25 years.”

Margaret, a white woman in her late thirties serving time for manslaughter, described a similar negative punishment gap. For Margaret, this gap is informed by expectations about the atmosphere of prison, rather than the time she will spend there. She explained that prison, replete with punishment as it is, is still better than she imagined it would be: “I didn’t think I would ever see daylight or grass or people. I figured I would be in a steel cell, a cement cell, for the rest of my life.” For Margaret, the negative punishment gap between her expectations of a dismal, isolated existence in prison and her experience of a slightly less punitive reality results in punishment that is low in salience.

Prison as punishment and narratives of punishment.

The experience of these symbolic punishments as high in severity and low in salience is consistent with the narrative of punishment as suspension of life. This narrative is quite common among IS prisoners, who characterize their punishment as a suspended state of being—a sort of nonexistence brought about by the constraints and detachments of prison life. Whereas DS housing units attempt to mimic in some small way the trappings of a life outside of confinement, IS housing units make no such effort. Living in an environment that bears little to no resemblance to home—or to life—prisoners in IS housing units expressed feelings of

disconnection from the world outside prison walls. That their lives in this environment are further restricted by the rules and regulations of the prison leaves many IS prisoners feeling as though punishment stifles any sort of life at all.

One IS prisoner who expressed this sentiment was Debbie, quoted earlier as noting that “the whole thing’s a punishment.” She finished up her thought with these concluding remarks: “I mean, it’s different when you’re outside in the real world. Be able to turn on your radio, listen, sit, take a shower, turn it on so it’s hot, and just, just little things, I mean, that you take for granted so much.” For Debbie, the punishment of being in prison is starkly differentiated from the real world outside, rendering her existence inside prison something other than life.

Denise, a white woman in her late thirties who has served 17 years of a life sentence, struggled to convey how her disconnectedness from the outside world affects her:

LS: What does it feel like to be punished the way you’re being punished, and for as long as you’re going to be punished?

Denise: It’s, it’s, it feels like.... You know what, I don’t even know what it feels like. I really don’t. Because I’m so angry half the time, I’m workin’ on that, I’m workin’ on a lot of things. Still. Even though it’s been this long, but it takes a long time. I don’t know the feeling. It’s like numb. It’s still numb. Even after all this time. It’s still numb to me. It’s just, I don’t have family. They all just disowned me. So, you know... it’s hard when I can’t even be out there for my nephews. I can’t be out there for the problems that’s goin’ on with my sister, and my punishment to me was I blame myself for everything that happens to them. And, that’s, I shouldn’t be doin’ that because I can’t stop what’s goin’ on outside.

Denise, who experiences the losses of freedom and family as particularly severe punishments, described life going on without her while she remains numbly in prison for the rest of her life. The surprisingly low salience of Denise’s punishment facilitates—or perhaps is brought on by—the numbness that she feels when it comes to her punishment.

Unlike Denise, other IS prisoners experience symbolic punishment that is not only crushingly severe, but also highly salient. For these prisoners, the actual severity of punishment

in an IS setting exceeds their expectations, resulting in a positive punishment gap. The foundation of such positive punishment gaps is often the expectations that prisoners have of what their punishment should or ought to be like. For instance, Latasha, a black woman in her mid-thirties serving a life sentence for murder, described the myriad punishments that she experiences while in her IS housing unit: “I mean, it hurts. And, I feel helpless. I feel like I was sentenced to prison and sentencing me to prison to be away from my family should be enough. It shouldn’t be a cakewalk here, but it should be better.”

Elsie, quoted earlier as saying that “nothing surprises me anymore,” recounts what was perhaps the most surprising experience of her life: when she was given a sentence of 20 years to life for aggravated murder.

Twenty to life? Are you serious? I mean 20—wait a minute, hold on, hold on. I mean, it didn’t even hit me until actually after they put me back in the holding cell and I’m sitting there and it’s like, oh my God did she say 20 to life? It devastated me, it devastated me.... It didn’t register, it did not register. I had never expected to get 20 to life. I never even - and that was the highest statutes that they gave me, they never gave me no in between. They gave me aggravated murder, they didn’t give me involuntary, you know what I’m saying they put me straight at the top.

The shock that Elsie expressed at her lengthy sentence persisted well into her time in prison. She noted that, at first, she felt like “they should’ve just gave me the death penalty.” It was not until much later into her sentence that Elsie was able to reach the point where she was beyond surprise by the severity of her punishment.

Elsie’s comment that a life sentence at her age might as well have been a death sentence fits neatly within the penal consciousness framework. The narrative that characterizes prisoners’ accounts of punishment that is both high in severity and salience is punishment as death—the secondary narrative associated with IS settings. When IS respondents expressed this narrative, they often focused on the sheer depth and intensity of their symbolic punishment—the sentences

that seem far too long, the prison conditions that are much too harsh, or the losses of freedom and family that become almost intractable. Dale, a white man in his mid-thirties who is also serving a life sentence for aggravated murder, expressed a similar sentiment to Elsie's:

If you're gonna give a person a life sentence, with no hope of going home, you might as well do what you're doing anyway, and that's kill him. I mean, it sounds harsh, but it's like you wanna kill them but you don't have the stomach for it. You know, it's like you don't want to get your hands dirty. You're doin' it anyway. You're just taking, you're torturing him before you do. Just get it over with.... It's like, "Yes, what I did may turn your stomach, but why act like me?" You know? "What I did turns my stomach, is what you're doing turning yours?" And, I don't believe it does because it's one of those out of sight, out of minds. Put 'em away, we won't see it, let 'em die there, somebody else is taking out the trash.... It's got to be, if there's, if you're going to keep a person alive, then you must give them hope at a better tomorrow, better future. You know? I mean, I just tend to wonder what would happen if Chrysler, anybody put out vehicles that cause as much damage as the products that our correction system puts out.

For Dale, the punishment that he experiences in prison renders him damaged and defective, and amounts to little more than torture before his eventual death and the hands of the state. Although few put it quite so eloquently or vehemently, this sentiment is shared by a number of prisoners in IS settings who find themselves faced with unbearably severe punishment, often for the rest of their lives.

Supervision Style and the Penal Consciousness Framework

Despite the fact that direct supervision is only partially implemented in the DS housing units examined here, stark differences in penal consciousness are evident across settings. The physical characteristics of DS units—particularly the concrete perks and amenities provided to prisoners—have a not altogether straightforward impact on punishment. In accordance with direct supervision's goal of "normalizing" the prison living environment by making it less harsh, the perks of DS do attenuate the severity of punishment. Rather unexpectedly, however, these same perks can also be a source of punishment. When amenities break down or are taken away by prison staff, prisoners experience highly salient concrete punishments that result from the

very ameliorating factors that they once enjoyed. Consequently, direct supervision is most often associated with low severity punishment that can be highly severe at times. That the narratives of penal consciousness associated with such configurations of punishment are the two narratives of punishment as life supports, in some way, the goal of DS as “normalizing” the prison environment: prison is close enough to “normal” life that it can be experienced as life in some form.

Prisoners in IS housing units, in contrast, are provided few of the amenities of DS units. The severity of their punishment is undiluted by material perks or privileges of self-determination, and is thus very high. Their punishment can be highly salient as well, evidenced by a large punishment gap based on expectations of what their punishment ought to be. At times, however, the salience of their punishment lessens as it recedes into the background. Whether due to an innately human capacity for adaptation or expectations that punishment was going to be far worse, many IS prisoners reported punishment that is low in salience. Salience aside, it is high severity that most commonly characterizes the narratives of prisoners in IS settings. The narratives of penal consciousness they express are punishment as a suspension of life and punishment as death—both narratives that position punishment squarely at odds with life.

Comparison of Penal Consciousness by Gender

As evident from the analysis above, the contours of prisoners’ penal consciousness can vary by setting, while still remaining consistent with the overall theoretical structure laid out in Chapters 2 and 3. In other words, the local context in which punishment unfolds can affect the form and structure of punishment, while the dynamics of penal consciousness operate largely independent of variation at this level. These effects on penal consciousness are not limited to setting; similar effects are seen with regard to variation at the level of the individual. In this

section, I explore one possible axis of differentiation and the individual level: gender.³⁹ Woven into this analysis is an explicit consideration of the ways in which gender and supervision style interact to influence penal consciousness.

Through an analysis of male and female prisoners' penal consciousness in both DS and IS settings, two major themes emerged: inconsistency and pettiness. Both of these themes were closely linked to experiences of salience and severity of punishment. Consistent with the analysis of supervision style presented above, setting remained closely linked to severity of punishment when male and female prisoners were considered separately. When both of these axes of differentiation—gender and setting—are examined in concert, we can track variations in penal consciousness according to both dimensions of punishment as well as the narratives of life and death with which they are associated.

Female Prisoners

A note on the importance of consistency.

Female prisoners' narratives of punishment stood apart from male prisoners' narratives in a way that became apparent early on in this study. As my fieldnotes reveal, on my second day of data collection I began to notice that the women I interviewed had a great deal to say about consistency and inconsistency in their experiences in prison. Some women lamented the lack of

³⁹ It is important to note here that analyzing gender as an axis of differentiation at the individual level is not without complication—both in this dissertation, and in empirical research on prisons more generally. Due to the fact that the research sites for this dissertation house only males or females (never both), there are possible confounds between gender and setting. As such, the fact that women are housed in separate institutions from men precludes drawing firm conclusions based solely on individual-level variation. Men's and women's prisons tend to vary in a number of ways (see Chapter 1 for a brief review of the literature) beyond merely housing prisoners of different genders. Given the importance of institutional context discussed above, it would be foolish to ignore these variations. Prior research comparing the incarceration experiences of male and female prisoners has encountered similar difficulties, and addressed the complications inherent in comparative work to varying degrees (e.g., Bosworth & Carrabine, 2001; Jiang & Winfree, 2006; Struckman-Johnson & Struckman-Johnson, 2006). I follow in the long tradition of comparative work on male and female prisoners by drawing conclusions based on observed variation, but remaining attentive to differences at the institutional level as well. Rather than attempting to isolate the influence of gender—apart from correctional setting—I make an effort here to discuss the ways in which individual-level characteristics interact with the local setting in complex and unexpected ways.

consistency in the structure of their daily and weekly routines and the inconsistency of staff expectations and behaviors, while others spoke approvingly about the structure and consistency of a well-run prison and the fairness of staff who were comfortingly predictable. In fact, (in)consistency emerged as such a prominent theme so early on that I made a note to add it to my interview guide. As it turns out, this note was unnecessary: most women brought up consistency or inconsistency of their own accord in their discussions of punishment in particular and their lives more generally.⁴⁰ Before I move on to specific findings, it is worth noting here that the importance of consistency is well documented in the scientific literature. So striking are the findings on consistency across multiple disciplines that the topic warrants the short digression below.

The importance of consistency can be understood at the most fundamental level of human functioning: the workings of the human brain. The neurobiology and cognitive/social psychology literatures have demonstrated that human beings seek consistency from an early age (e.g., Lewis & Goldberg, 1969; Maurer & Barrera, 1981).⁴¹ When our brains detect consistency in the world around them, they are better able to make predictions about what happens next, and what to do next (Lewis, Alessandri, & Sullivan, 1990). After our brains make predictions, they use sensory information to compare these predictions to what actually took place (Darley & Fazio, 1980).⁴² When our predictions are about mundane or unimportant events, differences

⁴⁰ Although inconsistency was also reported as problematic by a small number male prisoners, it was a far more pervasive and powerful theme in my interviews with female prisoners. Consistency, on the other hand, was seldom noted by male prisoners.

⁴¹ Research has shown that inconsistency not only baffles, but also distresses us (Festinger, 1957). Our brains are constructed to search for patterns in our immediate environment in order to achieve congruity or coherence in our understandings of the world (Abelson et al., 1968). These patterns are subconsciously processed in order to help us conduct simple, everyday tasks without conscious analysis, and to free up cognitive capacity for novel or more complex tasks (Sherrington, 1906).

⁴² If reality conforms to our predictions, our brains release dopamine, which induces pleasure (Sutton & Barto, 1998). If, on the other hand, there is a mismatch between our predictions and actual events, dopamine levels drop and our brains immediately try to determine what went awry (Bayer & Glimcher, 2005; Sutton & Barto, 1998).

between expectation and reality tend to matter very little. When our expectations concern people or things that we depend on, these differences carry a great deal more weight. Linden, a neuroscientist, notes:

If we have a sense that there is a mismatch between our prediction and [others'] actions, that is something that sets off neural alarm bells... And if we think they have been inconsistent about something fundamental, we will feel betrayed. When we feel deeply betrayed [by someone that we depend on] that pain really is similar to physical pain (Linden, as quoted in Hamilton, Spiegel, & Vendatam, 2012).

The importance of consistency can also be understood at a structural level. Luhmann (1989) argues that all societies require some sort of reference point that helps to structure their expectations and orient their behavior toward predictable responses. According to Luhmann, law serves this facilitative function by allowing coordination, planning, and the expectation that certain behaviors will normally follow other behaviors. To quote Luhmann, “In that it protects expectations, the law frees us from the demand that we learn from disappointments and adjust to them” (1989, p. 140). The extension of Luhmann’s structural functionalist view of the law to a carceral setting might suggest that prison policy would play a similar role in structuring expectations and allowing for an ordered social world. There is ample evidence to the contrary to be found, however, in the breaches of expectation and lack of consistency that prevail in a carceral setting. Luhmann’s assertion about the necessity of law—and its application to a prison setting—aside, the premise on which it rests is one that assumes the importance of fulfilled expectations and the necessity of predictability in the social world.

This same necessity is addressed by Giddens (1991), who examines our ways of life in a late-modern world characterized by “ontological insecurity.” According to Giddens, ontological security exists when individuals can remain confident in the order of the world around them and in the reliability of people and structures to exist and behave as expected. Ontological security is

achieved when the information gleaned from the routines of daily life is consistent and predictable, allowing us to exist comfortably in a world that makes sense to us. Late modernity renders such ontological security problematic, placing individuals in the precarious position of remedying dissonance in the “diverse sources of direct and mediated experience” in their lives. Put another way, inundated with a plethora of information about the world, people are faced with the dilemma of selectively incorporating information into their cognitive schemas in order to achieve coherence in their worldview. Giddens’ description of ontological insecurity takes on new meaning in prison—a context in which prisoners with limited agency find themselves at the mercy of the reliability of people and structures to a far greater degree than people in the free world.

It is noteworthy that Luhmann and Giddens both advance arguments that bear remarkable resemblance to claims made in the neurobiology literature, save for the level of analysis. In fact, both Luhmann and Giddens cite the neurophysiological literature on the importance of consistency in their work. Thus, there exists across multiple literatures consensus on the importance of consistency in the structuring of expectations. Evidence supporting this claim can also be found in the penology literature. For instance, Crewe specifically applies Giddens’ notion of ontological insecurity to a carceral setting in his description of a prison system that “lacks solidity and predictability, with actions and consequences unreliably connected” (2011, p. 513) and is “lacking clear terms and boundaries” (2007, p. 263)—a theme expressed by many of my respondents as well. Liebling and colleagues found that consistency in prisoner-staff interactions in particular is paramount: “Prisoners value consistency, over time and between individuals, sometimes (it appears) even above fairness” (Liebling, 1999, p. 90).⁴³ With one

⁴³ In fact, Liebling (2004) went so far as to suggest that inconsistency should be added to Sykes’ (1958) five pains of imprisonment.

small caveat, this conclusion, too, is borne out in my data: according to many of my respondents, consistency and fairness are intricately linked to one another, and often implicated in the experience of punishment.

Female prisoners' experiences of (in)consistency.

Female prisoners frequently cited inconsistency as a major form of punishment, or a condition that structured or exacerbated their punishment. For instance, Joanna, a black woman in her early thirties serving 17 years for murder, described the inconsistency of mail delivery and program access as problematic for her. Joanna commented that, although inconsistency was not intended to be part of her punishment, “I feel that it’s a punishment to me.” For prisoners like Joanna, inconsistency was discussed in terms of conditions over which officers have little purview, including medical services, visitation, scheduled trips to the prison store, and programming. Inconsistency also characterizes many of the on-the-ground interactions that prisoners had with staff. This includes staff expectations of behavior, application of policy and individual punishments for infractions, and even ordinary interactions and overall demeanor. As Latasha, a black woman in her mid-thirties serving a life sentence for murder, put it, prisoners knew that staff were “supposed to be firm, fair, and consistent [so] we know what to expect.”

Latasha’s expectations of staff are widely shared. When these expectations are confounded by inconsistent staff behaviors and attitudes, female prisoners are confronted with a host of problems. For instance, some women told of difficulty adjusting to “swing staff” (officers who fill in for regular staff on their days off, or a rotating cadre of officers who lack a more permanent position) whose particular preferences and pet peeves are largely unknown. Women also bemoaned the inconsistency of specific staff over time; a handful of officers were mentioned time and again during interviews as being capricious and unpredictable. Demitria, a black woman in her early forties serving a life sentence, told of a few such officers with whom

“you don’t know from the new hour, the next minute, how they’re gonna react to which rule they decided they’re gonna enforce and which ones they’re not.” Nia, a black woman in her late forties who is also serving a life sentence for murder, went into even more detail about the inconsistency she suffers at the hands of prison staff by mimicking officers’ attitudes toward their jobs:

This place is not run on the rules and regulations, you know, consistent rules and regulations. It’s run on how I feel for today, what I’m feeling for today. If I’m in a nice mood you know you do whatever you choose to do. If I’ve had a hard time at home, you know what I’m saying, I don’t even want you to talk you....

When I asked Nia, towards the end of our interview, whether there was anything else that felt like punishment to her, she reiterated: “Just basically the inconsistency of things. Like I said, things change from—I’m not even goin’ to say from one day to the next, it changes from one moment to the next.” Nia summed up her thoughts on the matter with a simple declaration: “Nothing is consistent here, nothing.” This inconsistency is so problematic for Nia that she recalled the structure and consistency she experienced in county jail almost wistfully, despite its severity:

The county was structured, it was consistent. You’d know twice a week they’d come in and tear your room up. Not one person, not two person, not somebody they claimed it’s random, they doing - they don’t care if it was 500 in there, they doing all 500 of ya’ll. Everybody is going to be patted down. It was consistent. There’s nothing consistent in here.

Regardless of the particular form that inconsistency takes, many of the women I interviewed experience it as punitive and frustrating because it creates an atmosphere of anxiety and the unknown. Courtney, a white woman in her early forties who has spent more than two decades in prison, noted, “It was easier [back then]. Because you knew what was expected of you.” Josie, who has been incarcerated for only a few years, has little basis of comparison for

the negative impact that inconsistent staff enforcement of rules had on her. Nonetheless, this inconsistency is striking for her as well:

One day they'll say, "These are the rules," and then the next day, inmates aren't following and so a CO will just say, "Now, these are the rules," and they completely change. And it's people like me that like to be organized and go by the rules, and I don't want to step out of bounds. It's really, really stressful anxiety-wise because you never know what you [should] do.

When female prisoners are exposed to inconsistency on a daily basis, they are left with little to anchor their expectations of how to best navigate prison life, or even what the terrain will look like. In this sense, inconsistency leaves prisoners unmoored. Without any basis for reasonable expectations of how to act, the consequences that might arise from their actions, or even which positive or negative events might fill a given day, these women find themselves continually attempting to reconcile their expectations with the rapidly shifting realities of prison life. For instance, Aliyah, a black woman in her mid-thirties serving a lengthy sentence for assault, noted that when faced with inconsistency in prison, "you have to psychologically set yourself up all over again."

These mental somersaults have strong implications for women's experiences of punishment, specifically with regard to salience. Salience of punishment is predicated on the punishment gap, which in turn hinges upon the expectation of punishment. Inconsistency renders the punishment gap extremely volatile, which has clear consequences for the salience of punishment. When prisoners' expectations are confounded on a regular basis, they struggle to form new, more accurate expectations—in this case, expectations that are subject to contradiction almost as soon as they are formed. The perpetual reconfiguration of expectation leads to a punishment gap that is constantly in flux—an inconsistently sized punishment gap to match the inconsistency of the prison environment. This volatility of the punishment gap in a milieu of inconsistency renders punishment all the more salient.

Experience of consistency structured by supervision style.

The ways in which women experienced (in)consistency in their punishment varies strikingly by supervision style. Despite the occasional breakdown of amenities discussed earlier, women in DS housing units tended to experience a great deal of consistency in their experiences in prison.⁴⁴ These women spoke of officers who were fair and predictable in their application of rules, of visitation and programming that ran on schedule, and of lives structured by an unfailing routine. The value that women placed on consistency was even rendered explicit at times. For instance, Aliyah spoke approvingly of one of the regular officers in her housing unit by offering one of her highest forms of praise: “My second shift CO, he’s fair, he’s consistent. And that’s an extreme compliment.”

The consistency in their lives enables women in DS settings to base their expectations on information gleaned from past experiences and have these expectations confirmed by their current experiences. Nikki, a black woman in her late thirties serving a life sentence without the possibility of parole, commented on the welcome consistency of one of the officers in her housing unit, and the role this consistency plays in structuring her expectations:

He’s very consistent. Everybody knows he don't play.... If he catch you on something, trust and believe, he's not going to just write you a ticket, but then if this one does the same thing, they don't get it too. It's no favoritism, nothing like that. And you know, you have to respect that 'cause he's consistent. You know what to expect from him.

The result of such consistent expectations is a negligible or nonexistent punishment gap that renders punishment low in salience. When combined with the low severity of punishment frequently experienced in DS housing units, this low salience of punishment is often captured by

⁴⁴ This finding ran directly counter to my expectations. Based on my finding that prisoners in DS settings experienced the breakdown of amenities as highly salient punishment (due in large part to the inconsistency of the fulfillment of their expectations regarding amenities), I anticipated that women in DS settings would report a greater degree of inconsistency. I expected IS settings, in contrast, to be fairly consistent in their austerity. I soon found, however, that the inconsistency that women experienced as most punitive had little to do with concrete punishments, and everything to do with the structuring of their lives by prison policy and staff.

the narrative of punishment as part of life. When consistent experiences and treatment lead to low salience of punishment, punishment is able to recede into the background of women's lives. The result is a seamlessness between punishment and the larger landscape of prisoners' real lives. The low severity of punishment in housing units with numerous amenities and prisoner populations that feel like communities, combined with the low salience of punishment that results from a fairly consistent routine, enables them to live their lives in a relatively normal way. When punishment is low in severity and salience, it is easily assimilated into everyday life—a life that, as Nikki put it, “flows very easily.” For Nikki, the sheer repetition of prison life actually helps her time go smoothly because it structures her expectations and minimizes the impact of punishment. She explained:

Well, I get up probably about 9:00, 9:30, get a shower. Go dress. Go downstairs, check my mail. Sit and talk to a couple friends that I have. I might go out, get some air, depending on the weather... we have a yard [in front] and in the back.... Around 10:30 get ready for count. After count, eat lunch, then I go to work... from 1:30 to 3:30, come back, get ready for count. I might take a nap. I have to back at work at 5:30, so I get up, brush my teeth, wash my face, go back to work from 5:30 to 8:45.... Basically, it's just a constant routine. You, kind of, you just know when you get up (snaps her fingers) it just flows. It flows very easily.

Demitria also spoke matter-of-factly of the placid routine that she follows day in and day out—a routine that many prisoners in IS housing units would have envied: “I just have my routine that I do, and since my days are mostly always alike, it's just a routine that you follow.” This routine consists of knitting or writing letters in her cell, playing cards and watching movies with other women in the dayroom, and staying out of the officers' way. For Gina, a white woman in her early forties serving a life sentence, the appeal of a routine goes beyond merely knowing what to expect on a daily basis—it provides a consistently positive experience that she can look forward to every week. She described wistfully the part of her routine that is most precious to her: Sunday mornings. She explained to me:

I [like] the mornings because then my bunkie gets up... and leaves. You know, takes her shower and leaves and everything, then she's gone and then I got from like 6:00 until 8:00, until I go to work. It's just me. I don't have to deal with nobody out there. I take my shower, come back, maybe get a cup of coffee, some ice, and come back and sit in my room until it's time to go to work at 8:00. So that's my favorite time right there.

Gina's description of her Sunday morning routine—a routine characterized by its consistency as much as its appeal—closely resembles the way she might have spent her Sunday mornings in the outside world. The amenities offered by direct supervision (coffee machines and ice makers) allow Gina to enjoy some of the privileges of a normal life, while the consistency of her DS housing unit allows her to look forward to these things without fear of disappointment. In fact, many women in DS housing units told of routines that include an assortment of activities that might characterize a life outside prison walls—working, sitting outside in the front yard, napping, and enjoying time and space free of prison staff—all things that would have been far less enjoyable if they could not be consistently expected.

Women in IS housing units, in contrast, reported lives rife with inconsistency. Elsie, a black woman in her mid-forties serving a life sentence, described this inconsistency by commenting that: “Things change daily. You never know what’s going to happen from hour to hour, minute to minute, second to second. Because everything is always changing.” The inconsistency cited by women in IS housing units is often experienced as a pervasive and enduring condition of prison life. Rachel, a white woman in her early thirties serving time for attempted murder, expressed this condition succinctly, claiming that “the only consistency of this place is the inconsistency.” So salient is the inconsistency of punishment for Rachel that she even expressed a preference for consistency over lenience. Rachel acknowledged the potentially double-edged nature of this desire for consistency above all else: “You know, I think that this place needs to be more consistent, even though, I mean, I’d probably regret it if it happened.”

Courtney, who has been incarcerated in the same facility long enough to know exactly what a consistent prison regime looks like, spoke to this issue from personal experience. She noted that a few decades earlier, OWP was “real rigid,” but that doing time was easier back then. She attributed the ease of prison life to the fact that “you knew what you could do and you knew what you couldn’t do. And if you overstepped that line, you knew the consequences. That’s the difference back then to now. There was no uncertainty. You knew.” She characterized the current state of affairs at OWP by saying, “Now, there’s so much uncertainty. There’s no— what’s the word I want? Rigidity.” Although “rigidity” might not be an ideal quality of life for many people, Courtney explained that she prefers harsh structure over the uncertainty brought on by inconsistency. She softened the term later on in the interview, opting instead for the word “stability”: “Without fairness and consistency, you really don’t have much stability. And havin’ stability is a plus, especially in this type of environment.”

The inconsistency that women in IS housing units face leaves them constantly reconfiguring their punishment gaps as the information on which they base their expectations shifts around them at a rapid pace. Additionally, the inconsistencies that female prisoners are subjected to are without reprieve; they are unable to dodge or confront them in ways that might be possible in the outside world. “This type of environment,” as Courtney put it, is an IS housing unit characterized by limited amenities, an institutional atmosphere, and a definitive air of confinement. In a setting replete with severe symbolic punishments, the salience of inconsistency is almost too much for some women to bear. This experience of inconsistency is exacerbated by the fact that women in IS housing units have little to no control over their daily lives. The strictures imposed upon them by the prison are all the more unbearable because they are constantly changing. Combined with a prison environment that is experienced as highly

severe in terms of its symbolic deprivations, women in IS settings frequently experience punishment as debilitating and essentially incompatible with life. In line with the penal consciousness framework, this highly salient, highly severe punishment leads many IS women to discuss their punishment as death.

One such woman was Stacy, quoted in Chapter 3 as desiring a “quick and easy” death by lethal injection rather than the slow, agonizing death of punishment in her IS housing unit. For Stacy, this slow death is characterized in part by high salience punishment brought about by the inconsistency of prison life. For instance, she described meal time as a source of unpredictability that keeps her in a state of perpetual anxiety. She explained that she is always hesitant to “try to utilize [her time] in a constructive way” for fear that she will be unable to respond at a moment’s notice when her housing unit is called out for a meal. She noted, “you just sit there and you just [wait] because you don’t dare do nothing else.” This punishment—the loss of control over her actions and the timetable according to which these actions occur—is experienced by Stacy as crushingly severe. Living in an environment of constraint and unpredictability that has “just taken everything from me, from people places and things,” Stacy says of the future: “It’s already done.” For Stacy, there is no future because her punishment is killing her.

Male Prisoners

An atmosphere of pettiness.

Based on my interviews with female prisoners, I initially expected consistency to be an organizing theme of my interviews with male prisoners as well. As it turned out, this was not at all the case. This could be because consistency was simply less important to men—although the neurobiology and sociology of law literatures indicate the contrary. Another possible explanation is that the two men’s prisons in my sample—in contrast to the single women’s prison—were settings where consistency was far more commonplace, receding into the

background of prison life rather than being brought to the fore in its breach. Regardless of the particular reason, male respondents simply did not discuss consistency and inconsistency as often or emphatically as female respondents. Instead, their narratives were frequently framed in terms of a very different concept: pettiness.

The men that I interviewed discussed various ways that prison was “petty,” many of which came down to interactions with officers that lacked two main qualities: respect and fairness. These same two qualities have been addressed widely in the criminology and penology literatures, and have been determined to be particularly salient in carceral settings. The literature on procedural justice has been particularly significant in this area, having shifted scholarly attention from a myopic focus on fairness of outcome to a wider view that incorporates, if not emphasizes, fairness of process (Lind & Tyler, 1988). Tyler and colleagues (Lind & Tyler, 1988; Tyler, 1998; Tyler, Sherman, Strang, Barnes, & Woods, 2007; Tyler & Wakslak, 2004) have demonstrated the importance of fairness of procedures—including respectful treatment by authorities—on perceptions of procedural justice in settings as diverse as courtrooms, police-citizen interactions, and restorative justice conferences.

Shifting our view to a carceral setting, there is reason to believe that respect is similarly valued—perhaps even more so. Decades of prison sociology have documented the emphasis placed on respect by prisoners (Binnall, 2009; Crewe, 2011; King & McDermott, 1995; Stern, 1897; Sykes, 1958). Much of this work treats respect as the lynchpin of the prisoner community, although some explicitly addresses the value of respectful treatment by prison staff (e.g., Liebling, 2011). Liebling (2011) contends that the qualities of respect and fairness are among the key elements that undergird all interactions between prisoners and prison staff—interactions

that are crucial to the formation of the carceral terrain. As Liebling notes, “How a prison feels is shaped to a large extent... by the daily interactions that constitute that prison” (2011, p. 534).

For many male respondents, these daily interactions constitute a petty atmosphere that is described in terms of unfairness and disrespect. Pettiness is experienced by respondents as unfair in that it imbues minor or inconsequential matters with greater significance than they deserve. This elevation of the trivial often results in intentional punishments for small infractions, or actions, policies or conditions that unwittingly assume the mantle of punishment. These punishments are perceived as disrespectful of prisoners, who experience them as an intentional affront to their dignity or a careless oversight of their humanity. Albert, a black male in his mid-sixties serving a sentence of more than 200 years, addressed the atmosphere of pettiness early on in his interview. He noted that WCI is “petty, for lack of a better word”:

What I mean by that is... a lot of officers, they're a little more nit-picky about different things than some of the other institutions.... In some of the other places I've been, officers basically—if you're not trying to hurt somebody, trying to steal, doin' some of the more egregious things—they leave you alone.

Bradley, a white man in his mid-thirties nearly finished with a ten year sentence for car theft, also attributed the pettiness of his housing unit to officers' enforcement of policy: “Everything's real petty here. Like, you don't watch your Ps and Qs, you say the wrong thing or do the wrong thing, you get the hole.”

Matt, a white man in his early twenties serving a short sentence for burglary, described another type of interaction with officers that he would characterize as petty: the unprovoked, unsanctioned hassling of prisoners. He explained that:

Certain COs want to try to push your buttons. You might have a CO—I don't believe it's fair, you know—a CO might have [been] going through problems with his wife, going through certain problems out there on the street, and then bring it in here. And you know this mess up a person's day which is already messed up, you know? He's got to get over the fact that he's locked up every day, you know what I'm saying? It kind of makes it hard. A lot of COs here that

do that. That just try to come here and mess with inmates, you know, just believe that you're trash, for real.

Montell, a black male in his early twenties serving three years for a parole violation, provided even more detail on the perceived pettiness of the officers. He described this pettiness as “nothing major, just stuff inmates don't agree with.” When asked to give examples, he offered the following:

Well, like, say for instance, say if we were walking to chow and you had your shirt unbuttoned [at] the top. Might not even be on purpose, might not even have a button at the top. They want to be a dickhead they'll make you walk all the way to the block. You know what I'm saying? And make you, get yourself together and come back. Instead of just letting you do it right then and there. You know what I'm saying? Since they got the authority to make you do that, they'll do it. Just because they can.

Further exacerbating Montell's assessment of the pettiness of his punishment is his feeling that he is being punished for a minor crime: failure to register as a sex offender. He explained,

I feel like I'm being punished for something petty, to be honest.... I'm a sex offender, right? And I'm not a rapist or nothing like that, but I had, my first number I did five years for having sex with a female that was under age. And I got her pregnant and all that. But the parents, you know, they agreed with the... relationship and they didn't want to press charges. So the state pressed charges. You know, I was dumb to the law. So I really, I thought, like, you know, the parents [are] cool with it, so I'm not going to get in trouble.... But, you know, I did five years. And that kind of, that case kind of messed up my whole life. But now, I'm on something kind of connected to that case because of failure to register—which is petty because I'm here doing three years just because I didn't tell nobody an address.

Other men discussed the pettiness of the rules within prison, not just their enforcement by the officers. Jamal, a twenty year old black man just beginning a five year sentence for robbery, noted that the worst part of his punishment is all of the petty rules he has to follow: “It's just, you can't wear your house shoes around the dayroom during the day, when you ain't doin' nothin' . It's just a lot of rules.... There ain't no—what's the point? They're petty.” Whether the result of harassment by officers, stringent enforcement of minor rules, or even the abundance of the

rules themselves, many prisoners experience the pettiness of their institutions as unfair and disrespectful.

Experience of pettiness structured by supervision style.

The experience of pettiness differed substantially by supervision style. Men in DS housing units are far more likely to experience their punishment as petty, as evidenced by Montell's claim that "Don't get me wrong, every prison I've been to is boring. Nothing exciting about it. But it just seems like [WCI] is the pettiest." This pettiness was often discussed as rooted in infantilizing control exerted over prisoners by the institution. Jamal expressed his exasperation with what he sees as the over-control of prisoners:

I mean, the rules! We grown men. We can't walk around in a t-shirt if we want. We got to have blues on, and boots on, or shoes, and we can't be comfortable until a certain time.... We all grown men, so there shouldn't be no petty little rules. We should just be able to be comfortable where we at.

Bradley touched upon this theme as well. He explained:

All the COs here seem to talk to you like you're kids.... The COs come on the block and look at us like petty stuff, like I'm gonna have my feet on a bench, like "take it down." I'm not a child.... You ain't gonna disrespect me I'm just as old as you are. Or you might be younger than I am and you talk to me like I'm two years old.

At times, the pettiness of DS facilities is even attributed to aspects of direct supervision itself. The small touches of DS that lend prison a homelike feeling also lead prisoners to experience the officers' supervision as paternalistic and condescending. Jimmy used the language of pacification to explain the intent behind the amenities of direct supervision. When I asked whether his punishment would be different without these amenities, he explained:

Jimmy: It ain't no different. 'Cause, what they gave you a little bit more stuff? That's all they do. They pacify ya. They use the ping pong table as a pacifier, the pool table, the laundry, 'cause at [IS institution], you ain't got no laundry... you ain't got no ping pong table, none of that, no TV rooms. All that stuff is used [here at MCI] as a pacifier.

LS: Okay. And, how does that make you feel to be pacified that way?

Jimmy: I mean, I see what they're trying to do.

Jimmy's claim that "I see what they're trying to do" was tossed out in a defiant tone, as though challenging the officers to succeed in their attempts at pacification. Despite his assertion that "it ain't no different" in a DS housing unit, his tone and words seem to imply that the pacification tools of direct supervision actually have a punitive effect. Jimmy's reaction to this additional punishment is one of defiance and contempt. Kelby, a black man in his early thirties serving a life sentence for murder, described a strikingly similar take on the amenities of direct supervision, but did so with an air of defeat:

LS: Do you think those things [ice machine, laundry, pool table] make any difference at all?

Kelby: No, that doesn't have any, that's just, to me, that's just an institution to keep guys more, to pacify the guys in here a little bit.... Even though I don't feel the wrath of the punishment inside here, this is all punishment, you know what I'm sayin'? And, some people might not think that because the freedom we have here, is a lot more than other camps. But, it's like I still... I can't stand it.

For Kelby and many others, the pettiness of DS housing units—and the punishment that this pettiness creates or accompanies—is not particularly high in severity. The term "pettiness" itself even connotes superficiality. This is consistent with my finding that DS settings tend to be less severe in terms of punishment overall. The punishments that prisoners experience in DS housing units fall into two main categories: high severity symbolic punishments attenuated by the amenities of direct supervision, or low severity concrete punishments engendered by the breach of expectations about these amenities. While DS prisoners overall tend to experience the breakdown of amenities as small, concrete punishments (e.g., no hot coffee or fresh vegetables from the garden), at times these punishments are experienced as more symbolic. The majority of respondents who imbued the breakdown of amenities with meaning beyond the concrete are

male. These men, like Jimmy and Kelby, spoke about the amenities of direct supervision as pacification tools intended to lull them into complacency, and tools for a particularly petty form of punishment when they break down. Unlike most symbolic punishment, which is generally experienced as high in severity, the pettiness of DS settings is regarded as minimal and even trifling.

The low severity of punishment characterized by pettiness belies its salience, however. The contempt that prisoners have for the pettiness of their DS housing units renders punishment quite salient.⁴⁵ This salience is the result of large, positive punishment gaps based on expectations of what punishment should be like. In fact, the pettiness of punishment caught many DS prisoners by surprise; past experiences in primarily IS institutions or housing units did little to prepare them for the pettiness that characterizes DS settings. Montell's earlier claim that WCI (the only DS facility he has ever served time in) is the pettiest exemplifies this expectation based on prior experiences in prison. For Montell, the unexpected pettiness that pervades the atmosphere at WCI is something that required some adjustment. Because, as Montell acknowledges, "everything I go through... is all part of my punishment," he experienced a positive punishment gap upon arrival at MCI that rendered his punishment—pettiness and all—highly salient.

When comparisons are made to what punishment ought to be like, rather than what it would be like, prisoners are confronted with a similarly large punishment gap. Recall, for instance, Jamal's derisive comment about the disrespect of being treated like a child by officers. Considering himself very much a "grown man" at the age of twenty, Jamal feels that he deserves to be treated as such. When officers enforce their "petty little rules," this causes a rift between

⁴⁵ Sykes (1958) addresses the salience of pettiness to prisoners more generally, noting that: "from the viewpoint of the inmate population, it is precisely the triviality of much of the officials' control which often proves to be the most galling" (p. 73).

Jamal's expectation of punishment and its actuality, causing an affront to his dignity and rendering his punishment high in salience.

The punishment gap is even larger for men like Jimmy and Kelby, who experience their the amenities of direct supervision as both petty and insulting. When DS men are not only affronted by the indignities they face in prison, but also offended that the perks of direct supervision are somehow intended to placate them, their experiences of the severity of punishment far exceed their expectations. Their views on the perks of direct supervision become even more complex when the very same amenities that they initially resented come to be expected. When amenities are both expected and disdained, they become a petty form of punishment when they break down or become unavailable. In both cases, the amenities themselves are not the problem, nor are they the punishment. The punishment is the patronizing intention behind these amenities, or the petty environment that transforms their disrepair into punishment.

The hybrid combination of high salience and low severity is a natural fit for punishment that is experienced as petty. The injustices that underlie pettiness are small, but they have remarkable staying power in the brain. Men in DS settings spoke about their inability to "shake off" the pettiness that they experience once it gets under their skin. The surprising resilience of an atmosphere of pettiness causes it to be a major orienting feature of their lives in prison. As a result, many of these men expressed the narrative of punishment as a separate life, the narrative associated with high severity and low salience punishment. The low severity of punishment in a DS housing unit makes it possible for these men to live lives inside prison. The high salience of punishment that is at once petty and condescending makes this life markedly different from any life they would lead as grown men outside of prison. The constraints of prison life allow these

men to be treated as children in a way that would be simply unacceptable to them on the outside, resulting in lives inside prison that seem disconnected from the lives they lived before, or the lives they will resume upon release.

Weightiness of punishment.

In contrast to the pettiness that characterizes life in DS units, men in IS units tend to experience their punishment as weighty and substantial. As noted in Chapter 1, the concept of weight to describe punishment is not novel to this study. King and McDermott (1995) use the language of weight to describe the onerousness of punishment brought about by the “relationships, rights and privileges, standards and conditions” (p. 90) that prisoners experience. King and McDermott’s notion of weight is a reconceptualization of Downes’ (1988) use of the term “depth” to describe the degree to which punishment was experienced as “an ordeal, an assault on the self” (p. Downes, 1988, p. 179). While depth connotes punishment that is invasive and penetrating, King and McDermott contended that weight was a more apt metaphor for punishment that bore down upon prisoners rather than invaded them—what Crewe (2011) refers to as “a *vertical* form of oppressiveness and an almost physical sense of burden” (p. 521, emphasis in original).

There is striking similarity between these conceptualizations of depth and weight of punishment and the concept of severity used in this study. What I call *weightiness*, however, is distinct from any of these concepts. Whereas weight, depth, and severity all measure the quantity of punishment, weightiness reveals more about the quality of punishment. Weightiness can be best understood in direct contrast to pettiness. Whereas petty punishment is viewed as trifling and irksome, weighty punishment is experienced as consequential and profoundly altering. Weighty punishment goes beyond merely being severe in that it has grave implications for prisoners lives and sense of self. Weighty punishments are experienced as significant

alterations to prisoners' lives—oftentimes resulting in lasting changes that will never be undone. Petty punishments, in contrast, may recur frequently, but are generally fleeting.

When men in IS housing units told of weighty punishment, they described it as “oppressive”—a “terrible ordeal” that they suffer in an “evil, evil place.” Jack, a white man in his mid-thirties serving a short sentence for domestic violence, described the weight of punishment as something that is “piled up and piled on.” He explained that the prisoners in his housing unit are punished “Constantly. They’re punished mentally, spiritually, physically, verbally. They’re punished in every aspect.” Steven, a forty year old black man serving a life sentence for murder, contends that “all that punishment is doin’ is bringin’ more of the same to a guy who’s already broken.” This language of being broken down by the weight of punishment was quite common among men in IS settings; for instance, Michael noted that “Mentally, this, it breaks you, it break you down.”

While previous conceptualizations of weight and depth of punishment encapsulated both severity and salience, weightiness does not necessarily entail higher salience. This finding is somewhat counterintuitive. It seems reasonable that punishment that is bearing down on someone would be weighing on their mind as well; if this were the case, weighty punishment would necessarily be high in salience as well as severity. Instead, weighty punishment was frequently discussed as high in severity, but low in salience. This low salience was not described as an innate or natural quality of weightiness, however—it was revealed as a conscious adaptation to reduce the burden of punishment.

When men in IS housing units described weighty punishment, they also spoke at length about their strategies of managing this punishment, of making the weight of their punishment seem lighter through active mental work. Men in IS settings described punishment that could

become so heavy, so oppressive, that it was best to try to push it out of their minds whenever and however possible. Chuck, a white man in his early fifties serving fourteen years for a sex offense, used the language of being broken by the weight of punishment, noting that in IS prisons, it “break[s] people down bad... it breaks you down even trying to deal with it.”

Rockmond, a black man in his late thirties serving time for rape, echoed Chuck’s sentiment that even thinking about his punishment would cause him to break down. Rockmond explained the sense of despair that he feels when considering the weight of his punishment: “It’s a lot of helpless[ness]—you feel helpless a lot when you’re in here. You feel like, ‘What can I do?’ Why even think about that because I can’t do nothing about it, you know?”

Chuck and Rockmond both described the impetus behind pushing punishment out of their minds, and thus lowering the salience of their punishment. How this was achieved, however, was a different matter. Gabriel, a black man in his mid-thirties serving a life sentence for aggravated murder, explained that the best strategy for him is to “Shut down. I’ll do what I need to do and just move along.” In order to truly achieve low salience, however, prisoners need to do more than simply push punishment out of their minds; they need to achieve negative or nonexistent punishment gaps. For men in IS settings, this often means throwing themselves into whatever small pleasures they can find in prison, such as faith-based programming, art, or sports. By distracting themselves from the severity of their punishment, they explained that they can almost play tricks on their own minds, convincing themselves that their punishment is not as severe as it might seem. This artificially low severity punishment—the mirage of low severity without the substance—enables these men to orchestrate a vision of punishment that appears less severe than expected. The result of these psychological tricks, achieved through mental sleight of hand, is low salience punishment achieved by a negative punishment gap.

Another way in which punishment is rendered low in salience is through a manipulation of expectations, rather than experiences. Despite the severity of life in an IS setting, some prisoners expected that it would be far worse. Chuck explained, “My punishment, to me, it seems way extreme.... Taking freedom away from somebody is a lot. But, you also got to see... that it could be worse. There’s people in several other countries that have prisons that I’m sure is worse.” In a more local comparison, Chuck also tried to remind himself that NCI was not as bad as other ODRC facilities: “Apparently, it’s not as bad as some of the other prisons in Ohio. Since I’ve been here, I haven’t seen nobody get cut with a knife or anything, which they do across the street or next door.” By creating expectations of punishment that are incredibly high in severity, Chuck’s experience of his weighty punishment seems less severe in comparison. This inflated expectation of severity results in a negative punishment gap, and allows Chuck’s punishment to become lower in salience.

This combination of low salience and high severity—the logical reverse of the combination for DS men—reflects punishment that is weighty, but strangely not a prominent part of IS men’ lives. Although seemingly a tenuous combination, these two facets of punishment conform closely with the narrative of punishment as suspension of life. When IS men describe their punishment as weighty, they tell of symbolic punishments that bear down on them, leaving them virtually unable to live their lives. Despite this weight, their punishment is low in salience, making it seem not quite real. The result is the experience of a life in suspension—an altered state in which their bodies are in a holding pattern, and their lives fly by without them. The weightiness of prison and the accompanying sense of punishment as a life suspended is perhaps best illustrated by a quote presented in Chapter 2. Dale, a white man in his mid-thirties serving a

life sentence for aggravated murder, described what it feels like to know that he will likely spend the rest of his life in prison:

Mmm, kind of a, a sinking feeling. You know, it's kind of, there are those moments where, I don't know, it's almost like a déjà vu feeling, the feeling that you get when you have déjà vu. It's sort of the same feeling I have when I get to thinking about, "Wow, this is, this is it for the duration. This is it." You know, tomorrow is the same as, will be the same as yesterday, and the day before, and you know, the day after tomorrow will be the same as today. You know, it's, wow, kind of heavy.

The "sinking feeling" that Dale experiences under the weight of his punishment induces a sense of unreality. For Dale and other IS prisoners, the low salience of punishment that is at once weighty and severe defies temporality and severs their ties with reality.

Gender and the Penal Consciousness Framework

Whether attributable to individual-level differences or setting—or more likely, a combination of both—there are striking differences in the ways in which men and women experience punishment. Female prisoners privilege consistency in their lives and routines, and lament the frequent lack thereof. Male prisoners, in contrast, spoke of the importance of respect and fairness that is frequently lacking in the pettiness of prison staff and procedures. Women's experiences of inconsistency and men's experiences of pettiness were both structured by supervision style, revealing an interesting interaction of individual-level effects and contextual effects on the experience of punishment and the resulting narratives of penal consciousness. It is to this interaction that I turn next.

Discussion and Conclusion

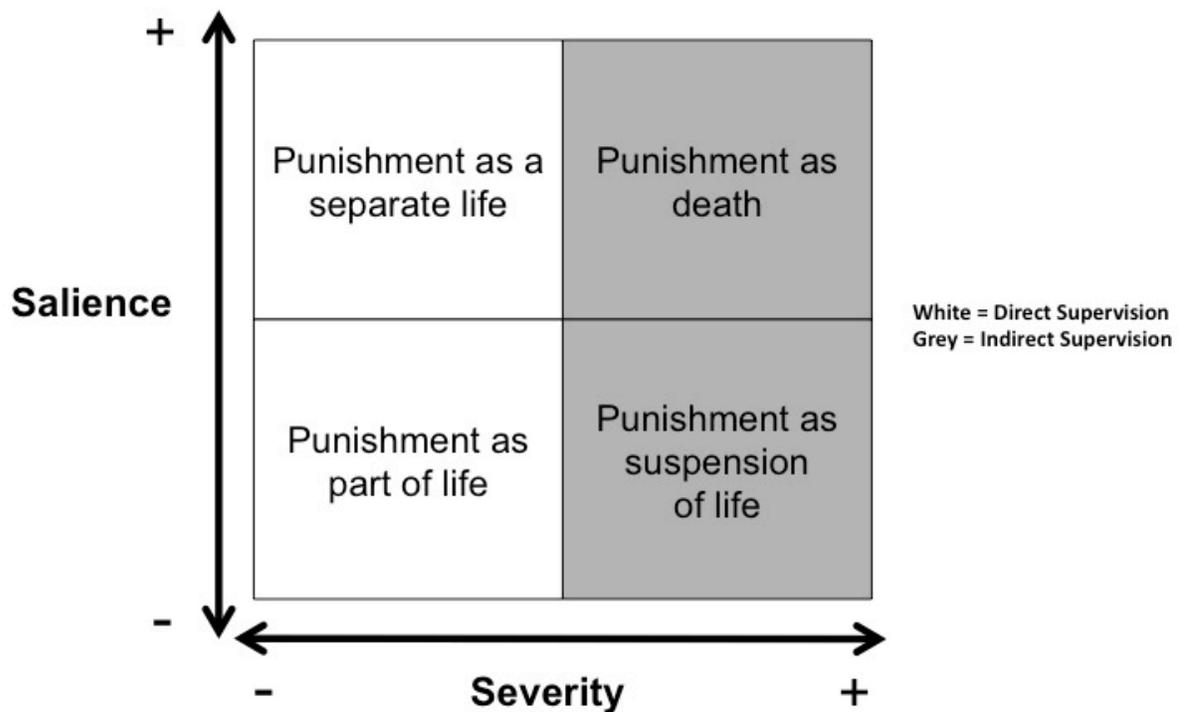
The findings presented above reveal differences in penal consciousness across setting and gender. One of the primary points of agreement across my respondents, whether housed in DS or IS settings, whether male or female, is that prison itself is punishment. The degree to which prison *feels like* punishment, however, differs across supervision styles. Prisoners in both DS

and IS settings understand prison to be a structure that functions to deprive them of their freedom—of their liberty, autonomy, and humanity—and to separate them from their loved ones. While the amenities of direct supervision can serve to attenuate the severity of this punishment at times, the loss of freedom and family that come with confinement are still very real forms of punishment. Despite the presence of this symbolic punishment, prisoners in DS settings generally experience punishment as low in severity. This can be attributed to two different factors: the attenuation of severe symbolic punishment by the privileges and amenities of DS, and the presence of low severity concrete punishments engendered by the loss of perks and breakdown of amenities. For prisoners in IS housing units, in contrast, not only does “prison equal punishment”—but prison *feels* like prison, which means that it feels a great deal like punishment. In IS settings, prisoners are granted few of the privileges and perks of life in a DS housing unit, and are thus exposed to severe symbolic punishments unmitigated by the occasional pleasant or meaningful touch of the outside world.

The key difference between DS and IS settings in the experience of punishment comes down to the severity of punishment (see Figure 4). The narratives of penal consciousness associated with each setting correspond to the experience of low severity punishment in DS settings and high severity punishment in IS settings. In DS settings, prisoners primarily express the two narratives of punishment as life—whether a separate life or part of one’s normal life—narratives that have in common low severity of punishment. These narratives differ according to the degree of salience of punishment, with high salience punishment engendering a separate life and low salience punishment regarded as continuous with real life. Direct supervision prisoners’ expression of both of these narratives indicates that the punishments that characterize DS settings are perhaps more noteworthy in their low severity than in their levels of salience. In IS settings,

prisoners tend to express narratives of penal consciousness that portray punishment as incompatible with life. These narratives—punishment as suspension of life and punishment as death—hinge on high severity of punishment. The difference between the two lies in the degree of salience of punishment, with punishment as suspension of life characterized by low salience and punishment as death characterized by high salience. Just as in DS settings, it appears that severity of punishment in IS settings is perhaps more defining than salience of punishment. Thus, penal consciousness appears to be structured by supervision style in ways that pivot more on severity than salience.

Figure 4. Narratives of Penal Consciousness by Supervision Style



Interestingly, in the analysis presented above, gender did not emerge as a consistent indicator of the degree of salience or severity of punishment in the same way that supervision style did. Whereas direct supervision is associated primarily with low severity and indirect supervision with high severity, no analogous claims can be made with regard to gender. Instead

of neatly corresponding to opposite poles of individual continua of severity or salience, gender is more closely related to *combinations* of severity and salience (see Figure 5). The pattern that is revealed is quite interesting: female prisoners are more likely to experience “pure” combinations and male prisoners are more likely to experience “hybrid” combinations. More specifically, female prisoners most often reported experiencing punishment that is high in both salience and severity, or low in both salience and severity. Male prisoners, in contrast, more often recounted punishment that is a combination of high salience and low severity, or low salience and high severity (see Figure 4). Within each gender group, supervision style plays a role of differentiation between combinations of severity and salience. When both axes of differentiation—gender and supervision style—are examined in concert, the result is each comparison group (female DS, female IS, male DS and male IS) associated with a particular narrative of penal consciousness (see Figure 6).

Figure 5. Narratives of Penal Consciousness by Gender

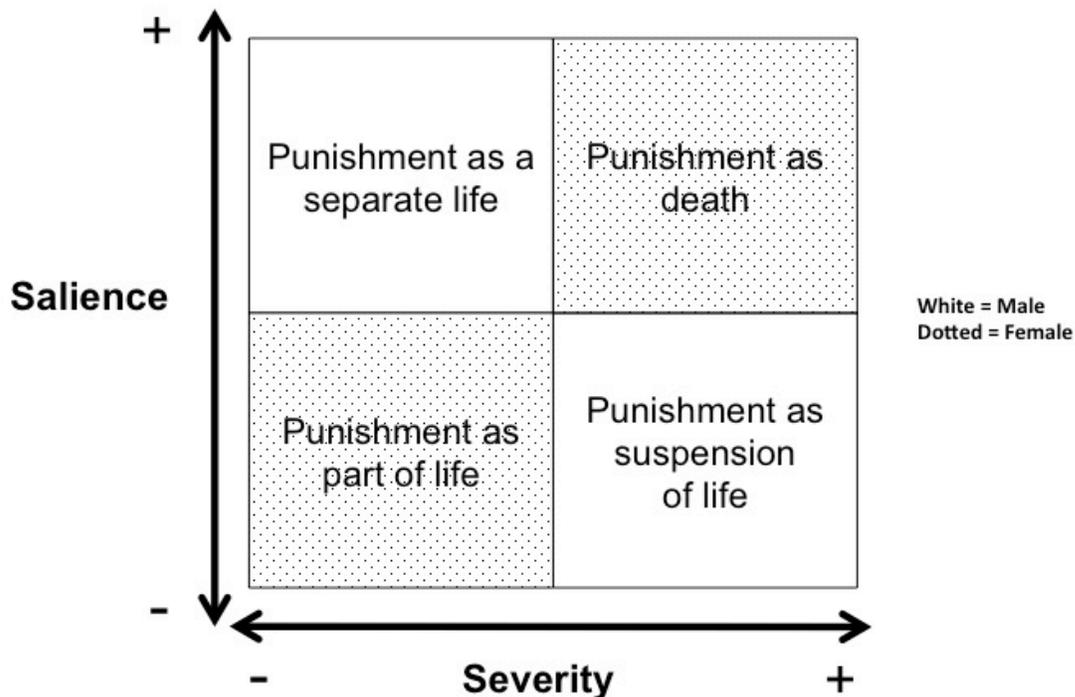
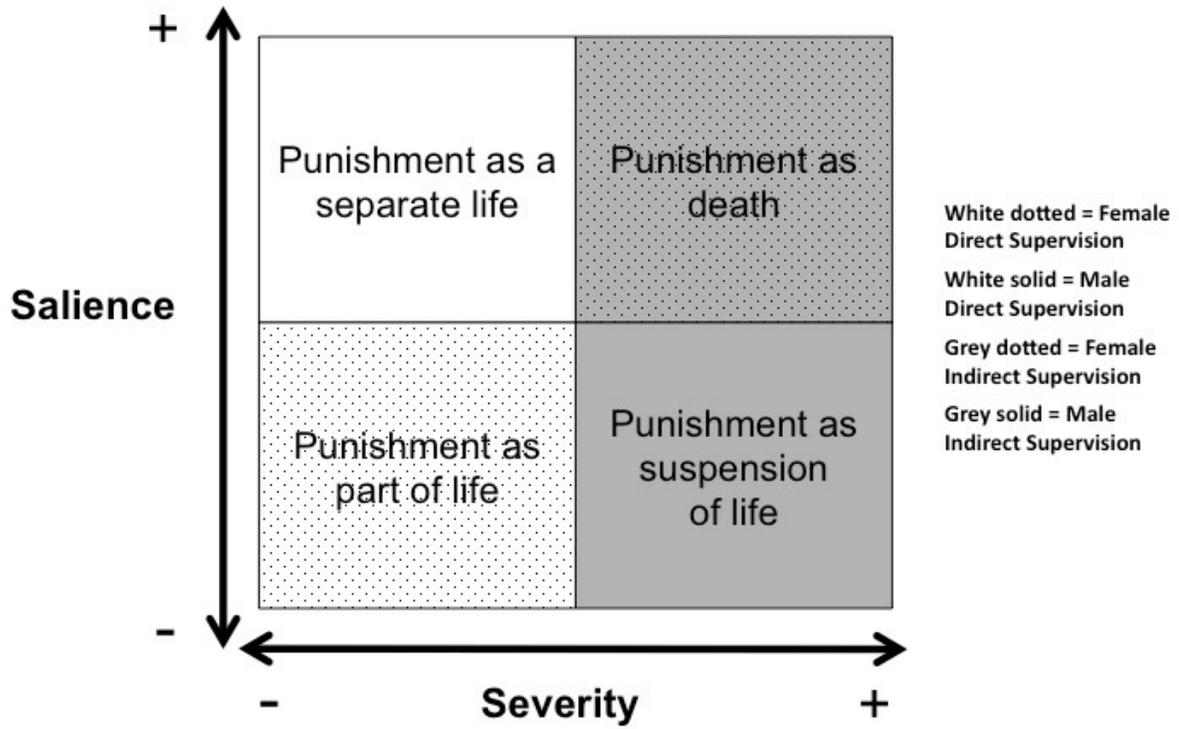


Figure 6. Narratives of Penal Consciousness by Comparison Group



Chapter 5. Conclusion

Overview of the Penal Consciousness Theoretical Framework

This dissertation develops a new theoretical framework that explores the patterned nature of punishment as it operates on the ground from the perspective of those who are being punished. The penal consciousness framework allows us to understand the processes by which penalty is constructed by assessing the ways in which prisoners orient to and make meaning of punishment. By examining the interplay between the objective components of punishment and the subjective lived experienced of these punishments, the penal consciousness framework moves beyond the objective indicators of punishment of many macro-level theories, opening up a space for penalty to be constructed from the ground up.

Content of Punishment and Level of Abstraction

As demonstrated in Chapter 2, punishment is many things. It is the loss of freedom, the broken microwave, the brutal inconsistency and the infantilizing pettiness. It is frustration, anger, depression, and numbness. Despite these disparate punishments—or perhaps because of them—the strongest area of agreement across my sample is that prison, at its core, is punishment. Respondents expressed this sentiment in many ways, but they all came down one respondent’s assertion that “prison is punishment, period.” The myriad punishments that prisoners experience can be organized conceptually into two categories, distinguished by the level of abstraction at which they are experienced. The first type, concrete punishment, can be seen in the material deprivations that prisoners experience in prison. Concrete punishments fall into three broad categories: medical neglect or mistreatment, inadequate or unhealthy food, and the inability to pay for necessities that are not provided by the prison. The second type, symbolic punishment, lies not in material conditions, but rather in the larger losses and deprivations experienced by

prisoners. Four types of loss loom largest for prisoners in terms of symbolic punishment: the related losses of autonomy, self, and humanity—all types of loss freedom—and the loss of family.

The simplicity of this typology belies the true complexity of punishment. Punishments are rarely experienced in isolation, and prisoners frequently experience punishments that are both concrete and symbolic. The various punishments that prisoners experience are constantly shifting around them as their circumstances, interactions, and lives more generally change in unpredictable ways. When these myriad punishments coalesce, prisoners describe the resulting experience of punishment in many ways. Some prisoners describe an amalgamation of numerous, small punishments into a conglomerate whole with distinct parts. Others experience a single, more or less unified punishment that is the result of an almost seamless interweaving of punishments that seem to blend into one another. Still others experience prison as a base punishment on which smaller, individual punishments are heaped. Regardless of the imagery employed, that prisoners experience punishment in prison is undeniable.

Assessing Salience and Severity of Punishment

The penal consciousness framework goes beyond merely cataloging the diverse array of punishments described by prisoners. In order to examine the patterned nature of punishment and gain insight into penalty writ large, it also assesses the ways in which the experience of punishment varies. Examining punishment along two dimensions of harshness (severity and salience) allows us to understand the patterns of punishment that emerge within prison walls, and sets the groundwork for a typology of penal consciousness.

The first dimension of punishment, severity, is determined largely by the level of abstraction at which punishment is experienced (concrete or symbolic). Punishment that is experienced as solely concrete is generally low in severity, while punishment that is experienced

as symbolic tends to be higher in severity. The second dimension of punishment implicated in the penal consciousness framework is salience. While severity of punishment reveals its intensity, salience is a measure of the prominence of punishment in the minds and lives of prisoners. Like severity, salience exists on a spectrum from almost imperceptibly low to strikingly high. The salience of punishment depends not only on prisoners' experience of punishment, but also on their expectations of punishment. The distance between the punishment a prisoner expects and the punishment she experiences—a distance that I call the punishment gap—largely determines the salience of her punishment. The expectations that inform the punishment gap can vary widely, from first-hand or vicarious knowledge of what prison is like to knowledge of appropriate punishments for certain crimes and a sense of fairness or justice. As a result, the punishment gap is determined by the distance between the experience of punishment—which, as shown above, can itself be multifaceted—and the many different expectations that a prisoner can have about her punishment.

Narratives of Penal Consciousness

In Chapter 3, I moved beyond the separate consideration of salience and severity to examine these two dimensions in concert. When each dimension is dichotomized into low and high values⁴⁶, the result is four unique combinations of salience and severity that correspond to four narratives of penal consciousness. Each narrative of penal consciousness is a story that prisoners tell about the meaning and place of punishment in their lives. Specifically, these narratives portray the different ways that prisoners situate punishment in the larger landscape of what they consider to be their “real” lives. In the first narrative of penal consciousness, *punishment as part of life*, prisoners experience their punishment as fitting seamlessly into the

⁴⁶ As noted in Chapter 3, this distinction is somewhat artificial, but analytically quite useful. Just as penal consciousness cannot be neatly collapsed into four categories, neither can the continua of salience and severity be neatly bifurcated into “low” and “high.”

course of their real lives. Associated with punishment that is low in both salience and severity, punishment is understood as being one of many unique experiences that comprises a complete life history.

The second narrative, *punishment as a separate life*, resembles the first narrative in many ways. The distinction between punishment as part of life and punishment as a separate life pivots on the degree of salience of punishment. In both narratives, punishment is experienced as low in severity, and therefore compatible with living a life. In punishment as a separate life, however, punishment is experienced as high in salience, and thus strikingly more “real” than the lives prisoners left behind outside prison walls. In this narrative, a boundary is erected between prisoners’ lives inside prison and the lives they lived on the outside. Rather than being experienced as one chapter in the story of prisoners’ lives, punishment is experienced as a new story altogether.

The third narrative, *punishment as suspension of life*, portrays punishment as having no place in the “real” landscape of prisoners’ lives. In this narrative, prisoners describe punishment as harsh, but somehow less real than life outside prison, and therefore low in salience. Punishment that is low in salience and high in severity induces a feeling of stagnation and a sense of unreality in prisoners. According to this narrative, life outside prison continues under the auspices of “reality,” while punishment inside prison walls is experienced as an atemporal suspension of both reality and life. Punishment carries with it a skewed sense of temporality and a sensation of being stuck at a standstill while “real” life passes by in a blur outside prison walls.

The fourth narrative, *punishment as death*, is associated with punishment that is high in both salience and severity. Similar to punishment as suspension of life, prisoners who express this narrative experience punishment as incompatible with life. Unlike those for whom

punishment is simply a physical distancing or removal from a life that continues on without them outside prison walls, prisoners who experience punishment as death report an extinguishing of life altogether. When prisoners experience punishment as death, they describe punishment as a physical, psychological, or spiritual death that ended their lives as they knew them. In this narrative, a life of punishment is no life at all.

Because the contours of punishment are constantly shifting, experiences of punishment are accumulating, and expectations are continually being reconfigured, penal consciousness is a variable and complex thing. As a result, many prisoners express multiple narratives of penal consciousness. Despite being found in combination—and sometimes even contradiction—to one another, these narratives remain conceptually distinct, and distinctly tied to particular combinations of salience and severity. Taken together, these four narratives of penal consciousness capture variation in the ways in which prisoners make meaning of their punishment and make visible the processes by which penalty is constructed.

Variations in Penal Consciousness by Supervision Style and Gender

In Chapter 4, I examined the ways in which penal consciousness is structured by variation in terms of both individual and setting. The development of a broadly applicable framework for penal consciousness in Chapters 2 and 3 demonstrates that there are certain defining characteristics of carceral settings that impact the experience of punishment and construction of penalty in predictable ways. By examining variations in penal consciousness according to two major axes of differentiation—correctional supervision style and gender—Chapter 4 reveals that variation at the local and individual levels also impacts the dynamics of penal consciousness.

With regard to correctional setting, the particularities of supervision style impact penal consciousness in various ways. Direct supervision, designed to be a humane and humanizing

form of incarceration, brings with it many perks and amenities. These characteristics of DS housing units impact the experience of punishment in two discrete ways: they help to attenuate the symbolic punishments experienced as part of incarceration (e.g., loss of freedom and family) by providing material comforts, and they make prominent the less severe, concrete punishments that result from the breakdown or removal of amenities. The narratives of punishment associated with DS are punishment as part of life and punishment as a separate life—both narratives that are associated with low severity punishment. In contrast, IS settings are associated with the narratives of punishment as a suspension of life and punishment as death—two narratives that portray punishment as essentially incompatible with life. Thus, despite the potential for the amenities associated with DS to have a powerful impact on the salience of punishment, the distinction between DS and IS settings is most striking with regard to severity.

Variation in penal consciousness at the individual level is a bit more difficult to ascertain. Because of confounds with setting, differences between male and female prisoners can be assessed, but not definitively attributed to individual-level characteristics. In Chapter 4, I present the differences between male and female prisoners as likely stemming from both individual and contextual characteristics. Unlike supervision style, gender did not neatly correspond to levels of a single dimension of punishment. Instead, gender is more closely related to *combinations* of severity and salience, with female prisoners more likely to experience “pure” combinations and male prisoners more likely to experience “hybrid” combinations. Female prisoners most often expressed narratives of punishment that are low in both salience and severity (punishment as part of life), or high in both salience and severity (punishment as death). Male prisoners, in contrast, more often recounted punishment that was a combination of high salience and low severity (punishment as a separate life), or low salience and high severity (punishment as suspension of

life). Within each gender group, supervision style plays a role of differentiation between combinations of severity and salience. When both axes of differentiation—gender and supervision style—are examined in concert, the result is each comparison group (female DS, female IS, male DS and male IS) associated with a particular narrative of penal consciousness.

Implications of the Penal Consciousness Theoretical Framework

Implications for the Empirical Study of Punishment

The findings presented in this dissertation and summarized above inform the ongoing debate in the penological literature about the relative importance of the macrostructure of the carceral environment and the micro-level institutional environment. My findings go beyond addressing macro- and micro-level contexts to also take into account variation at the level below institutional context: the individual level. Just as particular prisons are located within a larger carceral context, particular prisoners are nested within each prison. These prisoners vary in all of the ways that make people unique (with the exception of one defining similarity: they are all felons). Because it is reasonable to assume that both macrostructure and micro-level context would impact the experience of punishment, it follows that individual characteristics—demographics, a lifetime’s worth of experiences and expectations, and the resulting subjectivities—would be of import as well. The penal consciousness framework takes all three of these levels into account, allowing each to be impactful in its own way.

My findings show that these three levels—carceral structure, institutional context, and individual variation—are all influential in shaping prisoners’ experiences of punishment and their attendant penal consciousness. At the macro level, there was one key area of agreement among my respondents: no matter how you dress it up, prison is punishment. Because “prison equals punishment”—in many ways, as it turns out—I was able to abstract from my respondents’ experiences a general theoretical framework for understanding variation in punishment. Because

context matters as well, the way these dynamics play out on the ground differs depending on the institutional setting. Although the same theoretical model of penal consciousness holds across settings, the value and form of each component of the model shift to reflect the particular setting. In the case of supervision style, the amenities provided by direct supervision have an interesting impact on both salience and severity of punishment—sometimes in conflicting ways—but they do not change the structure of the penal consciousness framework itself. Variation at the individual level may also prove important.⁴⁷ Gender differences in the experience of punishment indicate that very different considerations are made in the assessment of punishment, with female prisoners highlighting consistency and inconsistency in the prison environment and male prisoners privileging notions of pettiness and weightiness of punishment. These factors inform the penal consciousness framework, shaping the ways in which the same general dynamics unfold without altering their overall structure.

While these findings do not adjudicate the debate between micro- and macro-level determinants of punishment, they do suggest a compromise. As is so often the case with debates in the social sciences, the truth likely rests somewhere between two sides. With regard to punishment, it is undeniable that the commonalities between prisons are far greater than the distinctions among them. As all of my respondents acknowledged in some way, being locked up is simply unlike any other experience of their lives. The shape that this experience takes, however, varies immensely at both the institutional and individual levels. Beyond the consensus that prison is a punishment like no other, areas of complete agreement across my sample are few and far between. Prisoners' subjective experiences of punishment, and the narratives of penal

⁴⁷ As discussed earlier, discerning variation at the level of individual characteristics is not without complications. Because of confounds introduced at the institution level, the differences between male and female prisoners found here can be attributed to individual-level characteristics only with qualification and caveat. Just as it is reasonable to assume that part of this variation is attributable to characteristics of the institutions in which these prisoners are housed, so too is it reasonable to credit individual-level differences with at least some of the variation demonstrated.

consciousness that they produce, are shaped and molded by their personal biographies and bounded by their environments. If I had told any of the prisoners who participated in this study that some scholars' work reflects a tacit assumption that institutional environment simply does not matter, or conversely that it can make a prison not feel like prison, most would have laughed equally heartily at each of these assertions. Had I asked them directly about punishment and its determinants, they would likely have told me exactly what I found: that it all matters to some degree, in some way. The penal consciousness framework, in its applicability and flexibility, reflects this simple truth. I hope it does so in a way that adds nuance and value to our understanding of punishment, demonstrating not just *that* these factors matter, but *how* they matter.

Theoretical Implications of a Broader Conceptualization of Penalty

In its entirety, the penal consciousness framework allows us to map variation in the lived experience of punishment and makes visible the processes by which penalty is constructed. The penal consciousness framework moves beyond the limited, objective view of punishment as legal sanction to a more expansive view of penalty that privileges subjectivity and meaning. The incorporation of subjectivity into the penal consciousness framework enables punishment as it is understood by prisoners to differ markedly from what is conceived of as punishment by lawmakers, but at the same time to be contingent upon it. This allows punishment to be examined *in situ* rather than in its ideal, articulated, or abstract form—an important advancement from conventional understandings of punishment. Although a great deal of scholarship has examined the lived experience of punishment, the literature still lacks a cohesive theory that explains variation in punishment at this level. Penal consciousness fills this void, providing a bridge between the micro-level empirical data on prison life and macro-level explanations of penal harshness.

The penal consciousness theoretical framework speaks to macro-level theories of the punitive turn by calling into question the very premise on which they rest: that punishment in the US is uniformly harsh. In contrast to the theories of Garland and Whitman, which assert and seek to explain harshness of punishment based solely on objective factors, penal consciousness allows us to more fully understand the harshness—or relative lenience—of punishment as it takes shape in the institutions designed expressly for it. Through an examination of penal consciousness we can examine the current composition of punishment in a very different way. By defining and describing their punishment, prisoners yield insight into what punishment *is* rather than what it is supposed to be.⁴⁸ As evidenced by the findings I present in this dissertation, penal harshness in the US is not as uniform as many objective indicators would lead us to believe.

Given the subjectivity entailed in the construction of penalty, there are inevitable gaps between punishment as it is designed, punishment as it is enacted, and punishment as it is experienced. These gaps can be explained, at least in part, by the organizational structure of the criminal justice system. Inspired by organizational theory, Hagan, Hewitt and Alwin (1979) proposed a novel way of understanding the linkages between the various moving parts of the criminal justice system. According to their model, the criminal justice system can be viewed as a “loosely coupled organizational system” that lacks the often presupposed tight fit between structure and function. Loose coupling implies “entities (e.g., court subsystems) which are responsive to one another, while still maintaining independent identities and some evidence of physical and logical separateness” (Hagan, et al., 1979). The criminal justice system is loosely coupled in that it consists of numerous disparate agencies operating at various levels of

⁴⁸ As Kruttschnitt and Vuolo (2007) note, “penal policies are best understood outside of their rhetorical packages and inside their lived realities” (p. 141).

governance, arrayed both hierarchically and laterally, working in conjunction with one another to various degrees and with varying effects. From this notion of loose coupling it logically follows that the penal mandates handed down at each level of the organizational chain, and the largely “ceremonial” (Hagan, et al., 1979) rhetoric that guides them, might find themselves dramatically attenuated or reconfigured by the time they reach the ground.⁴⁹

This phenomenon is what sociolegal scholars have long referred to as the gap between “law on the books” and “law in action.” In loosely coupled systems, “law in action” is generally operationalized at the level of practitioner. For the criminal justice system, this means that the bottom link in the organizational chain consists of the state actors who mete out or enforce punishment on the ground—in this case, prison staff. In contrast, the penal consciousness framework suggests an alternative, more complete, understanding of the organizational structure of punishment that affords prisoners a role in the construction of penalty, and consequently in the consideration of the penal apparatus. The emphasis on the meaning that prisoners attach to punishment—and the resultant narratives of penal consciousness that they express—reveals the ways in which prisoners go beyond merely defining their punishment to actively shape penalty.

This conforms closely with Ewick and Silbey’s (1998) contention that “the commonplace operation of law in daily life makes us all legal agents insofar as we actively make law, even when no formal legal agent is involved” (p. 20). Penal consciousness shifts prisoners from being objects of punishment to being subjects with agency and power (albeit in limited amounts). Instead of being passive receptacles for punishment, prisoners are agents actively involved in the creation of penalty. Rather than being mere throughputs of the penal system, they are agents of penalty. With the inclusion of prisoners in the organizational structure, the criminal justice

⁴⁹ The degree to which criminal justice policies are implemented in practice has been the subject of a number of recent empirical studies (e.g., Hannah-Moffat, Maurutto & Turnbull, 2009; Kruttschnitt & Dirkzwager, 2011; Kruttschnitt & Gartner, 2005; Lynch, 1998, 2000)

system becomes far more loosely coupled than ever before. The organizational ladder is not only extended vertically, but also spread out laterally at this lowest level, allowing for a new class of organizational actors to influence the shape of ‘punishment in action’ as it moves largely independently of trends in ‘punishment on the books.’

Policy Implications for a Loosely Coupled System

The gap between punishment on the books and punishment in action has policy implications as well. As noted earlier, the broad conceptualization of penalty employed here—complete with attention to subjectivity and consciousness—is thoroughly at odds with legal definitions of punishment. Our criminal justice system is predicated on knowable, measurable penalties. Subjectivity complicates this. Because subjectivity is paramount to the penal consciousness framework, punishment is an incredibly individualized phenomenon. No single prisoner’s punishment is identical to another’s, because each will have her own lived experiences and expectations, her own ways of making meaning of punishment and designating its place in her life. Consequently, no single prisoner’s punishment can possibly be known before being experienced. Ruggiero (2010) notes that “law texts establish when punishments have to be inflicted, while judges decide how long they should last; neither examines their effects on bodies and minds, the suffering produced, how it feels” (p. 86). When a prosecutor pursues a criminal charge or when a judge hands down a sentence, she knows only the penalty, not the punishment. The implications of this are clear: Without full knowledge of punishment, can we ever really know the deterrent or retributive value of our sanctions? Can we ever really have equal justice?

Legal scholars have recently begun to address these very questions. Kolber (2009) discusses the problematic assumptions about severity inherent in our criminal sentencing strategies as well as the fraught nature of assessments of subjectivity of punishment. He notes that both consequentialist/utilitarian (deterrence, incapacitation and rehabilitation) and

retributivist (just deserts and proportionality) justifications for criminal punishment are undermined by inadequate assessments of the severity of our legal sanctions. Kolber makes a strong call for the necessity of such assessments: “A successful justification of punishment must take account of offenders subjective experiences when assessing punishment severity” (p. 182). Acknowledging the practical obstacles and financial constraints entailed in individualized assessments of the projected subjective experience of punishment, Kolber concedes that “We have certain obligations to consider actual or anticipated punishment experience at sentencing, *at least when we can do so in a cost-effective, administrable manner*” (p. 182, emphasis added).

Kolber’s position has not gone unchallenged. Markel and Flanders (2010) take issue with “subjectivist” arguments like Kolber’s, challenging what they see as the “apparently unreflective conflation of punishment with suffering” (p. 911). One of the few “islands of agreement” (p. 910) that they cite with Kolber is that minimal “knowledge of human psychology and social norms” (p. 907) is necessary to ensure that punishment does not diverge radically from its stated intention. They note that “for each offense there will be floors (punishment that is too tame to convey condemnation) and ceilings (punishment that is too harsh or excessive...), and that there must be some mechanism to ensure that the floors and ceilings do not crumble” (p. 911). Everything between the floors and ceilings, according to Markel and Flanders, is fair game.

The penal consciousness framework developed here addresses Markel and Flanders’ claim that punishment is all too often conflated with suffering. By employing an expansive definition of penalty that incorporates the subjectivity and meaning of punishment, the penal consciousness framework takes a definitive stance on this issue: although punishment and suffering are not one and the same, neither are punishment and sanction. Accounting for suffering must be considered in the assessment of punishment, and the only way to do this is by

employing understandings of subjectivity. The incorporation of subjectivity into punishment does not erode the distinction between punishment and suffering or conflate the two; it simply opens up the concept of penalty to account for the lived experience of punishment. The penal consciousness framework is a model of the lived experience of penalty that simultaneously attends to the subjective consciousness of individual prisoners and acknowledges the structures in which these subjectivities are embedded.

Directions for Future Research

The penal consciousness framework presented in this dissertation is a valuable addition to the theoretical and empirical literatures on prisons and punishment. The development of a new framework to map variation in the lived experience of punishment necessitates a particular type of methodology—one that is qualitative, inductive, and exploratory. The in-depth, qualitative interviews that I conducted with 80 prisoners for this dissertation provided a rich source of data for the inductive construction of the penal consciousness framework. The same attributes of my sample and methodological strategy that strengthen the data also limit the generalizability of my findings, however. My sample is older, serving longer sentences (including life sentences), and more likely to be incarcerated for murder or manslaughter than the larger inmate population. In light of this, future research is necessary to improve upon the methodological limitations of this dissertation and advance the penal consciousness theoretical framework in interesting and innovative ways.

One potential avenue for future research is a larger scale, quantitative study to test the propositions of the penal consciousness framework. A quantitative assessment of penal consciousness across various populations and settings would be an ideal test of the framework that I develop in this dissertation. Such a study could improve upon the limited generalizability of my results by collecting data from a larger, more representative sample of prisoners. Closed-

ended interview or survey questions that operationalize key concepts of the theoretical framework (e.g., severity, salience, the punishment gap, narratives of life and death) could be used to assess the degree to which statistical patterns conform to the framework proposed in this dissertation.

Another possibility for future research is a targeted examination of direct supervision. The partial implementation of direct supervision in Ohio state prisons (specifically the absence of direct, face-to-face interaction between officers and prisoners) limits the conclusions that can be drawn about the effects of direct supervision as an inmate management strategy on the experience of punishment. The findings that I present in Chapter 4 demonstrate the impact of the physical environment associated with direct supervision on the experience of punishment, but cannot speak to the impact of the interactional components of DS. Future research should be conducted with research sites that fully embody direct supervision principles and practices in order to assess the implications of DS for penal consciousness.

A third direction for future research is the examination of penal consciousness in non-penal settings. The broad definition of penalty employed by the penal consciousness framework allows penal consciousness to take shape far beyond the confines of prison. One particularly interesting option would be to examine the subjective experience of punishment of individuals detained in facilities that are not expressly punitive, such as pre-trial detention and immigration detention facilities, but that nonetheless have the capacity to be experienced as punishment. Such an exploration would capitalize on the breadth and subjectivity of the penal consciousness framework and enrich the existing body of knowledge about the construction of penalty by exploring punishment in a novel setting.

REFERENCES

- Abbott, A. (2004). *Methods of discovery: Heuristics for the social sciences*. New York: W.W. Norton & Co.
- Abelson, R. P., Aronson, E., McGuire, W. J., Newcomb, T. M., Rosenberg, M. J., & Tannenbaum, P. H. (1968). *Theories of cognitive consistency: A sourcebook*. Chicago: Rand McNally.
- American Correctional Association. (1991). *Standards for adult local detention facilities*, 3rd edition. Lanham, MD.
- Baker, E., & Roberts, J. (2005). Globalization and the new punitiveness. In J. Pratt, D. Brown, M. Brown, S. Hallsworth & W. Morrison (Eds.), *The new punitiveness: Trends, theories, perspectives* (pp. 121-138). Portland, OR: Willan Publishing.
- Barker, V. (2006). The politics of punishing. *Punishment & Society*, 8(1), 5-32.
- Bayens, G. J., Manske, M. W., & Smykla, J. O. (1997). Jail type and inmate behavior: A longitudinal analysis. *Federal Probation*, 61(1), 54-62.
- Bayer, H. M., & Glimcher, P. (2005). Midbrain dopamine neurons encode a quantitative reward prediction error signal. *Neuron*, 47, 129-141.
- Beckett, K., & Western, B. (2001). Governing social marginality. *Punishment & Society*, 3(1), 43-59.
- Berk, B. B. (1966). Organizational goals and inmate organization. *American Journal of Sociology*, 71(5), 522-534.
- Binnall, J. M. (2009). *Respecting beasts: A convicted felon scrutinizes the dehumanizing quality of the modern prison and suggests an unusual model for penal reform*.

- Blackstone, A., Uggen, C., & McLaughlin, H. (2009). Legal consciousness and responses to sexual harassment. *Law & Society Review*, 43(3), 631-668.
- Bloom, B., & Chesney-Lind, M. (2000). Women in prison: Vengeful equity. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents* (pp. 283-204). New York: Lexington Books.
- Bloom, B., & Steinhart, D. (1993). *Why punish the children? A reappraisal of the children of incarcerated mothers in America*. San Francisco: National Council on Crime and Delinquency.
- Blumstein, A., & Cohen, J. (1973). A theory of the stability of punishment. *The Journal of Criminal Law and Criminology*, 64(2), 198-207.
- Bosworth, M. (1996). Resistance and compliance in women's prisons: Towards a critique of legitimacy. *Critical Criminology*, 7(5), 5-19.
- Bosworth, M. (2009). *Explaining U.S. imprisonment*. Thousand Oaks, CA: Sage.
- Bosworth, M., & Carrabine, E. (2001). Reassessing resistance: Race, gender and sexuality in prison. *Punishment & Society*, 3(4), 501-515.
- Bottoms, A. E. (1995). The philosophy and politics of punishment and sentencing. In C. Clarkson & R. Morgan (Eds.), *The politics of sentencing reform* (pp. 17-49). Oxford: Clarendon Press.
- Bottoms, A. E. (1999). Interpersonal violence and social order in prisons. In M. Tonry & J. Petersilia (Eds.), *Prisons* (Vol. 26, pp. 205-283). Chicago, IL: University of Chicago Press.
- Brown, E. K. (2006). The dog that did not bark. *Punishment & Society*, 8(3), 287-312.

- Calavita, K., & Jenness, V. (forthcoming). Inside the pyramid of disputes: Naming problems and filing grievances in California prisons.
- Carlen, P. (1983). *Women's imprisonment: A study in social control*. London: Routledge & Kegan Paul.
- Carlen, P. (1994). Why study women's imprisonment or anyone else's? *British Journal of Criminology*, 34(Special Issue), 10.
- Christie, N. (2000). *Crime control as industry: Towards gulags, Western style* (3rd ed.). London; New York: Routledge.
- Clemmer, D. (1940). *The prison community*. Boston: Christopher.
- Clemmer, D. (1958). *The prison community*. New York, NY: Rhinehart & Co.
- Crawley, E. (2005). Institutional thoughtlessness in prisons and its impacts on the day-to-day prison lives of elderly men. *Journal of Contemporary Criminal Justice*, 21(4), 350-363.
- Crewe, B. (2009). *The prisoner society: Power, adaptation, and social life in an English prison*. Oxford: Oxford University Press.
- Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society*, 13(5), 509-529.
- Crewe, B., & Jewkes, Y. (2011). Introduction. *Punishment & Society*, 13(5), 507-508.
- Darley, J. M., & Fazio, R. H. (1980). Expectancy confirmation processes arising in the social interaction sequence. *The American Psychologist*, 35(10), 867-881.
- De Giorgi, A. (2007). Toward a political economy of post-Fordist punishment. *Critical Criminology*, 15(3), 243-265.
- DiIulio, J. C. (1990). *Governing prisons: A comparative study of correctional management*. New York, NY: Free Press.

- Downes, D. M. (1988). *Contrasts in tolerance: Post-war penal policy in the Netherlands and England and Wales*. Oxford: Clarendon Press.
- Durkheim, E. (1900). Two laws of penal evolution. *Cincinnati Law Review*, 1969, 38, 32-60.
- Emerson, R. M., Fretz, R. I., & Shaw, L. L. (1995). *Writing ethnographic fieldnotes*. Chicago: University of Chicago Press.
- Ewick, P., & Silbey, S. S. (1998). *The common place of law: Stories from everyday life*. Chicago, IL: University of Chicago Press.
- Faith, K. (1993). *Unruly women: The politics of confinement and resistance*. Vancouver: Press Gang Publishers.
- Farbstein, J., & Wener, R. (1989). *A comparison of "direct" and "indirect" supervision correctional facilities: Final Report*. Washington, DC: National Institute of Corrections.
- Farbstein, J., & Wener, R. E. (1982). Evaluation of correctional environments. *Environment and Behavior*, 14(6), 671-694.
- Festinger, L. (1957). *A theory of cognitive dissonance*. Palo Alto, CA: Stanford University Press.
- Foucault, M. (1977). *Discipline and punish: The birth of the prison* (A. Sheridan, Trans.). New York: Vintage Books.
- Fox, L. (2002). The meaning of home: A chimerical concept or a legal challenge? *Journal of Law and Society*, 29(4), 580-610.
- Fritzvold, E. (2009). Under the law: Legal consciousness and radical environmentalism. *Law & Social Inquiry*, 34(4), 26.
- Garland, D. (1990). *Punishment and modern society*. Chicago: University of Chicago Press.
- Garland, D. (1996). Limits of the sovereign state. *British Journal of Criminology*, 36(4), 445-471.

- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Oxford: Oxford University Press.
- Geertz, C. (1973). *The interpretation of cultures: Selected essays*. New York: Basic Books.
- Gettinger, S. H. (1984). *New generation jails: An innovative approach to an age-old problem*. Washington, DC: U.S. National Institute of Corrections.
- Giallombardo, R. (1966). *Society of women: A study of a women's prison*. New York: Wiley.
- Giddens, A. (1991). *Modernity and self-identity: Self and society in the late modern age*. Palo Alto, CA: Stanford University Press.
- Gilmore, R. W. (1999). Globalisation and US prison growth: From military Keynesianism to post-Keynesian militarism. *Race & Class*, 40(2/3), 171-188.
- Goffman, E. (1961). *Asylums*. Garden City, NY: Anchor Books.
- Goodman, P. (2010). *Hero or inmate, camp or prison, rehabilitation or labor extraction: A multi-level study of California's prison fire camps*. Ph.D. Dissertation, University of California, Irvine, Irvine.
- Grabosky, P. N. (1978). *Theory and research on variations in penal severity*. *British Journal of Law and Society*, 5(1), 103-114.
- Groves, P. M., & Thompson, R. F. (1970). Habituation: A dual-process theory. *Psychological Review*, 77(5), 419-450.
- Grusky, O. (1959). Organizational goals and the behavior of informal leaders. *American Journal of Sociology*, 65(1), 59-67.
- Guerino, P., Harrison, P. M., & Sabol, W. J. (2011). Prisoners in 2010.
- Hagan, J., Hewitt, J. D., & Alwin, D. F. (1979). Ceremonial justice: Crime and punishment in a loosely coupled system. *Social Forces*, 58(2), 506-527.

- Hallsworth, S. (2002). The case for a postmodern penalty. *Theoretical Criminology*, 6(2), 145-163.
- Hamilton, J., Spiegel, A., & Vendatam, S. (2012, March 5, 2012). *Inconsistency: The real hobgoblin*, National Public Radio.
- Hancock, P., & Jewkes, Y. (2011). Architectures of incarceration: The spatial pains of imprisonment. *Punishment & Society*, 13(5), 611-629.
- Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime and Delinquency*, 49(1), 124-256.
- Hannah-Moffat, K., Maurutto, P., & Turnbull, S. (2009). Negotiated risk: Actuarial illusions and discretion in probation. *Canadian Journal of Law and Society*, 24(3), 391-409.
- Hardin, G. (1968). The tragedy of the commons. *Science*, 162, 1243-1248.
- Harris, J. D. (1943). Habituated response decrement in the intact organism. *Psychological Bulletin*, 40, 385-422.
- Harrison, P. M., & Beck, A. J. (2003). Prisoners in 2002.
- Heffernan, E. (1972). *Making it in prison: The square, the cool, and the life*. New York: John Wiley & Sons.
- Henriques, Z. W. (1996). Imprisoned mothers and their children: Separation-reunion syndrome dual impact. *Women & Criminal Justice*, 8(77-95).
- Hull, K. E. (2003). The cultural power of law and the cultural enactment of legality: The case of same-sex marriage. *Law & Social Inquiry*, 28(3), 29.
- Inderbitzin, M. (2007). Inside a maximum-security juvenile training school. *Punishment & Society*, 9(3), 235-251.

- Irwin, J., & Cressey, D. R. (1962). Thieves, convicts and the inmate culture. *Social Problems*, 10(2), 142-155.
- Jennings, H. S. (1906). *Behavior of the lower organisms*. New York: Columbia University Press.
- Jiang, S., & Winfree, L. T. (2006). Social support, gender, and inmate adjustment to prison life. *The Prison Journal*, 86(1), 32-55.
- Johnson, R., & McGunigall-Smith, S. (2008). Life without parole, America's other death penalty. *The Prison Journal*, 88(2), 328-346.
- King, R., & McDermott, K. (1995). *The state of our prisons*. Oxford: Oxford University Press.
- Kolber, A. J. (2009). The subjective experience of punishment. *Columbia Law Review*, 109(1), 182-236.
- Konorski, J. (1967). *Integrative activity of the brain*. Chicago: University of Chicago Press.
- Kruttschnitt, C., & Dirkzwager, A. (2011). Are there still contrasts in tolerance? Imprisonment in the Netherlands and England 20 years later. *Punishment & Society*, 13(3), 283-306.
- Kruttschnitt, C., & Gartner, R. (2005). *Marking time in the Golden State: Women's imprisonment in California*. Cambridge, UK: Cambridge University Press.
- Kruttschnitt, C., Gartner, R., & Miller, A. (2000). Doing her own time? Women's responses to prison in the context of the old and the new penology. *Criminology*, 38(3), 38.
- Kruttschnitt, C., & Vuolo, M. (2007). The cultural context of women prisoners' mental health. *Punishment & Society*, 9(2), 115-150.
- Lewis, M., Alessandri, S. M., & Sullivan, M. W. (1990). Violation of expectancy, loss of control, and anger expressions in young infants. *Developmental Psychology*, 26(5), 745-751.

- Lewis, M., & Goldberg, S. (1969). Perceptual-cognitive development in infancy: A generalized expectancy model as a function of the mother-infant interaction. *Merrill-Palmer Quarterly*, 3, 307-316.
- Liebling, A. (1999). *Prison suicide and prisoner coping*. *Crime and Justice*, 26, 283-359.
- Liebling, A. (2004). *Prisons and their moral performance: A study of values, quality, and prison life*. Oxford: Clarendon Press.
- Liebling, A. (2011). Moral performance, inhuman and degrading treatment and prison pain. *Punishment & Society*, 13(5), 530-550.
- Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. New York: Plenum Press.
- Luhmann, N. (1989). Law as a social system. *Northwestern University Law Review*, 83(1&2), 136-150.
- Lynch, M. (1998). Waste managers? The new penology, crime fighting, and parole agent identity. *Law & Society Review*, 32(4), 839-869.
- Lynch, M. (2010). *Sunbelt justice: Arizona and the transformation of American punishment*. Stanford, CA: Stanford Law Books.
- Markel, D., & Flanders, C. (2010). Bentham on stilts: The bare relevance of subjectivity to retributive justice. *California Law Review*, 98(1), 907-988.
- Mathiesen, T. (1965). *The defences of the weak: A sociological study of a Norwegian correctional institution*. London: Tavistock Publications Limited.
- Maurer, D., & Barrera, M. (1981). Infants' perception of natural and distorted arrangements of a schematic face. *Child Development*, 52(1), 196-202.

- Merry, S. E. (1990). *Getting justice and getting even: Legal consciousness among working class Americans*. Chicago, IL: University of Chicago Press.
- Nelson, W. R. (1983). New generation jails. *Corrections Today*, 45, 5.
- Nielsen, L. B. (2000). Situating legal consciousness: Experiences and attitudes of ordinary citizens about law and street harassment. *Law & Society Review*, 34(4), 36.
- Owen, B. (1998). *In the mix: Struggle and survival in a women's prison*. Albany, NY: State University of New York Press.
- Pettit, B., & Western, B. (2004). Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration. *American Sociological Review*, 69(2), 151-169.
- Pew Center on the States. (2008). One in 100: Behind bars in America 2008.
- Phelps, M. S. (2011). Rehabilitation in the punitive era: The gap between rhetoric and reality in U.S. prison programs. *Law & Society Review*, 45(1), 33-68.
- Pogrebin, M. R., & Dodge, M. (2001). Women's accounts of their prison experiences: A retrospective view of their subjective realities. *Journal of Criminal Justice*, 29(6), 531-541.
- Riveland, C. (1999). Prison management trends, 1975-2025. In M. Tonry & J. Petersilia (Eds.), *Prisons*. Chicago: University of Chicago Press.
- Ruggiero, V. (2010). *Prison abolitionism*. New York: Oxford University Press.
- Rusche, G., & Kirchheimer, O. (1939). *Punishment and social structure*. New York: Russell & Russell.
- Ryan, M. (2005). Engaging with punitive attitudes towards crime and punishment: Some strategic lessons from England and Wales. In J. Pratt, D. Brown, M. Brown, S.

- Hallsworth & W. Morrison (Eds.), *The new punitiveness: Trends, theories, perspectives* (pp. 121-138). Cullompton: Willan Publishing.
- Sherrington, C. S. (1906). *The integrative action of the nervous system*. New Haven, CT: Yale University Press.
- Simon, J. (2000). The 'society of captives' in the era of hyper-incarceration. *Theoretical Criminology*, 4(3), 285-308.
- Simon, J. (2007). *Governing through crime*. New York: Oxford University Press.
- Sokolnov, E. N. (1960). Neuronal models and the orienting influence. In M. A. Brazier (Ed.), *The central nervous system and behavior*. New York: Macy Foundation.
- Stern, V. (1897). *Bricks of shame: Britain's prisons*. Oxford: Clarendon.
- Struckman-Johnson, C., & Struckman-Johnson, D. (2006). A comparison of sexual coercion experiences reported by men and women in prison. *Journal of interpersonal violence*, 21(12), 1591-1615.
- Sutton, R. S., & Barto, A. G. (1998). *Reinforcement learning: An introduction*. Cambridge, MA: MIT Press.
- Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.
- Thompson, R. F. (2009). Habituation: A history. *Neurobiology of Learning and Memory*, 92(2), 127-134.
- Toch, H. (1977). *Living in prison: The ecology of survival*. New York, NY: Free Press.
- Tonry, M. (2007). Determinants of Penal Policies. *Crime and Justice*, 36(1), 1-48.
- Tyler, T. R. (1998). What is procedural justice?: Criteria used by citizens to assess the fairness of legal procedures. *Law & Society Review*, 22(1), 103-136.

- Tyler, T. R., Sherman, L., Strang, H., Barnes, G. C., & Woods, D. (2007). Reintegrative shaming, procedural justice, and recidivism: The engagement of offenders' psychological mechanisms in the Canberra RISE drinking-and-driving experiment. *Law & Society Review, 41*(3), 553-585.
- Tyler, T. R., & Wakslak, C. J. (2004). Profiling and police legitimacy: Procedural justice, attributions of motive, and acceptance of police authority. *Criminology, 42*(2), 253-282.
- US Department of Justice. (2007). About the Federal Bureau of Prisons.
- Wacquant, L. (2002). The curious eclipse of prison ethnography in the age of mass incarceration. *Ethnography, 3*(4), 371-397.
- Ward, D., & Kassebaum, G. (1965). *Women's prison: Sex and social structure*. New York: Aldine Publishing.
- Wener, R. E. (2005). The invention of direct supervision. *Corrections Compendium, 30*(2), 3.
- Wener, R. E. (2006). Effectiveness of the direct supervision system of correctional design and management: A review of the literature. *Criminal Justice and Behavior, 33*(3), 19.
- West, H. C., & Sabol, W. J. (2010). Prisoners in 2009.
- Whitman, J. Q. (2003). *Harsh justice: Criminal punishment and the widening divide between America and Europe*. New York: Oxford University Press.
- Williams, J., Rodeheaver, D., & Huggins, D. (1999). A comparative evaluation of a new generation jail. *American Journal of Criminal Justice, 23*(2), 223-246.
- Wilson, T. P. (1968). Patterns of management and adaptations to organizational roles: A study of prison inmates. *American Journal of Sociology, 74*(2), 146-157.
- Wortley, R. (2003). *Situational prison control: Crime prevention in correctional institutions*. Cambridge, UK: Cambridge University Press.

Yocum, R., Anderson, J., Davigo, T., & Lee, S. (2006). Direct-supervision and remote-supervision jails: A comparative study of psychosocial factors. *Journal of Applied Social Psychology, 36*(7), 1790-1812.

APPENDIX A. INTERVIEW GUIDE

I. Current incarceration

First, I'd like to ask you some questions about your experiences here at [prison].

1. How long have you been here? How long have you been in [specific unit]? Have you moved around a lot since arriving?
2. What's it like to be in prison?
 - a. Can you walk me through a normal day here?
 - b. What's your favorite part of the day—the part you look forward to the most?
 - i. Are there parts of your day that you wish would last longer? What parts?
 - c. What's your least favorite part of the day—the part you really dread?
 - i. Are there parts of your day that you wish you could avoid? What parts?
3. Can you describe for me what it's like in your current housing unit...
 - a. In terms of the layout of the cells/day room?
 - i. Can you describe [specific unit] for me? What does it look like? Do you know how many cells it has? And how many inmates live there? Is it noisy? How is the lighting? How do you feel about the layout of the unit? Does the layout make a difference to you?
 - b. In terms of how you spend your time and how you interact with other inmates?
 - i. How much of your time do you spend in your cell? What do you do in your cell? How do you feel about the time you spend in your cell? How much time do you spend in the dayroom or other common areas in [specific unit]? What kind of things are there to do in the dayroom? How do you feel about spending time in the dayroom? How do you spend your time outside of [specific unit]? How do you most like to spend your time?
 - ii. What are the other inmates in [specific unit] like? How do you feel about them? How frequently do you interact with them while you're in [specific unit]? How do you feel about your interactions with them? How much of

your time in [specific unit] do you spend by yourself? Do you prefer to be alone, or with other inmates? Why?

- c. In terms of where the officers are, how often you see them, and how you interact with them?
 - i. What are the officers like there? Are the same officers usually assigned to [specific unit], or does it vary day to day? Does it matter to you which officer is assigned to [specific unit]? Why/why not?
 - ii. How often does each officer make his or her rounds of the unit? When officers make their rounds, do they stop and talk, or just walk by? What kind of stuff do you talk about with them? How do you feel about these interactions? What do they mean to you?
 - iii. How many times a day do you interact face-to-face with an officer in [specific unit]? What are these interactions like? Do the officers there know your name? Do they know you personally? Do you care if they know you personally?
4. How does being in [specific unit] compare to other places you've done time?
 - a. Overall, do you think things are better in [specific unit], or worse? In what ways?
 - i. What would you say is the best thing about being housed in [specific unit]? The worst thing?
 - b. Does anything about [specific unit] make doing time easier? Harder?
5. Imagine for a minute that you run into a friend from another housing unit here at [prison] who asks about what it's like to do time in [specific unit]—what would you tell him/her?
6. What's the hardest thing about being in prison? How does that make you feel?
 - a. About being housed in [specific unit]? How does that make you feel?

II. Punishment in current housing

So far you've told me a lot about your experiences here at [prison], including things that are difficult or that you dislike. But I've noticed that the word "punishment" hasn't come up. I'm really interested in the concept of punishment, and what it means to people, so I'd like to hear your take on that.

7. What does punishment mean to you?

- a. Probe: How would you define the word “punishment?”
8. While living in [specific unit], what has your punishment been? What do you consider to be your punishment while living there?
 - a. Probes: What are you being punished for? Do you deserve this punishment? Do you have any control over it? What does it feel like? How do you deal with your punishment?
 - b. Probes: Who is punishing you? Why? Is your punishment intentional? Is it consistent?
 - c. Probes: Do you consider this punishment to be imposed by the criminal justice system? What do you mean by that?
 9. Aside from what you consider to be your punishment, is there anything else that *feels* like punishment to you in [specific unit]? Anything that feels *punishing*?
 - a. Probe: What makes this different from actual punishment?
 10. What consequences do you think your punishment has?
 - a. Do you consider these things part of your punishment? Separate from your punishment? Why is that?
 11. When did this punishment begin?
 - a. Probe: Did it begin when you were incarcerated? Or before that?
 12. When will it end?
 13. How do you think your punishment compares to other inmates’ in [specific unit]?
 - a. What about inmates in other housing units? Other prisons?

III. History of punishment

Now I’d like to hear a bit about your experiences with the criminal justice system and with punishment over the course of your life.

14. How would you describe your overall treatment by the criminal justice system, from your first arrest up to now?
 - a. What have your experiences with the criminal justice system been like?

- b. How do you feel about the criminal justice system?
 - c. What's your take on the criminal justice system in general? Your take on how it has impacted you?
 - i. Do you think you've been treated fairly? Were there times when you felt that you were treated (un)fairly?
15. How have you been punished over the course of your life?
- a. What is the first time that you recall being punished?
 - i. Probes: What was it for? Did you deserve it? Did you have any control over it? What did it feel like? How long did it last? Who was punishing you? Why? Was it intentional? Was it consistent?
 - b. What is the first time that you recall being punished by the criminal justice system?
 - i. Probes: What was it for? Did you deserve it? Did you have any control over it? What did it feel like? How long did it last? Who was punishing you? Why? Was it intentional? Was it consistent?
 - c. What about the last time you were punished—when was that?
 - i. Probes: What was it for? Did you deserve it? Did you have any control over it? What did it feel like? How long did it last? Who was punishing you? Why? Was it intentional? Was it consistent?
 - d. How do you feel you are being punished now? What is your punishment?
 - i. Probes: Do you consider being here to be your punishment? Is it your whole punishment, or just part of it? What is the rest of it?
 - ii. Probes: What are you being punished for? Do you deserve it? Do you have any control over it? What does it feel like? How long will it last? Who is punishing you? Why? Is it intentional? Is it consistent?

IV. Punishment writ large

16. In general, how has your punishment affected you?

17. You've talked a lot about how it feels to be locked up, and what it means to you in a negative sense... but is there anything positive about serving time? Anything good that comes out of it?
 - a. Probes: For you? For others? For society?
18. Has being locked up changed the way you think about punishment? How so?
19. Has it changed how you think about your life?
 - a. Turning the tables a bit, when you look back on your life and things you've done, do you think you've ever punished anyone else? Who? How?
20. Do you think certain people are more likely to be punished than others? What kinds of people? How are they punished?
 - a. Do you think certain people are more likely to punish others? What kinds of people? Who do they punish? How?
21. Is there anything that hasn't come up in our conversation so far that you think is important for me to know in order to understand your experiences with punishment? Your thoughts on punishment? Your feelings about being punished?

V. Demographics

Now I have a few questions about you and your background.

22. What is your race or ethnicity?
23. What is your educational background?
24. Do you consider yourself religious? What religion are you?
25. Have you ever had any mental health problems?
26. Have you ever had any drug or alcohol problems?
27. Were you ever unemployed?
28. Were you ever living on the streets or homeless?
29. How do you think these things (mental health problems, substance abuse, homelessness, unemployment) affected your life?

- a. How have they impacted how you feel about your punishment? How you deal with it?
30. Have you ever been involved in a street gang? A prison gang?
31. How old were you the first time you were arrested?
- a. What were you arrested for?
 - b. What did it feel like the first time you were arrested? Was it any different the second time? The times after that?
 - c. Did being arrested feel like punishment? How?
32. How old were you the first time you went to court?
- a. What did you go to court for?
 - b. What did it feel like the first time you were in court? Was it any different the second time? The times after that?
 - c. Did going to court feel like punishment? How?
33. How old were you the first time you were detained or incarcerated?
- a. What were you detained/incarcerated for?
 - b. What did it feel like the first time you were detained/incarcerated? Was it any different the second time? The times after that?
 - c. Did being detained/incarcerated feel like punishment? How?
34. Is this your first time being in prison?
- a. How many times have you been in prison? Altogether how much time have you spent in prison?
 - b. Did your first time in prison feel different from this time?
 - c. In general, does being in prison feel like punishment?
35. Have you spent any time in county jail?

- a. How many times have you been incarcerated in a county jail? Altogether how much time have you spent in a county jail?
 - b. What did being in jail feel like? How was it different from being in prison?
 - c. Did being in jail feel like punishment?
36. Have you spent any time under community supervision—on probation or parole?
- a. How much time did you spend under community supervision?
 - b. What was it like to be under community supervision?
 - c. Did being under community supervision feel like punishment?

This is the end of the interview. Thank you very much for you time and willingness to participate.

APPENDIX B. FACILITY INFORMATION SHEET

<i>Facility Characteristics</i>	
Facility name	
Number of buildings	
Facility layout	
IS housing units	
DS housing units	
<i>Housing Unit Characteristics</i>	
Housing unit name	
Floor plan	
Total number of inmates	
Number of inmates per cell	
Total number of officers	
Officer workstation/control unit?	
Time officers spend roving?	
Visibility	
Technology	

Doors and locks	
Furnishings/fixtures	
Acoustics	
How much time do inmates spend in housing unit?	
Where do inmates spend their time in housing unit?	
Face-to-face interaction between officers and inmates Amount? Kind?	
What affects amount of interaction?	
How many inmates can one officer supervise?	
Officer communication/coordination	
Officer impressions of housing unit	
Notes	