# FOREWORD: PROBING THE META-PRISON

IT IS OFTEN FORGOTTEN that, during the 1960s and into the mid-1970s, the United States was a global leader in progressive penality, much as it had been about a century earlier when Gustave de Beaumont and Alexis de Tocqueville crossed the Atlantic to learn about American innovations in humane punishment for the benefit of European rulers.[1] Through practical experience and in-depth policy analysis, federal authorities had arrived at the view that the prison is an institution that feeds, rather than fights, crime; that the building of custodial facilities should be stopped and juvenile confinement phased out; and that only a vastly enlarged effort at rehabilitating inmates, whose constitutional rights were just beginning to be recognized and enforced by the courts, would improve the output of criminal justice. Local authorities were experimenting in correctional reform on multiple fronts, from jail processing to community mental health to prisoner unionization, with the aim of limiting the scope and injurious effects of captivity. The inmate count was going down slowly but steadily; decarceration was on the agenda; and mainstream penologists, historical analysts, and radical critics were nearly unanimous in holding that the penitentiary had entered into irremediable if not terminal decline. With some 380,000 behind bars circa 1973, the United States seemed poised to hoist the banner of liberty aloft again and to lead other nations onto the path to "a world without prisons."[2]

Then came the *triple backlash* to the socioracial turmoil of the 1960s and the stagflation of the 1970s that turned penal trends around on a dime and sent the country into a carceral frenzy on a scale, span, and duration unknown in human history. The first was a racial reaction against the advances of the civil rights movement and the partial closing of the social gap between blacks and whites; the second a class reaction against the broad gains of labor at the bloom of the Fordist-Keynesian regime; and the third a political reaction against a welfare state perceived to cosset and coddle undeserving categories, *primus inter pares* the welfare recipients and street criminals newly "painted black" in the wake of the ghetto riots of 1964–1968.[3] These three strands coincided and converged into a sweeping reengineering of the state and propelled the deployment of a disciplinary poverty policy mating restrictive

"workfare" and expansive "prisonfare" that has turned the United States into the undisputed world champion in incarceration, with 2.4 million behind bars (representing fully one-quarter of the planet's population under lock) and nearly 8 million under justice supervision, even as criminal victimization first stagnated and then receded during that same period. The United States also became a major exporter of punitive penal categories, discourses, and policies: with the help of a transnational network of promarket think tanks, it spread its aggressive gospel of "zero-tolerance" policing, judicial blackmail through plea bargaining, the routine incarceration of low-level drug offenders, mandatory minimum sentences for recidivists, and boot camps for juveniles around the world as part of a neoliberal policy package, fueling a global firestorm in law and order.[4]

One of the most startling products of this unforeseen surge and unprecedented expansion of the penal state has been the invention of yet another American "peculiar institution": the so-called supermaximum-security facility, aka the *supermax prison*. It arose from within the entrails of the correctional administration, in the early 1980s, just as carceral hyperinflation was accelerating, ostensibly in a technical effort to seclude the "worst of the worst inmates," those deemed too disruptive or dangerous to mix with the general population or even to be handled by conventional high-security wards.[5] As a flood of convicts seemingly impervious to penal discipline and splintered by gang-fueled racial violence met a new generation of prison wardens committed to neutralization as the primary, if not the sole, mission of their overcrowded establishments, this "no-nonsense" contraption officially designed to tame recalcitrant and predatory prisoners through intensified isolation solidified. Bureaucratic mimetism, lavish federal funding, and the wish to signal penal severity to lawbreakers, politicians, and the media then fostered its proliferation across the nation. By the year 2000, as the United States passed the red mark of 2 million inmates, such facilities were present in three dozen states and held 2 percent of the country's prisoners, amounting to some 25,000 convicts—twice the *entire* carceral population of the Scandinavian countries. Despite their dubious constitutionality and apparent violation of the International Covenant on Civil and Political Rights (of which the United States is a signatory country), extreme physical austerity, constant social sequestration, the extinction of programming, and enduring sensory deprivation became the normal parameters of long-term detention for these inmates.

In sum, instead of rehabilitating convicts, the United States *rehabilitated the prison* and turned it into a device for the punitive containment of marginality and the reassertion of state sovereignty on the outside. Then it fashioned a new *neutralizing "prison within the prison" to discharge the same function inside* the bloated penal system, granting the supermax a pivotal place in the panoply of "unthinkable punishment policies"[6] that have propelled the drive to

hyperincarceration in the age of revanchism. Just as the penitentiary is massively overused as a *vacuum cleaner for the social detritus* of a society ravaged by economic deregulation, welfare retrenchment, and ethnoracial anxiety, supermax facilities are grotesquely overused inside to subdue and store *the refuse and the refuseniks of carceral rule*. The supermax prison thus stands as the hyperbolic product and iconic expression of the ravenous remaking of the American penal state,[7] for which incapacitation has supplanted rehabilitation and the invisibilizing of problem categories has become a prime technique of government. So much to say that its study has much to contribute to our understanding of the internal and external politics of punishment in contemporary society, as demonstrated by the collection of inquiries assembled here by Jeffrey Ian Ross.

The first merit of this volume is to take a broad *cross-national approach* to its topic and to situate the booming rise of the supermax prison in the United States within the spectrum of nations that have expanded their use of high-security units, wards, or establishments over the past quarter century. One of the most severe limitations of the American scholarly and policy debate over the causes, modalities, and consequences of the gargantuan expansion of the country's carceral apparatus has been its studied parochialism: the vast majority of contributors focus narrowly on the national scene, in utter disregard for or blissful ignorance of germane developments, counter-tendencies, or contrasting trends in neighboring or comparable societies. Yet many central tenets and claims of that debate instantly vaporize when they are held up to international scrutiny. Thus the commonly held notion that high (or rising) crime rates beget high (rising) incarceration rates is directly refuted by crossing America's border to the north: the incidence of criminal victimization (outside of homicidal violence) in Canada is similar to that in the United States, yet Canadian incarceration has stagnated around 110 inmates per 100,000 population over against 740 per 100,000 in the United States.[8] Similarly, it is impossible to spot the stunning disconnection of custodial standards from human rights norms in the United States, where these standards have been elaborated internally by justice practitioners led by the American Correctional Association, unless one realizes that in every other postindustrial nation the enforcement of human rights statutes sharply limits the use of solitary confinement and thus virtually forbids the large-scale deployment of supermax-like arrangements.[9]

Breaking with the doxically US-centric perspective of mainstream criminology, Ross and his collaborators take us on a whirlwind tour of eleven countries on four continents and even include in their purview two infamous American prisons of contested legal and ambiguous territorial status, Guantánamo on Cuban soil and Abu Ghraib in freshly invaded Iraq. The complement of cases brought together in this panorama allows the

contributors to raise a series of provocative questions: Is the expanded use of security-focused facilities and regimens of penal confinement the result of changes internal to criminal justice or a response to external demands made by political and other operators? Does it emerge when it does in the different nations through concurrent adaptation and convergent innovation, or is it the spawn of imitation and diffusion? Is emulation or counteremulation (as when the United States serves as foil rather than model) an effect of "globalization," construed as a general and generic process of transnational circulation and unification, or a product of "refracted Americanization" whereby the United States imposes its practices as beacons of modernity and efficiency, effectively legitimating its own practices by turning them into universal yardsticks?[10] Ross portrays intergovernmental organizations and corporations as the main agencies of cross-national dissemination, but what of the action of think tanks and the influence of academic and mercenary intellectuals in the sending and in the receiving countries? The transnational travels and travails of mass solitary confinement as technique of carceral management adds an instructive chapter to the ongoing saga of penal policy transfer, translation, and mutation across borders.[11] The international diversity of the cases gathered in this book is moreover amplified by the diversity of perspectives brought by a team of investigators that mixes academic criminologists, correctional professionals, justice activists, and consultants and even includes former prisoners—in line with the inspiration of the "convict criminology" of which Ross is one of the cofounders.[12]

The second, correlative, virtue of the present volume is to raise in a pointed manner the question of what constitutes a "supermax." As soon as they cross the American border, readers will wonder and ponder (as some of their authors candidly do), are the different chapters chasing after the same animal? What are the shared traits and the distinguishing features of an American-style *supermax prison*, a Canadian Security Handling Unit, a Dutch *Extra Beveiligde Inrichtingen* or a French *quartier de haute sécurité*—let alone a (Mexican) *centre de seguridad máxima* in a penal system where the social conditions of rationalization and professionalization are not granted? Internationalizing the inquiry irrevocably problematizes the very notion at its epicenter, which is all for the good. For the boundaries of the "supermax" are wooly, its genealogy disputed, and its demography imprecise in the very country where it was invented for a simple reason:[13] it is an *administrative notion*, designed by and for correctional professionals, that has been smuggled into the social science of the prison without sufficient scrutiny. And, as Robert Merton reminds us, before we rush to explain any social phenomenon, we must imperatively take pains to establish it and specify its defining properties.[14] So what, then, constitutes a "supermax" facility? Is it the physical layout, the regimen to which inmates are subjected, the types of convicts simultaneously

brought together and apart in it, the reasons behind their segregation, or the effects that this type of confinement has on them, or some combination of these? More precisely, does it take a dedicated establishment and a distinctive design permitting direct and permanent close supervision? How many daily hours of solitude and how little human contact must inmates endure for the facility that holds them to qualify? What about the frequency of lockdowns and the routine use of leg restraints and waist chains; are they defining or derivative features, essential or accidental? These questions apply *ad libitum* to every characteristic used to depict this or that presumed instance of a "supermax" or deviation from it.

This book does not resolve these quandaries, but it offers valuable materials to move us from a vague and shifting *folk construct* of the "supermax prison" to a rigorous *analytic concept* of the same, shorn of its contingent ties to a short segment of the arbitrary history of punishment in one country. In the spirit of pushing this collective reflection forward, let me essay the following specification: "supermax" designates a species of *meta-prison*, a prison for the prison, a facility dedicated in all or most of its aspects (architecture, technology, activities, schedules, social relations, etc.) to *redoubling* the treatment that the penitentiary inflicts on those most recalcitrant to it, and therefore geared to dissolving—or, rather, "disappearing"—the gaps, failings, and contradictions of that treatment. In the current era, the meta-prison transposes the philosophies of neutralization and retribution from the outside to the inside of the carceral institution,[15] applying them, as it were, to the "meta-criminals" who repeatedly violate the laws of the administration of penal sanction. It is the materialization of *reflexive punitive penality*, that is, punishment turned back onto itself and not just redoubled but squared. Rather than "a routine and cynical perversion of penological principles," as argued by Roy King, the neutralizing prison-inside-the-prison is a straightforward extension of current punishment policy to the carceral institution itself that brings the simmering "crisis of penal modernism" to a boil by simultaneously singling out and entombing those inmates who embody it.[16]

This analytic specification allows us to displace the United States from its purported Archimedean position, which stems from historical usurpation and not analytic necessity. It enables us to distinguish and explore two dimensions along which countries may vary and journey: the degree to which they differentiate and autonomize the meta-prison within the penal apparatus it serves and the extent to which this meta-prison prioritizes the practical imperative of safety and security as the foundation of carceral order over and against other possible penal purposes (deterrence, neutralization, retribution, rehabilitation).[17] This conceptualization also suggests that we can fruitfully employ the supermax and germane contraptions as a magnifying glass for comparative justice inquiry, insofar as it acts as *practical revelator* of the characteristic traits,

structural evolution, and enduring contradictions of a given national carceral system.

Indeed, a third contribution of the present tome is to sound an urgent clarion call for further international research into the social determinants of regimes of criminal confinement so as to connect the phenomenology of imprisonment as everyday lived reality at ground level and the revamping of punishment as a core state activity at the macro-institutional level. For this we need precise empirical descriptions and analytic dissections of (1) the ordinary routines and practical workings of procedures inside custodial facilities of the kind offered for France by Anne-Marie Marchetti in *Perpétuités* and for England by Ben Crewe in *The Prisoner Society*; (2) the inner architecture and administrative functioning of criminal justice, and of the battles roiling the carceral sector within it, as supplied in the case of California by Joshua Page in *The Toughest Beat*; and (3) the shifting position of criminal justice inside the structure of the local and national state, including how incarceration has become the ground, stake, and product of struggles waged across the fields of government, politics, and the media, as sketched by Lisa Miller in *The Perils of Federalism* and Vanessa Barker in *The Politics of Imprisonment*.[18] Pierre Bourdieu's notion of "bureaucratic field" as the set of agencies that successfully monopolizes the definition and distribution of public goods, among them the "negative" government benefit of punishment, supplies a powerful tool for seamlessly integrating these analytic levels. By tying the fleshly experience of hyperconfinement in a supermax-style prison to the broader revamping of the state in the neoliberal era,[19] it can help us discover under what conditions the theater of sovereignty can come to take the perplexing form of a solitary soul in a twelve-by-seven-foot box of barren concrete.

Loïc Wacquant
Paris, February 2012

# Notes

Foreword

1. Tocqueville's celebrated account of *Democracy in America* originated in a year-long mission across the republic, carried out with Gustave de Beaumont on behalf of the French government, to inquire about carceral practices in the United States. It led to the publication of the landmark study *On the Penitentiary System in the United States and Its Application in France* (1833; repr., Carbondale: Southern Illinois University Press, 1979), introduction by Thornsten Sellin.

2. The official views on penal policy circa 1968–1973 are dissected by Franklin Zimring and Gordon Hawkins, *The Scale of Imprisonment* (Chicago: University of Chicago Press, 1991). The early shock and disillusionment of penal analysts at accelerating carceral expansion after 1973 is captured by John Irwin, *Prisons in Turmoil* (Boston: Little, Brown, 1980). The hope that the United States would shepherd the planet out of the carceral impasse is expressed in Calvert R. Dodge, ed., *A World without Prisons: Alternatives to Incarceration throughout the World* (Lexington, MA: Lexington Books, 1979).

3. The fusing of these three reactionary movements into the building of a ravenous penal state is dissected in my books *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009) and *Deadly Symbiosis: Race and the Rise of the Penal State* (Cambridge: Polity, 2012).

4. Loïc Wacquant, *Prisons of Poverty* (Minneapolis: University of Minnesota Press, 2009). See Trevor Jones and Tim Newburn, *Policy Transfer and Criminal Justice: Exploring US Influence over British Crime Control Policy* (Maidenhead, UK: Open University Press, 2006), for a complementary view from Great Britain, and Guillermina Seri, *Seguridad: Crime, Police Power, and Democracy in Argentina* (New York: Continuum, 2012), for a Latin American perspective.

5. Sharon Shalev, *Supermax: Controlling Risk through Solitary Confinement* (Cullompton, UK: Willan, 2009).

6. Michael Tonry, "Rethinking Unthinkable Punishment Policies in the United States," *UCLA Law Review* 46, no. 1 (March 1999): 1–38.

7. More so than the death penalty, whose return after the mid-1970s is a legal accident overdetermined by the deep class bias of criminal justice and which plays a decorative (and distractive) role in the overall economy of punishment in America (*pace* David Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition* [Cambridge, MA: Harvard University Press, 2010]).

8. Cheryl Marie Webster and Anthony N. Doob, "Punitive Trends and Stable Imprisonment Rates in Canada," *Crime and Justice: A Review* 36, no. 1 (2007): 297–369.

9. Rod Morgan, "Developing Prison Standards Compared," *Punishment & Society* 2, no. 3 ( July 2000): 325–342.

10. As I suggested elsewhere about the diffusion of "zero-tolerance" policing and assorted devices of made-in-America punitive penality: see Loïc Wacquant, "A Global Firestorm of Law and Order," *Thesis Eleven* (forthcoming).

11. See Dario Melossi, Maximo Sozzo, and Richard Sparks, eds., *Travels of the Criminal Question: Cultural Embeddedness and Diffusion* (Oxford: Hart, 2010), and Jamie Peck, "Geographies of Policy: From Transfer-Diffusion to Mobility-Mutation," *Progress in Human Geography* 35, no. 6 (November 2011): 773–797, for stimulative reflections on this process.

12. Jeffrey Ian Ross and Stephen C. Richards, *Convict Criminology* (Belmont, CA: Wadsworth, 2003).

13. The administrative, technical, and political sources of the cumulative difficulties in defining and scoping "supermax" facilities in the United States are discussed by Alexandra Naday, Joshua D. Freilich, and Jeff Mellow, "The Elusive Data on Supermax Confinement," *The Prison Journal* 88, no. 1 (March 2008): 69–93.

14. Robert K. Merton, "Three Fragments from a Sociologist's Notebooks: Establishing the Phenomenon, Specified Ignorance, and Strategic Research Materials," *Annual Review of Sociology* 13 (1987): 1–28.

15. The philosophy of neutralization and its aporias are dissected by Franklin E. Zimring and Gordon Hawkins, *Incapacitation: Penal Confinement and the Restraint of Crime* (New York: Oxford University Press, 1995). Their central arguments can be extended and adapted to fit the meta-prison.

16. Roy D. King, "The Rise and Rise of Supermax: An American Solution in Search of a Problem?" *Punishment & Society* 1, no. 2 (October 1999): 163–186, 182; and David Garland, "Penal Modernism and Postmodernism," in *Punishment and Social Control,* ed. Thomas G. Blomberg and Stanley Cohen (New York: Aldine de Gruyter, 1995), 181–210.

17. Contrast this collective volume to another, situated at the other end of the penal spectrum spanned by advanced societies, Thomas Ugelvik and Jane Dullum, eds., *Penal Exceptionalism? Nordic Prison Policy and Practice* (London: Routledge, 2011).

18. Anne-Marie Marchetti, *Perpétuités. Le temps infini des longues peines* (Paris: Plon, 2001); Ben Crewe, *The Prisoner Society: Power, Adaptation, and Social Life in an English Prison* (New York: Oxford University Press, 2009); Joshua Page, *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California* (New York: Oxford University Press, 2010); Lisa L. Miller, *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control* (New York: Oxford University Press, 2008); and Vanessa Barker, *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders* (New York: Oxford University Press, 2009).

19. Pierre Bourdieu, "Rethinking the State: On the Genesis and Structure of the Bureaucratic Field" [1993], *Sociological Theory* 12, no. 1 (March 1994): 1–18, and, for an adaptation of this notion to theorize penal transformation, Loïc Wacquant, "Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity," *Sociological Forum* 25, no. 2 (June 2010): 197–220.
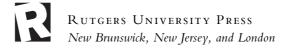
## Chapter 1   The Globalization of Supermax Prisons

1. Capital punishment in the United States is not cheap either. The cost to the state of incarcerating a person on death row, plus the numerous appeals, can be upward of US$10 million.

2. Although all supermax prisons are high-security facilities, not all high-security prisons are supermaxes.

# The Globalization of Supermax Prisons

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# Contents

*viii*                                                    *Contents*