As Patrick, a former inmate states, "It started with the shaving of my facial hair and continued with the jumpsuit I was issued. I looked just like every other inmate. Even after I reached general population, the theme continued. All shoes were white. All pants are blue jeans. All shirts are blue and short sleeved. My coffee mug is just like your coffee mug. Add a sticker and it will be taken away. Inmates are desperate to have anything that is different. It is one way to try to hold on to your individuality. And the system will do almost anything to prevent that."

Toward a formulation of Proutist policy on prisons and the justice system.

By Andy Douglas

This paper is structured in three parts. The first looks at the phenomenon of mass incarceration, and the problems associated with it, especially in the US. The second considers what the founder of Prout, P. R. Sarkar had to say on the issue, and also reviews some historical context, and the third considers alternatives and possible policy formulations. Much of the research in this paper is drawn from research I did for my book, "Redemption Songs: A Year in the Life of a Community Prison Choir."

CAUSES OF INCARCERATION More than 10.35 million people are imprisoned throughout the world. According to prisonstudies.org, the world prison population has grown by almost 20% since the year 2000. The female prison population has increased by 50% in the same period, compared with an 18% increase globally for men. The United States, China, Russia, Brazil, India, Thailand, Mexico and Iran have the highest figures of incarceration. The countries with the highest rate as percentage of population are the

Seychelles, the U.S., Turkmenistan, Cuba, and El Salvador.

The U.S. locks up more people than any other country in the world. In 2017, U.S. federal and state prisons housed over 2 million people, or 1.6 percent of the adult population. The U.S. has five percent of the world's population and has created 25 percent of the world's prisoners.

Actually, for much of the 20th century, the national incarceration rate hovered at only around one tenth of one percent of the population. And crime rates have been declining in recent years, depending on the type of crime. The violent crime rate peaked in the early '90s and has been going downhill since.

So, why these soaring numbers of incarcerated?

According to researchers, the immediate causes of the incarceration epidemic include: the growth of drug laws which punished minor drug offenses with major prison time; "zero tolerance" policing; and mandatory sentencing laws, which have prevented judges from exercising discretion.

The 'three strikes' law, which sentences three-time committers of crimes to a life sentence, also means more older adults are being incarcerated than ever, often compounding time for crimes (strikes one and two) committed long ago.

Prosecutorial zeal plays a role as well. And common challenges for parolees, like missing appointments because of lack of transportation or housing, or being unable to pay fees, means thousands go back, pointlessly, to prison. (Although these factors are specific to the U.S., they do shed general light on issues facing other countries.)

But if crime rates are dropping as the prison population grows, doesn't this mean that putting people away curbs crime?

In fact, the opposite is true. A 2015 study from New York University School of Law's Brennan Center for Justice shows that prison played no role in plummeting crime rates over the past thirteen years. Rather, certain social factors have affected the drop, including an aging population, changes in income, and decreased alcohol consumption. The study even warned that high levels of incarceration can increase future crime.

Historian Robert Perkinson notes, "By herding together edgy individuals against their will and enacting daily rituals of subjection, even the best prisons tend to foster more conflict than cooperation."

One problem facing criminal justice reform, another historian, Lawrence Friedman, writes, is that “a large segment of the population positively lusts to believe that criminality is raw, naked evil, the devil in human form. At the same time, millions seem to think that criminals are perhaps born that way... In both cases, rehabilitation, coddling, excuses, and psychological treatment seem a dangerous waste of time.”

This perspective runs counter to research, and to a Neo-humanist outlook, which lies at the heart of Prout.

Such an outlook encourages us to recognize the potential in each person, and strive to create a social and economic system that allows for and encourages this expression of potential and growth. In the prison context, that might mean creating an environment and offering programming that not only reverses the sense of hopelessness that most inmates feel, but offers a new start in life. In the larger picture, it would mean creating an economy that leaves no one behind, an economy that offers alternatives to participating in criminal activity.

PRIVATE PRISONS The incarcerated include those awaiting trial in local and county jails, perhaps unable to pay their bail (about a quarter of the incarcerated population), those locked up in the extensive state systems (more than half), and those convicted of federal crimes who are placed in federal prisons.

Roughly eight percent of U.S. prisoners are housed in private, for-profit prisons. It’s here that capitalism encounters the injustice system. The insidious thing about for-profit prisons is that they need a full house to make a profit, and so they require municipalities in which they’re built to keep arresting and incarcerating people. Meanwhile, their executives lobby Congress for tougher crime policies.

Private prisons tend to avoid taking sick and elderly inmates, since health care is a huge expense. One scholar studying Mississippi’s system found that inmates in private prisons received many more conduct violations than those in government-run ones. This made it harder for them to get parole, and, on average, they served two to three more months of time, the implication being that private prisons work to hold on to their inmates longer.

PRISON CONDITIONS Prisons are generally crowded, noisy places. There's little privacy, and you're living with others who may be unpredictable or violent. Prison designers, as researcher Victor Hassine puts it, have developed "a precise and universal alphabet of fear that is carefully assembled and arranged—bricks, steel, uniforms, colors, odors, shapes and management style"—in order to control the conduct of prison populations.

Conversations with inmates confirm that there's great uncertainty living on the cellblock. Buttons get pushed; expressing your feelings is not encouraged. People in prison live under the threat of being "punked out," becoming the sexual slave of another inmate.

Research shows that inmates struggle with anxiety when they think about life after prison. They worry about the financial obligations that wait for them on the outside. It won't be easy to find good employment saddled with a criminal record.

An insider has lost a lot—income, relationships, social status. He or she likely struggles with a sense of identity. What does it mean to no longer be a free citizen? Who am I, in this place?

Young people in prison often grapple with an alphabet soup of psychological issues—Conduct Disorder, Oppositional Defiant Disorder, Attention Deficit and Hyperactivity Disorder. Many have intellectual disabilities. Only three percent of prisoners were classified as proficient in reading and writing in a National Center for Education Statistics literacy assessment in 2003.

Getting old in prison is not easy, either. Simple actions, like climbing to a top bunk, become extremely difficult. Mobility aids for older adults, such as handicapped toilets and handrails, don't exist in many prisons.

The Prison Policy Initiative has shown that people who go to prison are usually poor. They're often unable to afford good legal representation, and usually don't know their options. Generally, laws are slanted in favor of the well-to-do. "Law protects power and property," Lawrence Friedman writes, "safeguards wealth, and perpetuates the subordinate status of the people on the bottom."

For some people, it was the sale or possession of marijuana that landed them inside. When it comes to marijuana, there's a disproportionate conviction rate for young

people of color, and possession of even small amounts of a substance that is arguably less dangerous than alcohol can mean long sentences and shattered lives.

Phone service on the inside is exploitative. Companies providing it often focus only on prison phone service, and their profits are enormous. One inmate in a county jail paid $29 for a 15-minute call.

The Prison Policy Initiative asserts that perpetually low wages in prison are problematic and need to be seen in light of the increasing expenses the incarcerated face, both inside and after release. With little savings, it can be difficult to afford living expenses after release. Their success “depends largely on financial stability, which is undermined by low wages, nickel-and-diming through ‘user fees,’ mandatory deductions, and work that does little to prepare them for work outside of prisons.”

POST-RELEASE People released from prison or who are on parole face a whole new set of challenges, including difficulty in finding housing, jobs and other services. Most job applications ask you to check a box if you have a felony conviction, and many employers will throw out the application when they see that box checked. A prison sentence leaves a gap in your resumé that’s hard to explain. There is, encouragingly, a movement to ‘ban the box.’ By 2016, 24 states and more than 150 cities and counties had done so, and some large corporations had joined them.

Parolees are also not allowed to have contact with others on parole. But if people close to you have convictions, it can be hard to maintain ties of family or friendship, ties which could ordinarily help you to stay clean.

Finally, only thirty-eight states restore voting rights to felons after completion of sentence. Iowa and eight other states do not, relying on the pleasure of the governor or courts for restoration of such rights. This is another layer of procedural prejudice.

HEALTH/MENTAL HEALTH Inmates face all sorts of terrible health issues. A Department of Justice report notes that in 2011–12, half of state and federal prisoners and local jail inmates reported ever having a chronic condition. (Chronic conditions include cancer, high blood pressure, stroke-related problems, diabetes, heart-related problems, kidney-related problems, arthritis, asthma, and cirrhosis of the liver.)

As dementia is increasing due to an aging inmate population the number of seriously mentally ill inmates remains high.

Another report notes that half of the people incarcerated in prisons and two-thirds of those in jails had either "serious psychological distress," or a history of mental health problems. Yet only about a third of those reporting serious psychological distress were currently receiving treatment. America’s prisons have become *de facto* warehouses for people with mental health challenges.

Putting people in jail and prison became the state’s strategy for dealing with a health crisis created by drug use and dependency—75 percent of mental health cases involve substance abuse.

LITERACY Nineteen percent of adult inmates are illiterate, and up to 60 percent are functionally illiterate, that is, lacking the literacy for coping with most everyday situations. (In contrast, the national adult illiteracy rate stands at 4 percent, with up to 23 percent functionally illiterate.)

A 1997 longitudinal study conducted for the U.S. Department of Education and focusing on three states noted that, “attending school behind bars reduces the likelihood of re-incarceration by 29 percent. Translated into savings, every dollar spent on education returned more than two dollars to the citizens in reduced prison costs.”

Most strikingly, Texas reported the extraordinary recidivism impacts of postsecondary education: “Two years after release, the overall recidivism rate for college degree holders was as low as 12 percent, and inversely differentiated by type of degree.”

RACE In the U.S., African Americans make up 12 percent of the total population and 37 percent of prison inmates.

A look at U.S. history, at how this country was built— through slavery, economic imperialism, exploitation of poor immigrant working folks, violation of treaties, institutional and general racism-offers some clues as to why.

For African Americans, the criminal justice system serves as a gateway into a larger system of permanent marginalization. That’s the argument legal scholar Michelle Alexander has made in her book *The New Jim Crow: Mass Incarceration in the Age of*

Colorblindness. Our contemporary justice system, Alexander claims, rivals Jim Crow, the post-Civil War system of laws designed to hold black people back, which gave rise to a period marked by lynching and other forms of violence against blacks.

African Americans are no more likely to use or sell drugs than whites, but they're made criminals at much higher rates for doing so. White students use cocaine at seven times the rate of black students. White young people are a third more likely to have sold drugs than black ones, and yet, black incarceration for drug offenses is six times higher in Iowa.

Some of this can be traced to the origins of the explosion in the U.S. prison population. In the mid-'80s, predominantly black inner city communities suffered economic collapse. Crack hit the streets, easier to sell than cocaine, and became the drug of choice in many cities. Prior to '86, the longest sentence for drug possession was one year. President Reagan pushed for the Anti-Drug Abuse Act of 1986, which laid out mandatory minimum sentences, and a more severe punishment for crack than cocaine.

All of this is happening, of course, in the context of ongoing police brutality toward people of color. The spate of police shootings of black men is nothing new; it's only coming to the fore because cell phone technology has made it much easier to publicize such incidents.

WOMEN "Women in prison have some issues that are similar to men's," a professor who works in prisons, Rachel Marie-Crane Williams, says, "but they also have different ones. They have higher rates of being sexually abused. They have more mental health concerns. They often lose their kids when they go inside. They may be dealing with poverty. They have chronic health issues, and substance abuse issues. They're often in destructive relationships, and when they get out, they still have to deal with those relationships." Women fall in love in prison, too, and may change their whole identity around sexuality.

Male hierarchies abound in the criminal justice system, including administrative hierarchies and the chain of command among prison guards. Women and prisoners hold the lowest positions. And, from coast to coast, male guards rape female prisoners with impunity.

Three-quarters of women prisoners are survivors of domestic violence. Many have been imprisoned for self-defense against a husband or boyfriend. In some instances the police arrive at the scene of a domestic violence situation and arrest the *victim*. Many women get arrested because their husbands or boyfriends were involved in the drug trade.

"Unfortunately, neither the Federal Bureau of Prisons nor any state department of corrections actually attempts to keep families together," adds writer and prison activist Maya Schenwar.

For example, women who give birth in prison are immediately separated from their babies. Up to ten percent of women enter prison pregnant. "They are not given adequate nutrition, and they often do not have the option of an abortion, even though it is supposed to be legal everywhere in the U.S.," Schenwar writes. "After her baby was born, my sister was immediately shackled to the bedposts. She was able to spend a little over a day with her daughter—though it was hard to hold the baby while chained to the bed."

TRAUMA Finally, the degree of trauma people in prison have faced can be astonishing. Stories of absent, alcoholic or emotionally abusive parents are common. There's an official checklist for causes of trauma, and most prisoners can tick off many of these points. Drugs. Witnessing a homicide. Witnessing or experiencing a natural disaster. Witnessing sexual abuse. Being sexually abused.

Such trauma has been shown to play a role in shaping criminal behavior. So-called "adverse childhood events" can actually change the cellular structure of the brain. Says UK researcher Paul Renn, "Research findings relating to young offenders show a history of maltreatment and loss in up to 90 percent of the sample population."

This link between trauma and criminal behavior should be a guidepost for how to reform the justice system. As we will see, P. R. Sarkar, founder of Prout, clearly advocated for recognizing the human potential within every person, for nourishing the capacity to change, grow, and reform.

CRIME VICTIMS What about the other side of the equation, the victims of crimes? The harm done to victims—long lasting and traumatic—hovers over many of these cases.

Jonna Williams-Kasprzak was the victim of a brutal sexual assault when she was thirteen, abducted in broad daylight by a repeat offender who was high. She's now 37. She bristles at the idea of calling what offenders have done 'mistakes.'

"While I do value offender rehabilitation and can absolutely see the benefit for it individually and for a community, it's noteworthy that I pay for my own rehabilitation. I pay for my recovery from the sexual assault. For every opportunity offered to offenders, I want to ask, are those same opportunities offered to victims? I have to advocate for myself for things the average person would never consider."

"Still," she continues, "the one thing I did always hope for in my case is that the offender did something to be productive and constructive and he didn't just sit in prison watching TV. I hoped he did something that gave back."

It's vitally important to recognize victim experiences in the overall criminal justice story.

It's also important to remember that prisoners, like members of any group, are not all the same. Each has an individual trajectory. Many are sincere in their desire to atone for their crimes, start over, and better their lives. They may need to reach a new level of self-awareness before they can turn in a different direction. And that can take time.

And sure, some will remain stuck, mired, in self-pity, self-aggrandizement, or self-ignorance. Maybe some are opportunistic.

Engagement in pro-social activities, like art and music, is very important. It may not always be enough to stop offenders in the first place, but it can show them that they can develop their lives in a different direction.

"Fill their lives with pro-social stuff and it reduces the risk," Karla Miller, who works as a trauma therapist and counselor with sex offenders, says. "They can learn to meet their psychological needs in a different way." She rues the fact that treatment programs are being cut. With fewer treatment options, people tend to lapse into dysfunctional behavior and disease, and it costs more to treat in the long run.

PART II

HISTORY Punishment has taken many forms throughout human history. Binding to a stake, ritual cursing, stoning, barred social interaction—that's what pre-Common Era justice looked like in some parts of the world. Old Testament justice, epitomized by the idea of 'an eye for an eye', was designed to maintain tribal unity, a step in the development of social systems—the establishment of a body of justice whose purpose was to enact retaliation and claim exclusive right to punish.

Sub-Saharan Africa dealt with those who broke the social code through beatings, banishment, or poison, but the focus was on victim compensation, especially through restoration of property. China, until the third century, employed beatings and executions.

In England, confinement in workhouses did exist as early as the 17th century, as a cure for the 'idleness' of the poor. But banishment, whipping, hanging, and fines were more common and these carried over into early American justice.

Colonial America was composed of small, tight communities, built around ideas about God, punishment and the social order, under obedience to a hierarchy of fathers and ministers, Lawrence Friedman writes. Punishment often consisted of public shaming, like putting people in stocks. Scarlet letters, famously, were sewn onto clothing for some offenses. Crimes against morality, including the crime of missing church, could get you punished. The poor and slaves were whipped regularly; the wealthy, rarely.

But a society short on labor was reluctant to put people away and the practice of incarceration was still rare.

With the American Revolution came reform. The Bill of Rights codified ideas about fair trials. "English criminal justice was a patriarchal jumble, a peculiar mix of extreme legalism and extreme discretion," Friedman writes. "In a republican criminal justice system, all crimes and their punishments would be embodied in a clear definitive code." Reformers began to push for prisons as an enlightened alternative to earlier harsh punishments.

As the US entered the 19th century, two competing visions of incarceration held sway. One, centered in Pennsylvania, encouraged the isolation of prisoners in small cells, clothed in scratchy uniforms, alone and with no distractions, so that they could meditate

on their sins and become penitent (hence the word ‘penitentiary.’) Based on the ideas of reformer Benjamin Rush, who saw the need for ‘houses of repentance,’ this vision was grounded in a Christian, especially Quaker, worldview.

Unfortunately, the isolation drove people crazy. Charles Dickens visited some of these prisons and said the prisoners were “dead to everything but torturing anxieties and horrible despair.”

“I hold this slow and daily tampering with the mysteries of the brain,” Dickens wrote, “to be immeasurably worse than any torture of the body: and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.” These words are applicable to the current-day practice of solitary confinement, a practice that has also been shown to scar those who are subjected to it.

In contrast to the penitential system was the congregate system, developed in Auburn, N.Y., where inmates could mingle while at hard labor, though there was enforced silence at all times and they were separated into small cells at night. This system seemed to win out in the debate over the future of the U.S. penal system and gave birth to America’s first maximum-security prison, Sing Sing.

By the time of the Civil War, the congregate system was in place throughout the North and Midwest. The prevailing notion was that people turned to crime because of defective background, weak wills, and bad company. Prison addressed these problems by providing “backbone.”

But maintaining even the congregate system was expensive; it was cheaper to let prisons get noisy and crowded. And states couldn’t resist making money off of prisoners by leasing them out to local manufacturers and farmers. This practice raised protests from unions, who saw prison’s cheap labor as a threat to the power of organized labor.

Reformers organized a national congress on reformatory discipline in 1870, ushering in the “second great penal movement.” Wielding a declaration of principles, an emphasis on professional guard training, religious instruction, and moral regeneration, the movement focused on reforming inmates’ characters.

The river of incarceration in the U.S. has a muddier tributary: prison system as slave plantation. Though some states in the south used penitentiaries, many, like South Carolina, the most conservative state in the slave belt, never did. Chain gangs were more common there and convicts were sent out to work for plantations.

According to historian Robert Perkinson, “Two ancestral lines come into view: one reformatory, one retributive; one integrative, one exclusionary; one conceived in northern churches and the other on southern work farms…”

“The Southern argument is that prisons today operate in a retributive mode that has long been practiced and promoted in the South,” Perkinson continues. There are, for example, still a number of prison farms on the grounds of old plantations, such as Angola Prison in Louisiana. Such prisons, he writes, hold a racial charge, with white supremacy as their real aim. The idea of revenge, not rehabilitation or restoration, as the main focus, seems to be deeply rooted in many of these Southern prisons, even today.

The 1960s saw the single largest reduction ever in prison populations. When Nixon was elected President, though, he began to build prisons at an unprecedented rate. Raids, wiretapping, and mandatory minimum sentences increased. Local crimes like drug dealing and gambling became federal offenses. SWAT teams were formed to raid Black Panther headquarters. The RICO act allowed federal agents to interrogate anyone, anywhere, for any reason.

By the mid-‘70s only 10 percent of the billions spent on corrections went to rehabilitation, and prison populations surged. A get-tough attitude on crime surfaced in the ‘70s and ‘80s, which gave rise to fixed-length or determinate sentences, and later, to the three strikes law, starting in California in the ‘90s.

According to Robert Perkinson, both presidents Reagan and the first Bush built a punitive legacy; under their watch, the federal prison population doubled, mostly due to drug crimes. On the heels of this, President Clinton announced that in order to qualify for federal support, states had to increase their prison budgets, and cut back on sentence reductions for good time and parole.

It was Democrat Clinton, with the Omnibus Crime Bill of 1994, who presided over the most intensive incarceration boom in U.S. history.

NEOHUMANISM Any Proutist policy must be rooted in an understanding of Neohumanism. This philosophy sees all human beings as having the potential for growth in all spheres of life, and as inherently capable, for the most part, of relating to one another primarily through the lens of compassion and well-being. Environment is key. (Of course, some people are born with glandular defects or predispositions disposing them toward negative behavior, but even these people can, with time and patience, move toward more positive outlooks).

A Neohumanistic society is one in which each person has scope to thrive, while the society as a whole balances these individual interests with a strong collective cohesion. The outlook also privileges the existential rights of animals and plants and nature as a whole. The fundamental principles of Prout are coherent with this philosophy.

For those people who have imbibed a criminal mentality, reformative, healthy environments must be provided to help them change their behavior.

SARKAR'S VIEW These ideas are rooted in Prout founder P. R. Sarkar's views on justice. Sarkar takes a global view, nesting justice reform into the larger human project.

"In every sphere of life," he writes, "there must be an ongoing effort to progress from imperfection to perfection. This effort will, if only indirectly, make social progress and all-round welfare more accessible to the human race."

"I am personally of the opinion that since flaws will always unavoidably remain, no matter how good the judicial system, it is not the intent of nature for one human being to penalize another." Moreover, he writes, the act of punishing often leads to a feeling of vindictiveness in the minds of those administering the punishment.

All such action should be corrective, not punitive. "If a system of corrective measures is introduced, a person who is definitely guilty will benefit from a system of corrective measures, and even a person who is not guilty will benefit from such a system…Far greater damage will be done if an innocent person is penalized because of a defective judicial system."

He also draws a distinction between the role of government and that of the judiciary. "Judges can and will frequently temper the merciless attitudes of the

administration with humane reasoning; the verdicts of humane judges will therefore be more acceptable to the populace of a state than the pronouncements of an insensitive administration."

The question of capital punishment is one that each society grapples with. However, from a Neohumanistic perspective, the answer seems clear.

"The system of capital punishment is unacceptable from the moral viewpoint," Sarkar writes. "It does not contain any corrective measures and has no purpose other than to instill fear into people′s minds. Therefore the practice of taking a life for a life out of anger cannot be accepted in a civilized social system. Even if somebody is a genuine criminal who has no public support (no matter how notorious a criminal he or she may be, he or she is still a human being), should not he or she have an opportunity to become an asset to society? It is possible that although the person fails to evoke our sympathy because of the seriousness of his or her crimes, he or she may sincerely repent and be prepared to dedicate the rest of his or her life to the genuine service of society. Furthermore, if those who commit crimes are afflicted with a mental disease, is it not our duty to cure them of their disease instead of sentencing them to death?"

Some argue that if criminals who commit serious offences are not given capital punishment, they will have to be sentenced to life imprisonment, because few countries have the facilities to cure them of their mental disease. But such a decision may cause overcrowding in the prisons. Is it possible for the state to provide so many people with food and clothing?

Sarkar believes a program of work and reform is the best approach. "I would ask, "Why should such criminals live off the state at all?" The state will have to see to it that it receives suitable work from them. And after the completion of their sentence, the state should sincerely make arrangements to find them employment so that they will be able to earn an honest living.

"A prison should therefore be just like a reform school, and the superintendent should be a teacher who is trained in psychology and who has genuine love for society. Hence a jailer should possess no less ability than a judge."

The situation of the defendant's family must also be considered, so that they do not fall into a life of crime, absent the breadwinner. The state will have to provide them with the means to earn an honest living.

Though he was writing in part about a specific time and place, Sarkar's prescription to increase the number of judges may be useful in other contexts.

This requires "a thorough examination and careful selection of candidates. Relatively simple and ordinary cases can even be entrusted to responsible citizens or honorary magistrates. However, they will also have to exhibit a highly-developed sense of responsibility."

SPIRITUAL IDEAL Prevention is better than cure. "Civilized people today should be more interested in preventing base criminal propensities from arising in human beings in the first place, than in taking corrective measures to cure criminals′ mental diseases."

He writes that defects in various glands often are the cause of criminal behavior, and that collective efforts to remedy these in harmony with human psychology can have very beneficial effects on reform.

"Without a spiritual ideal, no social, economic, moral, cultural or political policy or program can bring humanity to the path of peace. The sooner humanity understands this fundamental truth, the better."

Part III

A NEW APPROACH How to begin to move toward a different philosophy? And what policies might a Proutist approach to criminal justice embrace? Other countries have strikingly different approaches than the U.S. when it comes to treatment of prisoners and success in rehabilitation. Germany and the Netherlands, for example, have significantly lower incarceration rates, according to the Vera Institute of Justice: "One of the biggest differences in German and Dutch prisons is the focus on 'normalization': making life in prison as similar as possible to life in the community. German and Dutch prison systems

are organized around the ideas of resocialization and rehabilitation. The U.S. system is organized around incapacitation and retribution. Both countries rely heavily on fines or other community-based sentences, not prison sentences."

There is also the example of Norway's Halden-Fengsel Prison, which has been called the world's most humane maximum-security prison. That facility is located in the south of Norway, just over the border from Sweden, inland from the North Sea. It's surrounded by birch forest. You'll find no razor wire, no electric fences, and no towers with snipers.

What you will find is plenty of access to sunlight and fresh air. The architectural design of the prison encourages stability. A large wall encircles the facility, but the prison emphasizes dynamic security, the idea that interpersonal relationships between staff and inmates are the primary factor in maintaining safety. Staff members receive thorough training, with an emphasis on establishing an atmosphere of "normalcy."

Unlike the dining system in most American prisons, Halden allows inmates to cook nourishing food for themselves. They stay in individual rooms. Guards and inmates eat and play sports together. Assaults on guards are unheard of and solitary confinement is rarely used. When conflicts erupt between inmates, other inmates and chaplains sit down with them and mediate.

The Norwegian Correctional Service makes a reintegration guarantee to all released inmates, securing them a home, a job and access to a social network. Each released inmate is *guaranteed* a home and a job.

'Better out than in' is the Correctional Service's unofficial motto. Guards are taught that treating inmates humanely is something they should do not for the inmates but for themselves. Officer Ragnar Kristoffersen says, "If you treat people badly, it's a reflection on yourself." Harsh treatment of inmates will, he believes, ripple outward into the officers' lives, affecting their self-image, their families, even the country as a whole.

RESTORATIVE JUSTICE Are there lessons to be learned here? Absolutely. But what will need to change in the U.S. and many other countries is the focus on retribution as opposed to restoration.

One promising trend is the development of "restorative justice" initiatives. These

focus on the process of accountability for those who have committed crimes, helping them understand the impact their behavior has had on others, and responding to and repairing that harm. (A related approach, “transformative justice,” focuses on changing the social conditions that lead to crime and imprisonment.)

Attorney Bruce Kittle, who has served as a prison chaplain, describes restorative justice this way: “The community is not left on the sidelines to watch, but invited to be actively involved in their neighborhoods and communities in not only responding to crime, but expressing community values and creating resources and opportunities that eventually result in the reduction of crime.”

Buzz Alexander writes about a remarkable event he witnessed epitomizing this approach. In a Canadian indigenous community, elders gathered for a sentencing circle. They apologized to the wayward youth whose sentence they were determining. We did something wrong in raising you, they said, or you would not be standing here before us.

Such awareness of the way the offender is connected to the community is at the heart of restorative justice, the understanding that, when violence is perpetrated, the community itself frays. Achieving justice means offering understanding, healing, and restoration for all involved. This, of course, includes the victim. A crucial aspect of restorative justice lies in supporting crime victims and their needs.

“The engaged and inclusive process itself transforms people,” Bruce Kittle adds, “and when people are transformed, they in turn transform their communities and, eventually, the system. This is not ‘top down’ but a process that builds from the foundation of a community up.”

Such work involves the effort to promote healing among all parties. This includes recognizing that the one who caused harm is also a person.

The goal is to reach a consensus, led by the victim, on how to make restitution. The process helps both sides see each other as human beings. Maya Schenwar offers a caveat, though, for sexual assault situations: “Very often the victim does not want to be in a room with the perpetrator, even with counseling and after time has passed. We need to prioritize the victims’ needs in these situations. We can’t use the same model to deal with every offense.”

Mary Roche, restorative justice coordinator for the state of Iowa, says it’s vitally

important that the piece about offenders' individual atonement, and being accountable—the connection to the victim—is there. Offenders have to figure out how to make amends in an intentional way: to do something kind, with intention. Or to change their thoughts from "I have taken and taken," to "Now I need to give something."

NEUROPLASTICITY There is a lot of up-and-coming research about how it's never too late to reprogram the brain. How the brain's 'neuroplasticity' allows for changes in behavior at any age. How what we practice, we become. This holds tremendous potential for people with addictions, and for those with criminal tendencies. "The very mechanisms in the brain that allow adversity to get under the skin are also the mechanisms that enable awakening," says neuroscientist Richard Davidson.

I've talked about this with Sally Schwager. A Connecticut therapist, Schwager started volunteering a few years ago with the Osborne Association, an organization that offers a 12-week training in restorative justice counseling. She worked on something called the "Long-Termers Responsibility Project." This program was designed to help inmates convicted of murder and saddled with a long-term sentence work toward atonement. The association vetted each individual with a particular end in mind: were they open to expressing remorse? And were they willing to take responsibility for their actions?

Any act of violence has a ripple effect, Schwager says. It affects the victim, the family, the offender him or herself, and the community in which the violence takes place. Putting together a team to work with each inmate, the Responsibility Project looks at the impact of this violence from many angles.

The program aims to help those who have committed crimes to feel what the other person feels. Remorse equals empathy.

Offenders also need to begin to feel compassion for themselves. They have to discover their own wholeness, in order to heal the brokenness that has contributed to the mindset that led to their crimes.

REHABILITATION A retired prison superintendent (Minnesota Correctional Facility in Red Wing), Otis Zanders, says that while prison safety has to be a priority,

"Good programming makes good security. If the offenders buy in to the program, they police themselves."

"These are men in survival mode," Zanders goes on. "We're looking for ways to move them up Maslow's Hierarchy of Needs to self-actualization." (He's referring to psychologist Abraham Maslow, who postulated a hierarchy of human needs, ranging from basic physical ones on up to trust, relationship, and self-understanding).

Being imprisoned *is* the punishment. There's no need to intensify the experience. With that in mind, what do you do for prisoners once they're inside? You focus on preparing them for reentry into society. You identify risk issues and treatment needs through assessment, and you use programming to change thinking. The emphasis is on changes in behavior.

Aspects of restorative practices evident in music and arts programs, for example, include problem-solving skills, conflict transformation, tools for improved relationships with family members, personal growth, self-esteem, respect, and strengthened communities. Teamwork, group order, social adjustment, new companionship, fair play and sense of cooperation, decreased prejudice and a healthy sense of community cohesiveness, all of these qualities have been noted in studies of music programs' effect on insiders.

AVP The Alternatives to Violence Program is an experiential program, helping people learn skills and attitudes that can lead to lives free of violence. The basic workshop introduces conflict resolution skills. Step by step exercises focus on Affirmation, Communication, Cooperation and Creative Conflict Resolution. Advanced workshops take a deeper plunge into the issues of Stereotyping, Power, Fear, Anger, Gender Issues and Forgiveness. It is one useful example of programs that help change behavior.

"Paying attention to detail was a new experience for me," said one inmate who went through the program. Said another, "Trust and reliance on other people is hard to come by in prison. But here with each other and with the volunteer singers, we know that we can relax and enjoy each other. Most important, I've learned to trust myself."

And, "In prison you have a tendency to hang around your own ethnic group.

Coming to something like this you see those barriers disappear."

Warden Jim McKinney believes rehabilitation begins when you get inmates to start to see past themselves. Shifting the focus off of themselves, they begin to develop empathy. And empathy is at the heart of rehabilitation.

But in many American prisons, writing and other remedial programs have been or are being cut back substantially. "I believe we began to incarcerate more people than the system could handle, and all treatment programs suffered with the buildup of what has been termed the prison industrial complex," arts consultant Grady Hillman writes. "Suddenly prisons were all about bed space…as a financial resource and locating prisoners as a commodity market."

"Many arts-in-corrections programs were running away from exposure," Hillman continues, "fearful that the public would decry such programs as contributing to the common clichéd perception that we were somehow running country clubs."

"Prison systems were hearing from the public and politicians that we needed to hurt inmates, not help them."

EDUCATION Many prisoners have been traumatized by the mainstream educational system. They've been pushed out of it, and told they're failures. They may have lived an unstable life, in which education was not a consistent possibility. "Some have had 15 to 20 foster care placements, and that means 15 to 20 schools within four or five years," Rachel Marie-Crane Williams says.

Research has shown that higher education programs in prisons can significantly reduce recidivism. "While this is an important benefit, college-in-prison programs provide many more benefits," according to the Liberal Arts Beyond Bars program website. "Our project aims to provide opportunities that broaden horizons, develop students' agency and increased civic engagement, encourage social change from the inside out, strengthen bonds with families and communities, break family legacies of incarceration, inspire inquiry and transformation, and create pathways for successful reentry with dignity and compassion

Unfortunately, many prisons offer little in the way of education and job training. However, although prison programs were slashed nationally in the '80s and '90s,

educational efforts do continue at some prisons. Such programs are inexpensive to run; you don't have to house or feed students, just pay the faculty.

SENTENCING Sentencing reform must be a part of any shift to a more humane system. A New Yorker article entitled "How We Misunderstand Mass Incarceration" addresses the increasing role prosecutors are playing in the growth of incarceration. The author, legal scholar John Pfaff, believes there are three main causes of prison growth: unregulated prosecutorial power, structural political failures, and over-long punishment of people convicted of violent crimes. But prosecutors, acting with wide discretion and little oversight, remain the engines driving mass incarceration. Appointing rather than electing prosecutors might help, he suggests.

Recent decades have seen a trend toward tougher sentencing, on a global level. Prison terms are getting longer. Harsher sentencing is a driver of imprisonment, but has done nothing to tackle the underlying causes of crime. Prison population growth is currently fuelled by imprisoning fairly low-level, usually non-violent, offenders.

In almost every country, the law requires that offenders with previous convictions be sentenced more harshly than those without. But the evidence is that locking up repeat offenders has little impact on re-offending, according to Prisonstudies.org.

Over 2 million of the world's prisoners are detained in relation to drug offenses (including possession for personal use). And sround a third of all women prisoners are detained because of a drug conviction. "Excessive use of imprisonment for drug offenses has not deterred suppliers or prevented drug use, but has placed a huge burden on criminal justice systems. Punitive enforcement laws have exacerbated social and economic problems in communities affected by high levels of poverty, unemployment and drug dependency. Support is growing for treatment-based interventions." (prisonstudies.org).

Around half a million of the world's 11 million-plus prisoners are serving a life sentence. Some countries, like Brazil, do not use them. In the Netherlands, someone convicted of murder would be more likely to receive a custodial sentence of up to twelve years, followed by a period psychiatric treatment.

"Life sentences, particularly those imposed with excessive minimum terms or non-eligibility for parole, are widely seen as inhumane," prisonstudies.org notes. "Their mental health impact is severe, due to the uncertainty or impossibility of release and the associated sense of hopelessness."

American scholar William Stuntz believes the current justice system suffers from "procedural prejudice." There's too much red tape, too much tying of the judge's hands. Stuntz believes we should go into court with an understanding of what a crime is and what justice is like, and then let common sense and compassion take over.

In other words, mercy and true justice—a blending of compassion and reason—are what are required in any correctional system, not simple, blind procedural fairness. The fact that many defendants cannot afford bail, for example, perpetuates a cycle of poverty and jail time. It's basically imprisoning people for being poor, even for things like traffic tickets and court fees.

JUSTICE Achieving justice thus means offering a chance for accountability, healing, and restoration, for all involved, including the victim, in an engaged and inclusive process that builds from the foundation of a community up.

I appreciate the metaphor offered by Sarkar of society as a group of pilgrims traveling together in a caravan. If any of these travelers falls behind, or stumbles, or becomes ill, the group steps up and accommodates them, helping this person along the way. They don't leave anyone behind. It's about forward, collective movement.

Greg Boyle writes about working with gang members in Los Angeles. He started a business called Home Boy Industries to give jobs to ex-gangbangers. His book reveals the deep need in many of these gang members to feel loved and respected, and their desire to turn away from crime when offered these qualities in another setting. Reflecting on his approach, Boyle says, "We imagine a circle of compassion. Then we imagine no one standing outside that circle, moving ourselves closer to the margins so that the margins themselves will be erased. We stand there with those whose dignity has been denied."

It might seem odd to describe a prison as a caring community. But if we hope to break the chain of criminal thinking, then that's exactly the kind of environment we want prisons to be.

Engagement in pro-social activity, creative expression, the modeling of positive emotions, retraining of the brain as suggested by the idea of neuroplasticity, developing resilience, all of these things can help the incarcerated to grow.

If a change of heart is needed in order to transition back into the world of useful citizenship, so, too, are practical skills: a basic education, job skills, and a post-release plan. You can't just boot people out the door when they're released; they'll need a well-structured plan, support systems, therapy, and job opportunities.

PREVENTING CRIME/PRISON ABOLITION Prison activist Maya Schenwar writes, "We see prison as a solution to the problem of crime. Instead of preventing crime by allocating resources for healthcare, early childhood education, food, housing, and other basic needs, we're sending people to prison." While research shows that strong communities can promote public safety and reduce crime, high rates of incarceration are tearing poor communities apart.

Schenwar goes so far as to suggest that ultimately prisons themselves ought to be done away with, that society should explore other options for dealing with crime. It's a bold proposal.

Prison abolitionist Mariame Kaba writes, "Our current historical moment demands a radical reimagining of how we address various harms. The levers of power are currently in the hands of an administration that is openly hostile to the most marginalized in our society…The US prison system is designed to crush people… Prison industrial complex abolition calls for the elimination of policing, imprisonment and surveillance. It rejects the expansion in breadth or scope or legitimization of all aspects of the complex."

"Transformative justice is about trying to figure out how we respond to violence and harm in a way that doesn't cause more violence and harm," she goes on. "It's asking us to respond in ways that don't rely on the state or social services necessarily if people don't want it…. Why do we have no other well-resource options? It pushes us to creatively consider how we can grow, build and try other avenues to reduce harm."

How might Prout view the idea of prison abolition? While no official policy yet exists, it is self-evident that tossing inmates into a confounding environment means they often become ever more entangled in criminal behavior, creating a series of knots seemingly impossible to unsnarl. Some studies show that imprisonment actually increases crime. “Few people stop committing crimes because prison exists,” researcher Todd Clear writes. “Prisons are schools of crime, returning people to the community further criminalized.”

If this is the case, then society is shelling out for justice coming and going - taxes pay for the not insignificant costs of housing and feeding the convicted (a year in prison can cost more than a year at Harvard), and we pay again when new crimes are committed by those who have been traumatized and criminalized by the prison experience and are released back into society.

It’s also clear that there is no real justice when the poor and people of color are so disproportionately affected by the carceral system.

If our goal is not retribution, but restoration and wholeness, it only makes sense to put more money into objectives like drug treatment, education, housing, counseling and jobs, before outsiders become insiders. And to consider, for some, alternatives to incarceration, such as mental health courts, drug courts, community supervision, anger management programs, and halfway houses.

If we change how prisons operate, their guiding philosophies, and drastically reduce the numbers of people going to prison, offering alternatives to incarceration, the few prisons remaining may be able to do what they should do: rehabilitate behavior.

POLICY SUGGESTIONS My opinion is that a Proutist policy on prison and criminal justice would be rooted in both restorative and transformative justice. This would include the opportunity for those convicted of crimes to meet with those impacted by their crimes, take responsibility for their actions, make amends, and see themselves as vital parts of the community.. It would allow for the community itself to be mended, along with the lives of those who committed the crime.

Education would be a priority for those in prison, as well as the opportunity for self-development through the arts and creative expression, and mental health counseling.

There would be no scope for privately-run prisons, no opportunity for capitalists to make money off of the lives of those caught up in the justice system.

The needs of women would especially be attended to in the system, with zero tolerance for sexual harassment or discrimination.

Capital punishment would be done away with. There would be fairness without discrimination based on race, background, education level, socio-economic status, in application of the law. This would suggest greater prosecution of financial crimes, which these days are largely overlooked.

Sentencing reform would be key. As World Prison Brief notes, "The case for reform to increase the use of community-based sentences in the place of the current use of short prison sentences has been made on multiple grounds: proportionality, effectiveness at reducing reconvictions, morality, addressing underlying needs such as problematic drug use, and ensuring better outcomes for women caught up in criminal justice processes in particular. Other considerations include value-for-money, the additional demands the chaos and churn short stays of imprisonment place on prison staff time, and deteriorating conditions in the prison estate – the health risks of which were brought into sharper focus by the pandemic."

In a Proutist world, drug laws and sentences would be reviewed to reflect the mostly non-violent nature of most offenses, and to redress the current racial bias in sentencing. Policing policies would be re-examined, zero tolerance policing done away with, and the police put to work doing what they are best at: not social work or mental health calls, but responding to crime. Alternative response systems for calls involving persons with disabilities and mental health issues could be implemented. Community-based policing, in which officers develop relationships with those they serve, would be encouraged. A Neohumanist outlook would be promoted among the police, with no tolerance for racism.

Mandatory sentencing laws, which have prevented judges from exercising discretion, would be done away with. The bail system would be reformed. Pretrial detention could be done away with for most defendants. Children and youth would not be prosecuted or sentenced as adults, but rather given opportunities for mentorship, treatment, education and a chance to develop their qualities.

Prosecutorial roles would be reined in. And post-release community corrections approaches need reform as well: doing away with pointless parole restrictions such as fines or inflexible scheduling, and ensuring that housing, transportation and jobs are available for released inmates. Common challenges for parolees, like missing appointments because of lack of transportation or housing, or being unable to pay fees, means thousands go back, pointlessly, to prison.

Sarkar recommended a common constitutional structure and a common penal code as part of an approach to global unity. A shared penal code across borders would contribute to stability on a regional level, and have an impact on immigration as well.

As noted, Sarkar also recommends the creation of more judges, of high moral character. This would ease the strain on the justice system and offer the opportunity for more mercy-based decisions.

There is also a great need for better training of prison workers. Prout would encourage the cultivation of relationships by prison workers with the imprisoned. As happens at Halden prison, an atmosphere of collegiality, respect, and independence will help in the reform process. Solitary confinement is considered by many experts to be a form of torture, and should be discontinued.

The design and atmosphere of rehabilitation centers would focus on compassionate reform. Such places would emphasize education, mental health treatment and the arts, and perhaps, spiritual practice. This is congruent with Prout's vision of society, that every person, whether living in "normal" society or serving time in prison, should have the opportunity to grow and find meaning.

Of course, addressing the root causes of crime will be at the foundation of any Proutist policy. Creating a society free of poverty, with good education and jobs for all, with a focus on compassion, mental health, and a spiritual outlook, will go a long way toward redressing the ills of the current system.

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